



**In The Pakistan Information Commission, Islamabad**

**Appeal No E72-01/21**

**Murtaza Hashim**

(Appellant)

Vs.

**National Accountability Bureau**

Through its Public Information Officer

(Respondent)

**ORDER**

**Date:** May 31, 2021

**Zahid Abdullah:** Information Commissioner

**A. The Appeal**

1. The Appellant filed an appeal, dated January 20, 2021, to the Commission, stating that he Submitted an information request to the Public Information, National Accountability Bureau (NAB) dated 02-01-2021 under the Right of Access to Information Act 2017 but did not received the requested information from the public body.
2. The information sought by the Appellant is as follows:
  1. *“Monthly gross and net Salary paid to Chairman, Deputy Chairman, Director General (DG), Director, Additional Director, Deputy Director and Assistant Director in National Accountability Bureau (NAB).*
  2. *Perks and Privileges of Chairman and Deputy Chairman NAB.*
  3. *Nomenclature of all posts in National Accountability Bureau (NAB) in BPS-16 and above along-with sanctioned strength.*
  4. *Total vacant posts in National Accountability Bureau (NAB) in BPS-16 and above nomenclature wise detail.*
  5. *National Accountability Bureau (NAB) terms and Conditions of Service Qualification (MAQ) Rules as mentioned on page 141 of NAB Annual Report-2019.*
  6. *NAB Reward Rules Amended up-to-date.*
  7. *Certified copy of NAB Rules formulated on direction of Honorable Supreme Court of Pakistan.*
  8. *Certified copy of inquiry Report for illegal appointments in NAB Rules formulated on direction of Honorable Supreme Court of Pakistan.*
  9. *Certified copy of Inquiry Report for illegal appointments in NAB constituted on direction of Honorable Supreme Court of Pakistan in Suo Moto No. 13/2016, inquiry committee Headed by Syed Tahir Shahbaz then Secretary Establishment Division.”*

## **B. Proceedings**

3. Through a notice dated February 10, 2021, sent to Director (Media) / Public Information Officer, National Accountability Bureau, the Commission called upon the Respondent to submit reasons for not providing the requested information.
4. The Appeal was fixed for hearing on March 11, 2021 and both parties were informed accordingly through notices sent on February 25, 2021.
5. No one appeared on behalf of Respondent in the hearing held on March 11, 2021.
6. This commission received response of the National Accountability Bureau (NAB) through a letter vide No. 1(001)DM-I/NAB-HQ/2019 dated April 29, 2021, which is as under:

*“it is to inform you that the information/documents requested by the applicant Mr. Murtaza Hashim through his application cannot be shared as it is covered under Article 19-A of Constitution of Islamic Republic of Pakistan and Section 7 (exclusion of certain record) Section 13 (Procedure for acceptance and refusal of requests) as well as Section 16 (b) (i) (j) (Information Exempt from disclosure) of the Right of Access to Information Act, 2017”.*

## **C. Discussion and Commission’s View on Relevant Issues**

7. The Public Information Officer, (PIO), NAB has invoked Section 16 (b) (i) (j) of the Right of Access to Information Act 2017, henceforth referred to as “Act”, to exempt from disclosure the requested information. So far as Section 16 (b) (i) of the Act is concerned, this commission is of the view that the disclosure of requested information is not likely to “Harm the detection, prevention, investigation or inquiry in a particular case”. Section 16 (b) does not contain (j) and the only relevant (j) is in Section 16 (d) of the Act. This commission is of the view that Section (16) (d) (j) is not applicable in the instant appeal as the disclosure of the requested information is not likely to harm “prevention or detection of crime, The apprehension or prosecution of offenders” and “the administration of justice”.
8. The PIO has also referred to Section 7 of the Right of Access to Information Act 2017 without specifically mentioning relevant clauses of the Act to exempt from disclosure the requested information. This commission has juxtaposed each clause of Section 7 of the Act but none is applicable in the instant appeal.
9. This commission has already held through its different Orders that information pertaining to salaries, perks, benefits, perks and privileges of the employees is contained in notifications which are public documents. As such, this information is not only to be provided to citizens when requested but public bodies are obligated to proactively publish through their web sites all notifications as required under Section 5 (1) (b) of the Act.
10. Similarly, Section 5 (1) (b) of the Act also requires all federal public bodies to ensure publications on their web sites of all “Statutes, statutory rules, regulations, bye-laws, orders and notifications, etc. applicable to the public body disclosing the date of their respective commencement or effect”. As such, this commission holds that NAB is required to share with the Appellant, and, also publish on its web site, “National Accountability Bureau (NAB) terms and Conditions of Service Qualification (MAQ) Rules as mentioned on page 141 of NAB Annual Report-2019”, and “NAB Reward Rules

Amended up-to-date” as requested by the Appellant. Similarly, NAB is required to share with the Appellant, and, also publish on its web site, if it has finalised, “NAB Rules formulated on the direction of Honorable Supreme Court of Pakistan” as requested by the Appellant.

11. All federal public bodies are required to publish through their web sites finalised enquiry reports according to Section 5 (1) (i) of the Act. As such, NAB is required to share with the Appellant, and, also publish on its web site, if it has finalised, “Inquiry Report for illegal appointments in NAB constituted on direction of Honorable Supreme Court of Pakistan in Suo Moto No. 13/2016, inquiry committee Headed by Syed Tahir Shahbaz then Secretary Establishment Division”, as requested by the Appellant.
12. All federal public bodies are required to publish through their web sites directory of officers according to Section 5 (1) (a) of the Act. As such, NAB is required to share with the Appellant, and, also publish on its web site the requested information about “Nomenclature of all posts in National Accountability Bureau (NAB) in BPS-16 and above along-with sanctioned strength and “Total vacant posts in National Accountability Bureau (NAB) in BPS-16 and above nomenclature wise detail”.
13. This commission is of the view that under staffing of officers is a perennial problem faced by public bodies. However, this issue does not get public attention it deserves. If NAB keeps updated diary of its officers on its web site, citizens would know about total number of sanctioned posts and the details about sanctioned posts filled and lying vacant. This critical issue of under-staffing is not going to get public attention if this information is not brought in the public domain through proactive disclosure of directory of officers through web sites.
14. This commission is of the view that the disclosure of the requested information will not only strengthen NAB as an institution but will also help achieve stated objectives of the Act enunciated in its Preamble which are as under:
  - a. Making government more accountable to citizens;
  - b. Greater level of participation of citizens in the affairs of the government’;
  - c. ‘Reducing corruption and inefficiency’;
  - d. Promoting sound economic growth’; and
  - e. Promoting good governance and respect for human rights.

#### **D. Order**

15. The Appeal is allowed. The Public Information Officer, NAB is directed to share with the Appellant following requested information at the earliest, but not later than 10 working days of the receipt of this Order, with intimation to this office:

Certified copies of the notifications pertaining to the “Monthly gross and net Salary paid to Chairman, Deputy Chairman, Director General (DG), Director, Additional Director, Deputy Director and Assistant Director in National Accountability Bureau (NAB) and notifications pertaining to the “Perks and Privileges of Chairman and Deputy Chairman NAB”;

Certified copies of “National Accountability Bureau (NAB) terms and Conditions of Service Qualification (MAQ) Rules as mentioned on page 141 of NAB Annual Report-2019”, and “NAB Reward Rules Amended up-to-date” and (if finalised) “NAB Rules formulated on the direction of Honorable Supreme Court of Pakistan”;

if finalised, “Inquiry Report for illegal appointments in NAB constituted on direction of Honorable Supreme Court of Pakistan in Suo Moto No. 13/2016, inquiry committee Headed by Syed Tahir Shahbaz then Secretary Establishment Division” and directory of NAB officers along with information about sanctioned and vacant posts.

16. Copies of this Order be sent to the Public Information Officer, NAB and the Appellant for information and necessary action.

**Mohammad Azam**

Chief Information Commissioner

**Fawad Malik**

Information Commissioner

**Zahid Abdullah**

Information Commissioner

Announced on:

May 31, 2021

This order consists of 4 (four) pages, each page has been read and signed.