

IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

APPEAL NO. 091-07/2019

Shahbaz Akmal Jandran (Appellant)

Vs

Chief Election Commissioner of Pakistan (Respondent)

ORDER

11-02-2020

Fawad Malik, Information Commissioner

A. APPEAL:

1. The brief facts of the appeal are that Shahbaz Akmal Jandran, Advocate (Appellant) filed his appeal before the commission on 12.07.2019 with the assertions that he had submitted and requested through his application from the Chief Election Commissioner of Pakistan (respondent) to provide information under article 19A of the Constitution of Pakistan read with the Right of Access to Information Act 2017, but the respondent public body has failed to respond on his application.

2. The detail of the information and record sought by the applicant in his application dated 28.03.2019 are reproduced hereunder;

- “1. *How much budget was allocated to CEC Office/ECP Headquarters since 1st July 2017 to date for POL, especially for repair, maintenance of vehicles and oil change etc, and how much was consumed?*
2. *Which auto workshops have been hired for repair, maintenance of official vehicles and for oil change etc since 1st July 2017 to date. Please provide details of agreements and advertisement etc.*

Pakistan Information Commission
Government of Pakistan
Islamabad



(2)

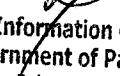
3. How much these auto workshops have been paid against the repair, maintenance of official vehicles and for oil change since 1st July 2017 to date. Please provide copies of receipts.
4. How many inquiries are under process against misuse of POL funds etc. Please.
5. provide list of employees involved in inquiries.
6. What is the prescribe limit for use of CEC, Members of ECP, DG,s Directors and other officers in CEC office and what actually was availed since 1st July 2017 to date.
7. How many official vehicles are in use of CEC, ECP Members, DG,s Directors and other officers in CEC office and what is their prescribed entitlement ? Please provide details."

B. PROCEEDINGS:

3. The Commission served upon the Secretary of the respondent notice dated 24.07.2019 with the direction to provide reasons within seven working days as to why the requested information has not been shared with the appellant with in the period of ten working days as required under section 14 of the Right of Access to Information Act 2017. The notice was not responded nor the information was shared therefore the appeal was set down for hearing before the Commission on 22.01.2020 and both the appellant as well as the respondent were informed vide notices dated 23.12.2019.
4. Nobody on behalf of the respondent appeared before the commission at the time of hearing to defend the public body.

C COMMISSION'S VIEW

- a) Except the list of the names of employees involved in inquiries(unless finalized), rest of the requested information *prima facie* is enlisted in section 6 of the Act as public record and is open for disclosure under Right of Access to Information Act 2017.
- b) The respondent has failed to respond to the application submitted by the appellant as required under section 13 and 14 of the Act. The notice sent by the commission for the provision of the requested information was also ignored and no one appeared before the commission, to represent the public body at the time of hearing. This amounts to willful and deliberate obstruction by preventing and delaying the disclosure of information to the appellant, liable to imposition of fine under section 20(f) of the Right of Access to Information Act 2017, but taking lenient view the respondent is expected to be careful in future .


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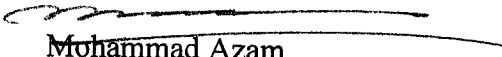


(3)


- c) The very purpose of this Act is to ensure that the citizens have improved access to record held by the public authorities and promote the purposes of making the government more accountable to it's people, will be defeated if the public authorities behaves adamantly .
- d) The article 19A of the Constitution of Pakistan ensures the provision of information to the citizens as fundamental and constitutional right which can neither be denied nor abridged at the whims of the pubic authorities.

D ORDER

5. The appeal is partly allowed. The respondent is directed to provide the requested information except the names of the employees involved in inquiries to the appellant within ten working days of the receipt of this order.



Muhammad Azam
Chief Information Commissioner


Fawad Malik
Information Commissioner


Zahid Abdullah
Information Commissioner

Announced on:
February 11, 2020

This order consist of 3 (three) pages, each page has been read and signed.


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