

**IN THE HIGH COURT OF SINDH, AT KARACHI**  
**C.P. No. D-5159 of 2023**

**PRESENT:**

**MR. JUSTICE AQEEL AHMED ABBASI**  
**CHIEF JUSTICE**  
**MR. JUSTICE ABDUL MOBEEN LAKHO**

*Amir Baloch.....v/s.....Sindh Information Commission  
& others*

**Date of hearing 11.03.2024**

Petitioner Amir Baloch present in person

**ORDER**

**Abdul Mobeen Lakho, J.** The Petitioner appearing in person has invoked the constitutional jurisdiction of this Court by filing captioned petition with the following prayers:-

“1) Declare that the Respondent No.1 i.e Sindh Information Commission has statutory Jurisdiction in terms of section 2(i) (iv) read with Section 11 of the Sindh Transparency and Right to Information Act to proceed against respondent no.3 in aforementioned complaint and declare the actions of respondent No.1 i.e refusal to perform its statutory functions / Jurisdiction is illegal, unlawful, unconstitutional and in violation of various provisions of The Sindh Transparency and Right to Information Act 2016 and fundamental rights such as Article 4, 10-A, & 19-A of the Constitution of Pakistan and thus ab-initio null and void and having no legal value in the eye of law.

2) Declare that the Respondent No.4 is coram non judice and acted outside its Jurisdiction while passing impugned order dated. 17-10-2023, thus has denied the fair trail, due process of law and fundamental rights of the petitioner.

3) Declare that all the proceedings thereafter including the passing of impugned order is of no legal effect, Declaring the impugned order as illegal and void.”

2. Brief facts of the case are that the petitioner has been aggrieved by the order dated 17.10.2023 passed by Sindh Information Commission, Government of Sindh, whereby, the complaint dated 24.10.2022 seeking issuance of direction to Registrar, Sindh High Court, Karachi for disclosure of information provided in petitioner's



application dated 13.09.2022, rejected as not maintainable in view of the judgment dated 16.10.2023 passed by Hon'ble Supreme Court of Pakistan in Civil Petition No.3532/2023 on the ground that the Sindh Information Commission has no jurisdiction to issue order/notice to Registrar, Sindh High Court.

3. Petitioner appearing in person argued that under the law he is entitled to access to information under Article 19-A of the Constitution, 1973. He further argued that the apex court while dealing with the issue has delivered its above judgment and the ratio decidendi of the judgment is that the definition of public bodies defined in the Section 2(ix) of the Right of Access to Information Act 2017 does not include the Supreme Court of Pakistan. It is pertinent to mention here that the ibid Judgment of the Honorable Supreme Court is related the Right of Access to Information Act 2017, which is the Federal level legislation and regarding the Jurisdiction of the Pakistan Information Commission. He further argued that the Respondent No.1 (Sindh Information Commission) is not functioning under the Right of Access to Information Act 2017, but instead it is creation of The Sindh Transparency & Right to Information Act 2016, which is provincial level legislation, therefore, the impugned order dated 17.10.2023 has erred in law while holding the above complaint as not maintainable against the Respondent No.3. According to Petitioner, the Respondents No. 1 & 2 and its officials being public functionaries are under obligation to perform their statutory duties within the mandate of law and to protect the fundamental rights of citizens and in case of their failure to do so, this Court under Article 199 of Constitution of Pakistan 1973 has ample powers to issue direction to perform their functions properly as required by the law. Petitioner present in person further argued that this Court and its Registrar are public body and falls within jurisdiction of the respondent No.1 and in terms of Section 2(i)(iv) of the aforesaid Act, which stated the (any Court, Tribunal, Office, Board, Commission, Council, or other body functioning in the Province of Sindh). He further



argued that the Respondent No 3 comes within the definition public body under section 2(i)(iv) of aforementioned Act. He contended that the Respondent No.1 in connivance with the respondent No.4 deliberately and intentionally has not discharged their statutory responsibility as required under Section 11(2) of The Sindh Transparency and Right to Information Act 2016. He further contended that the impugned order passed by the respondent No.4 under the supervision of respondent No.1 is based on uncalled for, without proper justification, coram non iudice and utter violation of Section 11 of the Sindh Transparency and Right to Information Act 2016 and Rule 23 of the Sindh Information Commission (conduct of Business) Rules 2020 as well as ultra virus of the Articles 19-A, 10-A, and 4 of the Constitution. He further argued that under Article 4 of the Constitution it is an inalienable right of every citizen to be dealt with in accordance with law and Article 19-A of the Constitution.

4. Heard counsel appearing in person and perused the record carefully with his assistance. The Petitioner appearing in person at the very outset was confronted to point out the matter of public importance in seeking such information, while invoking the Article 19-A of the Constitution, 1973, but he could not satisfy this Court to invoke its constitutional jurisdiction under Article 199 of the Constitution, 1973. The exercise of this right to information is subject to regulation and reasonable restrictions imposed by law. The goal of the Sindh Transparency and Right to Information Act, 2016 is to spread information in the public interest, but at the same time transparency in spreading information should be observed, meaning thereby that the system of a functionary should not be hampered. For seeking access to such information a person should bear in mind the fact that he has to mention the significance of such information by showing the public interest, therefore, the transparency is absolutely necessary. The response given by the respondent No.1 through impugned order dated 17.10.2023 by citing the judgment of Hon'ble Supreme Court of

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Pakistan passed in *Civil Petition No.2532/2023 (Mukhar Ahmed Ali.....v/s.....The Registrar, Supreme Court of Pakistan & another)* is appropriate and according to its domain to safeguard the functions and working of an organization, therefore, this Court cannot interfere in the impugned order by exercising its powers under constitutional jurisdiction.

5. In view of the foregoing reasons, instant Petition was dismissed in limine along with listed applications vide Order dated 11.03.2024, which is self-explanatory and reads as under: -

**“11-03-2024**

Petitioner Amir Baloch present in person.

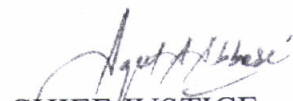
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1. Urgency granted.

2-3. After hearing the petitioner appearing in person, who has challenged the Order dated 17.10.2023 passed by Sindh Information Commission, Government of Sindh, whereby, the request of the petitioner seeking disclosure of information as contained in the application dated 13.09.2022, copy of which available at page-21 (Annexure “A”) of the Court’s file, has been declined in view of the judgment passed by Hon’ble Supreme Court of Pakistan passed in Civil Petition No.3532/2023 dated 16.10.2023, the petitioner was confronted to point out any error or illegality in the above order, which otherwise is based on the judgment of the Hon’ble Supreme Court, however, the petitioner could not submit any reasonable response, nor could distinguish the ratio of the aforesaid judgment on the subject with regard to seeking information from Sindh Information Commission, Government of Sindh relating to Sindh High Court, Karachi, Government of Sindh relating to Sindh High Court, Karachi. The petitioner was also confronted to point out the matter of public importance in his seeking such information, while invoking Article 19-A of the Constitution, however, could not make out a case, which caused otherwise persuade this Bench to invoke Constitutional Jurisdiction of this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973.

Accordingly, for the reasons to be recorded later on, instant petition is dismissed in limini along with listed application.”

  
JUDGE

  
CHIEF JUSTICE