

IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

APPEAL NO. 965-03-2021

Nasir Jamal

Vs

National School of Public Policy

Date: 24.5.2021

Fawad Malik: Information Commissioner

A. APPEAL

1. Mr. Nasir Jamal, through his application dated 22.2.2021 addressed to the Rector, National School of Public Policy, Lahore, under Art. 19A of the Constitution of Pakistan read with Right of Access to Information Act, 2017 has requested the provision of complete information pertaining to the appointment of three Deans at NSPP, with reference to the advertisement in daily DAWN on 15th Nov. 2020, inviting applications for the appointments. In pursuance thereof the three Deans were notified through their respective notifications dated 12.3.2021. The detail of the requested information by the applicant is reproduced as under:

1. *“List of all applicants alongwith list of shortlisted applicants.*
2. *NSPP Selection Board Notification indicating Members from Public & Private Sector Position.*
3. *List of Questions asked by respectively present online members who interviewed shortlisted applicants alongwith time frame allocated to each online candidate from (15.12.2020) onwards.*
4. *Recorded reasons as to why all (and which ones) selection board members did ask questions to online candidates and as to which selection board members abstained from asking questions, with reasons thereof.*
5. *Minutes of NSPP selection board meeting alongwith recommendations submitted to NSPP BOG.*
6. *Recorded details about the process of due deliberations/diligence invoked by NSPP selection board in recommending three candidates in order of merit.*
7. *Merit determining criteria matrix of three recommended candidates.”*

2. The Director General (Admin), NSPP responded to the queries of the applicant vide Letter No. NSPP/HR/2-Adve.13/2020 dated 4th Mar. 2021. The same is reproduced as under:



Sr.	Objections	Reply
1.	<i>List of all applicants alongwith list of shortlisted applicants</i>	<i>In total of 46 candidates applied for the three positions of Deans. 37 candidates met the eligibility criteria and all of them were called for interviews held between 14-16 December 2020. 9 candidates did not meet the eligibility criteria and they were not called for interviews. A list of 37 candidates called for interviews is attached at Annex A.</i>
2.	<i>NSPP Selection Board Notification indicating Members from Public & Private Sector Position</i>	<i>The BoGs in the 17th meeting approved the reconstitution of the Selection Board of NSPP. A copy of notification of the Selection Board is attached at Annex B.</i>
3.	<i>List of Questions asked by respectively present online members who interviewed shortlisted applicants alongwith time frame allocated to each online candidate from (15.12.2020) onwards</i>	<i>Twenty to twenty-five minutes time frame was allocated to each candidate. There was no specific list of questions asked by the members of the Selection Board. The questions varied from candidate to candidate considering their qualifications and experience.</i>
4.	<i>Recorded reasons as to why all (and which ones) selection board members did ask questions to online candidates and as to which selection board members abstained from asking questions, with reasons thereof.</i>	<i>The information being part of the Selection Policy is excluded from public declaration under section 7 of the Right of Access to Information Act, 2017.</i>
5.	<i>Minutes of NSPP selection board meeting alongwith recommendations submitted to NSPP BOG.</i>	<i>The Minutes of the Selection Board of NSPP, being a matter of policy is excluded from declaration under section 7 of the Right of Access to Information Act, 2017.</i>
6.	<i>Recorded details about the process of due deliberations/diligence invoked by NSPP selection board in recommending three candidates in order of merit.</i>	<i>This information being part of the Selection Policy is excluded from public declaration under Section 7 of the Right of Access to Information Act, 2017.</i>

7.	<i>Merit determining criteria matrix of three recommended candidates.</i>	<i>The merit determining criteria comprised of five components viz. academic qualifications, relevant experience, skill sets, communication skills and response content. Each component was awarded 20 marks by all members of the Selection Board.</i>
----	---	---

3. Feeling aggrieved, the appellant has impugned the reply dated 4th Mar. 2021 by the respondent public body, in appeal before the Pakistan Information Commission. He has objected and cited his dissatisfaction to the reply against the queries at serial no. 4, 5 and 6 (highlighted in *para supra*) of his request. It is contended in the appeal that the appointments of the three Deans has since attained finality after being communicated and circulated to all the concerned therefore is not excluded from the definition of public record. The appellant has alleged that the NSPP has wrongly and illegally claimed the plea under section 7 of the Act. The appellant has also appended the copies of the three notifications along with the appeal

B. PROCEEDINGS:

4. The notice of the Commission was replied by the public body as under:

“.....Further, it is apprised that the required information (Sr. “4,5,6”) desired by Mr. Nasir Jamal was not provided because the said information being part of the Selection Policy and was excluded from public declaration under section 7 of the Right of Access to Information Act, 2017.”

C. COMMISSION’S VIEW:

5. The appellant in his request has desired the provision of complete information pertaining to the appointment of three Deans at NSPP, with reference to the advertisement in daily DAWN on 15th Nov. 2020. In pursuance thereof the three Deans were notified through their respective notifications dated 12.3.2021. The respondent public body has though responded to the application but not to the entire satisfaction of the appellant indeed. The public body has withheld a portion of information pleading part of the selection policy, claimed exclusion u/s 7 of the Act. The appellant, in the appeal has assailed the denial by the public body to the following queries:

- a. *“Recorded reasons as to why all (and which ones) selection board members did ask questions to online candidates and as to which selection board members abstained from asking questions, with reasons thereof.*
- b. *Minutes of NSPP selection board meeting alongwith recommendations submitted to NSPP BOC*

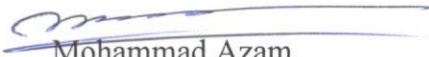
6. The sole issue before the Commission is to determine whether the recorded reasons, minutes of selection board meetings along with the recorded recommendations of the selection board for the selection of the successful candidates are open for declaration as public record within the meaning of section 6 or is excluded as claimed by the public body u/s 7 of the Act. It is worth to mention here that the public body has not specifically mentioned the subsection of the section 7 that comes in aid to support the reason pleaded for denying the held information i.e. the "selection policy" of the public body. The bare reading of section 7 does not provide the "selection policy" as ground for claiming exclusion from disclosure rather subsections a, b and c unambiguously provide that the noting on the files, minutes of meetings and any intermediary opinion or recommendation are accessible subject to the final decision by the public body.
7. The appellant in his application dated 22.2.2021, addressed to the Rector of the public body as well as along with the appeal before the Commission has annexed the three respective notifications dated 12.2.2021 through which the Board of Governors, NSPP has appointed three Deans in the institution. The matter of appointment of the Deans was finally decided and attained finality on 12.2.2021, before the filing of the information request, after being communicated and circulated to all the concerned therefore is not excluded from the definition of public record. The Commission is of the view that the NSPP has wrongly and illegally claimed the plea of section 7 of the Act in the reply.
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 practice would improve the participation of the people in the public affairs aimed at reducing corruption and nepotism in the appointments in the government.
9. The fundamental right of access to information guaranteed to the citizens under article 19A of the Constitution of Pakistan read with the Right of Access to information Act, 2017 cannot be denied or delayed at the whims of the public functionaries.
10. It is noticed that the NSPP has not notified the designated officer as mandated in section 9 of the Act despite the lapse of considerable period.

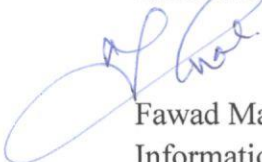
D. ORDER:

11. The appeal is allowed. The Rector, National School of Public Policy is directed to provide the appellant the following information forthwith but not later than seven days of the receipt of this order.
 - a. Recorded reasons as to why all (and which ones) selection board members did ask questions to online candidates and as to which selection board members abstained

- c. Recorded details about the process of due deliberations/diligence invoked by NSPP selection board in recommending three candidates in order of merit.

The Rector, NSPP is further directed to notify designated officer under section 9 of the Act, under intimation to the Commission within Fifteen days.


Mohammad Azam
Chief Information Commissioner


Fawad Malik
Information Commissioner


Zahid Abdullah
Information Commissioner

Announced on 24.5.2021

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