



**In the Pakistan Information Commission, Islamabad**

**Appeal No 1928-05/22**

**Suhaib Qaiser**

**(Appellant)**

Vs.

**Pakistan Council of Scientific and Industrial Research**

**(Respondent)**

**ORDER**

**Date:** September 20, 2022

Zahid Abdullah: Information Commissioner

**A. The Appeal**

1. The Appellant filed an appeal, dated May 21, 2022 to the Commission, stating that he submitted an information request to the Chairman, Pakistan Council of Scientific & Industrial Research, on April 22, 2022 under the Right of Access to Information Act 2017 but did not receive the requested information from the public body.

2. The information sought by the Appellant is as follows:

- i. "It is submitted that I require information under The Right of Access to Information Act 2017, which provides that the Public Information Officer/Designated Official is bound to provide information within ten working (10) days of receipt of the request.
- ii. I require the following information in black and white:
- iii. "The certified copy of the PCSIR's Letter No. 313/410/2020 (Pt) dated 10.01.2022 mentioned in MOST's Letter No. 14 (7)/2016-PCSIR dated 14.01.2022 (Copy of latter letter enclosed)."
- iv. Kindly provide me the requisite information in black and white/hard form as soon as possible."

**B. Proceedings**

3. The record on the file suggests that the Respondent submitted its response on the intervention of this commission on June 29, 2022 and its text is as under:

“I am directed to refer PIC appeal No.1928-05/22 dated: 09.06.2022 on the subject cited above and to state that the recruitment was cancelled in view of advertisement clause which clearly allows the Council as "the Council reserves the right to increase or decrease number of posts and to postpone or stop the recruitment process at any stage" (copy enclosed) Further, the applicant was responded vide this office letter No.313/102/2022-E 111/3314 dated: 30.05.2022 (copy enclosed).

2. It is requested that the applicant may be advised to avoid futile correspondence.”

4. The Respondent submitted his response on May 30, 2022 and its text is as under:

“I am directed to refer your application dated 22.04.2022 for provision of a certified copy of the PCSIR's letter No. 313/4102020 (pt) dated 10.01.2022 under the right of access information Act-2017 and to state that a reasonable number of candidates could not avail the opportunity to appear in written tests due to Covid-19 restrictions. Further, PCSIR also drafted its Service Rules-2022 wherein restructuring of its existing manpower skeleton was proposed to meet the new challenges and uplifting of human capital at par with emerging demand. Therefore, it was the need of time to reconsider the recruitment to synchronize the published positions with new HR structure. PCSIR approached MOST vide letter No.313/410/2020-pt dated 10.01.2022 for cancellation of the recruitment process, hence, the recruitment was cancelled in view of advertisement clause which clearly allows that "the Council reserves the right to postpone or stop the recruitment process at any stage".

Upon the request of complainant through Pakistan Citizen Portal, he was vividly informed the position and the contents of the requested letter have been shared with the complainant, which meets its purpose. Therefore, PCSIR does not prefer to share copy of internal communication between both organizations. Accordingly, the applicant is informed about the position that the recruitment process has been cancelled and will be re-advertised afresh in the course of time.”

5. The Appellant submitted his response on July 02, 2022 and its text is as under:

“Apropos the subject captioned above, it is submitted that the appellant received Letter No. 313/102/2022-E-III/3314 dated 30.05.2022 from Pakistan Council of Scientific & Industrial Research (PCSIR), Islamabad, on 02.06.2022 (Copy enclosed).”

2. In response to a simple RTI Application, instead of sticking to the instant RTI Application and dealing it strictly in accordance with the law and the provisions of the Right of Access to information Act 2017, PCSIR is beating about the bush as usual showing its lack of knowledge of RTI Law. PCSIR stuffed its aforementioned letter with absurd story having no connection

with the instant RTI Application. PCSIR has no authority to withhold a certain document by deciding to state the contents of that document instead of providing the document itself. In the light of the provisions/purposes of the Right of Access to Information Act 2017, the letter that became the basis of a certain decision cannot be withheld after the finality of the decision.

3. In view of foregoing, the PIO/Designated Official of the PCSIR may very kindly be directed to provide the requisite information in black and white/hard form as soon as possible.”

6. The Appellant submitted his response on August 12, 2022 and its text is as under:

“Apropos the subject captioned above, it is submitted that the appellant received information sharing letter dated 06.07.2022 from Hon'ble Commission on 25.07.2022. This letter also contains the response given by PCSIR Islamabad.

2. In this connection, it is submitted that the appellant received the same Letter No. 313/102/2022-E-11/3314 dated 30.05.2022 from PCSIR Islamabad on 02.06.2022. The appellant conveyed his dissatisfaction to the Hon'ble Commission vide letter dated 02.07.2022 (Copy enclosed).

3. Since, PCSIR Islamabad has maintained its earlier stance, the further proceedings may very kindly be continued in the light of dissatisfaction already conveyed by the appellant in his letter dated 02.07.2022.”

7. Hearing on the instant Appeal was fixed for September 20, 2022 vide letter dated September 15 2022. The Respondent was represented by Syed Imran, DE, Pakistan Council of Scientific and Industrial Research. He maintained that the requested letter could not be shared with the Appellant as it was internal correspondence between two public bodies and that the matter had not been finalized yet. The commission asked him to produce the said letter in-camera proceedings to determine whether or not the matter discussed in the letter had attained finality.

8 The requested letter was reproduced before the commission in the in-camera proceedings in the hearing held on September 20, 2022.

### **C. Issues**

9 The instant appeal has brought to the fore the following issues:

(a) Can the Respondent, PCSIR withhold a certain document by merely describing the contents of the document instead of providing the requested document under the provisions of the Right of Access to Information Act, 2017, henceforth referred to as the “2017 Act”?

(b) Has the content of the requested letter in para 2 of this Order attained finality?

**D. Discussion and Commission's views on relevant issues:**

10 This commission concurs with the Appellant that the Respondent, PCSIR cannot withhold a certain document by merely describing the contents of the document instead of providing the requested document.

11 This commission maintains that there is no provision in the "2017 Act", to create another official record, based on originally requested record, to share with the Appellant, if the public body decides that the originally requested record cannot be shared.

12 This commission holds that the record available with a public body is either a public record, if not hit by any of the exemption clauses of the Right of Access to Information Act, 2017, or, exempted record if hit by any of the exemption clauses of the "2017 Act".

13 This commission also holds that the "2017 Act" does not accord blanket exemption to any record available with federal public bodies. The "2017 Act" envisages a situation wherein a document, which should be otherwise be made public but its parts may be hit by any of the exemption clauses of the "2017 Act". In such an eventuality, the part hit by exemption clauses can be severed from the document as mentioned in Section 16 (1) (i) of the "2017 Act".

14 This commission, after going through the content of the requested letter in in-camera proceedings, determines that it is a public document as it is not hit by any of the exemption clauses mentioned in Section 7 and Section 16 of the "2017 Act".

**E. Order**

15 The Appeal is allowed. The Respondent is directed to provide the Appellant certified copy of the requested letter in para 2 of this Order at the earliest but not later than 7 working days of the receipt of this Order, with intimation to this office.

16 Copies of this order be sent to the Respondent and the Appellant for information and necessary action.

Mohammad Azam  
Chief Information Commissioner

Zahid Abdullah  
Information Commissioner  
Announced on: September 21, 2022

This order consists of 04 (four) pages, each page has been read and signed.