

Pakistan Information Commission
Government of Pakistan

1st Floor, National Arcade, 4-A Plaza
F-8 Markaz, Islamabad
Website: www.rti.gov.pk
Phone: 051-9261014
Email: appeals@rti.gov.pk
@PkInfoComm



In the Pakistan Information Commission, Islamabad

Appeal No 703-11/20

Muhammad Umair Amjad

(Appellant)

Vs.

Federal Investigation Agency

Through its Public Information Officer

(Respondent)

Order

Date: March 01, 2021

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed an appeal, dated 06-11-2020, to the Commission, stating that he submitted an information request to the Director General, Federal Investigation Agency dated 28-09-2020 under the Right of Access to Information Act 2017 but did not received the requested information from the public body.
2. The information sought by the Appellant is as follows:
 - “1. List of successful candidates called for interview showing their Roll No, Marks & Qualifications.
 2. List of candidates appeared for interview and their marks.
 3. Final Merit list of successful candidates.
 4. As the vacancies were all over Pakistan hence province wise data will be appreciated otherwise data of Sindh Province only is acceptable as I applied for the said region.”

B. Proceedings

3. Through a notice dated 25-11-2020 sent to Director Law / Public Information Officer, Federal Investigation Agency the Commission called upon the Respondent to submit reasons for not providing the requested information.
4. The Public Body did not respond to the notice of the Commission. The Respondent was issued a notice on January 04, 2021. The text of the notice is as under:

“In pursuance of the Standard Operating Procedures issued by the Government of Pakistan for the Covid-19 and to ensure public safety, the personal appearance before the Commission at the time of hearing, is condoned for the time being. Therefore, you are directed to submit your written reply and arguments to Pakistan Information Commission within fifteen days of the receipt of this notice.
Copies of the supporting documents may be annexed with the written arguments. If the written arguments are not submitted within 15 days, the appeal will be decided Ex Partee

in the light of the record available on file and the Right of Access to Information Act 2017”

5. The Respondent through a letter vide No. HQ/FIA/CCW/Admin/2021/620 dated 22-01-2021 submitted its response. Text of the response is as under;

“The requisite information in connection with hearing Summon of Pakistan Information Commission (PIC) is forwarded as under:

- i. 407 contractual posts (station-wise) of the National Response Center for Cyber Crimes (NR3C) Project (Phase-III) were advertised in the nationwide Newspapers on 02-12-2018 (copy of advertisement is attached at **Annex-I**). Universal Testing Service (UTS) conducted screening tests of different posts on 16th, 17th and 24th February 2019.*
 - ii. Mr. Muhammad Umair Amjad s/o Muhammad Amjadapplied for the post of Assistant Director/Investigation (BPS-17) and scored **51 out of 100 marks in written test**. After that, interviews of short-listed candidates against the said post were conducted by the Interview Panel-I at Karachi on 2nd and 3rd April 2019 and Mr. Muhammad Umair Amjad scored **20 out of 80 marks in interview**.*
 - iii. Vide Court Order passed by the Islamabad High Court, Islamabad in W.P. No.4837/2018 on 04-09-2019, and directed that **“The NR3C FIA authorities will observe quota i.e. women, disable and regional quota in strict manner and shall also give equal opportunity to women”** (copy of Court Orders is attached at Annex-II). In compliance of the Court Orders, regional quota was observed instead of station-wise posts. During the compilation of results and it was revealed that Mr. Muhammad Umair Amjad possess the domicile of Sargodha – Punjab (copy of domicile Mr. Muhammad Umair Amjad is attached at Annex-III).*
 - iv. Result Finalization Committee observed that Mr. Muhammad Umair Amjad could not be accommodated in merit/quota because of low marks in accumulative test (i.e. 43.20 marks) by observing 70% of marks in written test and 30% of interview, whereas, the last selection made for Province Punjab Quota at **61.85 accumulative marks**.*
- 2. Moreover, as Mr. Muhammad Umair Amjad has been disqualified due to less accumulative marks in the test and request for provision data/record of applicants belong to province Sindh is irrelevant so, this office can't share the data/record of several candidates/employees of NR3C-FIA with an individual.”*

6. Response of the public body was shared with the Appellant on January 29, 2021.

7. The Appellant on February 08, 2021 submitted rejoinder to the Response of the public body which is as under:

“The reply submitted by the Federal Investigation Agency is just a comforting lie. They just shared the copy of a judgment filed by their own officers which is readily available at internet and hiding themselves in it and manipulating it for their own purpose.

Upon sharing the judgment, they are more liable toward transparency and merit but their reluctance in not providing the information is itself creating ambiguity. In order to transpire that whether merit has prevailed and they have acted in accordance with the judgment, they must have to public the data of all the candidates for all the regions against all the posts.

As I have already submitted that I have experience of working in a government institution, use to attend courts hence I know very well how blue eyed gets recruited and the recent OTS scandal of FIA recruitment is an example which is under investigation and only arrested 3 x accused whereas there are many as per the list enclosed. I am pretty much sure that if FIA did public the data of subject recruitment, they will be going to start another investigation. Furthermore, if OTS can display this much data of the candidate / employee of FIA then why FIA itself is hesitant (see page 5, 6).

Para wise comments are as under:

- 1. That Para 2 (i) of FIA reply is irrelevant.*
- 2. That Para 2 (ii) of FIA reply is deplorable, as the only fear of rejection in my mind was that I graduated in electronic engineering while no such qualification was mentioned in the advertisement against the subject post but surprisingly the same was requested for Deputy Direction Investigation so I was fully prepared to argue on this point. But It was shocking to hear that I got 20 out of 80 marks in the interview which is unacceptable as in my batch of 21 candidates, the one with maximum marks was 56, and all of them were having Master in Computer or similar field whereas I am the only one with Electronics Degree having score of 51, so if I can pass and score high among them in the test which was mostly related to computer and networking than how can I not pass the interview. I also know that it is very hard to prove illegal recruitments done legally.*
- 3. That Para 2 (iii) of FIA reply is incomplete, it is mentioned that quota system was adopted whereas the advertised post were purely on merit which is not a new term and departments still seeking recruitment on merits where required, so if they had done it in compliance of court order but they didn't mention the procedure of doing it that how the seats were separated on quota instead of station-wise. How many women and disable were appointed?*
- 4. That Para 2 (iv) of FIA reply does not have any documentary proof, only accumulative marks of undersigned were shared so there is nothing to compare it.*
- 5. That Para 3 of FIA reply is vile, it is stated that they cannot share the data/record of several candidates/employees of NR3C-FIA. with an individual so let you clear them please that I am not an individual and I am not demanding personal record/data of employees of FIA I requested information pertaining to a recruitment process carried out by FIA through UTS and they were candidates not their employees and even FPSC shares the data of the successful candidates' phase by phase depending upon their test so how can they deny to share it.*

Why the testing agency UTS and FIA did not public the data of selected candidates and still showing reluctance is proving their guilt. That the information undersigned requested is not classified and they failed to provide it. I will rely on the recent order dated 01.02.2021 by Mr. Mahboob Qadir Shah, Chief Information Commissioner, in an appeal against Punjab Public Service Commission wherein PPSC is directed to provide certified copies to the appellant. In the same manner, it is therefore requested to direct the FIA to provide me now the requisite information station wise / region wise / province wise”.

C. Discussion and Commission’s View on Relevant Issues

- 8. The Respondent maintains that as the Appellant “has been disqualified due to less accumulative marks in the test and request for provision data/record of applicants belong to province Sindh is irrelevant so, this office can’t share the data/record of several candidates/employees of NR3C-FIA with an individual”.*

9. This commission is of the view that the only locus standi required under the Right of Access to Information Act 2017 for seeking information from a public body is to be citizen of Pakistan which the Appellant has already established. The disqualification of the Appellant on the basis of less accumulative marks does not disqualify him from seeking information about the marks obtained by other successful candidates. In fact, the disclosure of the requested information about the marks obtained by the successful candidates would shed light on the level of transparency adopted in the entire recruitment process and hence help achieve stated objectives of the Act enunciated in its Preamble which are as under:
- a. Making government more accountable to citizens’;
 - b. Greater level of participation of citizens in the affairs of the government’;
 - c. ‘Reducing corruption and inefficiency’;
 - d. Promoting sound economic growth’; and
 - e. Promoting good governance and respect for human rights.

D. Order

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

“1. List of successful candidates called for interview showing their Roll No, Marks & Qualifications.

2. List of candidates appeared for interview and their marks.

3. Final Merit list of successful candidates”.

11. The Respondent is further directed to ensure that no information of personal nature like CNIC numbers is shared with the Appellant.
12. Copies of this order be sent to the Public Information Officer, Federal Investigation Agency and the Appellant for information and necessary action.

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner

Announced on:
March 01, 2021

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