



In the Pakistan Information Commission, Islamabad

Appeal No 1457-11/21

Pervez Said

(Appellant)

Vs.

Cabinet Division

(Respondent)

Order

Date: January 11, 2022

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed an appeal, dated November 03, 2021, to the Commission, stating that he submitted an information request to The Cabinet Secretary Cabinet Division on October 05, 2021 under the Right of Access to Information Act 2017 but did not receive the requested information from the public body.
2. The information sought by the Appellant is as under:-
 - i. *“Please provide a list of all gifts received by government/ Public functionaries from foreign states, dignitaries and others reported to the Toshakhana of the Cabinet Division since August 2018.*
 - ii. *Please indicate whether and how the said gifts have been disposed of under the procedure for the Acceptance and Disposal of Gifts laid down in Office Memorandum No.8/5/2017. TK dated 18th December, 2018 of the Cabinet Secretariat.*

B. Proceedings

3. Through a notice dated November 09, 2021 sent to the Public Information Officer/Deputy Secretary, Cabinet Division called upon the Respondent to submit reasons for not providing the requested information.
4. The Appeal was fixed for hearing on December 16, 2021 and both parties were informed through notices sent on November 29, 2021.
5. Mr. Muhammad Ahad, Deputy Secretary, Cabinet Division attended the hearing and requested time for the provision of the information. The hearing was adjourned for December 23, 2021.
6. Mr. Muhammad Ahad, Deputy Secretary, Cabinet Division and Ms. Nida Rehman, Section Officer, Cabinet Division attended the hearing held on December 23, 2021. The Representatives maintained that subject matter of the requested information is identical to

an earlier Appeal on which the commission issued Order and that Order was challenged in Islamabad High Court and pending decision. They also submitted that the commission should await decision of IHC. The commission maintained that though the requested information pertained to the Tosha Khana, subject matter in the instant appeal is different. Furthermore, the commission also held that Islamabad High Court has not issued stay order regarding matters pertaining to Tosha Khana.

C. Issues

7. The instant appeal has brought to the fore following issue:
 - (a). Can the commission issue directions on a matter pending decision in Islamabad High Court when the Honourable court has not issued stay Order?
 - (b). Can the requested information in the instant Appeal be made public under the Provisions of the Right of Access to Information Act, 2017, henceforth referred to as “the Act”?

D. Commission’s View on Relevant Issues

8. This commission is of the view that although the Respondent has filed petition in Islamabad High Court against the Order of the commission in Appeal No. 810-12/20 Rana Abrar Khalid VS Cabinet Division, the Honourable Islamabad High Court has not issued stay Order on the Order of the commission. As such, it is statutory duty of this commission to decide the instant appeal based on available record.
9. As far as the requested information *“Please provide a list of all gifts received by government/ Public functionaries from foreign states, dignitaries and others reported to the Toshakhana of the Cabinet Division since August 2018”*, is concerned, this commission holds that this information not only be disclosed, the list should be made available on the web site of the Respondent.
10. So far as the requested information *“Please indicate whether and how the said gifts have been disposed of under the procedure for the Acceptance and Disposal of Gifts laid down in Office Memorandum No.8/5/2017. TK dated 18th December, 2018 of the Cabinet Secretariat”* is concerned, this commission also holds that the requested information should not only be disclosed to the Appellant, it should also be made available on the web site of the Respondent.
11. This commission has already held in Appeal No. 810-12/20 Rana Abrar Khalid VS Cabinet Division that “while giving „personal touch“ to inter-state relations through the exchange of gifts between the Heads of States and Heads of Governments is a normal practice in the conduct of international relations, relations between any two states are dictated by common interests. At best, the “personal touch“ supplements but in no way can supplant the role of common interests in determining the outcome of inter-state relations. In short, it is change in the shared common interests between two states, and not the exchange of gifts for personal touch between Heads of States and Heads of Governments which has any qualitative impact on inter-state relations.
12. This commission has earlier held that opacity and secretive ways of running the affairs of the government breed corruption and damage interests of the people of Pakistan and not the media stories based on certified information.

13. While this commission does not foresee any possible harm that the disclosure of the requested information may entail, benefits of disclosing the requested information can hardly be exaggerated.
14. It is not certified information but absence of certified information that contributes to media hype and resulted in unwarranted stories, creating trust-deficit between citizens and public institutions.
15. The disclosure of requested information about *“how the said gifts have been disposed of under the procedure for the Acceptance and Disposal of Gifts laid down in Office Memorandum No.8/5/2017. TK dated 18th December, 2018 of the Cabinet Secretariat”*, will dispel rumours about the reporting of the gifts to „Tosha „Khana“ by the public officials and their retention price and which elected representative or public official retained which gift at what price.
16. When certified information about these gifts will be made available in the public domain for everyone to see, citizen of Pakistan will know that the gifts received on their behalf are being properly managed. Availability of the certified information about the gifts deposited in „Tosha Khana“ in public domain will not only make the entire process about the management of these gifts open and transparent, it will contribute to reducing trust-deficit between citizens and public institutions contributed by opacity and secretive ways of functioning of public institutions. Even citizens of the states on whose behalf gifts are received by our elected representatives and public officials will come to know that their gifts are properly managed, resultantly strengthening people-to-people and inter-state relations.
17. In this regard, it is important to make reference to how the former Prime Minister of Malaysia, Dr. Mahathir bin Mohamad, developed and implemented a transparent model for display of various gifts, souvenirs and awards received by himself and his wife from world leaders, statesmen and even his own citizens. Through establishment of the **Galeria Perdana** in Langkawi, the Prime Minister wished to give access to Malaysian citizens to the gifts/souvenirs/awards received by their Prime Minister and his wife, on their behalf. The Galeria Perdana comes under the Department of Museums, Malaysia and details on how to access the same are available on the Department’s website (*see: <http://www.jmm.gov.my/en/museum/galeria-perdana>*).

E. Order

18. *Appeal is allowed. The Respondent is directed to provide a list of all gifts received by government/ Public functionaries from foreign states, dignitaries and others reported to the Toshakhana of the Cabinet Division since August 2018 and how the said gifts have been disposed of under the procedure for the Acceptance and Disposal of Gifts laid down in Office Memorandum No.8/5/2017. TK dated 18th December, 2018 of the Cabinet Secretariat. This information be shared with the Appellant with intimation to the commission within 10 working days of the receipt of this Order.*
19. The Respondent is directed to put on its web site Rules under which gifts are retained by the recipients along with all categories of information mentioned in Section 5 of the Right of Access to Information Act 2017 and submit the compliance report to the commission within 10 working days of the receipt of this Order.

20. Copies of this order be sent to the Respondent, Cabinet Division and the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Fawad Malik

Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on:

January 11, 2022

This order consists of 4 (four) pages, each page has been read and signed.