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JUDGMENT SHEET

LAHORE HIGH COURT LAHORE
(JUDICIAL DEPARTMENT)

Writ Petition No.33829 of 2026

***Lahore Electric Supply Company (LESCO) through its
Company Secretary***

Versus

***Federation of Pakistan through Secretary Ministry of Information
and Broadcast, and others***

Petitioner by:- Barrister Muhammad Umer Riaz, Rana
Rehan, Barrister Ch. Abubakar, Ch.
Haseeb Tariq and Dahhar Hussain,
Advocates with Ch. Imtiaz Ilahi, C.O.
LESCO.

Respondents by: Mr. Nauman Khalid, Assistant Attorney
General for the Federation of Pakistan
with Laeeq Ahmad Bajwa, Deputy
Director Ministry of Information &
Broadcasting, Islamabad.
Barrister Mian Adnan Tariq and
Muhammad Sheraz Sultan, Advocates
for respondent No.3 (Ateeq Ahmad Khan).

Date of hearing: - **24.06.2026**

JUDGMENT

RAHEEL KAMRAN, J.: Through this petition filed under
Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973
("the Constitution"), the petitioner has called in question the order dated
04.05.2026 passed by the Chief Information Commissioner, Camp
Office, Lahore, whereby Appeal No.5240-12/25 filed by respondent No.3
Ateeq Ahmad Khan, was allowed and the petitioner-Lahore Electric

W.P. No.33829 of 2026

Supply Company (“LESCO”), was directed to furnish to the applicant as well as the Information Commission the information sought by him within ten days.

2. The controversy emanates from an information request made by respondent No.3 Ateeq Ahmad Khan seeking certified copies of the minutes of the 144th HR Meeting held on 27.02.2023 and the 261st Board of Directors Meeting held on 04.05.2025 concerning the promotion of Muhammad Ramzan Butt, who, at the relevant time, was serving as an officer of LESCO. The requisite information was not furnished by LESCO, whereafter respondent No.3 preferred an appeal before the Pakistan Information Commission under section 17 of the Right of Access to Information Act, 2017 (“**the Act of 2017**”). The petitioner-LESCO contested the appeal by filing a written reply, principally maintaining that the requested record was excluded from public record under section 7(a), (b), (c) and (g) of the Act of 2017 and was otherwise exempt from disclosure under section 16 thereof. The Commission, however, allowed the appeal through the impugned order, holding that the final decision regarding the promotion had already been taken and, consequently, the minutes of the meetings no longer enjoyed the exclusion contemplated by section 7(b) of the Act of 2017. Hence, these petitions.

3. Learned counsel for the petitioner contended that the impugned order is contrary to the statutory scheme governing the right of access to information. It was submitted that the minutes sought by respondent No.3 relate to the promotion and service matters of identifiable employees and contain, *inter alia*, information from their service records, ACRs, remarks and observations, disclosure of which would invade their personal privacy and is therefore excluded under section 7(g) of the Act of 2017. Learned counsel further contended that the fact that a final decision had been taken by LESCO did not render the deliberations leading to such decision open to disclosure, as sections 7(a), (b) and (c) expressly protect noting on files, minutes of meetings and intermediary opinions or recommendations subject to a final decision by the public

W.P. No.33829 of 2026

body. According to learned counsel, section 6(d) makes final orders and decisions public record, but does not convert the minutes or deliberations preceding such decision into public record. Reliance was also placed upon section 16(1)(c), relating to invasion of personal privacy, and section 16(1)(i)(iii), which exempts information the disclosure of which is likely to undermine the deliberative process in a public body by inhibiting the free and frank provision of advice or exchange of views. Learned counsel also referred to the judgment of the Islamabad High Court reported as “Pakistan Telecommunication Authority v. Pakistan Information Commission” (2024 YLR 929 Islamabad), contending that the protection available to deliberative material does not cease merely because a final decision has subsequently been made. It was further argued that the Information Commission had acted beyond its lawful mandate by keeping the matter for implementation after passing the impugned order and directing LESCO to furnish the information within a specified period. To substantiate his contentions, learned counsel has also placed reliance on cases reported as “Muhammad Nawaz v. Additional District and Sessions Judge and others” (PLD 2023 SC 461), “Akhtar Ali v. Muhammad Shoaib Ahmad” (2011 CLD 1 Lahore) and “Shahbaz Akmal Jandran v. Province of Punjab through Director General, Excise and Taxation, Lahore and another” (PLD 2025 Lahore 649). Learned counsel also took the Court through case law from Indian jurisdiction such as “Girish Ramchandra Deshpande v. Central Information Commissioner and others” (2013) 1 Supreme Court Cases 212 and “R.K. Jain v. Union of India and another” (2013) 14 Supreme Court Cases 794.

4. Learned Assistant Attorney General for the Federation, as well as learned counsel appearing for respondents No.2 and 3, supported the impugned order. Learned counsel for respondent No.3 submitted that section 7(b) does not confer an absolute or perpetual exclusion upon minutes of meetings; rather, the exclusion is expressly made subject to a final decision by the public body. Since the decision concerning the promotion in question had already been finalized and acted upon, the statutory condition attached to the exclusion no longer remained

operative. It was further contended that the information sought relates to the functioning and decision-making of a public body concerning an official matter and cannot be withheld merely by invoking personal privacy. Learned counsel maintained that the petitioner's reliance upon the exemptions contained in section 16 of the Act of 2017 was equally misconceived and that the impugned order correctly applied the statutory scheme. The objection regarding the Commission's direction for furnishing the information within a specified period was also controverted on the ground that the Commission is expressly empowered under the Act of 2017 to order disclosure and ensure implementation of its decisions.

5. I have heard learned counsel for the parties and examined the record as well as the relevant provisions of the Right of Access to Information Act, 2017 ("the Act of 2017").

6. Before examining the specific objections raised by the petitioner, it would be appropriate to appreciate the constitutional and statutory scheme governing the right of access to information. Article 19A of the Constitution provides the foundational guarantee in the following terms:—

"19A. Every citizen shall have the right to have access to information in all matters of public importance subject to regulation and reasonable restrictions imposed by law."

The language of Article 19A makes access to information a constitutionally guaranteed right of every citizen, albeit subject to such regulation and reasonable restrictions as may be imposed by law. The constitutional guarantee, therefore, does not render every piece of information held by a public body unconditionally accessible; at the same time, any restriction upon the exercise of the right must have the sanction of law and remain within the parameters prescribed by the law. The right is intended to facilitate access to information concerning matters of public importance and thereby promote transparency and accountability in the functioning of public bodies.

W.P. No.33829 of 2026

7. The Right of Access to Information Act, 2017 was enacted to give effect to the aforesaid constitutional guarantee. The legislative purpose underlying the enactment is expressly set out in its Preamble, which, insofar as relevant, provides as follows:—

“WHEREAS Government believes in transparency and the right to have access to information to ensure that the people of the Islamic Republic of Pakistan have improved access to records held by public authorities and promote the purposes of making the Government more accountable to its people, of improving participation by the people in public affairs, of reducing corruption and inefficiency in Government, of promoting sound economic growth, or promoting good governance and respect for human rights;

AND WHEREAS it is expedient to provide for a law which gives effect to the fundamental right of access to information, as guaranteed under Article 19A of the Constitution of the Islamic Republic of Pakistan and international law, whereby everyone shall have the right to have access to all information held by public bodies subject only to reasonable restrictions imposed by law and for matters connected therewith or incidental thereto;”

The Preamble thus makes it vivid that the legislation is not merely procedural in character; rather, it constitutes the statutory mechanism for giving effect to a fundamental right and is designed to advance transparency, governmental accountability, public participation, good governance and respect for human rights. The expression “subject only to reasonable restrictions imposed by law” is also significant, as it reflects the constitutional balance between the citizen’s right of access and the legitimate restrictions which the Legislature may prescribe.

8. The general rule governing access to information is then expressly enacted in section 3 of the Act of 2017, which provides:—

“3. Right to have access to information not to be denied.---(1) *Subject to the provisions of this Act, no applicant shall be denied access to information or record held by a public body.*

(2) This Act shall be interpreted so as to advance its purposes as set out in the preamble and to---

*(a) promote the right of access to information; and
(b) facilitate and encourage promptly the disclosure of the information at the lowest and reasonable cost.”*

Section 3 thus establishes the basic statutory rule that access to information or record held by a public body shall not be denied, while expressly making that right subject to the provisions of the Act itself. More importantly, subsection (2) prescribes the interpretive approach to be adopted in applying the Act: its provisions are to be construed so as to advance the purposes stated in the Preamble, promote the right of access to information and facilitate its prompt disclosure. Consequently, the exclusions and exemptions contained elsewhere in the Act cannot be construed independently of this overarching legislative policy. They must be applied according to their language, purpose and statutory limits, without either defeating the right of access or enlarging an exception beyond the scope intended by the Legislature.

9. Against the above constitutional and statutory framework, the controversy may now be examined with reference to the particular record sought by respondent No.3 and the exclusions and exemptions relied upon by the petitioner. The first question which arises is whether the minutes of the meetings in question continued to enjoy the exclusion contemplated by section 7(b) of the Act after the decision concerning the promotion had been finally taken by the public body.

10. The petitioner does not dispute that the requested minutes are in possession of the LESCO, which being a body falling within the definition of “public body” contained in section 2(ix) of the Act of 2017, is consequently subject to the obligations imposed by the Act. The controversy, therefore, is not whether the petitioner-LESCO is amenable to the Act, but whether the particular record sought by respondent No.3 falls within any subsisting exclusion under section 7 or exemption under section 16 thereof.

11. To determine whether the minutes sought by respondent No.3 are presently accessible under the Act, it is necessary to examine

W.P. No.33829 of 2026

the statutory scheme governing what constitutes public record and in particular, the treatment accorded by the Legislature to minutes of meetings and other deliberative material. Section 6, subject to the exclusions contained in section 7, declares specified categories of record to be public record. The relevant provisions read as follows:—

“6. Declaration of public record.---Subject to the provisions of section 7, the following record of all public bodies is hereby declared to be the public record, namely;---

(a) - - - - -

(b) - - - - -

(c) - - - - -

(d) Final orders and decisions, including decisions relating to members of public- - - ”

The Legislature has, however, expressly qualified the operation of section 6 by enacting section 7, which provides, insofar as relevant to the controversy before this Court:—

“7. Exclusion of certain record.---Nothing contained in section 6 shall apply to the following record of all public bodies, namely:---

(a) Noting on the files, subject to a final decision by the public body;

(b) Minutes of meetings, subject to a final decision by the public body;

(c) Any intermediary opinion or recommendation, subject to a final decision by the public body;

(d) - - - - -

(e) - - - - -

(f) - - - - -

(g) Record relating to the personal privacy of any individual- - - ”

12. The statutory language reproduced above is significant. Section 6 declares, *inter alia*, final orders and decisions to be public record, but does so expressly subject to section 7. Section 7, in turn, creates specific exclusions from the operation of section 6. Insofar as minutes of meetings are concerned, however, the Legislature has not created an absolute or perpetual exclusion; rather, it has expressly made the exclusion “subject to a final decision by the public body”. The same qualification has been employed in respect of noting on files under clause (a) and intermediary opinion or recommendation under clause (c). The

duration of the exclusion is, therefore, controlled by the statutory condition expressly attached to it.

13. In the present case, the minutes sought by respondent No.3 concern the consideration and decision regarding promotion of Muhammad Ramzan Butt. The Information Commission examined the record and found that the decision concerning his promotion had already been finalized and acted upon through the office order referred to in the impugned order. Once the public body had taken its final decision on the matter which was the subject of the deliberations, the statutory condition upon which the exclusion under section 7(b) rests ceased to operate. The petitioner's contention that the minutes continue to remain excluded merely because they contain deliberations which preceded the final decision would render the words "subject to a final decision by the public body" redundant, which cannot be attributed to the Legislature. Reliance in this regard may be made to the cases of "Messrs Pakistan Television Corporation Limited v. Commissioner Inland Revenue (Legal), LTU, Islamabad and others" (2017 SCMR 1136), "Searle IV Solution (Pvt.) Ltd. and others v. Federation of Pakistan and others" (2018 SCMR 1444), "Justice Shaukat Aziz Siddiqui and others v. Federation of Pakistan through Secretary Law and Justice, Islamabad and others" (PLD 2018 SC 538) and "Directorate of Intelligence and Investigation-FBR, through Director and others v. Taj International (Pvt.) Ltd. and others" (2025 PTD 1270).

14. The submission that section 6(d) makes only the final decision public and consequently preserves the confidentiality of the deliberations leading thereto even after the decision has been made, does not withstand the plain language of section 7(b). Sections 6 and 7 have to be read harmoniously. Section 6 identifies the record declared to be public record, whereas section 7 specifies the record which, notwithstanding section 6, remains excluded and, in the case of minutes of meetings, expressly makes such exclusion subject to a final decision by the public body. To accept the petitioner's interpretation would be to render the qualifying words "subject to a final decision by the public body" practically meaningless. Such an interpretation cannot be adopted

W.P. No.33829 of 2026

when the Legislature has consciously attached a condition to the exclusion.

15. The petitioner, however, seeks to sustain withholding of the requested record independently of section 7 by invoking the exemptions contained in section 16 of the Act. It is, therefore, necessary to examine the relevant provisions thereof. Section 16, insofar as material to the controversy, provides:—

“16. Information exempt from disclosure.---(1) Subject to the provisions of this Act,---

(a) A public body shall not be required to disclose exempt information,---

(i) provided that where only part of a record or the information falls within the scope of the exceptions provided for in this Act, that part shall be severed and the residual record or information shall be provided to the applicant; and

(ii) - - - - -

(b) - - - - -

(c) Information is exempt if its disclosure under this Act would involve invasion of privacy of an identifiable individual, including a deceased individual, other than the applicant. This exception shall not apply where---

(i) - - - - -

(ii) - - - - -

(iii) the third party is or was an official of a public body and the information relates to his functions as a public official;

(d) - - - - -

(e) - - - - -

(f) - - - - -

(g) - - - - -

(h) - - - - -

(i) Information may be exempt if its disclosure is likely to---

(i) cause prejudice to the effective formulation or development of government policy;

(ii) frustrate the success of a policy, by premature disclosure of that policy;

(iii) undermine the deliberative process in a public body or inhibiting the free and frank provision of advice or exchange of views----- ”

The above provisions make it clear that the exemptions contemplated by section 16 operate on a basis distinct from the conditional exclusion

contained in section 7(b). While the latter ceases to operate upon the occurrence of the statutory event specified therein, i.e., a final decision by the public body, a claim under section 16 must independently satisfy the particular statutory requirements of the exemption invoked. The petitioner's reliance upon the deliberative nature of the meetings may, therefore, be examined on that footing.

16. Section 16(1)(h)(iii) permits exemption where disclosure is likely to undermine the deliberative process in a public body by inhibiting the free and frank provision of advice or exchange of views. The exemption, therefore, is not attracted merely because a record contains deliberations; the statutory test as to the likelihood of the specified prejudice must also be satisfied. In the present case, the petitioner has not demonstrated how disclosure of the minutes, after the decision concerning the promotion had been finalized and acted upon, is likely to undermine any continuing deliberative process. A general apprehension that disclosure of deliberations may inhibit frankness in future decision-making, without demonstrating the statutory prejudice contemplated by section 16(1)(h)(iii), cannot by itself justify withholding the record.

17. The plea founded upon personal privacy also does not justify withholding the entire record. The petitioner has principally relied upon section 7(g), which excludes from public record "record relating to the personal privacy of any individual", as well as section 16(1)(c), which permits exemption in respect of information the disclosure of which would constitute an unwarranted invasion of the privacy of an identifiable individual. The mere fact that the minutes concern an identifiable officer and relate to his promotion does not, however, make the entire record a thing of his personal privacy. The information sought concerns the decision-making process of a public body in relation to promotion to a public office and, in that sense, bears upon an official matter. Moreover, section 16(1)(c) itself recognizes an exception where the third party is or was an official of a public body and the information relates to his functions as a public official. The petitioner has not

established that disclosure of the requested minutes, as a whole, would constitute an unwarranted invasion of personal privacy within the meaning of the Act.

18. This Court is conscious that the minutes of a meeting may, depending upon their contents, contain information which is genuinely personal or otherwise falls within a statutory exemption. However, that possibility cannot justify withholding the entire record. The Legislature has expressly provided in section 16(1)(a)(i) that where only part of a record falls within the scope of an exception, that part shall be severed and the residual record or information shall be provided to the applicant. Therefore, if any specific portion of the minutes is demonstrably protected by a valid statutory exemption, the same may be severed in accordance with law; such possibility, however, does not revive the otherwise expired exclusion under section 7(b) or entitle the petitioner-LESCO to withhold the minutes in their entirety.

19. The argument that respondent No.3 failed to disclose any public interest or reasons for seeking the information is also without substance. Section 11(5) of the Act of 2017 expressly provides that in no case shall an applicant be required to provide reasons for his request. The petitioner, therefore, could not lawfully require respondent No.3 to disclose the purpose or justification for which he sought the requested record. The statutory right is thus not made contingent upon the applicant first establishing his personal interest or demonstrating a particular purpose for seeking information.

20. The petitioner's further objection that the Information Commission lacked jurisdiction to keep the matter for implementation is also misconceived. The statutory scheme itself contemplates implementation of decisions of the Commission. Section 19(2)(e) assigns to the Commission the responsibility to ensure implementation of the Act and the record to be made public under it, while section 20(1)(e) empowers the Commission to order a public body to disclose information to an applicant or to take such other reasonable measures as it may deem necessary to remedy any failure to implement the Act. The direction

requiring LESCO to furnish the information within a specified period was, therefore, consequential to the decision allowing the appeal and fell within the statutory framework governing enforcement of the Commission's decision. The mere fact that the matter was fixed for implementation could not, by itself, render the impugned order without lawful authority.

21. It is also pertinent that, in an appeal under section 17, the public body bears the burden of proof to establish that it acted in accordance with the Act. The petitioner, despite raising several objections, has not established that the requested minutes fall within any subsisting exclusion under section 7 or satisfy the requirements of any exemption under section 16 so as to justify their complete withholding. The impugned order, therefore, cannot be characterized as having been passed in disregard of the statutory scheme. On the contrary, the Information Commission correctly appreciated that the final decision having already been taken, the conditional exclusion contained in section 7(b) was no longer available to the petitioner-LESCO.

22. The authorities relied upon by learned counsel for the petitioner do not alter the above conclusion, as the questions considered therein are materially distinguishable from the precise controversy arising in the present case. In the case of *Pakistan Telecommunication Authority*, the Islamabad High Court was concerned with a request for the minutes of a meeting relating to a licence and while noticing section 7 of the Act of 2017, observed that the protection afforded to minutes was subject to a final decision by the public body and directed that the final decision be furnished. The judgment, however, did not examine the precise question whether the statutory exclusion of minutes under section 7(b) continues after the public body has taken the final decision to which the statutory qualification expressly relates. The said judgment, therefore, does not lay down a contrary principle so as to displace the interpretation which follows from the plain language of section 7(b). Likewise, the cases of *Muhammad Nawaz*, *Girish Ramchandra Deshpande* and *R.K. Jain* principally concern the protection of personal information, service

W.P. No.33829 of 2026

records, ACRs and the right to privacy, rather than the duration or operation of the conditional exclusion relating to minutes of meetings under section 7(b) of the Act of 2017. The judgment in the case of *Shahbaz Akmal Jandran* likewise dealt with the scope of the right to information vis-à-vis the privacy of individuals under the Punjab Transparency and Right to Information Act, 2013 and not with the statutory consequence of the words “subject to a final decision by the public body” occurring in section 7(b) of the federal Act of 2017. The remaining authorities cited by learned counsel also do not address the specific statutory question presently before the Court and, therefore, cannot be regarded as controlling the interpretation of section 7(b) in the facts of the present case.

23. For the foregoing reasons, this Court finds no illegality, jurisdictional defect or misreading of the provisions of the Act of 2017 in the impugned order dated 04.05.2026. The petitioner’s objections seek to sustain exclusions and exemptions beyond the scope prescribed by the Legislature and, therefore, do not warrant interference in constitutional jurisdiction. Consequently, the petition in hand is dismissed. There shall, however, be no order as to costs.

(RAHEEL KAMRAN)
JUDGE

Announced in the Open Court on 01.09.2026.

JUDGE

Approved for reporting.

JUDGE

*Azhar**