

IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

Appeal No. e-298-07/2022

Muhammad Ahmad

Vs

District Election Commissioner

Fawad Malik: Information Commissioner

**A. APPEAL**

1. Mr. Muhammad 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 the application dated 24.06.2022 addressed to the District Election Commissioner, Ghotki with a copy to the Secretary, Election Commission of Pakistan he has sought the following information:

- a. *“Figures of total funds provided for General Elections 2018.*
- b. *Number of Employees deployed at polling stations designation wise as defined below for your ease:*
  - i. *No of Presiding Officer with remuneration/payment to each and then total expense incurred in books of accounts under this category of staff, (number of staff x payment to each and total).*
  - ii. *No of support staff (whose remuneration is same) i.e. Assistant Presiding Officer, Polling Officers and any staff. (number of staff x payment to each and total).*
  - iii. *No. of Auxiliary staff (whose remuneration is same) i.e. Naib Qasid, Guards (Chowkidars), etc. (number of staff x payment to each and total).*
  - iv. *Any other expenditure incurred in the books of account during the Election Day.*
  - v. *Any other expenditure not mentioned above, may be provided separately.*

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- c. *Expenditure incurred in the books of account for training purpose held before General Elections 2018 for the staff mentioned in para B sub-para a and b, or any other category other than above, separately.*
- d. *Number of staff remained absent category wise as mentioned above in Election duty and their remuneration/honorarium have been deposited back in Govt. treasure. OR Any other payment which has not been resumed mention separately with details.*
- e. *Provide the details of funds which were either additionally consumed or required along with its budgetary head.*
- f. *Any other information related to above expense which deemed to be provided necessary or otherwise.*
- g. *That, please provide the details of funds incurred during By-Elections held during year 2019, in constituency NA-205 (Ghotki-II) after the demise of Ex-Member of National Assembly Mr. Ali Mohammad Khan Mahar. Provide details in the same ways as mentioned above.”*

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

## **B. PROCEEDINGS**

3. The Secretary, Election Commission of Pakistan vide letter dated 03-08-2022, 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  
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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 citizens bear the expenditures of the government. These expenditures are made from the money paid by them therefore they have the right to know the utilization of their money paid through the taxes.
7. The detailed budget of the public body, including the proposed and actual expenditures, original or revised revenue targets, actual revenue receipts, revisions in the approved budget and the supplementary budget are the categories of public record that should be published including uploading over the internet in a manner that best ensures its accessibility to the general public.
8. 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.
9. 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.

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#### **D. ORDER**

10. The appeal is allowed. The District Election Commissioner, Ghotki 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.

Copy of this order be transmitted to the Secretary, Election Commission of Pakistan.

Mohammad Azam  
Chief Information Commissioner

Fawad Malik  
Information Commissioner

Zahid Abdullah  
Information Commissioner  
Announced on 23.08.2022

Certified that this order consists of 04 pages, each page has been read and signed.