

IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

APPEAL NO. 206-12/2019

Shahbaz Akmal Jandran  
Vs  
Election Commission of Pakistan


Date: 26.2.2020  
Fawad Malik  
Information Commission

A. APPEAL:

1. Shahbaz Akmal Jandran Advocate (appellant) has filed the appeal before the Commission under the Right of Access to Information Act 2017 read with article 19-A of the Constitution of Pakistan against the Election Commission of Pakistan (respondent). The appellant complains in his appeal that he has not received any response from the public body despite the lapse of considerable period.

2. The appellant through his application dated 29.7.2019 has asked for the following information from the respondent:

- “1- When ECP released assets details Parliamentarians/Lawmakers under section 138 of the Election Act 2017?
- 2- When ECP issued any notification or press release in this matter? Please provide copy of such notification or press release.
- 3- Whether such notification or press release was uploaded on ECP's official website or not? If same was not uploaded on ECP's official website, then please mention the reasons?
- 4- How many copies of assets details have been published? Please provide details about Senate/NA/PA's separately.
- 5- Whether number of copies printed by ECP, were enough for dissemination purpose?
- 6- Who suggested/recommended the number of copies? Who finalized the printing order?
- 7- How many copies of assets declarations have been sold out by ECP? Please provide details along with names of purchasers.
- 8- How, ECP fixed the rates of assets declarations copies? Please provide the copy of such notification/decision.
- 9- How many copies of assets declaration have been distributed free of cost between Media persons belong to Federal Capital? Please provide the names of such media persons along with their organizations.
- 10- Who decided to distribute free of cost copies of assets details of lawmakers between media personals? Please provide the copy of such order if any.

  
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- 11- *Whether copies of assets details have been distributed free of cost between media person belong to Provincial Capitals, Karachi/ Lahore/Peshawar/Quetta etc? If not then please mention the reasons.*
- 12- *Whether ECP does not want to disseminate assets declarations throughout the country?*
- 13- *How ECP planned to disseminate the assets details of Parliamentarians throughout the country? How 220 Million people can know about the asset's details of their representatives? Please provide details and copy of such plan.*
- 14- *Whether ECP uploaded details of assets declarations of lawmakers on its official website or not? If not then please mention the reasons.*
- 15- *How many written or verbal requests for purchase of copies of assets declarations have been pending with ECP? Please provide details."*

**B. PROCEEDINGS:**

3. After taking the cognizance of the appeal the Commission issued notice dated 28.1.2020 to the Secretary of the public body to provide reasons in writing within seven days as to why the requested information has not been provided to the applicant within the stipulated time as required under section 14 of the Right of Access to Information Act 2017.

4. The notice was not responded nor the written reply was submitted hence the appeal was set down for hearing before the Commission on 26.2.2020 and both the appellant as well as the respondent were informed accordingly vide notices dated 12.2.2020.

**C. COMMISSION'S VIEW:**


- a. The appellant has desired certain record related to the publication of the statement of assets and liabilities of the members of the parliament as required under section 138 of "The Election Act 2017". The same reads as under;

*"138. The Commission shall publish in the official Gazette the statements of assets and liabilities received by it under section 137 and any person may obtain copies of a statement of assets and liabilities on payment of prescribed fee."*

The notifications, press releases and the detail of assets of the parliamentarians are the category of information/record that needs to be proactively and voluntarily disclosed including computerization and uploading over the internet by the public body as required under sections 5 & 8 of the Act.

Furthermore section 138 of "The Election Act 2017" requires the Election Commission of Pakistan to publish in the official Gazette the statements of assets and liabilities of every member of an Assembly and Senate and any person may obtain copy thereof on the payment of prescribed fee.

- b. Apart from the information/record the appellant has raised multiple questions and queries, connected with the publication of the assets, in his application submitted for

  
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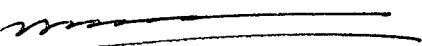


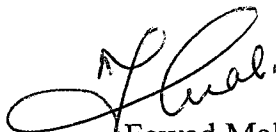
request before the respondent. These questions and queries do not come within the definition of public record. According to section 2(v) of the Act the "information" means information based on record and the "record" has been defined in the section 6 of the Act.

- c. The respondent has not followed the procedure provided in section 13 of the Act for the processing of the information request by not responding to the appellant. The respondent has also ignored the two notices of the Commission and failed to appear before the Commission or through its representative at the time of hearing. This amounts to the willful and deliberate obstruction in the disclosure of information warranting section 20(g) of the Act.
- d. The appellant has invoked the Constitutional and Statutory rights under article 19-A of the Constitution and the Right of Access to Information Act 2017, for the provision of the requested information. These rights cannot be denied or delayed being his fundamental right.
- e. The purpose of the enactment of this Act is to ensure the improved access of the citizens to the records held by the public authorities to make the Government more accountable to its people in public affairs.

#### D. ORDER

5. The Appeal is Allowed. The respondent is directed to provide the appellant the requested information/record in accessible form forthwith but not later than ten days.

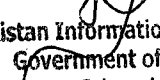
  
 Mohammad Azam  
 Chief Information Commissioner

  
 Fawad Malik  
 Information Commissioner

  
 Zahid Abdullah  
 Information Commissioner

Announced on:  
 February 26, 2020

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

  
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