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**Government of Pakistan**  
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**In the Pakistan Information Commission, Islamabad**

**Appeal No E233-02/21**

**Dr Farhat Mahmood**

**(Appellant)**

**Vs.**

**Pakistan Institute of Development Economics**

**(Respondent)**

**ORDER**

**Date:** April 27, 2022

Zahid Abdullah: Information Commissioner

**A. The Appeal**

1. The Appellant filed an appeal, dated February 22, 2022 to the Commission, stating that she submitted an information request to the Pakistan Institute of Development Economics (PIDE) on February 10, 2022 under the Right of Access to Information Act 2017 but did not receive any response from the public body.
2. The information sought by the Appellant is as follows:
  1. *"I have requested following official information from the PIDE; a newly adopted performance evaluation criteria, KPI, review committee formation*
  2. *Minutes of the last two (02) selection committee meetings."*

**B. Proceedings**

3. The record on the file shows that the Respondent, in response to the notice of the commission provided information to the Appellant and on March 14, the Appellant submitted rejoinder to the information provided by the Respondent. The relevant portions of the rejoinder are as under:

"PIDE management dated 04-03-2022 have provided partial following information via email to all employees

- i. Agenda Working paper of 14 Senate meeting
- ii. Minutes of the 14 Senate meeting signed by the Senate members.

It is to bring on record that version of the above provided minutes neither bear the signatures approval of the senate members and not the copies provided were certified by the PIDI. management

2 Moreover. PIDE did not share or provided following requisitioned information as under

- iii. Notification of the composition of the Senate
- iv. Attendance sheet of 14 Senate meeting
- v. Minutes of the last two (02) PIDE selection board meetings”.

4. On March 31, 2022, the Respondent submitted before the commission its response and its relevant portions are as under:

“Reference her Appeal No. E233-02/22 dated March 01, 2022 on the subject cited above.

2 The requisite information has been shared vide two different emails dated March 04, 2022 with all staff of PIDE including Dr. FARhat Mahmood Lecturer, PIDE, the same was also shared with Dr. Farhat Mahmood, exclusively, in hard form on March 10, 2022. Copies of the same are enclosed herewith as ready reference and record.

5. On April 12, 2022, the Appellant submitted before the commission her response and its relevant portions are as under:

“Consequent upon the notices of Pakistan Information Commission (PIC) vide Appeal No. F-213 02/22 dated 15-3-2022 the PIDE management provided a response to the undersigned dated 18 03-2022, citing that under Section 7 of the Right of Access to Information Act, 2017, the minutes of the selection board meetings cannot be shared by the competent authority of FIDE (copy attached). This in my view is misinterpretation of PIC Act 2017 and is a mala fide on part of the PIDI administration. The mala fide is further evident from the fact that was sed another letter on March 31, 2022, in which the line citing Section 7 of the Right of Access to Information Act 2017 for not providing the requisite information was deleted and the same was sent 10 PIC with a claim that all the requested information has been provided to the undersigned (copy attached) This information is essential for the undersigned to show mala fide of the PIDF management on any relevant forum for granting undue promotions to some individuals and at the same time obstructing my promotion which was due in the light of HEC rules for granting promotions to PhD faculty/staff members of HEI/research institutes of the country

It is requested that the Vice Chancellor, PIDE may please be directed to provide certified copies of the minutes of the last two (02) PIDI selection board meetings (. c. Minutes of the PIDE Selection Boards dated February 08, 2022, and April 27 & 28 2021 approved by the PIDE Senate) at the earliest which to date have not been provided.

As per the letter dispatched to me by Registrar PIC asking whether the undersigned is satisfied by the information provided by the PIDE administration in response to the cited above. It is hereby communicated that the undersigned is not satisfied with the response (which just provides partial information) requested vide Appeal No F-233-02/22 The PIC authorities are requested to direct the PIDE administration to provide the complete information requested in the subject cited letter. Further, I may please be given an opportunity for a personal hearing as already desired by the PIC on April 14, 2022, in an earlier letter dispatched to the undersigned dated March 15, 2022”.

6. In the hearing held on April 20, 2022, the learned counsel for the Respondent Advocate Asim Rauf submitted the response which is as under:

*“Dr. Farhat Mahmood is informed that her case for selection as Assistant Professor was considered in the 26<sup>th</sup> meeting of PIDE’s Selection Committee held on April 27 & 28, 2021 along-with 22 other candidates. The Committee did not recommend her case for selection as Assistant Professor.*

*After approval of the PIDE's Restructuring Plan from the Senate PIDE in its 14<sup>th</sup> meeting held on October 04, 2021, the recruitment / promotion of PIDE employees was assigned to the Senior Management Committee (SMC). The case of promotion of Dr. Farhat Mahmood was presented in the 8<sup>th</sup> meeting of the SMC held on February 08, 2022. The Committee did not consider the case for promotion of Dr. Farhat Mahmood base on her performance evaluation.*

*The decisions of the Selection Committee and SMC have been conveyed vide above paras, however, in terms of Section 7 of the Right of Access to Information Act 2017, the minutes of the Selection Board Meeting were not allowed for sharing by the Competent Authority at PIDE”.*

7. During the hearing, learned counsel for the Respondent Advocate Asim Rauf maintained that minutes of the meeting are exempted from disclosure as these are treated as ‘excluded’ records under Section 7 of the Right of Access to Information Act, 2017 and that only final decisions can be shared when read with Section 6 of the Right of Access to information Act, 2017. He also argued that the commission in its earlier Order in the case of Ziauddin-Ahmad-VS-Trading-Corporation-of-Pakistan held that only decisions of contained in the minutes of the meeting could be shared.
8. The Appellant also submitted her written response through letter dated April 21, 2022 and its relevant portions are as under:

*“He undersigned is totally dissatisfied with the provided partial information. The undersigned zed complete minutes of selection boards due to following reasons*

*1. In both last two selection boards the undersigned has not been promoted based on subjective comments. In the absence of this information, it is difficult to establish on what grounds the undersigned was not considered for promotion while candidates without PhD (minimum requirement for promotion) got promoted to Grade 19e a matter of illegal promotions (HEC notifications are attached).*

*2. It has been repeatedly stated by PIDE management that as per section 7 of the right of Access to Information Act. 2017, the minutes of the selection board meetings were not allowed for sharing by the competent authority at PIDE. thereby in my view misinterpreting PIC Act 2017 as a delaying tactic.*

*It is requested that the Vice Chancellor, PIDE may be directed to provide certified copies of the Selection board minutes at the earliest, please”.*

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

9. Even plain reading of Section 7 (a), (b) and (c) suggests that ‘noting on the files’, ‘minutes of the meeting’ and intermediary opinions are given qualified and not absolute exclusion from disclosure. Exclusion of ‘noting on the file’ and ‘minutes of the meetings’ is subject to a final decision. As such, ‘noting on the file’ and ‘minutes of the meeting’ cannot be shared during the deliberative process.
10. The disclosure of ‘minutes of meetings’ and ‘noting on the file’ during the deliberative process is protected to ensure that outside influence does not create hindrances in the deliberative process.
11. However, once a public body has taken a final decision, as is the case in the instant appeal, noting on the files and minutes of the meetings cannot be treated as excluded records.

12. This commission concurs with the Appellant that “In the absence of this information, it is difficult to establish on what grounds the undersigned was not considered for promotion while candidates without PhD (minimum requirement for promotion) got promoted”. The minutes of the selection board meetings will reveal the grounds of promotion or otherwise of the candidates.
13. This commission holds that the Appellant has the right of access to certified information pertaining to performance evaluation criteria, KPI, review committee formation and certified copies of the minutes of the selection board to assess her performance and those of her competitors.

**D. Order**

14. The Appeal is allowed. The Respondent is directed to share with the Appellant certified copies of the information/records requested in para 2 of this Order within 7 working days of the receipt of this Order, with intimation to this office.
15. Copies of this Order be sent to the Respondent and the Appellant for information.

**Fawad Malik**

Information Commissioner

**Zahid Abdullah**

Information Commissioner

Announced on: April 28, 2022

This order consists of 4 (Four) pages, each page has been read and signed