



In the Pakistan Information Commission, Islamabad

Appeal No E-70/01/2021

Murtaza Hashim

(Appellant)

Vs.

Ministry of Foreign Affairs

Through its Public Information Officer

(Respondent)

ORDER

Date: June 07, 2021

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed Appeal on January 18, 2021 to the Commission, stating that he had submitted information requests to the Public Information Officer, (PIO), Ministry of Foreign Affairs on December 30, 2021 under the Right of Access to Information Act 2017 but did not received any response from the public body.

2. The information sought by the Appellant is as follows:

“1. Total sanctioned and vacant posts of Assistant (BPS-15) in the Ministry of Foreign Affairs, (MOFA), Government of Pakistan, Islamabad.

2. Standing Operating Procedures, (SOP) for posting of ministerial staff in Pakistan Mission Abroad.

3. Total vacant posts in the Ministry of Foreign Affairs in BPS-15 and above (other than Foreign Service of Pakistan) nomenclature wise detail.

4. Is there any proposal under consideration or in near future for filling of vacant posts through direct recruitment?

5. Ministry of Foreign Affairs, (MOFA), Government of Pakistan, Islamabad recruitment and service rules for Ministerial Cadre, Finance Cadre, Research Cadre, Audit Cadre and Account Cadre.

6. Standing Operating Procedure for posting of officers of Foreign Service of Pakistan (FSP) in Pakistan Mission Abroad. i.e. policy-2020.

7. Is there any rule/policy available which provides pathway to Ministerial Staff and other staff of Foreign Affairs (MOFA), Government of Pakistan for induction in Foreign Service of Pakistan, (FSP)? If yes then please provide certified copies of these rules/policies”.

B. Proceedings

3. Through a notice dated January 19, 2021, sent to PIO, Ministry of Foreign Affairs, the Commission stated that “Under Section 14 of the Right of Access to Information Act 2017, each federal public body is bound to respond to a request as soon as possible and in any case within ten working days of receipt of the request. You are directed to provide reasons in writing within 7 working days of the receipt of this notice as to why the requested information has not been provided to the applicant, (copy of the information request and appeal thereon enclosed)”.
4. On April 13, 2021, the commission sent another notice to the Respondent but no response was submitted to this commission. Through this notice, the Commission directed the public body to “submit your written reply and arguments to Pakistan Information Commission within fifteen days of the receipt of this notice. Copies of the supporting documents may be annexed with the written arguments”. The Commission also stated through this notice that If the written arguments are not submitted within 15 working days, “the appeal will be decided Ex Parte in the light of the record available on file and the Right of Access to Information Act 2017”.

C. Discussion and Commission’s View on Relevant Issues

5. 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.
6. Section 5 (1) (b) of the Act 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”. Furthermore, items number 2, 4, 5, 6 and seven of the requested information in para 2 is public information under Section 6 (a) and (d) of the Right of Access to Information Act 2017.
7. 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, the Ministry of Foreign Affairs is required to share with the Appellant, and, also publish on its web site the requested information about “Total sanctioned and vacant posts of Assistant (BPS-15) in the Ministry of Foreign Affairs, (MOFA), Government of Pakistan, Islamabad and “Total vacant posts in the Ministry of Foreign Affairs in BPS-15 and above (other than Foreign Service of Pakistan) nomenclature wise detail.
8. 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 the Ministry of Foreign Affairs 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.

9. This commission is of the view that the disclosure of the requested information will not only strengthen the Ministry of Foreign Affairs 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

- 10. Appeal is allowed. The Public Information Officer, the Ministry of Foreign Affairs is directed to provide information mentioned in para 2 of this Order to the Appellant, at the earliest but not later than 7 working days of the receipt of this Order, with intimation to this office.
- 11. The Respondent is directed to take immediate steps to proactively share through the web site all categories of information mentioned in Section 5 of the Right of Access to Information Act 2017 and submit the compliance report to the commission in the Template for the Compliance Report-Proactive Disclosure of Information under Section 5 of the Right of Access to Information Act 2017’. This template is available under ‘Information Desk’ category at the web site of the commission www.rti.gov.pk. The compliance report be submitted to this commission within 30 days of the receipt of this Order.
- 12. Copies of this order be sent to The Public Information Officer, the Ministry of Foreign Affairs and the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Fawad Malik

Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on:

June 07, 2021

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