

IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

APPEAL NO.719-11-2020

**Dr. Farid Malik
Vs
Prime Minister Secretariat**

Date: 10.3,2021

Fawad Malik: Information Commissioner

A. APPEAL.

1. The brief facts of the appeal are that Dr. Farid Malik through his application dated 16th Sept, 2020 addressed to the Principal Secretary to the prime Minister of Pakistan, not under the Right of Access to the Information Act, 2017, recorded his criticism regarding the violation of merit in the appointment of Co-ordinator General, COMSTECH. The text of the application is reproduced hereunder:-

Sub: Gross Violation of Merit

“There has been gross violation of merit in the appointment of Coordinator General COMSTECH. Dr. Muhammad Iqbal Chaudhry Director of International Center for Chemical and Biological Sciences (ICCBS) University of Karachi was notified for this position. In March 2019 the Ministry of Science and Technology (Most) formed a search committee to fill the vacant post. Both Dr. Iqbal and Dr. Atta-ur-Rehman of ICCBS were included as members. As Dr. Iqbal was himself interested in this position, he declined membership of the committee.

Considering conflict of interest, Most removed both Dr. Iqbal and Dr. Atta from the search committee as they belonged to the same institution (ICCBS) in September 2019 a new search committee was nominated under the Chairmanship of the Minister (Most). Instead the PM secretariat notified a new committee headed by the Minister of Foreign Affairs (MoFA) that included Dr. Atta as well thereby invoking serious conflict of interest as he is the Patron-in-Chief of ICCBS where Dr. Iqbal is the Director.

In November 2019 after consultation between the two minister (Most), MoFA) three names of experts which included my name was forwarded to the search committee for final selection (copy enclosed as Annex I). President Dr. Arif Alvi interviewed the panel of experts forwarded by MoFA from which my name was arbitrary dropped due to nepotism.

I request you to withdraw the notification of Dr. Iqbal and issue clear instructions to conduct my interview for the said position. The two gross irregularities (Nepotism, Conflict of interest) committed to deny merit should also be investigated to ensure compliance in the future for institutions like CONSTECH to perform, merit is important which has been missing in this appointment.”

2. The appellant filed the appeal dated 2nd Nov, 2020 before Pakistan Information Commission against the Prime Minister Secretariat with request for the provision of the following information to ascertain the facts:-

Subject: Information from PM Secretariat

I requested the Principal Secretary to the Prime Minister (PSPM) to look into irregularities in the selection of Co-ordinator General COMSTECH (Copy of letter

enclosed as Annexure 1). As my letter remains replied, I request the following information to ascertain the facts:

- i. *“Copy of notification of the Search Committee dated March 07, 2019 to be headed by Minister of Foreign Affairs.*
- ii. *Copy of proposed notification of the Search Committee to be headed by Minister of Science and Technology moved after exclusion of Dr. Muhammad Iqbal.*
- iii. *Copy of the notification of the Search Committee dated October 02, 2019 to be headed by Minister of Foreign Affairs..*
- iv. *Complete minutes of the meeting of the Search Committee held on December 30, 2019 together with attendance record.*
- v. *Complete minutes of the meeting of the Search Committee held on February 07 2020 together with the attendance record.*
- vi. *Record of approval of the shortlisted candidates together with ranking of candidates..*
- vii. *Summary for approval moved to the PM/President.*
- viii. *Final notification of the candidate.”*

B. PROCEEDINGS:

3. The Commission vide letter dated 23.11.2020, informed the appellant that the appeal is inadmissible for consideration for the following reasons:-
 - i. *The request for information to the public body is not filed under the Right of Access to Information Act 2017*
 - ii. *The information mentioned in appeal was not requested from the Public office.*

C. COMMISSION'S VIEW.

4. The application addressed to the Principal Secretary of the Prime Minister is not a request for any information or record, perhaps a protest and complaint in the matter of the appointment of the Co-ordinator General, COMSTECH. Section 2(xi) of the Act has defined the “record”, means a request for access to information and includes a request for access to a specific record. Since no record or information has been sought, general or specific, nor drafted under the Right of Access to Information Act, 2017, the application therefore will not be considered as an information request under the Act. According to the spirit of the Act “information” means information based on record. The general query that cannot be responded in digital or printed form does not constitute a request under the Act.
5. Later in the body of the appeal the appellant has deviated from the contents of his earlier application and has sought certain record and information. The detail of the requested information depicts that the desired record pertains to the Ministry of Foreign Affairs and Ministry of Science and Technology. The custodian of the said record and information are their respective Ministries. The information which is not held by the public body, in printed or digital form, cannot be provided, let alone be certified by the public body as required under the Act.
6. It would not be out of place to mention here that earlier on in *Appeal No. 383-6-2020 titled Dr. Farid Ahmad Malik vs Ministry of Foreign Affairs, decided* vide order dated 19th Jan, 2021, the appellant has been provided the information and record in sufficient details pertaining to the appointment of the Co-ordinator General COMSTECH. The said record was provided to the appellant by the Ministry of Foreign Affairs on the intervention of this Commission.

7. Both the application before the public body as well as the appeal before the Commission is not filed invoking the Right of Access to Information Act, 2017 or under Art. 19A of the Constitution of Pakistan, this Commission cannot take the cognizance. On this score alone the appeal merits dismissal.

D. ORDER.

The appeal is inadmissible therefore dismissed *in limine*.

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner

Announced on 10th March, 2021.

Certified that this order consists of three (3) pages, each page has been read and signed.