

## Pakistan Information Commission

### Government of Pakistan

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### In the Pakistan Information Commission, Islamabad

#### Appeal No 1304-08/21

**Touqeer Ahmed Abbasi**

**(Appellant)**

Vs.

**National Assembly of Pakistan**

**(Respondent)**

### **Order**

**Date:** November 04, 2021

**Mohammad Azam:** Chief Information Commissioner

#### **A. The Appeal**

1. The Appellant filed an appeal, date January 30, 2021, to the Commission, stating that he Submitted an information request to the Secretary, National Assembly on August 06, 2021 under the Right of Access to Information Act 2017 but did not receive the requested information from the public body.
2. The information sought by the Appellant is as under:

*“I am hereby submitting my request for information regarding the position advertised for SDG Coordinator based in the SDG Secretariat, National Assembly of Pakistan, in May 2021. I shall appreciate if the following information may kindly be provided within 10 working days in accordance with the provisions of the Right of Access to Information Act, 2017:*

1. *List of applicants who were shortlisted for the written test;*
2. *List of applicants who appeared in the written test along with the marks obtained by each one of them in the written test;*
3. *List of short-listed candidates who were interviewed for the final selection; and the assessment of each one of short-listed candidates by the interview panel; and*
4. *CV and the supporting documents, including a copy of the application and evidences of relevant experiences, of the finally selected candidate.*

*This application may be forwarded to the relevant designated officer of the National Assembly for decision, or be decided by yourself i.e. if no officer has been designated for the purposes of the Right of Access to Information Act 2017.”*

## B. Proceedings

3. This commission through a notice dated September 02, 2021 sent to the Deputy Secretary, National Assembly Secretariat called upon the Respondent to submit reasons for not providing the requested information.
4. The Respondent through a letter vide No. 8(8)/2021-L.C. dated 17th September 2021 submitted its response which is as under:

*“Reference your Letter dated September 02, 2021 on the above subject in Appeal No.1304-08/21 on the subject cited above.*

2. *It is hereby informed that the application dated 06.08.2021 of the appellant namely Mr. Touqeer Ahmed Abbasi for the provision of information under the Right of Access to Information Act, 2017 has never been delivered to the undersigned. Further, the office of United Nation Children's Fund (UNICEF) in Pakistan provides Technical Assistance (Human Resource) to the Parliamentary Sustainable Development Goals (SDGs) Secretariat and, therefore, the entire recruitment process entailing shortlisting, interview, hiring and selection in this instance had been dealt by the concerned quarters at UNICEF. The SDGs Secretariat or the National Assembly Secretariat has nothing to do with the said recruitment nor was the National Assembly Secretariat involved in the hiring process in any way whatsoever. Therefore, this Secretariat does not hold the information or record requested for by the applicant/appellant.*

3. *In view of the above, it is requested that the instant appeal may kindly be dismissed/rejected.”*

5. Response submitted by the public body was shared with the Appellant on September 24, 2021.
6. The Appellant On October 05, 2021 submitted rejoinder to the response of the public body, which is as under:

*“With reference to the above subject, it is brought to your kind attention that I submitted an information request to the Secretary, National Assembly on August 06, 2021. However, I have not been provided the requested information, despite your notice to the designated official. Instead, the Deputy Secretary / Designated Official of the National Assembly has responded that ta) he didn't receive my information request; and (b) the Secretariat doesn't hold the requested Information. A copy of the information Request that I submitted and the response that I have received are attached for your ready reference.*

*I am not satisfied with the response of the designated official of the National Assembly Secretariat due to the following reasons:*

1. *I had sent my information request through registered mail, copy of which is attached. Therefore, it is hard to believe that my request had not been received by the Secretary Office of the National Assembly (to whom I had addressed my request). If the secretary office didn't forward the request to the Designated Official, it would indicate to an internal administrative inefficiency, which must be addressed, and it may be matter which the Commission may like to follow up through its directory or advisory powers.*

2. *It is also hard to believe that the SDG Secretariat or National Assembly Secretariat had absolutely nothing to do with the said recruitment of a person, who was*

*to work for the SDG Secretariat of the National Assembly Secretariat. It is not at all conceivable that a public body of the stature of National Assembly would simply accept a person recruited by another organization, and would allow him or her to be based in the National Assembly Secretariat and have unimpeded access to offices, records, proceedings and employees. If the National Assembly Secretariat, indeed, had nothing to do with the appointment, it means that a serious breach of space has been allowed to happen, which will be a fit case for the review of relevant agencies sanctity under the efficiency and discipline rules or any other rules that govern the matters related to of the official discipline in office or confidentiality of records. A pertinent question to consider would be: Should anyone be allowed to work in a public office without being subject to be due diligence at the time of recruitment/ appointment and official discipline under the relevant rules after recruitment? In this matter, if the person was exclusively recruited by UNICEF, it would mean that the said person doesn't at all fall within the jurisdiction of Official Rules, and yet has access to official records and internal working of a public body.*

3. *I would like to, therefore, insist that the Designated Official has not responded to the request truthfully and in accordance with the provisions of the Act. It is, therefore, requested that the Commission may:*

- a. *Direct the Designated Official to declare on oath (on an affidavit) is statement that the requested information truly doesn't exist in any form (i.e neither on files, not in the form of any e-mail correspondence with the UNICEF, nor in any other physical or electronic form) in the National Assembly Secretariat, nor was it destroyed after the receipt of my information request,*
- b. *Direct the National Assembly Secretariat to share all the relevant correspondence and copy of the final order/ decision, whereby the offer of UNICEF was accepted and the person selected was allowed to work with the SDG Secretariat;*
- c. *Direct the National Assembly Secretariat to share or refer to the relevant law of the Rules under which a person allegedly recruited by UNICEF, without any say of the NA Secretariat, was allowed to work in the SDG/ National Assembly Secretariat:*
- d. *Require the UNICEF to officially share its version in relation to the said appointment, and whether UNICEF also confirms that the SDG/ National Assembly Secretariat had nothing to do with the selection process and*
- e. *if required, the concerned staff members of the National Assembly and the UNICEF be personally directed to appear before the Commission as witnesses or for cross examination, so that the Commission could discern the facts from the outlandish claims of the Designated Official and arrive at a judicious and fair decision.*

*I shall appreciate if my arguments are considered and the Commission proceeds to ensure that the requested information is provided to me in accordance with the Act. ”*

7. Rejoinder submitted by the Appellant was shared with the Respondent on October 11, 2021 with the directions to respond to the queries of the appellant within 10 working days.

8. The public body through a letter vide No. F. 8(8)/2021-L.C dated October 21, 2021, submitted response to the queries of the appellant, which is as under:

*“Kindly refer to the Notice on Appeal No. 1308-08/21, dated 11.10.2021.*

2. *That the appellant had requested the following information under the Right of Access to Information Act, 2017 as per the notice received from the Commission dated -2.11.2021:*

- i. List of the applicants who were shortlisted for the written test.*
- ii. List of applicants who appeared in the written test along with the marks obtain by each one of them in the written test.*
- iii. List of the shortlisted candidates who were interviewed for the final selection; and the assessments of each one of shortlisted candidates by the interview panel, and;*
- iv. CV and the supporting documents, including a copy of the applicants and evidences of relevant experiences, of the finally selected candidates.*

3. *That the said appeal received via Commission was processed and replied vide letter No 8(8)/2021-LC dated 17.09.2021. (Annexure-A) wherein it was responded that the requisite information regarding recruitment process in the Parliamentary Sustainable Development Goals Secretariat (SDGs) from shortlisting of the candidates to the interview, hiring and selection had been dealt in by the concerned quarters at UNICEF, under the Letter of Agreement (Annexure-B) signed between the National Assembly of Pakistan and the UNICEF Pakistan. Upon the response of this Secretariat, the applicant has sent a rejoinder, levelling serious allegations against this Secretariat*

4. *That for the convenience of the Commission to reach a fair and judicious decision, it is stated that the staff of UNICEF placed at this Secretariat is for technical advice, research and liaison while the official work is handled by the internal parliamentary staff of the National Assembly Secretariat. Calling this practice as a breach of sanctity of office space by the appellant is outrightly frivolous.*

5. *That the recruitment of Staff in the Parliamentary Sustainable Development Goals Secretariat (SDGs) is the outcome of the mutual agreement signed between the two parties and hence becomes a policy. The applicant under section 6 (e) of the Right of Access to the Information Act, 2017 may ask about a policy but cannot challenge or question any decision or policy of the public body.”*

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

9. This commission has to decide,
1. Has the public body provided complete and relevant information to the appellant?
  2. Whether the appellant has the right to ask additional questions / information in response to the information shared by the public body?
10. This commission holds that in the instant appeal the public body has addressed all the questions asked by the appellant in his information requested.

11. This commission is of the view that objections raised by the Appellant are neither part of the original request for information nor can be treated as request for information under the Act. If the Appellant needs any additional information, he should file new information request to the public body under the Right of Access to Information Act, 2017.
12. The appellant in his rejoinder submitted that the designated official may be asked to submit oath that the information provided to the appellant is true. This Commission holds that the information provided by the public body is already signed by the designated official and no not need any oath or affidavit from the public body.
13. This commission maintains that the queries raised by the appellant in his rejoinder were not part of his original information request even then the public body answered that questions and also shared a document titled “Letter of Agreement between SGDs Secretariat, National Assembly of Pakistan and UNICEF Pakistan”, which shows that the public body deals with the applications received under the Right of Access to Information Act, 2017 effectively.

#### **D. Order**

20. The appeal is dismissed with no further directions to the public body.
23. Copies of this order be sent to the Deputy Secretary / Public Information Officer, National Assembly Secretariat and the Appellant for information and necessary action.

**Mohammad Azam**

Chief Information Commissioner

**Zahid Abdullah**

Information Commissioner

Announced on:

November 04, 2021

This order consists of 5 (five) pages, each page has been read and signed.