

IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

Appeal No. 2029-06/2022

Saddia Mazhar

Vs

National Assembly of Pakistan

Fawad Malik: Information Commissioner

**A. APPEAL**

1. Miss. Saddia Mazhar filed an application under the Right of Access to Information Act, 2017 read with Article 19A of the Constitution of Islamic Republic of Pakistan, 1973. Through her email dated 04.06.2022 addressed to the Deputy Secretary, National Assembly of Pakistan, she has desired the following information:

- a. *List of the officers (BPS 16 and above) who have joined National Assembly Secretariat on deputation from Jan 2018 to date, also provide the information in given below format:*

<i>Sr. No.</i>	<i>Name</i>	<i>Grade</i>	<i>Parent Department</i>	<i>Initial Appointment dated</i>	<i>Initial appointment grade</i>	<i>Date on which joinder NA Secretariat</i>

- b. *Complete record of the promotion of the officers who joined NA Secretariat from Jan 2018 to date, and are promoted in given below format:*

<i>Sr.</i>	<i>Name</i>	<i>Promoted from</i>	<i>Promoted to</i>	<i>Current serving as</i>	<i>Remarks on basis of which promotion was made</i>

2. Feeling aggrieved for the non-provision of the requested information and record within the stipulated period provided under the Act she has filed appeal before the Pakistan Commission on Access to Information, Islamabad.

**B. PROCEEDINGS**

3. The Deputy Secretary (Legislation)/Designated officer, National Assembly of Pakistan vide letter dated 05-07-2022, was directed to

provide reasons in writing within seven working days as to why the requested information has not been provided to the applicant as under section 14 of the Right of Access to Information Act 2017, each public body is bound to respond to a request as early as possible and in any case not later than ten working days of the receipt of the request.

4. The reply was not submitted therefore the appeal was fixed for hearing before the Commission on 17.08.2022 when Mr. Muhammad Farooq, DS/PIO appeared before the Commission to represent the Secretariat of the National Assembly and asked for short adjournment to do the needful therefore the appeal was adjourned for 24.08.2022 on his request. On 24.08.2022 Mr. Muhammad Waqar, DPS instead submitting the information again requested for further time for the provision of the information.

### **C. COMMISSION'S VIEW**

5. The appellant has asked for the provision of the names, grades, parent departments, date and grades of initial appointments and the date on which officers of BPS 16 and above joined National Assembly Secretariat on deputation from Jan 2018 to date. She has further desired the names and detail of the officers who joined NA Secretariat from Jan 2018 to date, and are promoted, their current status and the remarks considered for their promotion.
6. The public body during the course of hearing has not denied the provision of the requested information or claimed exemption from its disclosure rather sought time for providing the same after compilation in the given format and search through a large number of records located in different offices. The Section 5 of the Act also mandates the publication of the sort of information and record including uploading over the internet to ensure the access to the general public. The Commission certainly considers it lapse on the part of the Secretariat of the National Assembly, the house that passed the bill on the Right of Access to Information Act in 2017, the delay towards the implementation of Section 5 of the Act.
7. The Article 19A of the Constitution of Islamic Republic of Pakistan, 1973 guarantees the enforcement of fundamental right and the Right of Access to Information Act, 2017 ensures the statutory right of the citizens, the taxpayers to know the duties,

powers and the services, the organization provides to the citizens including the directory of its officers and employees indicating their duties, functions, their respective remunerations, perks and privileges, their performances and the detailed budget, including the proposed and actual expenditures to identify and describe each penny of expenditure they administer, recovered from the pocket of the citizens. All enlisted in the category of public record should have been displayed on the official website of the Secretariat of the National Assembly. This information and record cannot be denied or delayed at the whims of the bureaucratic hierarchy using the delaying tactics or creating bureaucratic hurdles.

8. Transparency in the working of the government departments is the essence for the enactment of the Act 2017. Its spirit is to ensure that the people of the Islamic Republic of Pakistan have access to the records held by the federal public bodies for making the government accountable to the people. This practise would improve the participation of the people in the public affairs aimed at reducing corruption, nepotism, discrimination, misuse of power and inefficiency in the governance.

#### **D. ORDER**

9. The appeal is allowed. The Deputy Secretary, Legislation) / Designated officer, National Assembly of Pakistan, is directed to furnish the appellant all the requested information and record detailed in para 1 of this order, forthwith, but in any case not later than ten working days of the receipt of this order.

He is further directed to implement Section 5 of the Act in letter and spirit under intimation to this Commission by or before 30.09.2022.

Mohammad Azam  
Chief Information Commissioner

Fawad Malik  
Information Commissioner

Zahid Abdullah  
Information Commissioner  
Announced on 31.08.2022

Certified that this order consists of 03 pages, each page has been read and signed.