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Organizational Assessment: Punjab Information Commission

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Organizational Assessment

PUNJAB INFORMATION COMMISSION

AMER EJAZ

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List of Abbreviation	
BPS	Basic Pay Scale
CM	Chief Minister
M&E	Monitoring and Evaluation
MPDD	Management Professional Development Department
OA	Organization Assessment
PIC	Punjab Information Commission
PIO	Public Information Officer
PT&RTI Law	Punjab Transparency and Right to Information Law
S&GAD	Services and General Administration Department

Executive Summary

Punjab Information Commission (PIC) is a nascent organization passing through only its third year. It was established in 2014 after enacting the Punjab Transparency and Right to Information Act, 2013. The Commission has multiple roles to perform: it is an appellate body for the citizens if public officials deny information to them; it is also responsible for the training of the public information officers and raising awareness about the right to information among the citizens.

During the initial years of its existence, PIC has not been able to fulfil assigned roles. Many reasons can be attributed to this below-par performance. First, PIC is continuously working in an unresponsive, if not hostile, external environment. There has been little support from relevant public departments, including the information department. Second, PIC has been unable to get the required human resources to conduct its operations smoothly. Third, the budgetary allocations have not shown any incremental trend, which has retarded the pace of many essential functions, including mass awareness campaigns. Although there are not many hindrances at the policy level, a more responsive external environment could have provided oxygen for the Commission.

PIC has not been able to play its role effectively. No systematic progress is made on public bodies' proactive disclosure of information. It could not make rules for public bodies for indexing and maintaining the record. The service rules drafted by PIC were not adopted as approval is still awaited. Despite all these odds, PIC has been able to manage the training of about 1000 PIOs. It was done initially through MPDD and then with the support of local NGOs. The series of discussions with commissions revealed that there had been no eagerness in the government departments for the success of PIC. The Commission's work is considered as an intervention in the routine business of the public bodies.

During its embryonic stage, the Commission has passed through many crises, which eventually frustrated the staff and lowered their morale. The Commission did not have an office building for several months, and the commissioners were operating from home. Procurement of furniture and equipment took more time than initially anticipated. There is no vision or mission statement, and no strategic plan was made to set the organization's strategic direction. Yet, the Commission was able to establish its writ on some important public bodies, including the CM secretariat, the governor's house and the Punjab Assembly.

Some profound observations are made on the organizational capacity of PIC. The Commission has three seasoned and experienced commissioners at the top, but they are working without ample human resource support. No long-term strategic plans or short-term work plans are available at PIC. The business at PIC is reactive, and proactive initiatives are few and far between. There is no monitoring and evaluation mechanism in place. The decision-making seems to be arbitrary, whereby legal clauses relating to penalties are operationalized selectively depending upon the profile of public bodies.

1. Introduction

Punjab Information Commission is an institution created under the Punjab Transparency and Right to Information Act, 2013. The Commission has the status of a special institution. It is an independent enforcement body for RTI." Its role is to set the required mechanisms for RTI in Punjab, raise public awareness of the law, help public bodies comply with the law, train public information officers, monitor their performance, decide complaints and take action against those failing to comply."

The enactment of the PT&RTI Act and the subsequent establishment of PIC was a significant paradigm shift in the RTI regime in Pakistan. Before that, Access to Information Laws were implemented at the Federal level and in Balochistan and Sindh, but no such monitoring and implementation structure was created. In these three laws, usually referred to as first-generation laws, the complaints about citizens' grievances lie with the respective Ombudsperson. Although no concrete data is available, the experience has shown that the performance of the office of Ombudsperson in providing relief to citizens has not been enviable. This gave rise to a civil society demand that new RTI laws enacted should have an exclusive, specialized body that oversees the right to information regime. The RTI laws enacted in Punjab and Khyber Pakhtunkhwa were the answer. As a result, the PIC was created in 2014 with the appointment of 3 commissioners, one each from the Judiciary civil service and civil society.

PIC is located in the provincial capital, Lahore, with no regional office to date. The total sanctioned strength of PIC is 46, against which only five persons are posted. In addition, it also has a couple of class IV employees on daily wages. Since its inception, PIC does not seem to enjoy the priority of the Government. PIC did not have an office during the initial phase, and Commissioners were working from home. Further, Punjab Government has not been generous in budget allocation to the PIC. The budget allocation format has been very interesting during the past year. As per Pakistan's normal budget allocation mechanism, the budget is initially allocated against all the sanctioned posts, no matter how many posts are filled. The excessive budget then is surrendered and can be transferred to other projects in revised estimates. The PIC did get a budget for awareness-raising and mass media campaigns, but the Government discontinued it in the subsequent years. The initial facility of training Public Information Officers through MPDD was also withdrawn on the pretext of non-availability of budget.

To assess the organizational strength of PIC in the first three years and to draft a strategic plan for the next five years, GIZ appointed a consultant in Dec 2016. This report is the outcome of this organizational assessment.

2. Purpose

The purpose of the exercise is:

1. To assess the organizational capacity of the Punjab Information Commission
2. To make a strategic plan for PIC establishing the priority areas for PIC for the next five years

3. Process involved in carrying out OA exercise:

3.1 An Organizational Assessment inception meeting with GIZ staff, commissioners and consultant

3.2 A work plan was devised outlining documents, reports etc., required to complete the OA exercise

3.3 Desk review; going through the records and documents available at PIC

3.4 The Assessor adopted a participatory approach in carrying out the exercise, which has involved consultations with commissioners, both jointly and separately, and discussion with staff.

4. Structure of the Report

This assessment report has 2 parts. Part 1 of the report covers four organizational themes, each theme divided into a number of dimensions. The four organizational themes are 1) External Environment; Organizational Performance; Organizational Motivation; and Organizational Capacity.

Functions of the Punjab Information Commission

Section 5 and 6 of the Punjab Transparency and Right to Information Act, 2013 talks about the functions of information commission. These sections are reproduced below:¹

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 non-renewable term of 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

¹ <http://punjablaws.gov.pk/laws/2547.html> last accessed on Feb 16, 2017

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, the Commission or any 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 and submit it to the Government by 31 August and the Government shall lay the report 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.

OA1: External Environment

OA1: External Environment	
Stakeholders' Attitude	Unresponsive government departments
Existing Rules, Regulations and Legal Requirements	No hindrance at policy level

OA1/1: Stakeholders' Attitude

The external climate of the PIC is contentious and continually operating in crisis mode. After meeting with the Key staff, it was discovered that PIC was getting little help from Government, including both its parent department and other relevant departments. Separate discussions were conducted with commissioners to determine their perceptions about the external environment.

PIC is currently working in an unresponsive external environment. There is much evidence available for this docile attitude by the Government and parent department. PIC has a sanctioned strength of 46, against which only five persons are working in the Commission. The concerned authorities, including the principal secretary to CM and S&GAD, were approached several times to rectify the situation and post the required staff, but the response has been lukewarm.

One of the crucial functions of PIC is to raise awareness among the public regarding the PT&RTI Act. This was to be done through a mass media campaign. Unfortunately, no budgetary support is available for raising awareness among the public about the law. In 2014-15, when PIC was given a budget through a supplementary grant, Rs 30 M was sanctioned for Advertisement and Publicity (Media campaign). That amount was barely enough for a modest

4-days media campaign. In the proceeding two years, this line item was altogether missing from the budget allocated to PIC.

Another example of a weak response from external actors was observed in the issue of PIOs training. It was told that against clear directives of CM to conduct training of PIOs in MPDD, the department refused to entertain the request of PIC after some initial training workshops. In the first year, MPDD facilitated the training of 354 PIOs, after which they refused to take more batches of PIOs on the pretext of non-availability of budget. Later, PIC found some cooperation within some local NGOs working on the issue of governance and transparency, and the process of PIOs training started again.

PIC was not able to explore the potential support from different donor agencies. In case of a shortage of budget, a more practical approach could have been to approach different donor agencies for financial support, especially for training of PIOs and mass media campaigns. It is noted that only one foreign organization and a couple of local organizations have contributed to some extent. No other evidence of such support was available.

At the policy level, although Government has not created any environment to work against transparency, her support to promote the working of PIC has not been enviable either. It was observed that there was no eagerness in the Information Department to facilitate the working of the Commission. For example, it is still to be decided in Information Department which section will be the focal point for communication with PIC. A similar observation was made on the issue of service rules. PIC drafted these rules in 2015 and sent them to Information Department for approval. These service rules, once approved and implemented, may have attracted public servants to come and serve at PIC. These service rules have been put in cold storage by the information department, and no reference has been made to them since then. This also partially explains the shortage of staff with which the Commission is suffering.

Scarcity of resources is another grave issue at PIC, and this will become worse once PIC starts to operate at its full strength. Currently, PIC is housed in a rented building in a residential area. As mentioned earlier, there are only five persons posted at PIC against the sanctioned strength of 46. The space available at the rented building will not be sufficient if PIC ever gets its full personnel strength. The Commission has not been provided with any kind of transport facility. No doubt, the commissioners themselves are enjoying the monetization facility, but the summary for procurement of 2 motor cars to be used by the staff was rejected by CM. A similar proposal for the provision of 2 motorbikes is also delayed on different pretexts. The current level of technological resources is, however, sufficient to meet the current needs of the Commission. They have enough computers and furniture to work with the current level of staffing, but if Commission starts working at the optimum level with full strength, these resources would not be sufficient.

OA1/2: Existing Rules, Regulations and Legal Requirements

There is no hindrance by the Government at the policy level to smooth the functioning of the Commission. The governing law itself guarantees its precedence over the provisions of any other law. Although, it was repeatedly observed during the discussions with commissioners that the general mindset of the bureaucracy and the overall environment does not support the right to information regime in the province.

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.

The Commission is a fully autonomous and independent body. The Commission claims to be an autonomous body, but its name does not appear under the list of autonomous institutions on the Punjab Government's website. In essence, Commission can claim to be independent and autonomous legally. Still, its administrative autonomy can't be claimed unless the cabinet division approves service rules. Once services rules are approved, Commission would have the hiring and firing powers for staff up to BPS 15. For the appointment of officers of BPS 16 and above, the service rules have proposed it to be done through Public Service Commission.

The Commission has not been able to fulfil its objectives as enshrined in Section 6 of the PT&RTI Act. The raison d'etre of the Commission can be summarized under 3 headings:

- o Redressal of complaints
- o Training of PIOs
- o Mass Media Awareness Campaign

Although there is no legal or policy level hindrance to fulfilling the objectives of the Commission, the political will is lacking on the part of the provincial bureaucracy. A more active, responsive and willing bureaucracy could have been instrumental in making the role of the Commission more effective. For Mass Media Campaign, no funds have been allocated by the provincial Government except for the inception year. Similarly, MPDD has refused to undertake the training of PIOs on the pretext of the non-availability of funds. The redressal of complaints could not attain the desired pace due to an acute shortage of staff.

OA2: Organization Performance

OA2: Organization Performance	
Effectiveness	Less effective
Efficiency	Efficient within available resources
Relevance	Mixed reaction of stakeholders
Financial Viability	Low budgetary allocations

OA2/1: Effectiveness

No performance indicators have been identified in the PIC mission, vision statement or any other document. Rather, the Commission has not developed a mission or vision statement yet. For such indicators, our only reliance is on section 6 of the PT&RTI Act. During the discussion with commissioners and staff, it was revealed that complaint handling is the highest priority of the Commission, and Commission takes pride that since its inception, it has disposed of 3400 complaints. The Commission has also been successful in managing the training of 700 PIOs through MPDD.

The Commission has not been able to live up to its promise. This is mainly due to staff shortage and non-allocation of the budget under some important heads. Ensuring pro-active disclosure was one of the main responsibilities of the Commission. No study or report is available at Commission regarding pro-active disclosure by different provincial departments. Some attention was focused on the issue while dealing with the complaints. For example, in dealing with a complaint of non-provision of assembly attendance records, the Commission not only provided relief to the complainant but also passed orders to the Punjab Assembly to pro-actively disclose the attendance record of members of the assembly on its website. Apart from very few such examples, the issue of pro-active disclosure could not be taken up in a systematic way.²

PIC has failed to demonstrate progress on the issue of proactive disclosure by public body in compliance to section 4 of the PT&RTI Law.

In exercise of its power u/s 6(1)(a) of the Act, the Commission also directs the respondent to establish a mechanism for proactively disclosing the attendance record of members of the assembly for each of its sittings by posting it on the website soon after a sitting ends, as it is done in other countries like India.

Mr. Amer Ejaz (the Complainant) Vs Secretary, Punjab Assembly, Lahore (the Respondent)

Another issue on which Commission could not focus its attention is the maintenance and indexing of information by public bodies. This issue is very important in the context that destruction of the record is very common in public bodies whenever there is a suspicion of corruption or maladministration and any investigation is being undertaken. Recently, there has

² A report published in 2014 under Coalition for Right to Information (CRTI) revealed that only a small number of public bodies actually maintain their websites on a regular basis. Some of the websites hadn't seen any updates in last many months in terms of the RTI law conformation or even the regular news, updates, and information for users. The general state of proactive disclosure is poor. <http://www.cpd-pakistan.org/wp-content/uploads/2014/12/T-he-State-oProactive-Disclosure-in-KPK-and-Punjab-Public-Bodies-4th-Report.pdf>

been news of fire eruption in the record rooms of the projects, which are suspected to be implemented in a non-transparent way. No evidence is available in the commission record that any such indexing rules were framed by Commission or any instructions were passed to the public bodies. This is a gigantic task, and if there is any hope for attaining this target, a constant follow-up would be required on Commission's part. Without providing sufficient staff at Commission's disposal, this will remain a forlorn hope.

Fire erupts in records room at DCO office

<http://www.pakistantoday.com.pk/2016/12/21/fire-erupts-in-records-room-at-dco-office/>

Fire erupts in Multan's district court registry office, 150yr old records burnt

<http://www.pakistantoday.com.pk/2016/12/21/fire-erupts-in-multan-strong-room-150yr-old-property-records-feared-destroyed/>

Eight plunge to death as fire erupts at LDA Plaza in Lahore

<http://www.pakistantoday.com.pk/2016/12/21/fire-erupts-in-multan-strong-room-150yr-old-property-records-feared-destroyed/>

Section 8 of the Punjab Transparency and Right to Information Act, 2013

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.

OA2/2: Efficiency

No written document is available at PIC that tells us the criteria of efficiency. The discussion with commissioners and staff, however, brought to the surface many points that reflect the efficiency of the PIC. For example, in the first year of its inception, the Commission did manage to send some PIOs to MPDD for training. In subsequent years, MPDD refused to entertain the PIC's request for training of PIOs, and no such budgetary support was available to the Commission. The Commission acted proactively to approach some civil society organizations for the training of PIOs. It was noted that only two such organizations with limited funds were available for PIOs' training. A more proactive approach could have secured some more funding for such activity. Further, the Commission was also able to develop its online complaint management system without budgetary support from Government, but it could not be launched due to a shortage of relevant staff.

OA2/3: Relevance

Adequate data or document to assess the relevance of the Commission is not available. The Commission has not developed the indicators to assess the relevance of the organization. Even the complaint data for the last year could not be compiled in tabular form. For Commission to prove itself relevant and to maintain its relevance over time, it must have won the satisfaction and confidence of relevant stakeholders.

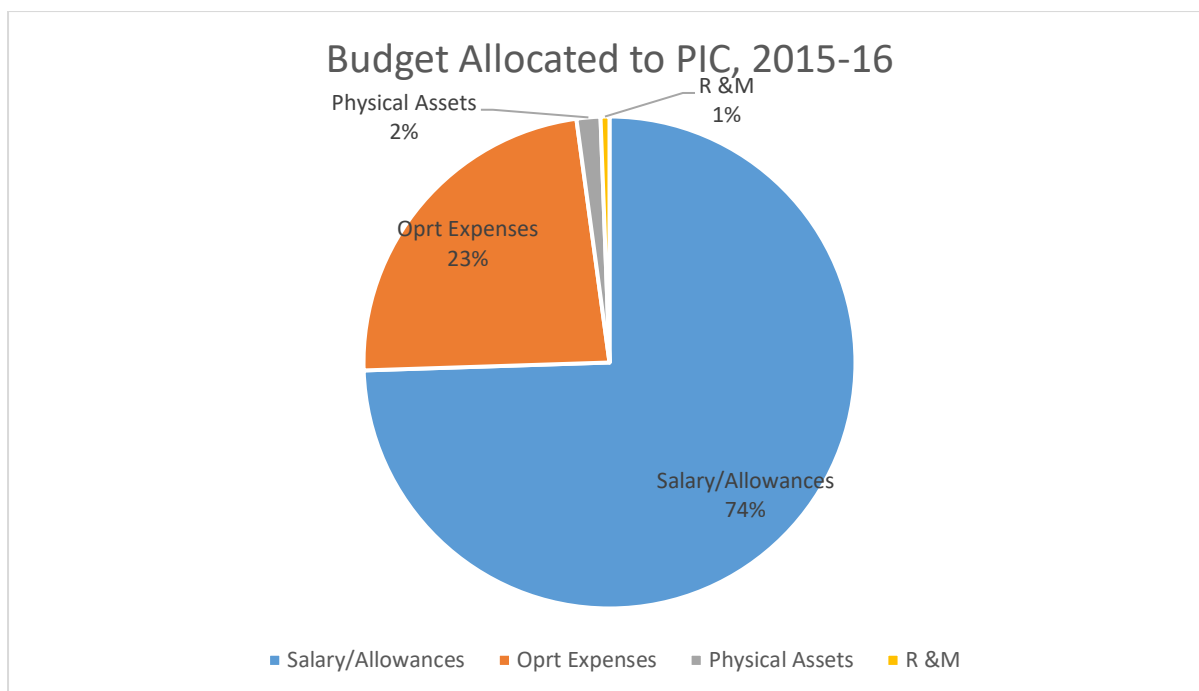
The relevant stakeholders of PIC consist of Citizens, Public Bodies, and PIOs. Although no documentary evidence is available, the discussion revealed that public bodies and government departments were not delighted with the interventions of the PIC. Such interventions are generally considered interference with the working of public bodies. The citizens, on the other hand, have raised the issue of delays at PIC to handle the complaints. PIC is required to dispose of/ decide citizens' complaints within 30 days, and if extra time is required, the Commission has to inform the complainant in writing about the delay. The records available at Commission also confirm this delay which is again attributed to staff shortage. At least three citizens who were approached confirmed the delays on the part commission. They have also complained about undue leniency shown by the Commission, which penalizes the PIOs.

OA2/4: Financial Viability

As mentioned, Commission's priority areas are dealing with complaints, mass media campaigns to raise awareness among the general public and training of PIOs. Not many funds are required to deal with the complaints, but a reasonable amount is required to be allocated on a sustained basis for the rest of the two priority areas. For the current year, no funds were allocated for media campaigns and training of PIOs. Unless some special efforts are made by the Commission itself, or some favourable changes happen in the finance department, the current trend seems to continue in future as well.

Year	Funds Requested (PKR)	Budget Allocated (PKR)
2014-15	-	92,907,096
2015-16	60,000,000	44,603,000
2016-17	65,000,000	43,516,000

The budgetary trends also raise apprehensions that Government will not be helpful in the initiation of new programs and expansion of the existing program. Hitherto, the PIOs are being trained in dealing with the complaints only, but it is only one small component of the overall transparency agenda. The question still remains whether Government will be willing to invest in the maintenance and indexing of information and subsequent training of the staff. This is again a huge task that requires political will and subsequent investment in the computerization of records.



Section 14 of the Punjab Transparency and Right to Information Act, 2013

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.

OA3: Organizational Motivation

OA3: Organizational Motivation	
Milestones/Successes/Crises	More crises than successes
Vision and Mission statement	No vision/mission statement available
Organization culture	Weak organization culture

OA3/1: Milestones/Successes/Crises

The Commission is still in its nascent phase. There is nothing much to narrate under this heading. But Commission still takes pride that even some of the top institutions in the province have to implement their orders despite initial resistance from them. For example, the CM secretariat implemented the Commission's orders regarding the request for information about expenditure of CM house, detail of bakery items purchased by CM house, gifts given by CM and detail of the official flights taken by official helicopter of the CM of Punjab.

The Governor secretariat resisted, through several review petitions, a similar request for information but finally implemented the orders of the Commission. The Punjab Assembly also was reluctant in the beginning but had to implement the orders of the Commission for providing attendance records of the MPAs and proactive disclosure. Such successes send a clear message to the subordinate offices also

PIC has been able to establish its writ on several important public bodies through implementation of its orders

that they have to open up and have to provide the requested information to the citizens.

Regarding crisis, the commissioners were of the opinion that to work with meagre resources, both financial and human, is a crisis in itself, but under this bigger crisis, there have been many small crises that eventually add to the frustration. One such example is the willful delay in payment of office rent for more than six months. It is understandable that such bureaucratic hurdles consume time on unnecessary matters and affect efficiency. The Commission's correspondence dated Dec 30, 2016, with the office of the Accountant General Office of Punjab speaks volumes about it.

As a result of the above-mentioned vague, frivolous and unending new objections by the concerned staff of your office, we have not been able to pay rent to the office owner for the last six months, and the owner is now fed to the extent that he has been threatening to serve a notice upon us to vacate the office premises. Here we would also like to highlight that we had acquired this office premises after a hectic effort spanning over months, as nobody is willing to rent a building to a government organization in view of the agonizing experiences people in relation to the AGP office.

*Excerpts from Chief Information Commissioner's letter to the Accountant General, Punjab
Dated Dec 30, 2016*

OA3/2: Vision and Mission Statement

The Commission has not developed a vision or mission statement. The following vision and mission statements are drafted in the light of discussion with the Commission's staff.

Vision Statement: PIC visualizes a society where citizens' constitutional right to Access Information is venerated, and all institutional hurdles in attaining this right are removed systematically.

Mission Statement: PIC is determined to provide the right of access to information to citizens, raise awareness among the public and sensitize public officials about the Right to Information, thus contributing to the goal of transparency and accountability in Pakistan.

OA3/3: Organizational Culture

PIC does not have any document that reflects the values of the organization. We understand that the values should be clearly defined and inculcated in the staff so that a strong organizational culture can take roots. Writing down a set of commonly-held values can help an organization define its culture and beliefs. Although Commission is mindful of the importance of values in an organization, and they can also enumerate a few of these during the discussion, they have not created and adopted any official document to that extent.

The overall morale of the staff is not very high. There are visible signs of non-professionalism among the staff. Only a couple of daily-wagers are doing multiple duties ranging from

cleanliness to entertaining guests and dispatching letters. It seems that office could not be cleaned for weeks; even the condition and maintenance of rest-rooms is very poor. Staff told that they had not received pay for six months. The chief commissioners said that commissioners have to pool money to compensate the staff who haven't received their salary. This is the overall environment under which PIC is working.

The system itself does not encourage high performance within the organization. Whatever staff commission have, they feel they are not being rewarded properly at PIC. There is no incentive system nor any facilities that can attract the staff. Some of the recommendations of the Commission on staff incentives have not been accepted by the Government. For example, Commission requested the purchase of 2 cars to be used by the Executive Director and other staff. This request was not accepted. Later, the Commission proposed the procurement of 2 motor-cycle. The proposal, although accepted, is going through unnecessary delays.

No proposal of monetary rewards has ever been initiated at PIC. Such incentives are very important to attract the staff to PIC. Although commissioners are enjoying good salaries and facilities at market rates, no incentive system is in place for subordinate staff. The status of the Commission is that of a "special department" it also requires special arrangements to attract the staff. There are examples that many departments have introduced a system to give incentives in the form of allowances of up to 50% of the pay. Anti-corruption department and custom intelligence are a few examples in this regard. There is no reason why any such arrangement cannot be made for PIC staff.

Designation	Monthly Salary in PKR (excluding allowances and benefits)
Commissioner salary ³	324000
Executive Director (BPS 19)	49370
Deputy Director (BPS 18)	31890
Assistant Director (BPS 17)	25440
Officer Superintendent etc. (BPS 16) ⁴	15880

OA4: Organizational Capacity

OA4: Organizational Capacity	
Strategic leadership	Visionary and respected
Strategic planning	Missing
Organizational structure	Present
Human Resource	Very poor; need immediate injection
Technical resources	Sufficient for current staffing
Program planning	No work plan
Monitoring and Evaluation	Absent
Problem solving and decision making	Selective use of penalty clause

³ This is the basic pay of pay scale MP-1 introduced by government in 2000s to match the market rate. Commissioners take home including all allowances is PKR 574000.

⁴ Start of respective pay scale, Government of the Punjab, Finance Department notification No. FD.PC.2-1/2016 dated July 18, 2016 available at http://www.finance.punjab.gov.pk/system/files/aRevision_Pay_Scales2016.pdf accessed on Feb 13, 2017

OA4/1: Role of Strategic Leadership

PIC has two kinds of personnel: Commissioners who are the face of the organization and also provide strategic leadership to the organization; and Admin Staff. Not much can be narrated here as only 2 of the sanctioned staff were posted at the time of discussion. It was observed that the staff posted at PIC is not fully articulated the goals of the PIC. They lamented the shortage of resources and said that with everything not in place, it is not possible for them to focus on the organizational goals.

Leadership, however, is determined to take care of the qualitative aspect while conducting activities. The orders and decisions of the Commission are well-drafted, and all minor issues are also taken care of. The training of the PIOs is being managed despite the fact that no budget is allocated for such activities. It was observed that at least one of the commissioners is present in every such training, which is an encouraging sign that leadership is taking a personal interest in the conduct of key activities.

Leadership at PIC is generally respected and is open to new ideas and change, but as a matter of fact, not many new ideas have been implemented at PIC. One innovative step is the preparation of an online complaint management system, but that has not been launched yet.

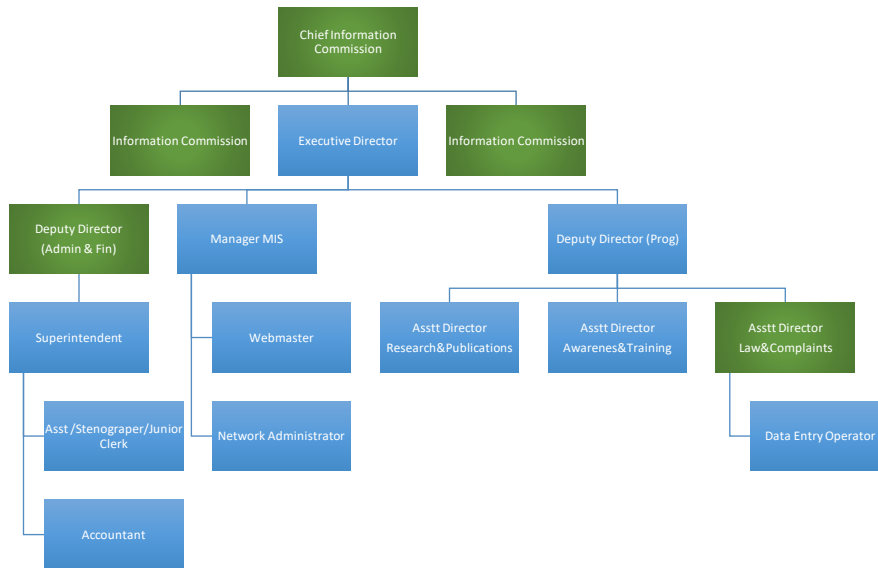
OA4/2: Strategic Planning

A strategic plan is a key document in an organization as it sets the priorities of the organization and sets out its goals and action required to achieve those goals. PIC does not have a strategic document. Although the commissioners were found very clear about their strategic direction, no such document is in place for reference and guidance to the staff. This document can also make the basis of the budget demanded from Government each year. A proposed strategic plan is also part of this Organization Assessment exercise.

OA4/3: Organizational Structure

A clear Organizational structure is very important in the sense that it determines how roles and responsibilities are assigned and coordinated. A clear hierarchy is an essential feature for the successful conduct of day-to-day activities.

As far Organogram, there is a clear distribution of labour, and hierarchal relations are clearly drawn. Given below is the Organogram of PIC. In total, there are 46 posts sanctioned at PIC, but only five staff members are posted at this moment.



Key: Green Block-Posted; Blue Block-Vacant

The following table will give a clearer idea about the structure of the PIC. This is a typical structure of a governmental organization where a number of stenographers, Assistants, Dispatch Riders and Naib Qasids are posted. With a few minor adjustments and reassigning of duties, this number can be brought down significantly. For example, modern-day establishments neither require nor afford such a big number of Naib Qasidas. A couple of them would have been sufficient. Another similar observation is on stenographers. This category has simply disappeared in modern-day organizations, whereby officers and managers are supposed to draft letters themselves. PIC has a sanctioned strength of 5 stenographers.

It is, however, noted that given the current environment at PIC, this post seems to be mandatory for the smooth functioning of the organization. At least two commissioners are retired public servants who developed the habit of relying on stenographers, and there is every likelihood that they may not be computer literate or at least not very comfortable with computers. For them, the stenographers and assistants are an absolute necessity for the completion of work. There should be a clear policy by the Government either to post computer literate commissioners or to provide them stenographers for their routine business.

Designation/Punjab	Sanctioned	Posted	Posted	Sanctioned	Designation/Kp
Chief Info Commissioner	1	1	1	1	Chief Info Commissioner
Information Commissioner	2	2	2	2	Information Commissioner
Executive Director (19)	1		1	1	Secretary (18)
Deputy Director (18)	2	1	1	1	Assistant Registrar (17)
MIS Manager (18)	1				
Assistant Director (17)	3	1	1	1	Communication Officer (17)

Designation/Punjab	Sanctioned	Posted	Posted	Sanctioned	Designation/Kp
Network Administrator (17)	1		1	1	IT Officer (17)
Private Secretary (17)	3		0	1	Personal Secretary (16)
Web Master (17)	1				
Superintendent (16)	1		1	1	Admin Officer (17)
Accountant (16)	1		1	1	Budget & Acc Officer (17)
Assistant (14)	5		5	7	Assistant (16)
Stenographer (14)	5		2	3	Jr. Stenographer (14)
Data Entry Operator (12)	3		1	2	Computer Operator (16)
Junior Clerk (6)	1		1	6	Junior Clerk (11)
Dispatch Rider (4)	2		1	1	Dispatch Rider (1)
Driver (4)	4		4	4	Driver (6)
Chowkidar (1)	1		1	2	Chowkidar (2)
Naib Qasid (1)	6		7	8	Naib Qasid (3)
Sanitary Worker (1)	2		1	1	Sweeper (3)
			1	1	Telephone Operator (8)
			0	1	Photostat Operator (3)
Total	46	5	33	46	

Table: A comparison of staff posted at Punjab Information Commission and Khyber Pakhtunkhwa Information Commission
(Figures given in parenthesis represent Basic Pay Scale)

OA4/4: Human Resource

No organization can work effectively, fulfil its vision, travel towards its vision and deliver to its stakeholders without trained and motivated human resources. Presently, the Commission is devoid of such a facility. We can categorize the commission staff into two: Commissioners; and Administrative Staff. The Commission is lucky to have a trio of seasoned, experienced and dedicated commissioners on the top but is handicapped by the absence of qualified support staff. As the number of complaints referred to the Commission increases due to an increase in awareness, soon Commission will lose the pace to handle all these complaints. The following table examines the minimum man-hour required to dispose of a complaint:

S.No.	Stage	Time Required (min)	Staff Category
1	Receiving the complaint, filing, data entry etc	30	Staff
2	Study of the complaints at staff level	30	Staff

S.No.	Stage	Time Required (min)	Staff Category
3	Commissioners study of complaint and correspondence with relevant public body	90	Commission
4	Listening to the public body	120	Commission
5	Discussion within commissioners	120	Commission
6	Writing orders, getting approvals	1440	Commission
7	Follow up in case of non-compliance	180	Commission

Total minutes at Commissioners disposal	480 min a day*22 days a month*3 commissioners=31680
Commissioners' Time required to dispose of 1 complaint	1950
Max. complaints that can be handled in a month	31680/1950= 16 complaints

With the current staff situation, and if they work dedicatedly on complaints only, the maximum capacity of the Commission is to dispose of only 16 complaints per month. This will further decrease, keeping in mind that commissioners have a detailed job description and have to do other work also. To bail out the commissioners, some of the burdens will have to be taken by the support staff, especially writing detailed orders. For this, we need to put more and more resources into the training of PIOs so that PIOs get sensitized, respond to information requests in a timely and a lesser number of complaints are referred to the Commission. Another solution would be to put more emphasis on pro-active disclosure and indexing and maintenance of records by public bodies.

Training of the PIOs is the key for RTI regime to be successful.

The Commission's current sanctioned strength is 46, and if we do not take into account class 4 staff, it is effectively 31. No document is available that tells us the rationale behind this sanctioned strength. It seems that no proper homework was done before deciding on the sanctioned strength for Commission. Also, no document is available that talks about the future resources required due to the influx of complaints. It must also be noted that it is a very difficult and lengthy process to create a new post in the government department. Given the low interest of the Government, as is demonstrated by the current staff posted, this will be a cumbersome and frustrating process.

OA4/5: Technical Resources

For now, PIC has got sufficient technical resources to work smoothly. Furniture and laptops have been acquired. The existing inventory can cater to the current needs of the Commission, but more resources would be required once Commission starts working will full human resources. PIC has also been able to build its online complaint management system, but that could not be commissioned due to a shortage of human resources. Another way to cope with the shortage of staff could have been to appoint computer literate Commissioner who can themselves handle their day-to-day correspondence and do not need assistants and stenographers for their help. It was observed that most of the computer-related drafting's burden

is on one Commissioner. As noted earlier, the commissioners are retired from the government service, and while they were still active in service, computers were not fully fashioned in government departments. Moreover, still, there are few officers in Government who handle their computers themselves as ample human resources are available to them for such activity. It is up to the Government to decide whether they provide ample human support to the commissioners or appoint the commissioners who are comfortable with the use of computers and modern technology.

OA4/6: Program Planning

PIC currently does not maintain any work plan. Nor is there any planning showing timelines for different activities. It was revealed during the discussion that such proper planning is not possible as most of the field activities are donor-dependent. PIC looks toward different NGOs to support its training activities, and these activities can only be planned once the supporting organization has the resources for this. Similarly, there is no work plan for complaint handling. No monthly target is fixed to dispose of the complaints. In the absence of such targets, the complaints backlog is increasing, and it will jump once the number of complaints referred to the commission increases.

No work plan, no timelines

OA4/7: Monitoring and Evaluation

Monitoring and evaluation are separate practices dedicated to the assessment of an organization's overall performance. Monitoring and Evaluation (M&E) are important to assess that project is achieving set targets. For instance, by monitoring the development of the project we can easily understand whether strategic changes need to be made and we can act accordingly. Unfortunately, there is no M&E mechanism established at PIC. It is observed that such mechanism is generally absent in government departments. Due to the absence of M&E system, there is no proper mechanism for staff to get feedback on their activities. As mentioned earlier, no service or performance indicators are developed at PIC. In the absence of such indicators, there is no mechanism to measure the progress against the plans.

OA4/8: Problem Solving and Decision-Making Process

Decision-making at PIC is made through consultation among commissioners. We cannot comment on the implementation of work at the various levels as only a few vacancies are filled. Commissioners have not framed any mechanism to prioritize the complaints. It is a matter of the fact that the Commission was not able to focus sufficient attention on some important complaints. The Commission's arbitrary criteria of taking up some complaints while putting others on the back burner are not understandable. Moreover, Commission has been very selective in operationalizing the penalty regime as enshrined in Section 15 of the PT&RTI Act. It is a matter of serious discussion whether the Commission has the power to selectively operationalize the penalty clause. Some civil society activists and legal experts say that the law does not provide PIOs with a chance to rectify the situation after the case is referred to PIC. The PIC at the time of complaint is duty-bound to operationalize the penalty clause if they are satisfied that citizens' right to information is denied.

Section 15 of The Punjab Transparency and Right to Information Act, 2013

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.

5. Recommendations

1. Human Resource: PIC is a human resource-starved organization. The posted strength of the Commission is five against the sanctioned strength of 46. This is the single most important factor that has retarded the progress of PIC. It is recommended that all vacant posts are filled without any further delay.
2. PIOs Training: Training of PIOs is not a one-time activity. It is a routine in a government department that staff is transferred in 3 years and in some cases even earlier. PIC needs to keep a vigilant eye when a designated PIO is transferred. They should not only send a timely reminder to the concerned department to re-designate the PIO but should also ensure that the new PIO undergoes the required training.
3. Proactive Initiatives: Some important proactive initiatives are waiting for the attention of PIC. The most important among these is the proactive disclosure by public bodies. Another important issue is the indexing and maintenance of the public record. Any progress on these two issues will indirectly facilitate the PIC by reducing the burden of claims on it.
4. Social Media: PIC has aligned with local NGOs to get support for PIOs' training. The new trends and development in social media can be benefitted from raising awareness and capacity building of PIOs. One possible solution is to live broadcast the PIO's training using social media platforms.
5. Social Media for awareness-raising: It is understandable that awareness-raising cannot be undertaken due to a shortage of resources. But PIC has also missed a trick in this regard. One possible solution could have been to use the social media platform more frequently. PIC has a Twitter handle that is seldom used, although some commissioners use their personal accounts to tweet RTI related activities. PIC has a FB page which again is sparingly used. Similarly, a youtube channel can be utilized to broadcast awareness and training videos.
6. Approval of Service Rules: PIC is now in the third year of its existence, but its service rules could not be approved yet. Prompt action is required on this. The approved service rules will enable the Commission to appoint staff up to BPS 15. This will be instrumental in removing the shortage of staff at PIC.
7. Incentive System: Some incentive system for staff is recommended. It will attract the staff to PIC. The transport facility for the senior staff should also be provided as is prevalent in other governmental institutions.
8. Budgetary Support: The budget allocated to PIC is not according to the roles assigned to it. The current budget only supports the salary of the employees. No allocations are available for training PIOs and mass media campaigns for raising awareness among the public. The finance department should look into the issue and provide funds for these activities.

Strategic Plan for Punjab Information Commission, PIC (2017-2021)

Strategic Goal:

Make Public bodies responsive, transparent and accountable towards citizens through effective and efficient Punjab Information Commission

Strategic Priority 1: Enhance capacity of PIC for Effective Enforcement of the Punjab Transparency and Right to Information Act 2013

Strategic Objectives 1.1: Institutionalize PIC

Indicator: Governance structure of PIC in place by year I

Strategic Objective 1.2: Improve RTI enforcement by PIC

Indicator: Enhanced knowledge and skill of PIOs through capacity building activities

Functions of PIC	Priority	Outcome	2017				2018				2019				2020				2021			
			Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Strategic Objectives 1.1: Institutionalize PIC																						
Enhancing Human Resource of PIC	High	Fill at least 75% vacant posts at PIC during 2017																				
Complaint handling	High																					

Functions of PIC	Priority	Outcome	2017				2018				2019				2020				2021			
			Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
mechanism developed																						
Launching of online complaint handling mechanism																						
Notified regulations to give effect to the provisions of the Punjab Transparency and Right to Information Act 2013 and its rules.	Medium																					
Commission Decided complaints within 30 days	High	At least 80 % complaints disposed off within 30 day period after their receipt																				

Functions of PIC	Priority	Outcome	2017				2018				2019				2020				2021			
			Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
The commission monitor public bodies, other than those pertaining to complaints, for implementation of the Punjab Transparency and Right to Information Act 2013.	Low	At least 2 public bodies monitor and their enquiry report published on PIC website at the end of 3 rd quarter each year																				
Strategic Objective 1. 2: Improve RTI enforcement by PIC																						
Undertake a study to ascertain total no. of PIOs to be designated in Punjab	High	A list of Public bodies in Punjab and total no. of required PIOs																				
conduct training of the public	High	120 PIOs trained in each quarter (At least 6 trainings per																				

Functions of PIC	Priority	Outcome	2017				2018				2019				2020				2021			
			Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
information officers		quarter conducted)																				
undertake mass awareness campaign to create awareness about the Act, rules and regulations	High	At least one ad in each quarter appear on any of the medium for awareness campaign through Public Service Announcement on TV/ Newspaper ads, Bill Boards, Social Media and RTI App for mobile phones																				
establish an information web-portal	High	Regular updates of portal																				
compile a user handbook in Urdu and English for applicant	Medium	2 booklets one in Urdu and one in English developed at																				

Functions of PIC	Priority	Outcome	2017				2018				2019				2020				2021			
			Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
		the end of 3 rd quarter																				
compile guidelines for use by the public information officers	High	Guidelines for PIOs developed I 1 st quarter and circulated in 2 nd quarter																				

Strategic Priority # 2: Enabling Environment to Implement the Punjab Transparency and RTI Act 2013

Strategic Objective 2.1: Facilitate Legislative reform in order to promote RTI

Indicator: Different Acts reviewed enacted by the parliament

Strategic Objective 2.2: Initiate institutional reform within public bodies for promoting RTI

Indicator: Information dissemination improved through Information Classification

Functions of PIC	Priority	Outcome	2017				2018				2019				2020				2021			
			Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Strategic Objective 2.1: Facilitate Legislative reform in order to promote RTI																						
Formal comments on any legislation or	Low	At least 1 Bill reviewed																				

Functions of PIC	Priority	Outcome	2017				2018				2019				2020				2021			
			Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
legal proposals affecting right to information		every six month																				
Recommendations to protect and promote citizens' right to information and shared with government for reforms of general nature and those pertaining to public bodies	Medium	Once in a year																				
Strategic Objective 2.2: <i>Initiate institutional reform within public bodies for promoting RTI</i>																						
Institutionalize PIOs in public bodies	High	Study on exact Number of PIOs required in public bodies/ Retention policy of PIO																				

Functions of PIC	Priority	Outcome	2017				2018				2019				2020				2021			
			Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Classification of Information	High	Development of minimum standards regarding the manner in which public bodies are required to manage their records																				
issue directives to public bodies for preservation, management, publication, publicity and access to information	High	Letters written to different departments																				
To ensure implementation of Section 4 of the act regarding proactive disclosure	High	Follow up with public bodies, to ensure proactive disclosure																				
Develop comprehensive form for data collection from	Medium	Comprehensive form describing district and																				

Functions of PIC	Priority	Outcome	2017				2018				2019				2020				2021			
			Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
public bodies for Annual Report		department-wise summaries of information requests showing current status of each information request developed																				
Annual Report	High	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																				

Functions of PIC	Priority	Outcome	2017				2018				2019				2020				2021			
			Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
		by August 31																				

Annexure

Annex 1: THE PUNJAB TRANSPARENCY AND RIGHT TO INFORMATION ACT 2013

THE PUNJAB TRANSPARENCY AND RIGHT TO INFORMATION ACT 2013

(Act XXV of 2013)

C O N T E N T S

SECTION	HEADING
1.	Short title, extent and commencement.
2.	Definitions.
3.	Access to information.
4.	Provocative disclosure.
5.	Punjab Information Commission.
6.	Functions of the Commission.
7.	Designation of public information officers.
8.	Maintenance and indexing of information.
9.	Annual report of public bodies.
10.	Application procedure.
11.	Transfer of application.
12.	Internal review.
13.	Exceptions.
14.	Allocation of Funds.
15.	Penalty on public information officer.
16.	Offence.
17.	Cognizance of offence under this Act.
18.	Bar of suits etc.
19.	Power to make rules.
20.	Power to frame regulations.
21.	Power to remove difficulties.

22. Interpretation.
23. Indemnity.
24. Act to take precedence over other laws.
25. Repeal.

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 non-renewable term of 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, the Commission or any 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 and submit it to the Government by 31 August and the Government shall lay the report 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.

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.