



In the Pakistan Information Commission, Islamabad
Appeal No 1439-11/21

Irfan Jahangir Wattoo

Vs.

(Appellant)

Cabinet Division
Establishment Division

(Respondent-1)
(Respondent-2)

ORDER

Date: May 18, 2022

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed an appeal, dated October 27, 2021, to the Commission, stating that he submitted an information request to Secretary, Establishment Division on October 5, 2021 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 under:-
 1. *When did the draft rules framed by the Chairman Federal Public Service Commission for CSS Examination (copy of title page enclosed), Which were subsequently notified by FPSC vide S.R.O. No. 1452 (i)/2018 Dated 27-11-2-2018, were received in Cabinet Division from the Establishment Division?*
 2. *When did the approval of Cabinet was obtained by the cabinet Division and by what method, I.E., by approval of the cabinet members through circulation summary?*
 3. *On what date approval of the cabinet for aforesaid rules was conveyed to the chairman FPSC r FPSC?*

B Proceedings

3. The record available on the file reveals that the Respondents communicated with the Appellant.
4. Through a letter dated March 18, 2022, the Appellant submitted before the commission:
“That the appellant had asked for copy of approval of the Federal Government for CSS-Competitive Examination Rules, 2019 which were notified by the Federal Public Service Commission, Islamabad vide S.R.O. 1452(1)/2018 dated 27-11-2018.
2. That these rules are available for download on the website of Federal Public Service Commission, Islamabad but actual approval of Federal Government is not available there and neither it has been provided by 3 22 missionary of the Respondents though asked for on numerous occasions.
3. That in the latest reply by the Establishment Division, they have again provided copy of the CSS-Competitive Examination Rules, 2019 notified by EPSC vide S.R.O. No. 1452(1)/2018, dated 27-11-2018 but have not provided approval of Federal Cabinet which is actually required and was asked for repeatedly by the Appellant/Applicant”

C Discussion and Commission’s View on Relevant Issues:

5. This commission holds that so far as the requested information as to when were “draft rules framed by the Chairman Federal Public Service Commission for CSS Examination

Which were subsequently notified by FPSC vide S.R.O. No. 1452 (i)/2018 Dated 27-11-2-2018, were received in Cabinet Division from the Establishment Division, this information is available with Cabinet Division and should be made available to the Appellant.

6. This commission maintains that as far as the date and the method of the approval of the requested information about “the draft rules framed by the Chairman Federal Public Service Commission for CSS Examination” is concerned, this requested information is also available with the Cabinet Division in the shape of minutes of the meeting.
7. It is important to highlight that the minutes of official meetings are exempted from disclosure under Section 7 (b) only if final decision has not been taken on the issue being deliberated upon in official meetings. Once final decision has been taken, minutes of meetings become public documents, unless hit by any of the exemption clause of the Right of Access to Information Act, 2017 which is not the case in the instant Appeal.
8. The disclosure of ‘minutes of meetings’ during the deliberative process is protected to ensure that outside influence does not create hindrances in the deliberative process. However, once a public body has taken a final decision, as is the case in the instant appeal, minutes of the meetings cannot be treated as excluded records.
9. This commission holds that the requested information as to when was approval of the cabinet for aforesaid rules was conveyed to the chairman FPSC is also available with the Respondents in the shape of official correspondence which should be made public.

D Order

10. The appeal is allowed. The Public Information Officer, Cabinet Division and Public Information Officers, Establishment Division are directed to share with the Appellant following information within 7 working days of the receipt of this Order:
 - (a) Date on which were “*draft rules framed by the Chairman Federal Public Service Commission for CSS Examination Which were subsequently notified by FPSC vide S.R.O. No. 1452 (i)/2018 Dated 27-11-2-2018, were received in Cabinet Division;*
 - (b) *Minutes of the meeting indicating the date and approval of “draft rules framed by the Chairman Federal Public Service Commission for CSS Examination Which were subsequently notified by FPSC vide S.R.O. No. 1452 (i)/2018 Dated 27-11-2-2018 along with the summary moved for the approval of these rules. (Minutes of meeting containing any unrelated matter be blanked out); and*
 - (c) *Certified copy of correspondence indicating the date on which approval of the cabinet for aforesaid rules was conveyed to the chairman, FPSC.*
11. Copies of this Order be sent to the Public Information Officer, Cabinet Division, Public Information Officers, Establishment Division and the Appellant for information and necessary action.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner

Announced on: May 19, 2022

This order consists of 2 (two) pages, each page has been read and signed.