ORDER SHEET
PUNJAB INFORMATION COMMISSION

Appeal # 1-~~1994-06~~ 424-6-2021

Muhammad Rafiq

Vs

S&GAD Lahore

Subject: **APPEAL / COMPLAINT REGARDING NON-PROVISION OF INFORMATION UNDER THE PUNJAB TRANSPARENCY AND RIGHT TO INFORMATION ACT 2013.**

Order
8.12.2021

This order disposes of above-captioned RTI Complaint wherein the Complainant in exercise of his fundamental right to information is seeking copy of minutes of cabiunet meeting dated 15.2.1994.

2. The Commission is in receipt of a letter dated 29.10.2021 issued by Adil Umer PMS Section officer Cabinet II which reads as under

"I am directed to refer to your order dated 15.10.2021 in Appeal No 1-424-6/2021, Muhammad Rafiq vs S&GAD Lahore received inn this office on 26.10.2021 on the subject mentioned above and to inform that Rule 31 of the Punjab Goverenment Rules of Business, 2011 stipulates as under:

*"**31. Secrecy of the Cabinet proceedings** –(1) All proceedings of the cabinet and the record of the discussion in the cabinet shall be secret"*

2. Moreover, the record of the said minutes of the meeting is not available in this department. Report is submitted for kind information please."

3. As regards the objections raised against disclosure of information on account of the secrecy of the cabinet proceedings, Section 24 of the Punjab Transparency & Right to Information Act 2013 is reproduced below;

"The provisions of this Act shall take precedence over the provisions of any other law, Rules & Regulations".

4. In view of above referred Section 24 of RTI Act 2013 the objection of secrecy of relying on Rule 31 of the Punjab Government Rules of Business, 2011 is overruled. Secondly the Rule 31 of Punjab Government Rules of Business 2011 declares only *"Proceedings" and "record of discussion"* as secret which are distinguish from the decisions of cabinet. The scheme of law can never be in favor of secrecy of decisions of cabinet significantly influence the citizens of Province of Punjab. Therefore the secrecy of decisions would negate the principle of Government of people, by the people and for the people. It is also informed that Official Secrecy Act 1923 was practically annulled with the promulgation of the Punjab Transparency & Right to Information Act 2013 as it declares all information held by any Public Body. Since the colonial masters were not native therefore they kept official matters secret under the Act of 1923 but now people of Pakistan are free and under RTI Act 2013 they are owners of all information held by public bodies. Hence, the arguments of secrecy of decision which influence the people tent amount to revolt against the Constitution.

5. Forgoing in view the argument of secrecy of decision of Cabinet Meetings is repelled and Secretary Implementation & Coordination being HOD is directed to ensure the disclosure of decisions of Meeting 15.2.1994 as Public information. The non-availability of decisions of Cabinet Meetings of the year 1994 is not tenable rather implies poor maintenance of record bringing a bad name for the department.

6. Copies of this order be served upon Mr. Adil Umer PMS Section Officer Cabinet II/PIO and Secretary Implementation & Coordination S&GAD wing for disclosure of Public Information. This RTI Complaint stands disposed of. File be consigned to record room.

(Mahboob Qadir Shah)
Chief Information Commissioner