

Pakistan Information Commission

Government Of Pakistan

Order

Appeal No: 3932-09/24

Azmat Khan

VS

WAPDA

November 07, 2024 None appeared on behalf of the public body. The information provided by the public body was shared with the appellant vide letter dated 11-10-2024. The appellant has expressed his satisfaction in a letter dated 26-10-2024. In view of the above-mentioned position, no further proceedings are required. The appeal stands disposed of. Copy of the order be sent to both the parties.

Ijaz Hassan Awan
Information Commissioner

Shoaib Ahmad Siddiqui
Chief Information Commissioner

Pakistan Information Commission

Government Of Pakistan

Order

Appeal No: 3923-09/24

Muhammad Saeed

VS

Pakistan Post

November 07, 2024

Muhammad Arshad, Divisional Superintendent, Sahiwal, appeared on behalf of the public body. The information provided by the public body relating to five elements of the information request was shared with the appellant, who mentioned in his rejoinder that a copy of the rule admissibility, as noted in Serial No. 2 of his information request, was missing. The representative of the public body present before the Commission has today submitted the relevant information vide letter dated 06-11-2024, which may be shared with the appellant as part of the remaining information. In view of the above position, no further proceedings are required, as the information request has been properly attended to by the public body. Accordingly, the appeal stands disposed of. Copy of the order be sent to both the parties.

Ijaz Hassan Awan
Information Commissioner

Shoaib Ahmad Siddiqui
Chief Information Commissioner

Pakistan Information Commission

Government Of Pakistan

Order

Appeal No: 3939-09/24

Saddia Mazhar

VS

FIA

November 07, 2024 Ms. Sania Intiaz, Deputy Director (Law), FIA, appeared on behalf of the public body. The public body, vide letter dated 06-11-2024, has not contested this appeal and has expressed its consent to provide the required documents/record in PDF format. However, it has been indicated that an amount of Rs. 30,000/- is required for the preparation of the said record, as the record consists of 1900 pages. This amount is calculated at the rate of Rs. 7 per page, as per the Access to Information (Fee) Regulations, 2023.

2. In view of above, the appellant is directed to submit the amount of Rs. 30,000/- either in cash, demand draft, pay order, or bank cheque, to the concerned account head of the FIA. Upon deposit of the said amount, the public body shall share the required record with the appellant in PDF format within 15 days of the deposit of the said amount. The appellant is further directed to send the deposit slip to this Commission. Upon receipt of the deposit slip, the office will take necessary action to ensure the sharing of the required information.
3. The appeal stands disposed of. Copy of the order to be sent to both the parties.

Ijaz Hassan Awan
Information Commissioner

Shoaib Ahmad Siddiqui
Chief Information Commissioner

Pakistan Information Commission

Government Of Pakistan

Order

Appeal No: 3994-09/24

Rauf Khalid

VS

Ministry of Finance

November 07, 2024 Appellant present in person. Mumtaz Ahmed, Deputy Secretary, Ministry of Finance, appeared on behalf of the public body. The representative of the public body informed that the requested information has been sought from the concerned wing, but the reply is still pending. Request is made for adjournment which is granted.

2. Adjourned to 04-12-2024.

Ijaz Hassan Awan
Information Commissioner

Shoaib Ahmad Siddiqui
Chief Information Commissioner

Pakistan Information Commission

Government Of Pakistan

Order

Appeal No: 3919-09/24

Muhammad Safdar Ghouri

VS

Cooperative Housing Society

November 07, 2024 None appeared on behalf of the public body. However, the Circle Registrar of the Cooperative Societies Department wrote letter dated 24-09-2024 to the Administrator of the Foreign Affairs Employees Cooperative Societies, Islamabad, instructing them to furnish the required information to the Commission. Despite this, neither the Administrator appeared nor is the required information furnished to the Commission.

2. Notice be issued to the Administrator, Foreign Affairs Employees Cooperative Societies, Islamabad with a copy to the Registrar, Cooperative Societies Department with directions to ensure the appearance of a senior officer on the next date of hearing otherwise ex parte proceedings shall be recorded against the public body and order will be passed in accordance with law.
3. Adjourned to 04-11-2024.

Ijaz Hassan Awan
Information Commissioner

Shoaib Ahmad Siddiqui
Chief Information Commissioner

Pakistan Information Commission
Government Of Pakistan
Order
Appeal No: 3933-09/24
Azmat Khan
VS
National Accountability Bureau

November 07, 2024 Burj Lal, Director (Media) of NAB, appeared on behalf of the public body. The representative of the public body has submitted that copy of the rejoinder had not been furnished to them. The same was handed over to the representative of the public body present before the Commission.

2. Adjourned for filing written reply to the rejoinder of the appellant and for arguments to 05-12-2024.

Ijaz Hassan Awan
Information Commissioner

Shoaib Ahmad Siddiqui
Chief Information Commissioner

Pakistan Information Commission

Government Of Pakistan

Order

Appeal No: 3963-09/24

Boota Intiaz

VS

Pakistan Cricket Board

- November 07, 2024
- None appeared on behalf of the public body. However, the public body, vide letter dated 28-10-2024, addressed to the Commission and with a copy to the appellant, has submitted that the Pakistan Cricket Board (PCB) has its own classification for employees' scales and grades, and its employees cannot be categorized under BPS scales. The PCB clarified that, by the nature of their employment, its employees are neither federal government employees nor civil servants. Furthermore, the PCB stated that employees categorized as "Grade 1 or above" are not part of their organization. It is further stated that PCB is an equal opportunity organization, appointing individuals based on merit and professional competencies.
2. Although copy of the written reply has already been sent to the appellant, it be again shared with the appellant. No further proceedings are required, and the appeal stands disposed of.
 3. Copy of the order will be sent to both the parties.

Ijaz Hassan Awan
Information Commissioner

Shoaib Ahmad Siddiqui
Chief Information Commissioner

Pakistan Information Commission
Government Of Pakistan
Order
Appeal No: 3965-09/24
Boota Intiaz
VS
National Commission for Human Rights

November 07, 2024 Waqar Ahmed, Law Officer, NCHR appeared on behalf of the public body.

2. The public body, vide letter dated 06-11-2024, has furnished the required information with copy to the appellant. The Commission has examined the information request and the written reply, along with the data provided by the public body, and found that the said data fully addresses the information request of the appellant. Copy of the written reply be shared again with the appellant. No further proceedings are required, and the appeal stands disposed of.

Ijaz Hassan Awan
Information Commissioner

Shoaib Ahmad Siddiqui
Chief Information Commissioner

Pakistan Information Commission

Government Of Pakistan

Order

Appeal No: 3953-09/24

Ishaque Ahmed

VS

SECP

November 07, 2024 Fatima Shabbir, SVP, SECP appeared on behalf of the public body.

2. The law officer appearing on behalf of the public body has furnished a written reply addressing all the queries of the appellant. However, in respect of query No. 1 of the information request, which pertains to the provision of the annual report of NITL for FY 2023-24, the public body is ready to share the said document subject to payment as mentioned in the Seventh Schedule read with Section 462(5) of the Companies Act, 2017.
3. Regarding the request of the appellant mentioned at serial No. 2 of the information request, it is submitted that the agreement between NITL and Leopard Courier Service does not fall under the purview of SECP and such agreements are internal documents of NITL and Leopard Courier Service. Therefore, the appellant may obtain the said document directly from NITL or Leopard Courier Service.
4. The answers to queries No. 3 and 4 have also been properly provided. In view of the above, the appeal is disposed of in the manner that the appellant may obtain the record required at serial No. 1 of the information request, subject to payment of the legal fee as mentioned in the Seventh Schedule read with Section 462(5) of the Companies Act, 2017. The appellant is further directed to submit the deposit slip to this Commission, after which the office will take the necessary action for sharing the required information.
5. The appeal is disposed of. Copy of the written reply and this order be sent to both the parties.

Ijaz Hassan Awan
Information Commissioner

Shoaib Ahmad Siddiqui
Chief Information Commissioner

Pakistan Information Commission

Government Of Pakistan

Order

Appeal No: 2405-11/22

Khalid Khattak

VS

National University of Science and Technology

November 07, 2024

Mr. Asim Shafi, Legal Advisor, NUST appeared on behalf of the public body.

2. Written reply has been furnished by the learned counsel for the public body. It has been submitted that, in fact, on 08-10-2024, arguments were addressed, and the public body was under the impression that judgment had been reserved; therefore, the absence was not willful. However, the record indicates that on 08-10-2024, an adjournment was sought by the learned counsel appearing on behalf of the public body but, keeping in view this impression, the show cause notice is hereby withdrawn.
3. After hearing the arguments of the learned counsel for the public body, and upon perusal of the record and relevant law, the appeal is disposed of as follows:
4. The appellant vide his information request dated 01-11-22 addressed to the Registrar, NUST required the following information in respect of individual who have been declared defaulters by the NUST since the year 2000 for not fulfilling their bond obligation and failed to rejoin the university after completing their higher studies funded by the University. Please provide the information in the following orders:
 1. Complete name of the individual, title of the academic program and universities they got admitted.
 2. Details of amount expended on each individual.
 3. Copies of the bond with these individuals.
 4. Progress about court proceedings against these individuals including amount recovered.
 5. Copies of correspondence, if any, the NUST management did with the foreign institutions about these individuals who have been declared defaulters.

5. Since the above-mentioned information was not provided to the appellant by the public body, he filed this appeal before the Commission. Upon receiving notice issued by the Commission, the public body filed a written reply, objecting that the record required by the appellant does not fall within the category of a public body and is also exempted from disclosure under Sections 7 and 16 of the Right of Access to Information Act, 2017. It was further stated that the disclosure of this record would amount to an invasion of privacy of an identifiable individual. Additionally, it was argued that the respondent is not a public body as defined under the Act. A request was made to dismiss the appeal.
6. The Commission has heard the arguments of the learned counsel for the respondent, who did not initially press the preliminary objection regarding the plea of not being a public body. However, as the order was being dictated, the learned counsel for the respondent submitted that this objection be decided on its merits. Therefore, this objection is addressed first.
7. Admittedly, NUST is under the Ministry of Science and Technology and was established under federal law. NUST also undertakes public functions and receives funds from the federal government. Therefore, under Section 2(x)(a), (b), (g), and (h) of the Right of Access to Information Act, 2017, it falls within the definition of a public body, and the arguments of the learned counsel have been found untenable and are turned down.
8. As far as plea of the public body that the information requested by the appellant does not fall under the category of public record, it is noted that under Section 6(c) of the Act, benefits, privileges, contracts, and agreements have been declared as public records. The information requested by the appellant falls within this definition; therefore, the plea of the public body is also turned down.
9. As for the exemption claimed by the public body under Sections 7 and 16 of the Right of Access to Information Act, 2017, it is argued that the requested information pertains to

the privacy of an identified individual, and its disclosure would involve privacy of individuals. Therefore, the said information is exempt from disclosure.

10. The Commission has considered the contention of the public body and the arguments presented by the learned counsel for the public body and found that the information requested pertains to individuals who have been declared defaulters by NUST for failing to fulfill their bond obligations and not rejoining the university after completing their higher education, which was funded by the university certainly these funds were drawn from the federal government's budget, i.e., the public exchequer.
11. These individuals also violated the terms and conditions of the agreement signed with the university, and have also caused loss to the public exchequer. Hence, such acts by these individuals cannot be protected from disclosure and do not enjoy any exemption provided under the law.
12. The exemptions mentioned in sections 7 and 16 of the Right of Access to Information Act, 2017 do not apply in the appeal in hand. Therefore, the Commission has come to the conclusion that that the information requested by the appellant pertains to public records. Every citizen of Pakistan has the fundamental right to access such records, and disclosing the said information would certainly strengthen good governance and transparency.
13. Registrar, NUST is directed to furnish the required information to the appellant as well as to this Commission within 10 days. Copy of the order be sent to both the parties.
14. Adjourned to 05-12-2024

Ijaz Hassan Awan
Information Commissioner

Shoaib Ahmad Siddiqui
Chief Information Commissioner

Pakistan Information Commission
Government Of Pakistan
Order
Appeal No: 3672-05/24
Rashid Anwar
VS
Auditor General of Pakistan

November 07, 2024 Arshad Ali, Director (FAO), and Muhammad Ameer, Assistant Audit Officer, Auditor General of Pakistan, appeared on behalf of the public body.

2. This case has been lingering on, with responses and rejoinders continuously being submitted. It is necessary that a proper examination of the information request be carried out in comparison with the information provided by the public body and the appellant's rejoinder.
3. It is a settled principle that the appellant's request is bound by the information sought in the information request as per the Act. Relying on this principle, an analysis was conducted.
4. The appellant has sought following pieces of information from the public body;
 - a) Your office letters No:731/PAAS-II/Misc-2015-VIII dated 16.09.2020 and No:03/Dir(A)/Misc-2015-VIII dated 12.01.2021.
 - b) The Prescribed Mandatory Roster, maintained in the prescribed manner, outlining the allocation of 50% share of Audit & Accounts Officers in BS-17/IDC posts sanctioned in each department of PA&AS.
 - c) The legally sanctioned authority, duly approved by the President of Pakistan and available in the ESTA CODE, permitting the annulment of the prescribed manners widely circulated by the Establishment Division for calculating the length of service of AOs in BS-17 for civil servants' promotion to higher posts, i.e., Proviso-iii of Establishment Division O.M. No. 1/9/80-R.2 dated 02.06.1983.
 - d) BS-17/IDC seniority lists circulated during the 1980s, 1990s, & 2000s. validating the occupancy of 50% of the BS-17/IDC posts by departmental candidates, i.e., AOs.
5. The public body's responses to these requests are as follows:
 - a. The representative of the public body states that, through these letters, appeals of two retired officers were forwarded to the Establishment Division. He claimed that the matter is still pending in the Establishment Division. He also stated that this matter relates to

individual privacy as per Sections 7(g) and 16 of the Right of Access to Information Act, 2017.

b. He states that no prescribed mandatory register is maintained by the public body and logically how it would logically be possible to provide it.

c. The representative of the public body states that the subject OM is printed in the *Estacode Edition 2021* and is also available on the website of the Establishment Division.

d. The representative states that the concerned officer has informed that these lists were prepared but are no longer available in the records as they are outdated.

6. In view of the analysis of the information request, the response of the public body, and after taking into account the legal provisions, it is hereby ordered as follows:

a. Copies of the two letters dated 16-09-2020 and 12-01-2021 are provided without enclosures.

b. As the requested register does not exist, it cannot be provided.

c. The relevant information regarding the Establishment Division OM dated 1983 is available in the *Estacode Edition 2021* and on the Establishment Division's website, which can be accessed by the appellant.

d. Regarding the seniority lists for the 1980s, 1990s, and 2000s, the public body's response is clear and categorical; they only possess the seniority list dated 17-06-2008. This list should be provided to the appellant.

7. In view of the above position, the appeal is disposed of accordingly. The public body is directed to provide the items mentioned in Para 6 (d) within 10 days, with notification to this Commission.

8. Adjourned to 20-11-2024 for implementation report.

Ijaz Hassan Awan
Information Commissioner

Shoaib Ahmad Siddiqui
Chief Information Commissioner