



TRANSPARENCY INTERNATIONAL - PAKISTAN

July 11, 2025

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TL2025/0711/1A

Mr. Sarfaraz Bugti
Chief Minister Balochistan
CM House, Quetta

Subject: Non-Operationalization of Balochistan Information Commission Despite the Passage of More than 04 years to the Enactment of the Balochistan Right to Information Act, 2021 and the Passage of Nearly 8 months after the Appointment of the 02 Information Commissioners

Dear Sir,

Transparency International Pakistan refers to its letter dated 21st August 2024 on the establishment of the Balochistan Information Commission (**Annex-A**). TI Pakistan expresses its appreciation to the Government of Balochistan on notifying the Balochistan Information Commission and the appointing two Information Commissioners in accordance with the Section 18(1) of the Balochistan Right to Information Act, 2021 (**Annex-B**).

The Balochistan Right to Information Act 2021 was passed by the Provincial Assembly of Balochistan on February 01, 2021 and received assent of the Governor of Balochistan on February 15, 2021. The 02 Commissioners were appointed after the gap of almost three and half years on 14th November 2024. However, more than 8 months have passed since the appointment of the members of the Commission, the Balochistan Information Commission remains non-functional due to the absence of requisite infrastructure, budgetary allocations, and essential human resource.

As a custodian of the Right to Information Law in the province, it is imperative that the Commission is empowered with sufficient resources, infrastructure and workforce to undertake its statutory responsibilities and mandate as enshrined under Article 19-A of the Constitution of the Islamic Republic of Pakistan and Balochistan Right to Information Act 2021. These include including:

1. Facilitating implementation of RTI in the province
2. Redressal of RTI complaints of the citizens
3. Monitoring of compliance by public bodies on RTI implementation
4. Enforcement of proactive disclosure obligations of the public bodies
5. Mainstreaming RTI awareness in the province

It may also be noted that the operationalization of the Balochistan Information Commission is not only crucial for effective implementation of access to information, good governance, transparency and accountability in the province but Pakistan as a signatory to the United Nations Convention Against Corruption (UNCAC) is obliged under Articles 13 to implement legal measures on access to information, as quoted below:

UNCAC Article 13. Participation of society (b): Ensuring that the public has effective access to information;

Furthermore, it is pertinent to mention that various international indices on governance including Corruption Perceptions Index (CPI) released by Transparency International, Rule of Law Index and others include right to information as one of the indicators. Fully functional bodies on RTI at federal and provincial levels are critical component of strengthening the rule of law and improving Pakistan's overall governance ranking and scoring on international indices.

Transparency International Pakistan requests the Chief Minister Balochistan to issue directives for the implementation of the following key measures to make the Balochistan Information Commission fully functional:



Recommendation 1: Notify the Appointment of the Chief Information Commissioner as per the Section 18(1) of the Balochistan Information Act 2021

Recommendation 2: Incorporate Budgetary Allocation for the RTI Commission in the Provincial Budget 2025-2026

Recommendation 3: Provide provision for necessary Infrastructure (Office) and Workforce for the Commission to undertake its statutory duties as per the Balochistan Information Act 2021.

TI Pakistan sincerely hopes that the Government of Balochistan will prioritize the implementation of the above recommendations. Such a gesture would underscore your government's commitment to good governance, transparency and effective implementation of Right to Information in the province.

Transparency International Pakistan is striving for across-the-board application of Rule of Law, which is the only way to stop corruption, and achieve Zero tolerance against corruption.

With Regards,

Advocate Daniyal Muzaffar
Trustee/Legal Advisor
Transparency International Pakistan

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

1. Principal Secretary to President, President House, Islamabad
2. Principal Secretary to Prime Minister, PM House, Islamabad
3. Governor Balochistan, Governor House, Quetta
4. Federal Minister, Ministry of Law and Justice, Islamabad
5. Minister, Law, Balochistan, Quetta
6. Chief Secretary, Government of Balochistan, Quetta
7. Secretary, Information, Quetta
8. Registrar, Balochistan High Court, Quetta

Note:

This is to clarify that Transparency International Pakistan is not a complainant, it acts as a 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, and a three-member bench in the case of Mukhtar Ahmad Ali vs the Registrar, Supreme Court of Pakistan, Islamabad, headed by Chief Justice Qazi Faez Isa in the landmark judgment on 16 October 2023, in CP No. 3532/2023, has declared that

“What previously may have been on a need-to-know basis Article 19A of the Constitution has transformed it to a right-to-know, and the Access to information is no longer a discretion granted through occasional benevolence, but is now a fundamental right available with every Pakistani which right may be invoked under Article 19A of the Constitution”



August 21, 2024

TL/20240821/1A

Mr. Sarfaraz Bugti,
Chief Minister Balochistan
CM House, Quetta

Subject: Establishment of Balochistan Information Commission under The Balochistan Right To Information Act 2021

Dear Sir,

Transparency International Pakistan would like to draw your attention towards a delay in the establishment of the Balochistan Information Commission as envisioned under Clause 18 of the Balochistan Right to Information Act 2021. The Provincial Assembly of Balochistan passed the Balochistan Right to Information Bill, 2021 on 1st February 2021. The Bill received an assent by the Governor on 15th February 2021.

The Act clearly stipulates that the Government shall within a period of 120 days, establish a Information Commission, as quoted below:

Information Commission (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 (Annex-A).*

However, despite the passage of three years since the RTI Act was enacted in the province, the Right to Information Commission is yet to be formed in the province. For the progress of integrity and eliminating corruption from the country, effective access to information laws are essential. Pakistan has come a long way to ensure that the effective RTI laws are in place at the federal and provincial levels. In 2002, Transparency International Pakistan was at the forefront to lead advocacy for the enactment of the Freedom of Information Ordinance 2002 and Public procurement Ordinance 2002.

Transparency International Pakistan requests the Chief Minister Balochistan to issue directives for the appointment of the Information Commissioners, so that an effective implementation of the RTI is ensured, as defined in the Act, quoted below:

Information Commission (18) (3): *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*

The Information Commission shall comprise of three other Members to be known as Commissioners, who shall be appointed in the following manner.

- a) *A person, who is qualified to be a Judge of High Court;*
- b) *A person who is or has been in the service of Pakistan in BPS-20 or equivalent;*
- c) *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 is striving for across-the-board application of Rule of Law, which is the only way to stop corruption, and achieve Zero tolerance against corruption.



With Regards,


Advocate Daniyal Muzaffar
Trustee/Legal Advisor
Transparency International Pakistan

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

1. PS to President, President House, Islamabad
2. PSPM, PM House, Islamabad,
3. Law Minister, Government of Balochistan, Quetta
4. Registrar, Balochistan High Court, Quetta

Note:

This is to clarify that Transparency International Pakistan is not a complainant, it acts as a 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, and a three-member bench in the case of Mukhtar Ahmad Ali vs the Registrar, Supreme Court of Pakistan, Islamabad, headed by Chief Justice Qazi Faez Isa in the landmark judgment on 16 October 2023, in CP No. 3532/2023, has declared that

“What previously may have been on a need-to-know basis Article 19A of the Constitution has transformed it to a right-to-know, and the Access to information is no longer a discretion granted through occasional benevolence, but is now a fundamental right available with every Pakistani which right may be invoked under Article 19A of the Constitution”



**GOVERNMENT OF BALOCHISTAN
INFORMATION DEPARTMENT
Dated Quetta the 14th November 2024**

NOTIFICATION

No.SO(inf:II)/4-96/2024/364-405 In pursuance of Provincial Cabinet minutes of the meeting conveyed vide S&GAD letter No.SO (CAB)1-655/2024/S&GAD/4324-27 dated 06 Nov 2024, the meeting held on 22nd October, 2024 and as provided under Section 18(5)(6) of the Right to Information Act 2021, Ms Shania Khan w/o Asif ur Rehman (CNIC No 54401-4000855-4) and Mr Abdul Shakoor S/o Mohammad Asfar (CNIC No 54400-6121801-1) are hereby appointed as Members of the Balochistan Information Commission for a period of three (03) years with immediate effect.

Consequent upon appointment of above named Commissioners and under section 18(8) of the ibid Act, both shall cease to hold any other Public office or to be connected with any political party or be running any business or pursuing any profession at the time of or during period they hold office of the commissioner.

Their entitlement of remuneration and allowances shall be determined by the Government as prescribed under section 21(3) of the Act.

**Secretary
Information Department**

Copy forwarded to,

1. The Principal Secretary to Governor Balochistan
2. The Principal secretary to Chief Minister Balochistan
3. The Accountant General Balochistan
4. All the Administrative Secretaries _____
5. The Additional Secretary (Staff) to Chief Secretary Balochistan
6. The Director General Public Relation Balochistan
7. The Members of the Balochistan Information Commission
8. The PS to Secretary information
9. Master File


 (Hamid Hussain)
 Section officer-II