



# **PROVINCIAL ASSEMBLY OF THE PUNJAB**



## **ANNUAL REPORT UNDER THE PUNJAB TRANSPARENCY AND RIGHT TO INFORMATION ACT 2013 (Act XXV of 2013)**

**July 1, 2019 to June 30, 2020**

**(August 2020)**

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## **Introduction**

The Punjab Transparency and Right to Information Ordinance 2013 was promulgated w.e.f 4<sup>th</sup> October 2013 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.

The law was promulgated owing to an old demand of different sections of the society, NGOs and the courts of law; above all, due to the following Article of the Constitution (inserted through 18<sup>th</sup> Amendment in the year 2010):

**“19A. Right to information.—** 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.”

This law was considered so important that it was initiated through an ordinance. This ordinance was ultimately laid in the Assembly and was passed by the Assembly as “The Punjab Transparency and Right to Information Act 2013 (XXV of 2013)” on 12 December 2013, assented to by the Governor of the Punjab on 14 December 2013 and was published in the Punjab Gazette (Extraordinary) on 16 December 2013 at pages 1801-08 (henceforth cited as the RTI Act 2013).

This law provides certain actions to be taken by the public bodies including departments of the Government. Under Section 9 of the RTI Act, a public body is bound to submit its annual report and post it at its website. It may be pertinent to mention here that the definition of public body given at section 2(h) (v) includes Provincial Assembly of the Punjab. Hence in compliance with the said provisions of the RTI Act 2013, the annual report which covers the following areas is being prepared:

### **A) Proactive Disclosure**

The Provincial Assembly of the Punjab took immediate action under section 4 of the RTI Act 2013 and proactively disclosed all important information at its website, [www.pap.gov.pk.com](http://www.pap.gov.pk.com). The information regarding Public Information Officer (s) (PIOs) has also been displayed at the notice board at the entrance of the Punjab Assembly building as well on the website (<https://www.pap.gov.pk/en/about-secretariat/public-information-officers>).

## **B) Designation of Public Information Officers**

The Provincial Assembly of the Punjab took immediate action as per provision of the said law had designated a public information officer for facilitating the general public for provision of requisite information. The details of the Public Information Officers are as under:

<b>S/N</b>	<b>Name &amp; Designation of PIOs</b>	<b>Address</b>	<b>Phone/Email</b>
<b>1.</b>	Mr. Ali Hussnain Bhalli, Deputy Director (Research)	Room No 105 Provincial Assembly of the Punjab, Shahrah e Quaid e Azam Lahore	042-99202164 <a href="mailto:ali.bhalli@gmail.com">ali.bhalli@gmail.com</a>

## **C) Public Awareness**

The Assembly Secretariat has taken concrete steps for awareness of the general public regarding the provisions of the said Act. A dedicated link has been created at the official website of the Assembly namely 'RTI' which contains the procedure of applications, review appeals and the details of the Public Information Officer. (<https://www.pap.gov.pk/en/about-secretariat/rti>)

## **D) Maintenance and Indexation of Information**

The information available with the Assembly Secretariat has been computerized and indexed and is available at the website of the Provincial Assembly of the Punjab. After the passage of RTI Act, the Punjab Assembly became the first legislature to begin the practice of uploading the detailed attendance of MPAs on its official website. This was a significant step towards greater transparency and public openness. The Assembly is also commended by various segments of the society for sharing video and audio recordings as well as the details of Standing Committees on its website. The Punjab Assembly uploads statistical information of business immediately after the

conclusion of each sitting. The Punjab Assembly also is the only Provincial Assembly to publish the reports of the Committees on its website. The Punjab Assembly is the first legislature to have a live telecast on its website during each sitting, and stands apart for actually having an archive of the recordings.

## **E) Disposal of Applications**

The detail of the requests for information received by the Provincial Assembly of the Punjab through emails, and through applications during the year is provided in the following table. It is also important to highlight that all request for information were positively resolved and no application is pending before Assembly Secretariat for the period of the report.

### **Through E-mails**

The Assembly Secretariat received a couple of emails up to 30 June 2020 whereby information was sought and all requisite information was provided within shortest possible time. No information was denied or kept pending.

## **Through Application**

### **Summary of Applications Received**

<b>S/N</b>	<b>Category</b>	<b>Number</b>	<b>Comments Or Explanation Where Needed</b>
<b>Applications for Access To Information</b>			
1.	Total applications received (up to 30 June 2020)	16	Information provided
2.	Total applications decided by relevant officer (up to 30 June 2020)	16	
3.	Total applications accepted where requested information was provided (up to 30 June 2020)	14	
4.	Total applications rejected (up to 30 June 2020)	1	
5.	Applications pending decision (on 30 June 2020)	1	
<b>Applications For Internal Review</b>			
6.	Total applications received by head of the public body for internal review u/s 12 of the Act (up to 30 June 2020)	Nil	
7.	Total applications received for internal review which were decided (up to 30 June 2020)	Nil	
8.	Total applications for internal review where requested information was provided (up to 30 June 2020)	Nil	
9.	Total applications for internal review where access to information was denied (up to 30 June 2020)	Nil	
10.	Number of instances where the internal review process resulted in disciplinary proceedings against officer delaying or wrongly denying access to information (up to 30 June 2020)	Nil	
11.	Applications for internal review pending decision (on 30 June 2020)	Nil	

#### ***F) Challenges faced by PIOs***

The Assembly Secretariat did not face any difficulty in the implementation of the Punjab Transparency and Right to Information Act 2013. All the relevant provisions of the Act were implemented in letter and spirit. However, the Public Information Officers showed the following concerns:

- 1) The Public Information Officers perform duties as such in addition to their own duties and are held responsible for any delay, fake information or negligence, etc. It has been provided in the law that they would be liable to fine up to two days salary for each day of delay or to pay fine which may

extend to 50,000/- rupees. The PIOs are of the view that often the information is not within the access of the Public Information Officers and they have to get the information from the concerned quarters and the same sometimes comprises hundreds of pages and it is not possible for them to verify its authenticity.

- 2) Sometimes the applicants ask for information that comprises thousands of pages and it needs a lot of time to gather the information and worst part of it is that the applicants sometimes don't receive the information when they are asked to deposit the amount in the treasury. It makes the whole exercise of the officials of the public body futile and useless.

**(H) Suggestions from PIO**

The PIO has presented the following suggestions for the efficient disposal of requests for information in the interest of justice:

- a) The Public Information Officers may be paid remuneration as they perform duties in addition to their own duties.
- b) There should be penalty for the applicants also in case they don't get the requisite information; the Act may be amended accordingly.
- c) The applicant has been directed in the Schedule of Costs to pay cash, cheque or bank draft to the Public information Officer who shall deposit the money in the relevant head in the treasury. It is contented that seeking information is interest of the applicant; so he himself should deposit money in the treasury and furnish its copy to the Public Information Officer; giving this additional responsibility to the PIOs may be reviewed.
- d) The Public information Officer has been held responsible for providing fake information whereas the PIO plays the role of a post office between the applicant and the public body who provides the information. The officer/official who provides information should be held responsible and not the PIO if the same is found fake, incorrect or misleading.

**(MUHAMMAD KHAN BHATTI)**

Secretary

Provincial Assembly of the Punjab