



In the Pakistan Information Commission, Islamabad

Appeal No 1941-05/22

Appeal No 1894-05/22

Abuzar Salman Khaan

(Appellant____1)

Abdullah Malik

(Appellant____2)

Vs.

Cabinet Division

(Respondent)

ORDER

Date: June 29, 2022

Zahid Abdullah: Information Commissioner

A. The Appeals

1. The Appellant-1 filed an appeal, dated May 28, 2022 & to the Commission, stating that he submitted an information request to the Cabinet Secretary, Cabinet Division on April 23, 2022 & April 29, 2022 under the Right of Access to Information Act 2017. but did not receive any response from the public body.
2. The information sought by the Appellant is as follows:
Information Request:-1
 - i. “All the gifts received by the Prime Ministers and Presidents of Pakistan who have occupied the office 1947 till date be provided to the undersigned.
 - ii. Market value of the gifts (prevalent at that time), assessed value of the gifts and amount paid by the recipients (Presidents and Prime Ministers) of the gifts from 1947 till date be provided to the undersigned”.

The Appellant-2 filed information request on April 28, 2022, stating that he submitted request for informaiton to the Respondent on

Information Request: 2

- i. “It is submitted that the Prime Ministers of Pakistan in the past received gifts from the various heads of the other countries and they did not submit the said gifts in the Tosha Khana even they did not pay their cost and in that way, they violate the rules and regulations.
- ii. It is, therefore, requested that please provide the information for period 1.1.1990 to 30.3.2022 at the following format”.

SNO	How many gifts are available in the Tosha Khana, /Total Vale at the present time	Name of the PM/ Along country Name	Whether Gifts are submitted in Tosha Khana or Not/ If purchased how much payment Made	Total Cost at that time	Whether gifts are submitted in Tosha Khana or Not/ Purchased how much payment made	The copies of rules/ last amendment in Rules	Copies of all record
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B. Proceedings

- 3 The record on the file contains the response of the Respondent dated April 28, 2022, to the information filed by the Appellant-1 and its text is as under:

Sr. No	Requested Information	Reply
1	All the gifts received by the Prime Ministers and Presidents of Pakistan who have occupied the office 1947 till date be provided to the undersigned.	It is stated that the record relating to Toshakhana gifts in the Cabinet Divisions in available from 1990 till date. Which is declared as classified. The matter for declassification gifts has already been forwarded to the Prime Minister's Office. The response is awaited.
2	Market value of the gifts (prevalent at that time), assessed value of the gifts and amount paid by the recipients (Presidents and Prime Ministers) of the gifts from 1947 till date be provided to the undersigned	-Do_

- 4 In the case of the Appellant-2, the record on the file suggests that the Respondent submitted its response on the intervention of this commission on May 20, 2022 and its text is as under:

“It is stated that the information requested by the applicant are classified and cannot be provided as per Clause-7 (f&g) and clause 16(1(a-ii) of Right of Access to Information Act, 2017”.

- 5 Hearing on the instant Appeal was held on June 23, 2022 vide letter dated June 09, 2022 .Mr. Qasim Rashid –DS(Coord) attended the hearing. He maintained that the Order of the PIC is pending decision in the court and as it is a related matter, the PIC should wait for the final verdict. The Appellant and his learned counsel Mr. Wasim Abid contended that as PIC has already decided the case under the provisions of the Right of Access to Information Act, 2017, the Respondent should be directed to provide the requested information to the Appellant as well.

C. Issues

- 6 The instant appeals have brought to the fore following issues:
- (a). Can the commission issue directions on a matter pending decision in Islamabad High Court when the Honourable court has not issued stay Order?

- (b). Can the requested information in the instant Appeals be made public under the Provisions of the Right of Access to Information Act, 2017, henceforth referred to as “the Act”?

D. Commission’s View on Relevant Issues

- 7 This commission is of the view that although the Respondent has filed petition in Islamabad High Court against the Order of the commission in Appeal No. 810-12/20 Rana Abrar Khalid VS Cabinet Division, the Honourable Islamabad High Court has not issued stay Order on the Order of the commission. As such, it is statutory duty of this commission to decide the instant appeal based on available record.
8. This commission has already given detailed judgments on the issue of disclosure, or, otherwise of gifts received by elected and public representatives from foreign dignitaries in Appeal No. 810-12/20 Rana Abrar Khalid Vs. Cabinet Division and Appeal No 1457-11/21, Pervez Said Vs. Cabinet Division.
9. As far as the requested information about “the gifts received by the Prime Ministers and Presidents of Pakistan who have occupied the office 1947 till date” and “value of the gifts (prevalent at that time), assessed value of the gifts and amount paid by the recipients (Presidents and Prime Ministers) of the gifts from 1947 till date” *is concerned, this commission holds that this information not only be disclosed, the list should be made available on the web site of the Respondent.*
10. So far as the requested information about “The copies of rules/ last amendment in Rules” is concerned, this commission also holds that the requested information should not only be disclosed to the Appellant-2, it should also be made available on the web site of the Respondent.
11. It is pertinent to note that the requested information in para 2 and 4 of this Order is not hit by any of the exemption clauses, section 16 (1) (k) of the Act, 2017 is also relevant in the instant Appeal which is as under:
“The exemptions set out in section 16 shall cease to apply after every twenty years and that record of public bodies shall be made public”
- 12 This commission has already held in Appeal No. 810-12/20 Rana Abrar Khalid VS Cabinet Division that “while giving „personal touch” to inter-state relations through the exchange of gifts between the Heads of States and Heads of Governments is a normal practice in the conduct of international relations, relations between any two states are dictated by common interests. At best, the “personal touch” supplements but in no way can supplant the role of common interests in determining the outcome of inter-state relations. In short, it is change in the shared common interests between two states, and not the exchange of gifts for personal touch between Heads of States and Heads of Governments which has any qualitative impact on inter-state relations.
- 13 This commission has earlier held that opacity and secretive ways of running the affairs of the government breed corruption and damage interests of the people of Pakistan and not the media stories based on certified information.
- 14 While this commission does not foresee any possible harm that the disclosure of the requested information may entail, benefits of disclosing the requested information can hardly be exaggerated.
- 15 It is not certified information but absence of certified information that contributes to media hype and resulted in unwarranted stories, creating trust-deficit between citizens and public institutions.
- 16 The disclosure of requested information about *how the said gifts have been disposed of under the relevant Rules* will dispel rumours about the reporting of the gifts to „Tosha

„Khana“ by the public officials and their retention price and which elected representative or public official retained which gift at what price.

- 17 When certified information about these gifts will be made available in the public domain for everyone to see, citizen of Pakistan will know that the gifts received on their behalf are being properly managed. Availability of the certified information about the gifts deposited in „Tosha Khana“ in public domain will not only make the entire process about the management of these gifts open and transparent, it will contribute to reducing trust-deficit between citizens and public institutions contributed by opacity and secretive ways of functioning of public institutions. Even citizens of the states on whose behalf gifts are received by our elected representatives and public officials will come to know that their gifts are properly managed, resultantly strengthening people-to-people and inter-state relations.
- 18 In this regard, it is important to make reference to how the former Prime Minister of Malaysia, Dr. Mahathir bin Mohamad, developed and implemented a transparent model for display of various gifts, souvenirs and awards received by himself and his wife from world leaders, statesmen and even his own citizens. Through establishment of the **Galeria Perdana** in Langkawi, the Prime Minister wished to give access to Malaysian citizens to the gifts/souvenirs/awards received by their Prime Minister and his wife, on their behalf. The Galeria Perdana comes under the Department of Museums, Malaysia and details on how to access the same are available on the Department's website (*see: <http://www.jmm.gov.my/en/museum/galeria-perdana>*).

E. Order

- 19 Appeals are allowed. The Respondent is directed to provide the Appellants information requested in para 2 and 4 of this Order with intimation to the commission within 10 working days of the receipt of this Order.
20. Copies of this order be sent to the Respondent, Cabinet Division and the Appellants for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Fawad Malik

Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on:

July 29, 2022

This order consists of 4 (four) pages, each page has been read and signed.