

**IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD**

Appeal No. e-102-03-2021

Mohammad Saqib vs Ministry of Narcotics

Appeal No. e-103-03-2021

Aftab Ahmed vs Ministry of Narcotics

Appeal No. e-95-03-2021

Bilal Ahmed vs Ministry of Narcotics

Date: 14.6.2021

Fawad Malik: Information Commissioner

**A. APPEALS.**

1. The identical requests are made in all the titled appeals against the same public body therefore all the three are clubbed together for a consolidated order to avoid any conflict in decision.
2. Two appellants i.e. Mohammad Saqib and Aftab Ahmed had applied for the post of constable while Bilal Ahmed applied for ASI, Constable and Constable Driver in Anti-Narcotics Force. After passing the physical test they appeared in the written test but were not called for interview. The appellants has requested provision of merit list, answer sheet and answer keys under the Right of Access to Information Act, 2017 from the office of Deputy Secretary Admin/ Public Information Officer, Ministry of Narcotics Control, Islamabad vide their respective applications dated 13.3.2021 which remained unanswered. Hence the appeals before the Pakistan Information Commission.

**B. PROCEEDINGS.**

3. The notice of the Commission in the appeal of Aftab Ahmed was replied by the Deputy Director (Estb), Headquarters, Anti-Narcotics Force, Rawalpindi vide letter dated 6.5.2021, as under:

*“It is intimated that the Appellant, Mr Aftab Ahmed, having KPK domicile could not be called for interview being low on merit.*

*Forgoing in view, it is requested that the appeal may be disposed off being baseless, false and frivolous just to defame this prestigious organization, please.”*

Since common questions of facts and law are involved in all the three appeals therefore the reply is considered in all appeals.

C. COMMISSION'S VIEW.

4. The appellants has requested provision of the merit list, answer sheets and answer keys under the Right of Access to Information Act, 2017 from the office of Deputy Secretary Admin/ Public Information Officer, Ministry of Narcotics Control, Islamabad. The respondent public body in its reply has pleaded the dismissal of appeals stating baseless, false and frivolous aimed at defaming the prestigious organization. The public body in the reply has not referred any legal reason with reference to the law and rules on the subject for denying the information whereas the appellants has desired the information/record under their right of access to information guaranteed by the Constitution of Pakistan read with the Right of Access to Information Act, 2017 being the citizens of Pakistan. The fundamental right provided under the Constitution and statutory right ensured by the Act cannot be refused without any plausible reason on the whims of the beurocratic hierarchy.
5. The merit list requested by the appellants is the category of information that ought to have been made public as soon as it is finalised and announced while the answer sheets and answer keys requested by the appellants are sort of record concerned with their person. If the appellants are not satisfied with the method and formula for selection or bore any suspicion in mind they have the preferential right under the Constitution and the Act to opt for the request. 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 improved access to the records held by public authorities for making the government more accountable to the people, of improving participation by the people in public affairs, of reducing corruption and inefficiency in Government, of promoting sound economic growth, of promoting good governance and respect for human rights. This practice would improve the participation of the people in the public affairs aimed at reducing the culture of nepotism and favoritism in the inductions in the offices.
6. Furthermore the information and record cannot be withheld for the reason that the right of the appellants to seek their legal remedies before the concerned forum cannot be denied. The selection of the candidates has been finalized as such is public record and is open for disclosure to the public.
7. For the reasons mentioned supra the Commission is of the considered view that the plea of the respondent to the effect that the requests are baseless, false and frivolous

just to defame this prestigious organization does not carry weight. The appellants in the eye of law are the *bonafide* seekers of the requested information and their applications under no stretch of imagination can be considered as *malafide*. This Commission believe that the openness in the selection will further escalate the fame of this prestigious organization.

D. ORDER.

8. All the three appeals are allowed. The Deputy Secretary Admin/ Public Information Officer, Ministry of Narcotics Control, Islamabad is directed to provide the appellants their requested information/record, forthwith but in any case not later than seven days of the receipt of this order.

Mohammad Azam  
Chief Information Commissioner

Fawad Malik  
Information Commissioner

Zahid Abdullah  
Information Commissioner

Announced on 21.6.2021

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