

IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

APPEAL NO. 1504-12-2021

Mian Mohammad Altaf

Versus

National Bank of Pakistan

Fawad Malik: Information Commissioner

A. APPEAL

1. Mr. Mian Mohammad Altaf, filed the appeal dated 29th November, 2021 before the Pakistan Commission on access to information, Islamabad. He alleged that the request for information has not been responded by the National Bank of Pakistan within the timeframe stipulated under the Right of Access to Information Act, 2017.
2. Through an application dated 16th November, 2021 addressed to the President, National Bank of Pakistan, Head Office, Karachi he has desired the information pertaining to induction of Direct Permanent Employers in the bank from 1987 till 2002. The detail of the requested information is:
 - a. *Total number of the persons employed.*
 - b. *Their merit and the list of temporary godown staff who were regularized in the year 1991 and 1995 in the Cror Pakka Branch, National Bank of Pakistan.*
 - c. *Whether the desired number of vacant seats and employments were available in the National Bank of Pakistan.*

B. PROCEEDINGS

3. During the course of hearing Mr. Muhammad Riaz, SVP represented the National Bank of Pakistan. He argued that the request is not specific, that the appellant is seeking the retrospective information and record, that earlier the appellant filed a writ petition no. 3633-2014 against the NBP before the Hon'ble Lahore High Court, Multan Bench, that the appellant filed another writ petition no. 3940-2015 against the NBP before the Hon'ble Lahore High Court, Multan Bench, that earlier the appellant filed an appeal no. 174-11-2019 before this Commission against the NBP

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for the provision of his service record which was allowed, that he couldn't acquire favorable order from Hon'ble Lahore High Court, Multan Bench for regularization of his service, that he is seeking personal information and record of the other employees transgressing into the private privacy of the others and that he is seeking the information for ulterior motives to blackmail and pressurize the bank for securing his appointment in an unlawful manner.

C. COMMISSION'S VIEW

4. The appellant has requested the total number of the persons, their merit and the list of temporary godown staff who were regularized in the year 1991 and 1995 in the Cror Pakka Branch of National Bank of Pakistan and has inquired whether the desired number of vacant seats and employments were available in the National Bank. In the reply the bank has prayed for the dismissal of the appeal being not maintainable for the reasons detailed therein.
5. The eligibility and merit of the candidates for any public office is the category of public record that ought to have been disclosed proactively so that the citizens may be aware of transparency in the working of the government departments. The people of the Islamic Republic of Pakistan must 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, inductions against the merit leading to inefficiency in the governance. The stance of the respondent that it would invade the private privacy of the others does not carry weight therefore is discarded.
6. The description of the organization, their functions powers, duties and the service it provides to the public including the directory of the officers and the employers is the category of information that ought to have been made public proactively by each public body. The requested information can be helpful in pointing out the element of nepotism and violation of policy of transparency in the induction of the employees pointed out by the appellant. 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 practise would improve the participation of the people in the public affairs aimed at reducing corruption and inefficiency in the governance.

7. The litigation between the appellant and the bank pointed out by the respondent cannot be a valid reason for denial of the information under the Act. Further the right of fair trial is guaranteed under article 10A of the Constitution of Islamic Republic of Pakistan, 1973 and for that end article 19A provides the right of access to the information and record held by the organization.
8. The appellant has described in sufficient detail to identify the information in his application.
9. Section 16k of the Act eliminates all the exemptions set out in section 16 after every twenty years and envisages the disclosure of record therefore question of retrospective does not arise.

D. ORDER

The appeal is allowed. The President, National Bank of Pakistan is directed to provide the appellant all the requested information, 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 31.08.2022

Certified that this order consists of 03 pages, each page has been read and signed