

Your Right to Information

By Peter Jacob

Published: December 27, 2015

Speculations abounded when the Punjab Information Commission (PIC) was established in March 2014 under Punjab Transparency and Information Act 2013. Democracy enthusiasts considered it as a blessing of the 18th Amendment, whereby, supplementary Article 19-A had made free access to information in public matters, a fundamental right of citizens in 2010.

Sceptics expressed doubts about the Punjab government's seriousness on assumption that it might have acted to neutralise the popularity the PTI would have amassed since Khyber Pakhtunkhwa had introduced right to information mechanism a few months before.

Peoples' right to information had already become a popular statecraft both in developed and developing countries. Moreover, the commissions on truth and right to information had helped societies deal with conflicts better and achieve good governance world over.

In the South Asian neighbourhood, India had introduced the right to information laws and institutions in 2005, Nepal in 2007 and Bangladesh in 2009. New regime of right to information had particularly given boost to institutional reforms and anti-corruption social movements in India.

The law in Punjab requires all departments and institutions funded or run by the government of Punjab to respond positively to requests for information by any citizen. This right only excludes matters dealing with defence, security, public order and international relations, moreover, the data which would impact negatively any legitimate personal and commercial interest, including information subject to intellectual property rights, prevention or detection of crime, etc.

The accompanying procedures require response within two weeks or intimation when the information sought can be provided. A complaint then can be lodged with PIC which can award penalty in the form of deduction of salary for a number of days the information is withheld by a public servant. A penalty has been awarded once so far in Vehari where the Executive District Officer Education refused to share information about inquiry report that entailed suspension of service of Muhammad Arif Noor, a school teacher.

Therefore, the claim made by Chief Commissioner Mazhar Hussain Minhas that Punjab's legal regime of right to information is one of the best in the world seems justified.

The performance of the PIC in the past 17 months has been impressive. It secured 50 per cent disposal in 1270 cases received till June 2015. It has also embarked on setting new traditions and standards in facilitating the exercise of right to information.

For instance, by exercising this right, the public came to know the exact amount of funds spent on purchase of mineral water in the chief minister's secretariat and maintenance of his helicopter in 2014-2015. The information about the cost and number of gifts the chief minister of Punjab gave to foreign dignitaries and local guests has also been made public.

The commission's work is poised to help define and expand scope of human rights by way of putting the right to information in practice. A classical example may be the proceedings of the complaint lodged with PIC by Mr Waseem (Islamabad), Ch. Siraj (Sargodha) and Mr. Waseem (Gujranwala) against the Principal/Secretary Governor's House Punjab in September 2014.

The officials at the Governor's House refused to share information with above mentioned complainants about monthly expenditures on the bakery items and gifts procured for the Governor's House. In several communications between the PIC and officials during past 14 months, the officials used several pretexts such as "public importance", exclusive jurisdiction of the Punjab Assembly in oversight of the matter in question, etc.

The commission did not accept the excuses and held that any information involving expenditures from the exchequer could be enquired about and should be public

information. The PIC held that it was also empowered by the law, passed by the Punjab Assembly and which came into effect after the governor's assent without reservations.

Another interesting question arose when the Punjab University refused to share information about the criteria of appointment for its teaching staff, considering that it was institution's confidential matter. The PIC raised the question of transparency under the law. The university took the matter to Lahore High Court where the case will finally and hopefully entail to clarity about the responsibility of the institutions under transparency and right to information.

There is another example about concealing information on plea of institutional privacy and that the information may be abused. A complaint was brought against Deputy Secretary, Department of Information and Culture of Punjab government, about not sharing information regarding the criteria for appointment of staff in Punjab Journalist Housing Foundation.

The commission passed orders to the deputy secretary in November 2015 requiring him to make sure that the information in question was shared as the law stipulated.

In spite of challenges of working with small staff and means, the PIC has made important headway. The PIC conducted 16 orientation and training sessions for 354 civil servants of different departments. It has made itself available to people and organisations desiring to use the right to information mechanism.

Though right to information is a solid and people-friendly method of making public accountability and better governance, it cannot be assumed that overcoming the challenges of corruption, nepotism, institutional fatigue and structural inefficiencies will be an easy feat.