

IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

Appeal No. 2041-07-06/2022

Azra Ahmad

Vs

Election Commission of Pakistan

Fawad Malik: Information Commissioner

**A. APPEAL**

1. Miss. Azra Ahmad filed an e-mail request under the Right of Access to Information Act, 2017 read with Article 19A of the Constitution of Islamic Republic of Pakistan, 1973. Through her application dated 08.03.2022 addressed to the Secretary, Election Commission of Pakistan she has sought the following information:

*“I have a complaint to make my CNIC NO 35202-4932248-4 has temporary and permanent address which is the same and it is 9 Liaqat Park Sultan Ahmad Road Ichra Lahore. I have always voted at my address in the polling station closest to this address however I checked my vote some weeks back at 8300 and my block code came out to be 35202-4932248-4  
Consensus block code: 185040301  
Sr. No. 1369  
Family No. 1763  
Polling Station: Islamia Colony, Shahdara, Lahore  
Please share all source documents that were used to initiate the transfer of my vote. Please share a system generated report / screenshot showing the complete transfer history of my vote. Please include the following information separately if not available in the screenshot/system generated report. Date of transfer. Operator's name who did the transfer. Name and designation of all approvers who approved the transfer. Reference to Election law & rules under which the transfer was made.”*

2. Feeling aggrieved for the non-provision of information within the period provided under the Act, she has filed appeal before the Pakistan Commission on access to information, Islamabad.

Appeal No. 2041-07-06/2022

**B. PROCEEDINGS**

3. The Secretary, Election Commission of Pakistan vide letter dated 18-07-2022, was directed to provide reasons in writing within seven working days as to why the requested information has not been provided to the applicant as under section 14 of the Right of Access to Information Act 2017, each public body is bound to respond to a request as early as possible and in any case not later than ten working days of the receipt of the request.
4. The reply was not submitted therefore the appeal was fixed for hearing before the Commission on 17.8.2022 but neither was the reply submitted nor any one appeared to represent the respondent public body.

### **C. COMMISSION'S VIEW**

5. While dealing with the matters related to information and record sought by the citizens under the Act 2017, the public bodies are under obligation to respond the applications as mandated in the Act. In the case in hand the respondent has not acknowledged the application, information is not provided to the applicant in the stipulated time frame and the notices of the Commission are ignored. The reply is not submitted and the hearing before the Commission was not represented by the public body. It is presumed that the respondent public body is willfully avoiding the proceedings before the Commission and that the public body has nothing in the sleeves to submit in the defence. In such like circumstances the Commission is left with no option but to decide the appeal ex parte after going through the file in light of the Act.
6. The appellant being a citizen of the country is holding National Identity Card. It transpired to her that her polling station is shifted to Islamia Colony, Shahdara at far off area from her residence at Ichra, Lahore. In this context the appellant has inquired the information and record detailed in her application. She has requested the said information and record invoking the right under the Act and Article 19A of the Constitution of Pakistan.
7. Bare reading of the request alarms a very vital and spirited interrogation of public importance that if not addressed at the earliest

Appeal No. 2041-07-06/2022

may affect a large number of voters in the election process. The voters including the appellant has the privileged right to know whether the selection of polling stations has been made in line with the policy of ECP keeping in view their ease or has been made under some political pressure against their interest. The right of access to the information

and record is fundamental right guaranteed under article 19A of the Constitution of Islamic Republic of Pakistan, 1973 and statutory right under the Right of Access to Information Act, 2017. This right cannot be delayed or denied on the pretexts and whims of beurocratic hurdles and delaying tactics as it would amount to infringement of fundamental rights.

8. Transparency in the working of the government departments is the essence for the enactment of the Act 2017. Its spirit is to ensure that the people of the Islamic Republic of Pakistan have access to the records held by the federal public bodies for making the government accountable to the people. This practise would improve the participation of the people in the public affairs aimed at reducing corruption, misuse of authority and power, nepotism, discrimination and inefficiency in the governance.

#### **D. ORDER**

9. The appeal is allowed. The Secretary, Election Commission of Pakistan is directed to furnish the appellant all the requested information and record detailed in para 1 of this order, forthwith, but in any case not later than seven days of the receipt of this order.

Mohammad Azam  
Chief Information Commissioner

Fawad Malik  
Information Commissioner

Zahid Abdullah  
Information Commissioner  
Announced on 23.08.2022

Certified that this order consists of 03 pages, each page has been read and signed.