

Appeal No. 2032-06/2022

Aamir Baloch

Vs

National Assembly of Pakistan

Fawad Malik: Information Commissioner

A. APPEAL

1. Mr. Aamir Baloch filed a request under the Right of Access to Information Act, 2017 read with article 19A of the Constitution of Islamic Republic of Pakistan, 1973. Through application dated 11.05.2022 addressed to the Deputy Secretary, Litigation / Public Information officer, National Assembly of Pakistan he has requested the following information:

- 1) *List of members National Assembly including Speaker, Deputy Speaker and National Assembly officials of those who visited foreign countries (country wise breakup) on public exchequers during the period of August 1, 2018 to onward. The response may distinguish name, designation, number of persons, accompanied the visit, country visited, period of visit, purpose of visit and amount spent during the visit.*
- 2) *Details information about total budget spent on above mentioned foreign visits. The response may distinguish speaker, deputy speaker, member national assembly and national assembly official wise breakup.*
- 3) *Total number visits during the period of August 1, 2018 to onward. The response may distinguish name of official national assembly including speaker, deputy speaker and members national assembly made official visit more the once.*
- 4) *Details of budge allocated for above mentioned visits and total amount spent on these visits during the period of FY 2018-2019, 2019-2020, 2020-2021, 2021-2022.*
- 5) *Total sanctioned strength of officers, staff members of National Assembly of Pakistan (category wise) against different positions/pay scales.i.e. pay scales 1 to 22 (category wise). The response may distinguish perks and privileges allocated to offices and staff members of National Assembly of Pakistan.*
- 6) *Total vacancies in the national Assembly of Pakistan against different pay scales / positions (category wise and dates since which these positions have been lying vacant.*
- 7) *Number of staff members who are not regular but have been engaged on daily wages basis or through short term or long term contracts against various positions / pay scales (category wise).*

- 8) *Number of types of positions created anew since August 1st, 2018.*
- 9) *List of officers and staff members who have been appointed and promoted during August 1st, 2018 to April 30, 2022 (category wise) against various positions / pay scales.*
- 10) *Total number of persons work with national assembly on deputation (category wise) against various pay scales since August 1, 2018 to onward. The response may distinguish the department from the employees were deputed.*
- 11) *Total number of female staff members (category wise) against various positions / pay scales. The response may distinguish between the short term / temporary staff members and regular ones.*
- 12) *Total number of persons with disabilities working with National Assembly of Pakistan against various positions / pay scales (category wise). The response may distinguish between the short term / temporary staff members and regular ones.*
- 13) *Total number of transgender persons working with National Assembly of Pakistan against various positions / pay scales (category wise). The response may distinguish between the short term / temporary staff members and regular ones.*
- 14) *Total number of vehicles along with models provide to speaker, deputy speaker Assembly and officers, staff members, employees of National Assembly of Pakistan The response may distinguish the number of vehicles with allocation of National Assembly, purchase auctioned, depreciated from August, 2018 onward.*
- 15) *Details of allocated and utilized budget of financial year 2018-2019, 2019-2020, 2020-2021, 2021-2020 of the National Assembly including proposed and actual expenditures. The response may distinguish the budge fixed for employees related expense, operating expenses, employees retirement benefits, grant subsidies and write off loans, transfer (Gift & Entertainment), Physical assets, local and international travels and tour funds, repair and maintenance.*
- 16) *Total number of rest houses of the National of Pakistan. The response may distinguish the funds allocated to the maintenance rest houses from August 1, 2018 to onward.*
- 17) *Total amount claimed and total amount disbursed to speaker, deputy speaker and each member of national assembly as medical expenditure from August 1, 2018 to April 30, 2022.”*

2. The Deputy Secretary (Litigation)/Designated officer vide letter dated 23rd May 2022 acknowledged and responded the request as follows:

“It is acknowledged that this Secretariat has received your application dated 11.03.202 on the subject noted above. You have requested for provision of massive information about this Secretariat. You may retrieve some of the requested information from the official website of this Secretariat (www.na.gov.pk), which is available there in general accessible form. However, to compile the requested information as per the format given by you requires a search through a large number of records located in different officers. It will take time and other

resources. The required information will be furnished to your as and when compiled in the given format.”

3. The appellant feeling aggrieved of the reply has alleged that the official website of the National Assembly (www.na.gov.pk) does not display the requested information, hence the appeal against the letter dated 23.05.2022 before the Pakistan Commission on Access to Information, Islamabad under the Right of Access to Information Act, 2017.

B. PROCEEDINGS

4. The Deputy Secretary (Litigation)/Designated officer, National Assembly of Pakistan vide letter dated 18-07-2022, was directed to provide reasons in writing within seven working days as to why the requested information has not been provided to the applicant as under section 14 of the Right of Access to Information Act 2017, each public body is bound to respond to a request as early as possible and in any case not later than ten working days of the receipt of the request.
5. The reply was not submitted therefore the appeal was fixed for hearing before the Commission on 17.08.2022 when Mr. Muhammad Farooq, DS/PIO appeared before the Commission to represent the Secretariat of the National Assembly and asked for short adjournment to do the needful therefore the appeal was adjourned for 24.08.2022 on his request. On 24.08.2022 Mr. Muhammad Waqar, DPS instead submitting the information again requested for further time for the provision of the information.

C. COMMISSION'S VIEW

6. The appellant has asked for the detailed information pertaining to the members of National Assembly including Speaker, Deputy Speaker and National Assembly officials who visited abroad on public exchequers, sanctioned strength of officers, staff members against different positions/pay scales i.e. pay scales 1 to 22, their perks and privileges, number of vehicles along with models in their use, allocated and utilized budget, number of rest houses of the National of Pakistan and the amount claimed and disbursed to speaker, deputy speaker and each member of National Assembly as medical expenditure from August 1, 2018 to April 30, 2022.

7. The answering public body through its written response has informed that part of the requested information is available in generally accessible form on the official website (www.na.gov.pk) of the Secretariat while the rest of the information and record will be made available after compilation in the given format.
8. The public body during the course of hearing or in the written response has not denied the provision of the requested information or claimed exemption from its disclosure rather sought time for providing the same after compilation in the given format and search through a large number of records located in different officers . The Section 5 of the Act also mandates the publication of the sort of information and record including uploading over the internet to ensure the access to the general public.
9. The objection of the appellant that the official website of the Secretariat does not display the information as indicated by the public body is correct but it is worth to note that the public body has been seeking time for meeting the mandatory requirements of Section 5 of the Act. The Commission certainly considers it lapse on the part of the Secretariat of the National Assembly, the House that passed the bill on the Right of Access to Information Act in 2017, the delay towards the implementation of Section 5 of the Act.
10. The Article 19A of the Constitution of Islamic Republic of Pakistan, 1973 guarantees the enforcement of fundamental right and the Right of Access to Information Act, 2017 ensures the statutory right of the citizens, the taxpayers to know the duties, powers and the services, the organization provides to the citizens including the directory of its officers and employees indicating their duties, functions, their respective remunerations, perks and privileges, their performances and the detailed budget, including the proposed and actual expenditures to identify and describe each penny of expenditure they administer, recovered from the pocket of the citizens. All enlisted in the category of public record that should have been displayed on the official website of the Secretariat of the National Assembly. This information and record cannot be denied or delayed at the whims of the bureaucratic hierarchy using the delaying tactics or creating bureaucratic hurdles.

11. 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 practise would improve the participation of the people in the public affairs aimed at reducing corruption, nepotism, discrimination, misuse of power and inefficiency in the governance.

D. ORDER

12. The appeal is allowed. The Deputy Secretary (Litigation)/designated officer, National Assembly of Pakistan, is directed to furnish the appellant all the requested information and record detailed in para 1 of this order, forthwith, but in any case not later than ten working days of the receipt of this order.

He is further directed to implement Section 5 of the Act in letter and spirit under intimation to this Commission by or before 30.09.2022.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner
Announced on 31.08.2022

Certified that this order consists of 05 pages, each page has been read and signed.