ORDERSHEET

Punjab Information Commission

Muhammad Saleem

vs

Inspector General Police Department, Lahore

Subject: **Non-Provision of Public Information under the Punjab Transparency and Right to Information Act 2013**

26.06.2019 Complainant is present in person.
Mr. Khurram Shabbir/Inspector (Legal) is present on behalf of the Mr. Jawad Doger DIG/PIO of Police Department.

2. Briefly the complainant filed an RTI application on 28.03.2019 to get certified copies of a departmental inquiry conducted by Mr. Idrees Ahmad, DIG Training regarding questionable conduct of Ehsan Ullah Shad, DSP. The respondent/IG Punjab office was under obligation to provide information within 14 days of filing of application but in vain. The complainant was therefore, forced to file RTI complaint before the Commission on 07.05.2019 and since then hearing has been conducted at least for four times but the provision of public information is being delayed on one or the other pretext.

3. The officer representing PIO submitted an office order dated 14.06.2019 on previous date of hearing whereby Mr. Jawad Doger, DIG Legal PIO purportedly claimed exemption u/s 13 of the Punjab Transparency and Right to Information Act 2013 stating that the inquiry contains "some discreet/ crucial departmental contents disclosure of which could be prejudicial to the interest of the department hence the RTI complaint was regretted". The claim of exemption was not found satisfactory therefore PIO

was directed to personally appear today and to explain the grounds of claim of exemption.

4. However the PIO has failed to appear today to defend his order dated 14.06.2019 and at the same time neither Commission has received his written request to adjourn the matter for some of his engagement nor the officer appearing before Commission has submitted the cause of non-appearance of PIO.

5. The officer appearing on behalf of PIO has argued in favour of the grant of exemption stating that the requisite information is sensitive for the department and is likely to be a subject of hue and cry on media. He could not state the sensitivity of the kind involved in cases of terrorism or other high profile cases. He interestingly states that the recommendations of departmental inquiry have already been acted upon. He could not convince as to what public interest involved in permanently gaging the inquiry report. The Commission also finds itself unable to consider the requisite information covered by any of 8 grounds of exemption provided u/s 13 of RTI Act 2013.

6. The contents of complaint states that the recommendations of inquiry report were in his favour therefore never acted upon and Police Department is hushing up the findings of the report to protect delinquent DSP. The Commission reminds the very object of the Punjab Transparency and Right to Information Act 2013 which provided in its preamble "to make the government more accountable to citizens". In this view of matter the very object of the law shall fizzle out if public information is not provided .

7. The Commission takes serious exception to the conduct of PIO for passing a casual order dated 14.06.2019 claiming exemption under so called " discreet/crucial departmental contents disclosure of which could be prejudicial to the interest of the department". The interest of department simpliciter is no grounds as against the public interest of transparency in

exercise of fundamental right of access to information. The Commission did provide an opportunity to explain the order claiming exemption without application of mind but DIG/PIO did not bother to avail of the opportunity.

8. (i) As a result of above discussion the Commission unanimously rejects the office order dated 14.06.2019 to have been filed without any logic and reason followed by deliberate non-appearance only to further delay the provision of information. In view of above the Commission unanimously impose penalty of Rs. 5,000/- for the objectionable conduct of PIO for not diligently responding to RTI application and the Directives of Punjab Information Commission.

(ii) PIO is further directed to provide certified copies of requisite information to the complainant within 7 days as a final opportunity failing which he shall be deemed guilty u/s 15 of the Punjab Transparency and Right to Information Act 2013 and thereby liable for penalty at the rate of his two days' salary against each day of delay w.e.f 15.04.2019 till the day of furnishing of information. The respondent department shall intimate this action to have been taken on or before 04.07.2019 and if information is provided the second part of penal order shall not operate.

Order accordingly. File be consigned to the record room.

(Saeed Akhter Ansari)
Information Commissioner

(Hassan Iqbal)
Information Commissioner

(Mahboob Qadir Shah)
Chief Information Commissioner