

THE KHYBER PAKHTUNKHWA INFORMATION COMMISSION CONDUCT OF BUSINESS, PROCEDURE AND DISPOSAL OF COMPLAINTS RULES, 2019.

Peshawar, Dated 2nd April, 2019.

No. SO. Estt:(INF)2-6/2018/RTI.- In exercise of the powers conferred by section 32 of the Khyber Pakhtunkhwa Right to Information Act, 2013, the Government of the Khyber Pakhtunkhwa in consultation with the Khyber Pakhtunkhwa Information Commission is pleased to make the following rules, namely:

1. Short title and commencement.— (1) These rules may be called the Khyber Pakhtunkhwa Information Commission Conduct of Business, Procedure and Disposal of Complaints Rules, 2019.

(2) These shall come into force at once.

2. Definition. — (1) In these rules, unless the context otherwise requires,-

(a) “Act” means the Khyber Pakhtunkhwa Right to Information Act, 2013 (KP Act No. XXVII of 2013);

(b) “Schedule” means the Schedule appended to these rules; and

(c) “Wing” means a Wing of the Information Commission.

(2) Words and expressions used in these rules but not defined shall have the same meaning as are assigned to them in the Act.

3. Allocation of work.— (1) The internal management and disposal of business of the Information Commission shall be carried out by the following wings of the Information Commission, namely:

- (a) Administration and Accounts Wing;
- (b) Legal Wing; and
- (c) Information Technology and Communication Wing.

(2) Each Wing under sub-rule (1) shall perform such functions as are assigned to them in the Schedule.

(3) Apart from the work distribution as assigned above the Information Commission may distribute or assign any task or business amongst the Commissioners, officers and other employees of the Information Commission from time to time.

4. Procedure for disposal of complaints filed by citizens under the Act.— (1) The complaints or any other correspondence shall be received by the Admin Officer of the Administration Wing or any other officer or official authorized, in this behalf, by the Information Commission.

(2) The complaint or correspondence so received shall be entered immediately electronically and manually by the concerned official.

(3) After recording entries, the Admin Officer or any other officer or official as so authorized under sub-rule (1), shall forward the complaint to the Legal Wing on the same day. The concerned official of the Legal Wing shall receive the complaint by affixing his signature with date in the Dak Book of Administration Wing. He shall make entries in his record, open proper file and submit the same to the Assistant Registrar within two days.

(4) The Assistant Registrar after a thorough examination shall submit the complaint to the Commissioner concerned suggesting appropriate action on the complaint.

(5) The Commissioner shall pass appropriate orders, either to entertain the complaint or ask the complainant to clarify observations, if any, raised on the complaint.

(6) In case the Commissioner passes orders to entertain the complaint the Assistant Registrar shall issue first notice to the concerned Public body to supply the required information to the complainant within seven days which may be extended to a maximum of fifteen days.

(7) If the Public body fails to supply the information within the time as given in sub-rule (6), the Assistant Registrar shall place the matter before the Information Commission which shall either issue a second notice or summon the Public Information Officer or any other officer of the Public body.

(8) Where the Information Commission issues a second notice, the period to be allowed for supply of information in such case shall not be more than ten days. Where the Information Commission summons the Public Information Officer or other officer, it shall be binding upon such Public Information Officer or other officer to attend the Information Commission at the time and date mentioned in the summons.

(9) If the Public Information Officer or any other officer fails to attend the Information Commission, the Information Commission shall pass appropriate orders either under section 26 or 28 or under both of the sections of the Act.

5. Inquiries.— In light of sub-section (2) of section 26 of the Act, the Information Commission may appoint a Commissioner or Commissioners, or any other officer or officers of the Information Commission, to conduct inquiries and such officer or Commissioners, as the case may be, shall exercise all the powers under sub-section (2) of section 26 of the Act.

6. Procedure for disposal of requests.— (1) On receipt of a request, the Public Information Officer shall collect

the required information from the concerned wing or the officer of the Department, office or Public body in whose custody the information is held, and deliver the same to the requester.

(2) In case of non-cooperation of the concerned wing or the officer concerned for provision of information to the Public Information Officer, the latter shall bring the matter into the notice of the Head of the Department, Office or Public body, as the case may be, in writing and shall also inform the Information Commission.

(3) The Head of the Department, Office or Public body on receipt of the report from Public Information Officer shall direct the concerned officer to deliver the required information to the Public Information Officer so that it could be delivered to the requester within ten days unless such time is extended under sub-section (2) of section 11 of the Act.

(4) In case the concerned officer does not provide the information to the Public Information Officer despite written instructions by the head of the Department or Public body, the Public Information Officer shall immediately inform the Information Commission regarding non-provision of information.

(5) After being so informed under sub-rule (4) above the Information Commission shall take appropriate action and pass orders in light of the Act.

(6) In case where the delay of delivery of information to the Public Information Officer is not reported to the Head of the Department, Office or Public body by the Public Information Officer, then the Public Information Officer shall be deemed responsible for delaying the information.

(7) In case, the Head of the Department Office or Public body on the report of the Public Information Officer under sub-rule (3) above does not issue instructions to the concerned officer for delivery of the Information, then the head of the Public body shall be held responsible for delaying or willfully obstructing the provision of information to the citizen.

7. Administrative matters.— (1) The Information Commission shall have the powers to item-wise distribute the funds received from Government in the shape of grant-in-aid or from any other source for the respective financial year.

(2) The Information Commission shall have the powers to re-appropriate the funds from one head to the other within the available resources subject to "one line budget in shape of grant-in-aid" justification.

8. Authentication of orders, instruments, agreements and contracts, etc.— (1) All executive actions of the Information Commission shall be expressed to be taken in the name of the Khyber Pakhtunkhwa Information Commission.

(2) Save in cases where a Commissioner or an Officer has been specifically empowered to sign an order or instrument on behalf of the Commission, every such order or instrument shall be signed by any of the Commissioners, by the Secretary, or by an officer of the Commission, such signature shall be deemed to be the proper authentication of such order or instrument and shall not be questioned in any court on the ground that it was not made or executed by the Information Commission.

SCHEDULE

(see sub-rule (2) of rule 3)

FUNCTIONS OF ADMINISTRATION AND ACCOUNTS WING

The Administration and Accounts Wing shall perform the following functions, namely:

- (1) Internal administration of Information Commission.
- (2) Maintenance of Service Books and personal files of the employees.
- (3) All matters related to service of the employees.
- (4) Supervision of Diary and Dispatch Section.
- (5) Supervision and countersigning of log Books.
- (6) Preparation of salary slips and submission to the Finance Officer.
- (7) Maintenance of record of all the items, purchased for Information Commission.
- (8) Correspondence with other Organizations/Departments with regard to the matters assigned to the Administration and Accounts Wing.
- (9) Maintenance of cash book for imprest Money/Permanent Advance.
- (10) Preparation of claims of recoupment of imprest money and submission to Finance Officer after obtaining approval of the Competent Authority.
- (11) Preparation of Budget for submission to the Finance Department, Government of the Khyber Pakhtunkhwa.
- (12) Proposal for item wise distribution of allocated funds.
- (13) Maintenance of expenditure registers.
- (14) Maintenance of Cash Book for payments authorized by Information Commission.
- (15) Re-conciliation of cash transactions with the Bank.

- (16) Re-conciliation of statements of expenditure with Administration and Accounts Wing where necessary.
- (17) Proposal for revised estimates.
- (18) Presentation of documents to Audit team.
- (19) Scrutiny and pre-audit of all claims related to the Information Commission and their submission to competent authority for approval.
- (20) Maintenance of record/files and correspondence with other Organizations and Government Departments for the financial matters related to the Information Commission.
- (21) Issuance of salary cheques and monthly pay rolls to the employees.
- (22) Maintenance of record of any deduction from salary.
- (23) Maintenance of separate account for withholding taxes and their deposit in the Government Treasury.
- (24) Preparation of the Annual Financial report and audited accounts for submission to the Provincial Assembly and the Finance Department in light of clause (h) of sub-section (2) of section 25 of the Act.
- (25) Any other work to be assigned by the Secretary or any of the Commissioner or the Chief Commissioner.

LEGAL WING

The Legal Wing shall perform the following functions, namely:

- (1) Receiving of complaints, manually or electronically and taking action under the Act.
- (2) Tendering of advice to any Public body or citizen of Pakistan with reference to any provision of the Act.
- (3) Taking action in light of clauses (a), (b), (c), (d) and (f) of sub-section (2) of section 25 and clause (c) of sub-section (3) of section 25 of the Act.
- (4) Correspondence with complainants and Public Bodies with regard to disposal of a complaint
- (5) Any other work to be assigned by the Commissioner, Incharge of the Legal Wing or the Chief Information Commissioner.

INFORMATION TECHNOLOGY AND COMMUNICATION WING

The Information Technology and Communication Wing shall perform the following functions, namely:

- (1) Keeping liaison with officers designated by the Public bodies as Public Information Officers.
- (2) Updation of reports about requests received by Public Information Officers and complaints received in the Information Commission.
- (3) Maintenance and updation of lists and other particulars of Public Information Officers.
- (4) Facilitate the other officers/officials of the Information Commission about Information Technology related matters.
- (5) Correspondence with other Organizations or Departments with regard to matters assigned to Information Technology and Communication Wing.
- (6) Maintenance of Information Commission's website.
- (7) Uploading of activities of the Information Commission on website.
- (8) Supervision and maintenance of Local Area Network.
- (9) Preparation of presentations.
- (10) Informing the Information Commission about new Information Technology developments.
- (11) Keeping liaison with media with regard to awareness in general public and public bodies under the Act.
- (12) Taking action in light of clause (e) of sub-section (2) of section 25 and clauses (a), (b), (d) and (e) of sub-section (3) of section 25 of the Act.
- (13) Preparation of annual report of the Information Commission in light of clause (g) of sub-section (2) of section 25 of the Act.
- (14) Newsletters and Magazines etc. as decided by the Information Commission.

- (15) Correspondence with other organizations/departments, with regard to the matters assigned to Information and Communication Wing.
- (16) Preparation of Information Commission's strategies and annual communication work plan in light of the Act, and under guidance of the Information Commission.
- (17) Arrangements of press briefings, press conferences and media coverage of all events of the Information Commission.
- (18) Keeping relevant record.
- (19) Coordination with other stakeholders.
- (20) Preparation of reports, briefs and monitoring of progress in the communication realm.
- (21) Any other work to be assigned by the Commissioner Incharge or the Chief Information Commissioner.