


A Guide to the Punjab Transparency and Right to Information Act 2013



“Every citizen shall
have the right to have
access to information in all
matters of public importance
subject to regulation and
reasonable restrictions
imposed by law”

Article 19A, Constitution of Pakistan, 1973

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TABLE OF CONTENTS

1.	THE PUNJAB TRANSPARENCY AND RIGHT TO INFORMATION ACT 2013	01
1.1	SHORT TITLE, EXTENT AND COMMENCEMENT	01
1.2	DEFINITIONS	01
1.3	ACCESS TO INFORMATION	02
1.4	PROACTIVE DISCLOSURE	02
1.5	PUNJAB INFORMATION COMMISSION	03
1.6	FUNCTIONS OF THE COMMISSION	04
1.7	DESIGNATION OF PUBLIC INFORMATION OFFICERS	05
1.8	MAINTENANCE AND INDEXING OF INFORMATION	05
1.9	ANNUAL REPORT OF PUBLIC BODIES	06
1.10	APPLICATION PROCEDURE	06
1.11	TRANSFER OF APPLICATION	07
1.12	INTERNAL REVIEW	07
1.13	EXCEPTIONS	08
1.14	ALLOCATION OF FUNDS	08
1.15	PENALTY ON PUBLIC INFORMATION OFFICER	08
1.16	OFFENCE	09
1.17	COGNIZANCE OF OFFENCE UNDER THIS ACT	09
1.18	BAR OF SUITS ETC	09
1.19	POWER TO MAKE RULES	09
1.20	POWER TO FRAME REGULATIONS	10
1.21	POWER TO REMOVE DIFFICULTIES	10
1.22	INTERPRETATION	10
1.23	INDEMNITY	10
1.24	ACT TO TAKE PRECEDENCE OVER OTHER LAWS	10
1.25	REPEAL	10
2.	THE PUNJAB TRANSPARENCY AND RIGHT TO INFORMATION RULES 2014	11
2.1	SHORT TITLE AND COMMENCEMENT	11
2.2	DEFINITIONS	11
2.3	PUBLIC INFORMATION OFFICER	11
2.4	MAINTENANCE, INDEXATION & COMPUTERIZATION OF RECORD	12
2.5	APPLICATION FOR INFORMATION AND ITS DISPOSAL	12
2.6	TRANSFER FOR INFORMATION AND ITS DISPOSAL	14
2.7	PROCEDURE FOR INTERNAL REVIEW	15
2.8	RESPONSIBILITIES OF A PUBLIC BODY	15
2.9	APPLICATION TO THE COMMISSION	15
2.10	FUNCTIONS AND POWERS OF THE COMMISSION	16
2.11	MEETINGS OF THE COMMISSION	18
2.12	ANNUAL REPORT	18
3.	SCHEDULE OF COSTS	20

THE PUNJAB TRANSPARENCY AND RIGHT TO INFORMATION ACT 2013

(Act XXV of 2013)

[16 December 2013]

*An Act to provide for transparency and
freedom of information in the Punjab.*

Preamble

Whereas it is expedient to provide for transparency and freedom of information to ensure that citizens have improved access to public information; to make the Government more accountable to citizens; to enforce the fundamental right of access to information in all matters of public importance; and, to provide for ancillary matters;

It is enacted as follows:-

1. Short title, extent and commencement.–

- (1) This Act may be cited as the Punjab Transparency and Right to Information Act 2013.
- (2) It extends to the whole of the Punjab.
- (3) It shall come into force at once.

2. Definitions

In this Act–

- (a) “applicant” means a citizen of Pakistan or a legal person registered or incorporated in Pakistan, seeking information under this Act and includes a person authorized on behalf of the legal person;
- (b) “Commission” means Punjab Information Commission established under this Act;
- (c) “Commissioner” means an Information Commissioner and includes the Chief Information Commissioner;
- (d) “complaint” means a complaint made, in writing, to the Commission by an applicant on one or more of the following grounds:-
 - (i) wrongful denial of access to information;
 - (ii) non provision of information within the stipulated time;

- (iii) refusal to receive and process the request from an applicant;
- (iv) furnishing false, misleading or incomplete information;
- (v) charging fee or cost for provision of information in excess of the requisite fee;
- (vi) deliberate destruction of information to avoid its disclosure;
- (vii) failure of a public body to implement the provisions regarding proactive disclosure;
- or
- (viii) violation of any other provision of the Act by a public body;
- (e) “Government” means Government of the Punjab;
- (f) “information” means any information held by a public body and includes any memo, book, design, map, contract, representation, pamphlet, brochure, order, notification, document, plans, letter, report, accounts statement, project proposal, photograph, audio, video, drawing, film, any instrument prepared through electronic process, machine-readable documents and any other documentary material regardless of its physical form or characteristics;
- (g) “prescribed” means prescribed by the rules or regulations made under the Act;
- (h) “public body” means—
 - (i) a department, attached department, autonomous or semiautonomous body of the Government, a company of the Government or a special institution;
 - (ii) a local government constituted under the Punjab Local Government Act 2013 (XVIII of 2013) or any other law for the time being in force;
 - (iii) Secretariat of Governor of the Punjab;
 - (iv) any court, tribunal, office, Board, Commission, Council, or other body substantially financed by the Government;
 - (v) Provincial Assembly of the Punjab;
 - (vi) statutory body established under a provincial law; and
 - (vii) a non-government organization substantially financed by the Government or a local government;
- (i) “public information officer” means a public information officer designated under section 7 of the Act; and
- (j) “right to information” means the right to obtain information accessible under the Act and includes the right to—
 - (i) inspect any work or document;
 - (ii) take notes, extracts or certified copy of a document;
 - (iii) take certified sample of any material; and
 - (iv) obtain copy of information in electronic form.

3. Access to information

Subject to the provisions of this Act, an applicant may, in the prescribed manner, exercise the right to information.

4. Proactive disclosure

Subject to the provisions of this Act, a public body shall proactively disclose—

- (a) particulars of the public body, its functions and duties;
- (b) powers and functions of its officers and employees;

- (c) norms and criteria set by the public body for the discharge of its functions;
- (d) Acts, Ordinances, rules, regulations, notifications, circulars and other legal instruments being enforced, issued or used by the public body in the discharge of its functions;
- (e) a statement of categories of information being held by the public body;
- (f) a description of its decision-making processes and any opportunities for the public to provide input into or be consulted about decisions;
- (g) a directory of its officers and employees with their respective remuneration, perks and privileges;
- (h) budget of the public body including details of all proposed and actual expenditures;
- (i) amount of subsidy and details of beneficiaries if the public body provides any subsidy;
- (j) particulars of the recipients of concessions, permits or authorizations granted by the public body;
- (k) facilities available with the public body for obtaining information held by it;
- (l) name, designation and other particulars of the public information officer of the public body; and
- (m) any other information that the Government may notify in the official Gazette.

5. Punjab Information Commission

- (1) The Government shall establish a Commission, to be called 'Punjab Information Commission'.
- (2) The Commission shall consist of not more than three Information Commissioners to be appointed from amongst the following:-
 - (a) a person who has been or is qualified to be a Judge of the High Court;
 - (b) a person who is or has been in the service of Pakistan in basic scale 21 or equivalent; and
 - (c) a person from civil society having a degree based on sixteen years of education from a recognized institution and experience of not less than fifteen years in the field of mass communication, academic or right to information.
- (3) The Government shall, on such terms and conditions as may be prescribed and until so prescribed as are determined by the Government, appoint the Commissioners.
- (4) The Government shall nominate one of the Commissioners as Chief Information Commissioner who shall be the chief executive of the Commission.
- (5) No person shall be appointed as Commissioner if he is more than sixty-five years of age on the date of appointment.
- (6) A Commissioner shall hold office for a term of three years extendable for another three years.

- (7) A Commissioner shall not hold any other public office or any other office of profit or be connected with any political party and shall not engage himself in any business or profession during the period he holds office of the Commissioner.
- (8) Subject to subsections (9), (10) and (11), a Commissioner shall be liable to removal on grounds of misconduct or physical or mental incapacity.
- (9) Before removing a Commissioner, the Government shall communicate the charges to the Commissioner and afford him reasonable opportunity to explain his position.
- (10) If the Government is not satisfied with the defence offered, it may refer the case to Provincial Assembly of the Punjab for an open enquiry by a Special Committee to be constituted by the Provincial Assembly.
- (11) If the Committee finds the Commissioner guilty of any of the charges mentioned in subsection (8), the Government shall remove the Commissioner.
- (12) If Provincial Assembly of the Punjab is dissolved and the situation mentioned in subsection (8) has arisen, the Speaker of the Provincial Assembly shall constitute a special committee and such special committee may exercise the powers of special committee of the Provincial Assembly until the election of the new Provincial Assembly.

6. Functions of the Commission

- (1) The Commission may—
 - (a) conduct an inquiry, on its own accord or on a complaint, and may direct a public body to disclose information to an applicant or in a proactive manner;
 - (b) determine the public interest in terms of section 13;
 - (c) resolve any inconsistencies in the application of the provisions of this Act or the rules or regulations.
- (2) The Commission shall decide a complaint within thirty days of its receipt or, for good reasons to be recorded in writing, within sixty days.
- (3) The Commission may exercise the powers of a civil court to—
 - (a) summon and enforce attendance of persons, compel them to give oral or written evidence on oath and to produce documents or information;
 - (b) examine and inspect information;
 - (c) receive evidence on affidavits;
 - (d) requisition information from any office; and
 - (e) issue summons for witnesses or documents.
- (4) While inquiring into a complaint, any Commissioner subject to distribution of work by Chief Information Commissioner or any other person authorized by the Commission, may examine any information on spot.
- (5) The Commission shall facilitate the application of the provisions of this Act and may—

- (a) issue directives to public bodies for preservation, management, publication, publicity and access to information;
- (b) prescribe the procedure for accessing information from a public body;
- (c) advise and provide support to the Government to make necessary laws and procedures for implementation of the right to information;
- (d) provide technical and other support to the public bodies for effective enforcement of right to information;
- (e) conduct training of the public information officers;
- (f) undertake mass awareness campaign to create awareness about the Act, rules and regulations;
- (g) establish an information web-portal;
- (h) compile a user handbook in Urdu and English, containing such information in easily comprehensible form and manner, as many reasonably be required by an applicant; and
- (i) compile guidelines for use by the public information officers.

(6) The Commission shall prepare an annual report on the implementation of the provisions of this Act during a financial year by 31 August and shall lay it before Provincial Assembly of the Punjab.

(7) The annual report of the Commission shall, in particular, contain the following information: -

- (a) status of right to information law, rules, regulations and procedures;
- (b) progress on implementation of the freedom of information law, including district and department-wise summaries of information requests showing current status of each information request;
- (c) hurdles being faced in the implementation of freedom of information law; and
- (d) budget, expenses and other organizational matters.

7. Designation of public information officers

(1) A public body shall, within sixty days of the commencement of this Act, designate and notify as many officers as public information officers in all administrative units or offices under it, as may be necessary.

(2) Subject to the provisions of this Act, a public information officer shall provide information to an applicant, and shall perform such other functions as may be prescribed to achieve the purpose of this Act.

(3) The public information officer may seek necessary assistance of any other officer of the public body.

(4) Any officer whose assistance has been sought under subsection (3) shall render all assistance to the public information officer seeking his assistance and for purposes of any contravention of the provisions of this Act, such other officer shall be deemed as public information officer.

8. Maintenance and indexing of information

(1) Subject to provisions of this Act and the rules or regulations, a public body shall maintain information relating to the body in an easily accessible form.

(2) A public body shall, within the time prescribed by the Commission for any special or general categories of information, computerize or maintain in electronic form the information to enable—

- (a) easy retrieval of information; and
- (b) easy and authorized electronic access of information by an applicant.

9. Annual report of public bodies

A public body shall publish in electronic form or otherwise an annual report of its activities under this Act during the previous financial year by 31 August each year in such manner as may be prescribed and make the report available for public inspection free of charge and for purchase at a reasonable cost.

10. Application procedure

(1) An applicant may make an application to a public information officer on an information request form or on plain paper and the public information officer shall acknowledge receipt of the application.

(2) A public body shall make easily available to the public the information request form both in printed and electronic form.

(3) An applicant shall not be required to provide reasons for request for information and shall only be required to provide an adequate description of the information and the details necessary to provide the requisite information.

(4) Where an applicant is having difficulty making a request, including because he cannot describe the information in sufficient detail or because he is disabled or illiterate, the concerned public information officer shall provide reasonable assistance to the applicant.

(5) Where an applicant has indicated a preferred form of access, including a physical copy, an electronic copy or an opportunity to inspect documents, the public body shall provide access in that form unless doing so is likely to interfere with its operations or harm the document and in that case the information shall be provided in such form as may serve the purpose.

(6) The public body shall not charge any fee for making a request other than cost of reproducing or sending the information in accordance with a centrally set schedule of costs stipulated by the Commission.

(7) The public information officer shall respond to an application as soon as possible and in any case within fourteen working days, provided that this may be extended by a maximum of a further fourteen working days where this is necessary, including because the request requires a search through a large number of records or consultation with a third party or any other public body, but the public information officer shall provide the information relating to life or liberty of a person within two working days of the receipt of the application.

(8) Where the public information officer decides not to provide the information, he shall intimate to the applicant the reasons for such decision along with a statement that the applicant may file an internal review or a complaint against the refusal under this Act.

(9) The information from, or the copy of, any public record supplied to the applicant under subsection (1) shall contain a certificate at the foot thereof that the information is correct or the

copy is a true copy of such public record, and such certificate shall be dated, signed and stamped by the public information officer.

11. Transfer of application

(1) Where an officer of a public body other than the concerned public information officer receives an application for access to information, such officer shall immediately transfer the application to the concerned public information officer under intimation to the applicant and the public information officer shall process the application as if he had received it under section 10.

(2) If the information or part of the information requested in an application is not available with the public body or the office of the public body, the public information officer shall, within seven days and under intimation to the applicant, transfer the application to the public information officer to whom the application should have been made for provision of the information or part of the information.

(3) If the public information officer does not know the public body or the office where the requested information or part of the information may be available, he shall inform the applicant that the requested information or part of the information is not available with the public body.

(4) If an application is transferred to another public information officer under subsection (2), the other public information officer shall process the application as if the other public information officer received the application under section 10.

12. Internal review

(1) If an applicant does not file a complaint with the Commission, he may request the head of the public body for internal review of any decision of the public information officer in relation to what the applicant regards as involving—

- (a) a failure by the public information officer to comply with any provision of this Act including failure to communicate decision within the specified time; or
- (b) unreasonable behaviour by the public information officer in the exercise of any discretion under the Act; or
- (c) provision of incomplete, misleading or false information under the Act; or
- (d) any other matter relating to requesting or obtaining access to information.

(2) An applicant shall, within sixty days from the date of communication of the decision of the public information officer or failure of the public information officer to provide information within the stipulated time, submit a request, in writing, under subsection (1) and specify remedy which the applicant seeks against the decision of the public information officer.

(3) The officer before whom an application for internal review is filed under this section may exercise any of the powers of the public information officer under this Act and shall, within fourteen days of the receipt of the application—

- (a) confirm, modify or reverse the decision of the public information officer;
- (b) notify the decision of internal review to the applicant including reasons for the decision; and
- (c) order departmental action against the public information officer if found negligent in performance of duties under this Act.

13. Exceptions

(1) A public information officer may refuse an application for access to information where disclosure of the information shall or is likely to cause harm to—

- (a) national defence or security, public order or international relations of Pakistan;
- (b) a legitimate privacy interest, unless the person concerned has consented to disclosure of the information;
- (c) the protection of legally privileged information or of the rules relating to breach of confidence;
- (d) the legitimate commercial interests of a public body or a third party, including information subject to third party intellectual property rights;
- (e) the life, health or safety of any person;
- (f) the prevention or detection of crime, the apprehension or prosecution of offenders, or the administration of justice;
- (g) the ability of the Government to manage the economy; or
- (h) the effective formulation of or success of a policy either by its premature disclosure or by restraining the free and frank provision of advice within the Government.

(2) Notwithstanding anything contained in subsection (1), if the Commission determines that the public interest in such disclosure outweighs the harm that shall or is likely to be caused by such disclosure, it may direct the public information officer to provide the information.

(3) Where a part of a document is covered by an exception in subsection (1), any information in the document which is not covered by an exception shall be disclosed if it is reasonably severable from the rest of the document.

(4) Where the information is refused, the public information officer shall, within the time-limit specified under section 10, inform the applicant specifying—

- (a) the reasons on account of which and the provision of this Act under which the requested information is refused;
- (b) procedure for internal review or complaint against the decision; and
- (c) name and designation of the person who may provide full or limited access to the exempted information.

(5) Notwithstanding anything contained in this section, any information mentioned in subsection (1) may be disclosed by a public information officer if the information is more than fifty years old but the Commission may, in an appropriate case on application of a public body or otherwise, extend this time period of fifty years to a further twenty years.

14. Allocation of funds

The Government shall allocate adequate funds to the Commission to enable it to establish a secretariat, hire the requisite staff to conduct its business properly, and promote access to information among the public, public servants and civil society.

15. Penalty on public information officer

Where a public information officer has, without any reasonable cause, refused to receive an application, has not furnished information within time limits, or *malafidely* denied the request

or knowingly gave incorrect, incomplete or misleading information, the Commission may, after providing sufficient opportunity of defense to the public information officer, direct the public information officer to pay fine not exceeding two days' salary for each day of delay or to pay fine which may extend to fifty thousand rupees.

16. Offence

In addition to any other action under any other law, any person who destroys a record which at the time it was destroyed was the subject of an application for access to information, internal review or complaint, or otherwise obstructs access to information which is the subject of an application, internal review or complaint, with the intention of preventing its disclosure under this Act, commits an offence punishable with imprisonment for a term which may extend to two years or with fine which shall not be less than ten thousand rupees or with both.

17. Cognizance of offence under this Act

A court shall not take cognizance of the offence punishable under section 16 of this Act except on a report in writing of the facts constituting such offence made with the previous sanction of the Commission or an officer authorized by the Commission.

18. Bar of suits etc

A court shall not entertain a suit, application or other proceeding in respect of any decision made under this Act and the decision shall not be called in question otherwise than by way of an internal review or a complaint under the Act.

19. Power to make rules

(1) The Government, in consultation with the Commission and by notification in the official Gazette, may make rules for carrying out the purposes of this Act.

(2) The rules shall also provide elaboration of the following provisions of this Act:-

- (a) procedure for proper maintenance, indexing and storage of information, including details of information to be published in an electronic form;
- (b) procedure for filing of request for information and a schedule of the costs for providing the information;
- (c) handling and internal review mechanisms;
- (d) information that shall be included in the annual report of each public body;
- (e) procedure for publishing, displaying and obtaining the annual report;
- (f) designation of public information officers, and if required, any other official delegates, and their duties and responsibilities;
- (g) procedure for removal of a Commissioner, including definition of misconduct;
- (h) finances, budgeting and staffing related to the Commission and its secretariat;
- (i) responsibilities of Commissioners, mechanism for taking decisions, quorum requirements and procedures in case of non-availability of one or more Commissioners;
- (j) provisions regarding imposition of penalties or fines; and
- (k) any fees that may be charged by a public body in carrying out the provisions of this Act.

20. Power to frame regulations

Subject to this Act and the rules, the Commission may, by notification, frame regulations to give effect to the provisions of the Act and the rules.

21. Power to remove difficulties

If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order in the official Gazette, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty.

22. Interpretation

This Act, the rules and regulations shall be interpreted so as to advance the purposes of this Act and to facilitate and encourage, promptly and at the lowest reasonable cost, the disclosure of information and effective implementation of right to information.

23. Indemnity

No suit, prosecution or other legal proceedings shall lie against any person for anything which is done in good faith or intended to be done in pursuance of this Act or any rules or regulations made under the Act.

24. Act to take precedence over other laws

(1) The provisions of this Act shall take precedence over the provisions of any other law.

(2) An exception mentioned in section 13 shall take precedence and any exception or limitation in any other law on right to information may not be construed to extend the scope of the exception in this Act, although such provision in other law may elaborate on the exception mentioned in section 13.

25. Repeal

The Punjab Transparency and Right to Information Ordinance (IV of 2013) is hereby repealed.

The Punjab Transparency and Right to Information Rules 2014

GOVERNMENT OF PUNJAB
INFORMATION & CULTURE DEPARTMENT

Dated Lahore, the 4th January, 2015

NOTIFICATION

No.SO(P&C)IV-6/2014. In exercise of the powers conferred under section 19 of the Punjab Transparency and Right to Information Act 2013 (XXV of 2013), Governor of the Punjab is pleased to make the following rules:

1. *Short title and commencement*

- (1) These rules may be cited as the Punjab Transparency and Right to Information Rules 2014.
- (2) They shall come into force at once.

2. *Definitions*

- (1) In these rules:
 - (a) "Act" means the Transparency and Right to Information Act 2013 (XXV of 2013);
 - (b) "Government" means Government of the Punjab; and
 - (c) "rules" means the Transparency and Right to Information Rules 2014.
- (2) A word or expression used but not defined in the rules shall have the same meaning as assigned to it in the Act.

3. *Public information officer*

- (1) The head of every public body shall designate an officer for each administrative unit of a public body as public information officer under his administrative control for purposes of:
 - (a) implementing the Act and sharing the information through proactive disclosure; and
 - (b) providing the requested information to an applicant under the Act.
- (2) A public information officer shall be an officer of the public body in BPS-16 or above or where an officer of BPS-16 or above is not available, any officer of the highest rank available in the administrative unit shall be appointed as the public information officer.

- (3) Where a public body is a semi-governmental, non-governmental or private sector organization, it may designate a senior officer as per its own organizational structure for each of its administrative or operational units as public information officer.
- (4) In case no such officer has been designated or in the event of the absence or non-availability of the public information officer, the person heading the respective administrative unit of the concerned public body shall be deemed to be the public information officer under the Act.
- (5) A public information officer may seek assistance of any officer in order to collect, collate or retrieve the information being sought by an applicant.
- (6) If the delay is caused or any other complaint occurs as a result of non-cooperation, faulty or delayed response on the part of an officer whose assistance was sought by the public information officer, such other officer shall be deemed to be the public information officer for purposes of imposition of penalties under the Act.

4. Maintenance, indexation and computerization of records

- (1) A public body shall ensure that all information, record and material, irrespective of its forms or characteristics, which it has or is required to have in its custody in any of its administrative units, are efficiently maintained, indexed, catalogued and managed so that it is promptly available, as and when required by the public information officer.
- (2) A public body shall take immediate steps to computerize all the information or record in its custody and shall introduce online data management system to ensure efficient retrieval of information.
- (3) The Commission may issue deadlines or may issue specific directions about the form of computerization, the design of online system or the categories of records which may be computerized or made available online on priority basis.
- (4) A public body shall develop and implement, within the time frame as may be prescribed or directed by the Commission, a data protection and disaster recovery plan to ensure that all of its information remains secure and unharmed in the event of any untoward incident or disaster.

5. Application for information and its disposal

- (1) Any citizen of Pakistan or a legal person may apply on a plain paper or by using the sample of the application form, as may be prescribed by the Commission:
 - (a) for inspecting any work or record;
 - (b) taking notes or extracts of official record;
 - (c) obtaining certified photocopy of any document or record;

- (d) any information in electronic form; or
 - (e) obtaining certified sample of any material available with a public body.
- (2) The applicant may also apply for access to information through email, web-portal or through any other electronic system where the concerned public body has established the required facility to receive applications in such a manner.
- (3) The applicant shall not be required:
- (a) to furnish any information other than:
 - (i) the description of information that he needs;
 - (ii) the form in which the applicant needs access to information, for example, photocopy, CD, video or audio clip, sample of material or facility to inspect record and take notes; and
 - (iii) his contact details including home or office address, phone numbers or email address; and
 - (b) to pay any fee at the time of filing of the application, but, actual cost of reproducing, or copying information, or of the requested sample of material may be charged at the time of delivery of information, as per the schedule of costs notified by the Commission.
- (4) An applicant shall not be asked to provide or explain, in writing or otherwise, the purpose of his application for access to information.
- (5) If an applicant is not able to write the application due to any reason, the public information officer shall write application for the applicant and extend every possible assistance to the applicant in the process of seeking the information.
- (6) If an applicant submits his application personally or through an authorized representative, the public information officer shall immediately issue a dated and signed acknowledgement receipt and if the application is received through email or any other electronic form, the public information officer shall promptly acknowledge receipt of the application through any verifiable means.
- (7) If the public information officer finds that the request for information is required to be accepted, he shall, preferably well before the expiry of the time limit provided in the Act, inform the applicant about the acceptance of his request and the charges and any other steps which the applicant needs to pay or take for collecting the information.
- (8) Where the requested information cannot be provided within fourteen working days and the time limit needs to be extended, the public information officer shall record the

reasons and inform the applicant before the expiry of fourteen working days from the date of receipt of the application.

- (9) The public information officer shall:
 - (a) decide the application relating to life and liberty of any person within two working days;
 - (b) not charge any cost for provision of information relating to life and liberty of any person; and
 - (c) inform the third party about the application for information relating to the third party and afford an opportunity of hearing to both the parties before recording decision on the application.
- (10) If the requested information has already been published by a public body, the public information officer shall simply inform the applicant about the published material or the address of the website on which the information is published.
- (11) If the requested information is denied or partially provided or is provided after the prescribed time, the public information officer shall:
 - (a) explain in sufficient detail the reasons in writing to the applicant for total or partial denial or delay; and
 - (b) inform the applicant about remedies of internal review and complaint to the Commission along with the respective timelines.
- (12) A public information officer and a public body shall publish the procedure of filing application and obtaining information including the schedule of costs, filing of internal review or complaint to the Commission.

6. Transfer of application

- (1) An officer of a public body other than a public information officer who receives an application for access to information shall transfer the application to the public information officer under intimation to the applicant.
- (2) The officer who receives an application under sub-rule (1) shall be deemed to be the public information officer and shall be liable for any penalty under the Act.
- (3) A public information officer shall acknowledge receipt of a transferred application immediately after its receipt and process the same under the Act.

7. Procedure for internal review

- (1) An applicant may file an internal review with the head of the public body against the conduct or decision of public information officer within sixty days from the date of communication of the decision of the public information officer or the last date when public information officer was required under the law to have decided the application.
- (2) The application for internal review shall be filed on a plain paper or on a simple sample format provided by the public body and shall contain a certificate that the applicant has not filed a complaint to the Commission.
- (3) No fee shall be charged on filing or processing the application for internal review.
- (4) The officer hearing an internal review shall:
 - (a) be deemed to be a public information officer under the Act;
 - (b) acknowledge receipt of application for internal review;
 - (c) explain the reasons in writing to the applicant for acceptance or rejection of the application; and
 - (d) if the application is rejected or partially accepted, mention the procedure of filing complaint to the Commission.

8. Responsibilities of a public body

A public body shall:

- (a) ensure that systemic weaknesses or hurdles, if any, in the process of implementation of the Act are removed; and
- (b) set a time frame to establish online internal review or complaint management system to ensure efficient receipt, processing and disposal of applications for internal review.

9. Application to the Commission

- (1) An applicant may file a complaint to the Commission against the decision, attitude or non-responsiveness of the public information officer or the officer responsible for internal review in relation to what the applicant regards as involving:
 - (a) a failure by the concerned officer to comply with any provision of the Act including failure to communicate decision within the specified time;
 - (b) unreasonable behavior of the concerned officer in the performance of functions under the Act;
 - (c) provision of incomplete, misleading or false information; or
 - (d) any other matter relating to access to information.

- (2) The applicant may file a complaint on a plain paper or on a simplified sample format prescribed by the Commission; and, the applicant shall certify that he had not already or concurrently filed any application, complaint or suit before any other forum or court.
- (3) The Commission shall not charge any fee for filing or processing the complaint.
- (4) The Commission shall acknowledge the receipt of complaint within three working days and shall dispose of the complaint under intimation to the applicant within thirty days of its receipt, or, for reasons to be recorded in writing, within sixty days in accordance with subsection (2) of section 6 of the Act.
- (5) After the receipt of a complaint, the Commission may:
 - (a) seek explanation from the public information officer or from any other concerned officer by affording him reasonable time and opportunity to be heard through the most efficient means of communication available; and
 - (b) contact, if necessary, the complainant to seek further information or his comments on the response of the public information officer or any other concerned officer.
- (6) The Commission shall have a proactive approach in disposing of a complaint and it may issue directions to provide the requested information without first seeking comments from the concerned officer.
- (7) The Commission may expedite the process of disposing of complaints through verbal or electronic communication with the complainant and the concerned officer and maintain a brief of such communication.
- (8) The applicant or complainant shall not be required to furnish any information or document other than the alleged facts giving rise to such complaint, contact details, any evidence available with the applicant and a certificate under sub-rule (2) of rule 9.
- (9) In case of failure of the public information officer or any other concerned officer to decide the application within the time or extended time specified in the Act or failure to give cogent reasons for rejection or part rejection of an application for access to information, the Commission may direct such an officer to provide justification for such deviation.
- (10) The Commission shall, as soon as possible, establish a state of the art online portal or facility to receive, process, manage and dispose of complaints in a most efficient and cost effective manner.

10. Functions and powers of the Commission

- (1) The Commission shall:

- (a) formulate, approve and implement policies, procedures and regulations for its internal administration, operations, human resource management, procurements, financial management and partnerships;
 - (b) ensure that all of its decision making is based on established criteria to structure or minimize discretion and to uphold the principles of transparency and accountability;
 - (c) take its policy decisions through consensus or, if so required in exceptional circumstances, with a majority vote;
 - (d) communicate its direction, where a fine or penalty is imposed on an officer, to the concerned accounts office to make the deduction from the salary of the officer against whom the fine or penalty is imposed and submit the compliance report to the Commission;
 - (e) take steps to create public awareness about right to information and filing of application for access to information;
 - (f) have a proactive approach to remind, engage, support, guide, facilitate, train and persuade public information officers or other officers of the public bodies to ensure efficient implementation of the Act; and
 - (g) establish an advisory committee to advise the Commission and to perform such functions of the Commission as are assigned to the committee and receive the report or recommendation of the committee.
- (2) The Commission may:
- (a) examine various laws, rules, policies, bye-laws, regulations or instructions and may suggest amendments to bring the law in conformity with the provisions of the Act;
 - (b) amend, change or alter any of its policy, procedure, criteria, regulation, organizational structure or budget;
 - (c) develop, approve and notify a code of conduct for staff members of the Commission and strictly enforce the code of conduct through appropriate disciplinary action in case of any violation; and
 - (d) prescribe the following:
 - (i) schedule of costs and the mode of payment;
 - (ii) sample application form;
 - (iii) sample letters for the public information officers to communicate with applicants or a third party;

- (iv) sample form for request for internal review;
- (v) sample form for complaint to the Commission; or
- (vi) any other forms or templates.

11. Meetings of the Commission

- (1) A meeting of the Commission shall be convened and chaired by the Chief Information Commissioner.
- (2) In case the position of Chief Information Commissioner is vacant or if he is not available due to any cause, the Commissioner who is senior in terms of his date of joining the Commission shall serve as acting Chief Information Commissioner and may convene and chair a meeting of the Commission.
- (3) Two Commissioners shall constitute quorum for a meeting of the Commission.

12. Annual report

- (1) Every public body shall prepare and publish on its website or, in absence of any website, on its notice board, an annual report with a focus on its efforts and performance in terms of implementation of the Act.
- (2) The annual report of a public body shall, amongst other things, include the following information:
 - (a) status of proactive disclosure;
 - (b) status of records management and the efforts made or underway to computerize records or make them available online;
 - (c) status of the use of technology or online portals for receiving, processing and providing information under the Act;
 - (d) number of applications received and processed including details about:
 - (i) how many of the applications were accepted or rejected and the general reasons thereof;
 - (ii) types or categories of applications; and
 - (iii) any hurdles faced in the process of implementing the Act;
 - (e) the number of applications received and processed under the internal review mechanism including details of how many were rejected and in how many cases the decisions of public information officers was altered or reversed;

- (f) instances involving departmental action against officers for deviations or poor performance under the Act;
 - (g) efforts made by the public body in terms of creating public awareness, training its officers, improving record management system, or streamlining the existing rules, procedures and bye-laws in the light of the Act; and
 - (h) any other information as may be prescribed by the Commission.
- (3) The Commission may prescribe a format for the annual report to be prepared and submitted by each public body.
- (4) Every public body shall submit a copy of its annual report to the Commission on or before 31 August of each year.

**SECRETARY
GOVERNMENT OF THE PUNJAB
INFORMATION & CULTURE DEPARTMENT**

SCHEDULE OF COSTS

GOVERNMENT OF PUNJAB PUNJAB INFORMATION COMMISSION LAHORE

Lahore, the 01st March 2024

NOTIFICATION

PIC02-01/2022- In exercise of the powers conferred by Section-10 (6) of the Punjab Transparency & Right to Information Act, 2013 (Act XXV of 2013), the Punjab Information Commission in supersession of earlier notification No. PIC/N-1/2015 dated 13th Jan, 2015 is pleased to notify revised Schedule of Costs.

1. Short Title, application and commencement

- a) This may be called revised Schedule of Costs under the Punjab Transparency & Right to Information Act, 2013.
- b) This Schedule of Costs shall apply to all public bodies
- c) This Schedule of Costs shall come into force at once.

2. Schedule of Costs;

- a) A public Information Officer shall charge the costs for providing information to an applicant as per the following schedule:-
- b) This revised Schedule of Costs shall be prominently displayed on the notice board of Public Bodies and in the offices of Public Information Officers.

Sr.#	Description	Cost
1	Fee required along-with the application or at the time of submitting application	Nil
2	Cost of correspondence with the applicant, third party, other public bodies or any other concerned officer	Nil
3	Cost of computer printed papers or photocopy charges for information involving up to 20 pages	Nil
4	Cost of computer printed papers or photocopy charges for information involving pages in excess of 20 pages	Rs. 7 per page
5	Cost of CD, Diskette, floppy cassette, video or any other electronic device containing information	Actual cost of such a device as determined on the basis of official procurement record. However, no cost is to be charged if the applicant provides his or her own device and requires only an electronic copy of the information.
6	Inspection of any work	Nil

7	Inspection of record/ documents and or for taking notes or extracts.	Rs. 25 for the first hour, and Rs. 10 for each 15 minutes.
8	Sample of the material	Actual cost of the sample, as determined on the basis of the official procurement record.
9	Cost of a published report, documents, book or any other official record that is available in a published form	Actual price as determined by the public body or the relevant publisher.
10	Materials published by a public body for the free of cost dissemination	Nil

3. Each public body shall proactively disclose this revised Schedule of Costs along-with the head of account i.e. **CO-3885 FEE** as mandatory requirement under Section-4 of the Punjab Transparency & Right to Information Act, 2013.
4. Each public body shall ensure that this Schedule of Costs is strictly implemented in its letter and spirit, and that no cost other than the ones as prescribed by the Commission shall be charged.
5. In case of information in excess of 20 pages, PIO shall determine the cost of information in excess of 20 pages, on the basis of this notification and shall urgently communicate the worked-out amount of fee along-with head of account to the applicant with a request to deposit as soon as possible.
6. An applicant may directly deposit the cost in treasury in above-mentioned head account and furnish copy of receipt to PIO concerned, or may pay the cost, against proper receipt, by way of cash or demand draft/pay order or by bankers' cheque to PIO.
7. Public Information Officer shall forthwith forward certified copies of remaining information to the applicant on deposit/payment of fee of pages in excess of 20 pages determined by him/her.





Punjab Municipal Development Fund Company (PMDFC)