

**THE PUNJAB TRANSPARENCY AND RIGHT TO INFORMATION
(Act XXV of 2013)**

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[1] THE PUNJAB TRANSPARENCY AND RIGHT TO INFORMATION ACT 2013

(Act XXV of 2013)

[16]

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; and whereas citizens have improved access to public information; to make the Government more accountable; to enforce the fundamental right of access to information in all matters of public importance; and in connection with the foregoing, 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 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 and includes a person authorized on behalf of the legal person to apply for information under this Act and includes a person authorized on behalf of the legal person to apply for information under this Act;

(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;

(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, contract, representation, pamphlet, brochure, order, notification, document, plans, letter, statement, project proposal, photograph, audio, video, drawing, film, any instrument or record in any electronic process, machine-readable documents and any other documentary material in any 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 or a special institution;

(ii) a local government constituted under the Punjab Local Government Act 2013 (XV 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 controlled by the Government;

(v) Provincial Assembly of the Punjab;

- (vii) a non-government organization substantially financed by the Government or a local authority;
- (i) “public information officer” means a public information officer designated under section 19 and
- (j) “right to information” means the right to obtain information accessible under the Act 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 the following information:

- (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 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 participate 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;
- (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 known as the Punjab Information Commission.

(2) The Commission shall consist of not more than three Information Commissioners to be appointed by the Government 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;
- (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 or right to information.

(3) The Government shall, on such terms and conditions as may be prescribed and until so long as may be determined by the Government, appoint the Commissioners.

(4) The Government shall nominate one of the Commissioners as Chief Information Commissioner. The Chief Information Commissioner 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 at the date of his appointment.

^[2](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 a member of any political party and shall not engage himself in any business or profession during the period of his office as the Commissioner.

(8) Subject to subsections (9), (10) and (11), a Commissioner shall be liable to removal if he is guilty 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 Province of 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 sub-section (10), the Government shall remove the Commissioner.

(12) If Provincial Assembly of the Punjab is dissolved and the situation mentioned in sub-section (10) arises, 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 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 cause shown, 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 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.

^[3][(4) While inquiring into a complaint, any Commissioner subject to distribution of information by the Information Commissioner or any other person authorized by the Commission, may examine any document or 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, public 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 regulations for implementation of the right to information;
- (d) provide technical and other support to the public bodies for effective enforcement of the 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 accessible form and manner, as may reasonably be required by an applicant; and
- (i) compile guidelines for use by the public information officers.

^[4][(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 divisional 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 six months of commencement of this Act, designate and notify as many officers as public information officers in its 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 any 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 report 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 other accessible form a report of its activities under this Act during the previous financial year by 31 August each year as may be prescribed and make the report available for public inspection free of charge and for 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 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 the public information officer shall be required to provide an adequate description of the information and the details necessary to provide the information.

(4) Where an applicant is having difficulty making a request, including because he cannot provide 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 would interfere with its operations or harm the document and in that case the information shall be provided in a form that may serve the purpose.

(6) The public body shall not charge any fee for making a request other than cost of reproduction of 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, consultation with a third party or any other public body, but the public information officer shall provide 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 inform the applicant the reasons for such decision along with a statement that the applicant may file an internal appeal against the refusal under this Act.

(9) The information from, or the copy of, any public record supplied to the applicant under this Act shall contain a certificate at the foot thereof that the information is correct or the copy is a true and correct copy of a 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, the public information officer shall inform the applicant of the reasons for such refusal.

intimation to the applicant, transfer the application to the public information officer to whom 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 information or part of the information may be available, he shall inform the applicant that the 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 (3), the public information officer shall process the application as if the other public information officer had processed the application under section 10.

12. Internal review.— (1) If an applicant does not file a complaint with the Commission, he may apply for internal review of any decision of the public information officer in respect of which the applicant regards as involving—

- (a) a failure by the public information officer to comply with any provision of this Act which requires him to communicate a decision within the specified time; or
- (b) unreasonable behaviour by the public information officer in the exercise of any discretion; 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 specified time, submit a request, in writing, under subsection (1) and specify the remedy which the applicant seeks in respect of the decision of the public information officer.

(3) The officer before whom an application for internal review is filed under this section shall exercise all or 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; or
- (c) order departmental action against the public information officer if found negligent in the discharge of his duties under this Act.

13. Exceptions.— (1) A public information officer may refuse an application for access to information or 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 or 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 maintenance of 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 the disclosure of information 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 shall 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 other part of the document which is not covered by an exception shall be disclosed if it is reasonably severable from the document.

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

- (a) the reasons on account of which and the provision of this Act under which the request for information is refused;

(c) name and designation of the person who may provide full or limited access information.

(5) Notwithstanding anything contained in this section, any information mentioned in sub-section 4 shall 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 twenty years.

14. Allocation of funds.— The Government shall allocate adequate funds to the Commission 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 reasonable cause, refused to receive an application, has not furnished information within time limits, or has not responded to 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 ten thousand rupees.

16. Offence.— In addition to any other action under any other law, any person who destroys a record or information at a time it was destroyed was the subject of an application for access to information, internal review or otherwise obstructs access to information which is the subject of an application, internal review or otherwise 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 under section 16 of this Act except on a report in writing of the facts constituting such offence made by the Commission or 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 matter made under this Act and the decision shall not be called in question otherwise than by way of appeal 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 information to be published in an electronic form;
- (b) procedure for filing of request for information and a schedule of the costs for providing 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 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 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 in the official Gazette, make regulations for carrying out the purposes of this Act.

21. Power to remove difficulties.— If any difficulty arises in giving effect to the provisions Government may, by order in the official Gazette, make such provisions not inconsistent with the 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 Act and to facilitate and encourage, promptly and at the lowest reasonable cost, the disclosure and effective implementation of right to information.

23. Indemnity.— No suit, prosecution or other legal proceedings shall lie against any person for a done in good faith or intended to be done in pursuance of this Act or any rules or regulations made u

24. Act to take precedence over other laws.— (1) The provisions of this Act shall take precedence over provisions of any other law.

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

[1] This Act was passed by the Punjab Assembly on 12 December 2013; assented to by the Governor of the Punjab on 14 December 2013; and, was published in the Punjab Gazette (Extraordinary), dated 16 December 2013, pages 1801-08.

[2] Substituted by the Punjab Transparency and Right to Information (Amendment) Act 2021 (III of 2021), for the following:
“(6) A Commissioner shall hold office for a non-renewable term of three years.”

[3] Substituted by the Punjab Transparency and Right to Information (Amendment) Act 2021 (III of 2021), for the following:
“(4) While inquiring into a complaint, the Commission or any person authorized by the Commission, may examine any information on spot.”

[4] Substituted by the Punjab Transparency and Right to Information (Amendment) Act 2021 (III of 2021), for the following:
“(6) The Commission shall prepare an annual report on the implementation of the provisions of this Act during a financial year and submit it to the Government by 31 August and the Government shall lay the report before Provincial Assembly of the Punjab.”