

IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

APPEAL NO. E-149-09-2021

Muhammad Amir

Versus

International Islamic University, Islamabad

Date of Hearing: 10.11.2021

Fawad Malik: Information Commissioner

A. APPEAL

1. Muhammad Amir, preferred his appeal dated September 04, 2021 before the Pakistan Commission on access to information, Islamabad. He alleged that the request for information has not been responded by the Federal Public Service Commission within the frame of time stipulated under the Right of Access to Information Act, 2017.
2. Through an application dated 26-07-2021 addressed to the Director (HR) Islamic University Islamabad he has desired the attested copy of minutes and agenda of Department Promotion Committee Meeting. The detailed particulars of the requested information are as under:
 - *“On the recommendation of Department Promotion Committee (for Non-Academic Employees BPS-17 and above) many officer of BPS-17 and above were promoted to next higher scale and my case for promotion was deferred for next Departmental Promotion Committee meeting.*
 - *The Government of Pakistan has given the right to everyone to have access to all information under the Act “Right of Access to Information Act 2017”, keeping in view of this you are required to kindly provide a copy of complete minutes and agenda of the Departmental Promotion Committee meeting held on 06-11-2020.”*

B. PROCEEDINGS

3. The notice of the Commission was not responded by the respondent public body therefore the appeal was fixed for hearing before the Commission on November 03, 2021 vide notice dated September, 29 2021. On 03-11-2021 Mr Tahir Abdul Rouf, Superintendent, HRM represented the Public Body before the Commission during the course of hearing. He requested for a short

adjournment for filing the reply therefore, the appeal was adjourned to 10-11-2021 on the asking of the representative of public body. On 10-11-21 the appellant was present in person whereas the representative of the public body did not turn up despite his undertaking before the Commission.

C. COMMISSION'S VIEW.

4. While dealing with the matters related to information and record sought by the citizens under the Act 2017, the public bodies are under obligation to respond the applications as mandated in the Act. In the case in hand the respondent has not acknowledged the application, information is not provided to the applicant in the stipulated time frame and the notices of the Commission are ignored. The reply is not submitted and the hearing before the Commission was not represented by the public body despite the undertaking by the representative of the public body. It is presumed that the respondent public body is wilfully avoiding the proceedings before the Commission and that the public body has nothing in the sleeves to submit in the defence. In such like circumstances the Commission is left with no option but to decide the appeal ex parte after going through the file in light of the Act.
5. The bare reading of the request depicts that the appellant has asked for the copy of complete minutes and agenda of the Departmental Promotion Committee meeting held on 06-11-2020 for the promotion of Non-Academic Employees BPS-17 and above to the next higher scale. The case of the appellant was deferred till the next departmental promotion committee meeting. The appellant being one of the contestants has sought the information invoking his right under the Right of Access to Information Act, 2017. The appellant reserves his preferential fundamental right to know the reasons for deferring his case. Since the matter has been finalized therefore is encompassed in the definition of public record as defined in the Act.
6. Transparency in the working of the government departments is the essence for the enactment of the Act of 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, nepotism and inefficiency in the governance. Transparency is used as a means of holding public officials accountable and fighting corruption.

7. It is noticed that the respondent organization has not implemented the mandatory sections 5, 8 and 9 of the Act.

D. ORDER

8. The appeal is allowed. The Director, HR, International Islamic University, Islamabad is directed to provide the appellant the requested Information forthwith, but in any case not later than seven (7) days of the receipt of this order

He is further directed to implement section 5 and 9 of the Act in letter and spirit under intimation to this commission latest by 31-12-2021.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner

Announced on 16.11.2021

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