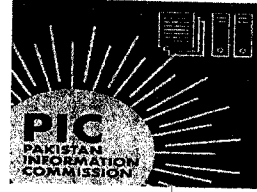


Pakistan Information Commission  
Information Services Academy  
Zero Point, Islamabad



Appeal No-205-12/2019

Shahbaz Akmal Jandran

(Appellant)

Vs.

Election Commission of Pakistan

(Respondent)

**ORDER**

Date: March 03, 2020

**Mohammad Azam:** Chief Information Commissioner

**A. The Appeal**

1. The Appellant filed an appeal with the commission on 19/08/2019 in which he stated that he had requested information from Election Commission of Pakistan under article 19-A of the Constitution of Islamic republic of Pakistan, 1973 read with the Right of Access to Information Act 2017.

2. The information sought by the Complainant, through application dated 25/07/2019, is as under:

*“ When and how many AUCTIONS and DISPOSALS have been done by Chief Election Commission of Pakistan office/ Election Commission Head office Islamabad, during the period of 1-7-2017 to 30-6-2019? Please provide.... ”*

- (i) *Total number of AUCTIONS have been done during the period of 1-7-2017 to 30-6-2019 in Election Commission Head office Islamabad*
- (ii) *Total number of DISPOSALS have been done during the period of 1-7-2017 to 30-6-2019 in Election Commission Head office Islamabad*
- (iii) *List of type and names of items AUCTIONED during the period of 1-7-2017 to 30-6-2019 in Election Commission Head office Islamabad*
- (iv) *List of type and names of items DISPOSED OFF during the period of 1-7-2017 to 30-6-2019 in Election Commission Head office Islamabad*
- (v) *Copies of tender notices about AUCTION and DISPOSALS, published in different national papers*
- (vi) *Names of tender participants along with their bids*



- (vii) *List of such AUCTIONS and Disposals which could not be completed and remained incomplete after award/allotment of tenders*
- (viii) *Who was held responsible for AUCTIONS and DISPOSALS, which could not be completed and remained incomplete after award/allotment of tenders during the period of 1-7-2017 to 30-6-2019 in Election Commission Head office Islamabad”.*

## **B. Proceedings**

3. Through a notice dated 20/12/ 2019, the Commission called upon the Respondent to submit reasons for not providing the requested information.
4. The respondent did not respond to the notice and the hearing date was fixed for 12/02/2020 and both parties were informed accordingly.
5. The respondent did not appear before the commission at the time of hearing.

## **C. Discussion and Commission’s View on relevant Issues**

6. The questions for the consideration of the commission are as under:

- (a) What steps have been taken by the Respondent to ensure the implementation of the Right of Access to Information Act 2017, henceforth referred to as Act?
- (b) Has the respondent designated Public Information Officer (PIO) as required under Section 9<sup>1</sup> Of the Act and if not, who is responsible for responding to information requests?
- (c) Did the Respondent follow procedure laid down in the Act in responding to the request of the citizen?
- (d) Is requested information available with the public body?
- (e) Can requested information be provided to the Appellant under the Act?

7. Till date the Respondent has not designated Public Information Officer (PIO) as required under section therefore the Respondent Secretary, Election Commission of Pakistan under provision<sup>2</sup> of Section 9 is deemed to be a PIO and responsible to respond to information requests.

1. <sup>1</sup> **Designated Official--** Each public body shall, within thirty days of the commencement of this Act, notify one or more designated officials, not below the rank of an officer in BPS -19 or equivalent; Provided that where no designated official has been notified or he is absent or not available, principal officer of the public body shall be the designated official: Provided further that in case of non- government organization, it may designate a senior officer as per its organizational structure.

<sup>2</sup> Provided that where no designated official has been notified or he is absent or not available, principal officer of the public body shall be the designated official



8. The request for information sent by the Appellant to the Secretary, Election Commission of Pakistan and subsequent notice by the Commission has not been responded by the public body in accordance with the provisions of the Act.

9. The requested information pertains to the key functions performed by the Respondent and is not covered under any of the exemption clauses of the Act. In fact, the requested information pertains to different categories of information under Section 5 of the Act and the Respondent is legally bound to proactively disclose such information and publish on its web site under Section 5 (e) and Section 8 of the Act.

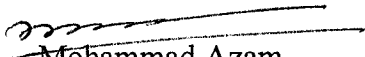
10. This commission observed in Appeal No. 213/1219 in the case of Anique Salman Malik VS Capital Development Authority that "Citizens of Pakistan through their elected representatives have included the provision of imposing fine on public official who wilfully delay or deny access to the requested information so that they do not have to pay the undue cost in terms of time and money in exercising their right of access to information because of the dereliction of the duty of a public official".

### Order

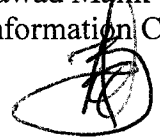
11. The appeal is allowed. The Respondent is directed to provide the requested information to the Appellant at the earliest, but in any case, not later than 10 working days of the receipt of this order.

12. Furthermore, the Respondent is directed to implement Section 5 and Section 8 of the Right of Access to Information Act 2017 and submit the compliance report to the commission by 05/04/2020.

13. Copies of this order be sent to Chief Election Commissioner, Secretary, Election Commission of Pakistan and the Appellant for information and necessary action.

  
Mohammad Azam  
Chief Information Commissioner

  
Fawad Malik  
Information Commissioner

  
Zahid Abdullah  
Information Commissioner

(Announced on March 03, 2020)

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

