



April 12, 2023

TIP 2023/0412/1A

Mr. Abdul Quddus Bizenjo
Chief Minister Balochistan
Chief Minister House,
Quetta

Subject: Complaint against dysfunctionality of Balochistan Information Commission and non-appointment of its Members since February 2021, in violation of Balochistan Right to Information Act 2021

Dear Sir,

Transparency International Pakistan has received a complaint against dysfunctionality of Balochistan Information Commission and non-appointment of its Members since February 2021, in violation of Balochistan Right to Information Act 2021.

The complaint has made the following allegations that;

1. The Balochistan Right to Information Act was passed by the provincial assembly on February 1, 2021, and received the assent of the governor of Balochistan on February 15, 2021
2. Since February 2021, the Government of Balochistan has failed to appoint members of the Balochistan Information Commission, as required by the Balochistan Right to Information Act, 2021.
3. The Act mandates the Balochistan government to appoint members of the Information Commission within 120 days of the commencement of the Act under Section 18(1).
4. Despite the legal obligation upon the Government of Balochistan, it has been more than two years since the passage of Balochistan RTI Act, however, members of the Commission have not been appointed.
5. The delay in the appointment of the members of Balochistan Information Commission is a violation of the law and undermines the purpose of the Balochistan Right to Information Act.

Transparency International Pakistan's Comments

Transparency International Pakistan has reviewed the complaint, and prima facie, the allegations seem to be correct. Following are TI Pakistan comments;

1. The Balochistan Right to Information Act 2021 was passed by the provincial legislature with the objective of ensuring the access of citizens to information in government departments and thus create a transparent and corruption free environment.
2. As per Balochistan RTI Act 2021, Section 18 (1): "On the commencement of this Act, Government shall within a period of one hundred and twenty (120) days, establish a Information Commission to be known as the Balochistan Information Commission".
3. Balochistan RTI Act 2021, Section 18 (3) states: "The Information Commission shall be headed by the Chief Information Commissioner, who shall be a retired senior Government servant not below the rank of BPS-20 and shall be appointed by Government.



4. As per Balochistan RTI Act 2021, Section 18 (4): The Information Commission shall comprise of three other Members to be known as Commissioners, who shall be appointed in the following manner:
- A person, who is qualified to be a Judge of High Court;
 - A person who is or has been in the service of Pakistan in BPS-20 or equivalent;
 - A person from civil society having experience of not less than fifteen years in the field of mass communication, academic or right to information.

Transparency International Pakistan's Recommendations

Transparency International Pakistan requests the Chief Minister Balochistan to look into the allegations of the complaint, and if found correct, direct the Ministry of Law to establish the Information Commission and appoint its members as required by the Balochistan Right to Information Act 2021.

Regards,


Advocate Daniyal Muzaffar,
Trustee/Legal Advisor
Transparency International Pakistan

Copies forwarded for the information with request to take action under their mandate to:

1. Minister of Law, Balochistan, Quetta
2. Registrar, Balochistan High Court, Quetta

Note:

This is to clarify that Transparency International Pakistan is not the complainant. It acts as whistleblower and operate under Article 19-A, of the Constitution of Pakistan which gives the right to public to know how government is being run by public officers. Article 19-A makes the right to access of information pertaining to a public authority a fundamental right, Justice Syed Mansoor Ali Shah in his landmark judgment in case of *Ataullah Malik v. Federation of Pakistan* includes following order;

Right to information is another corrective tool which allows public access to the working and decision making of the public authorities. It opens the working of public administration to public scrutiny. This necessitates transparent and structured exercise of discretion by the public functionaries. Article 19-A empowers the civil society of this country to seek information from public institutions and hold them answerable. PLD 2010 Lahore 605.