



In the Pakistan Information Commission, Islamabad

Appeal No 1647-01/22

Intikhab Hussain

(Appellant)

Vs.

Ministry of Federal Education and Professional Training

(Respondent)

ORDER

Date: October 21, 2022

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed an appeal, dated January 10, 2022 to the Commission, stating that he submitted an information request to the Director General, Federal Directorate of Education on June 24, 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:

“i. With profound respect, it is submitted that the Prime Minister has been pleased to a committee for settlement of seniority issues of Secondary School Teachers (SST) B-17 under the chairmanship of Secretary 1 Establishment Division vide OM dated 17-06-2021. This committee has submitted its report in October 2021.

ii. As applicant is an affected party, it is therefore requested to provide an attested copy of this report to the applicant under the provisions of Right to Access to Information Act 2017. Applicant is ready to pay all dues in this regard please.”

B. Proceedings

3. The record on the file suggests that the Respondent submitted its response on the intervention of this commission on September 29, 2022 and its text is as under:

“The undersigned is directed to refer to Pakistan Information Commission (PIC) Appeal No. 1647-01/22, dated 27th July, 2022 on the above cited subject. The Dy. Headmaster Islamabad Model School for Boys Gagri Islamabad, under FDE, filed an appeal (pp.1-10/c) before Pakistan Information Commission (PIC) under the provisions of “Right of Access to Information Act, 2017” (pp.11-26/c) for provision of attested copy of Report of Committee constituted by the Prime Minister on a Summary School Teachers (SSTs) BPS-17 of FDE.

a) *However, the requested information (copy of the report of the committee) this the provisions of Section 7(b & c) of the Act ibid (Exclusion of certain record from public record) (pp. 11-26/c) which state as under:-*

- i. *Section 7(b): minutes of the meetings, subject to a final decision by the public body.*
- ii. *Section 7 (c): any intermediary opinion or recommendations, subject to the final decision of the public body.*

b) *The Summary dated 29-01-2021 on which the Prime Minister has constituted the Committee to submit its report has been withdrawn by the Ministry, and the Prime Minister approved it on 05-09-2022. Therefore, the chapter has been closed without any action on it, so neither the Summary nor the report could be provided to the Appellant.”*

4 Hearing on the instant Appeal was fixed for October 13, 2022 vide letter dated September 29, 2022. The appellant attended the hearing whereas the Respondent did not attend the hearing, hence ex-party decision based on the written response submitted by the Respondent and in accordance with the provisions of the Right of Access to Information Act, 2017.

C. Issues

5 The instant appeal has brought to the fore the following issues:

“Can the requested report and the related records be disclosed under the provisions of the Right of Access to Information Act, 2017, henceforth referred to as “the Act, 2017”, or, is it exempted under Section 7 (b) and (c) of the “the Act 2017” As is the assertion of the Respondent?

D Discussion and commission’s views on relevant issues:

6. This commission holds that the report pertaining to the seniority issue of the SST teachers has not attained the finality according to the written response submitted by the Respondent. Therefore, it cannot be disclosed under the provisions of “the Act 2017”.

7. The Respondent has submitted before this commission that it withdrew the Summary dated 29-01-2021 based on which the Prime Minister constituted the Committee to submit its report on the issue of seniority of the SST teachers. The

Respondent has also submitted that the Prime Minister gave approval of the withdrawal on 05-09-2022.

8. This commission maintains that the Summary dated 29-01-2021 has attained finality after the formal approval of the Prime Minister, hence it is not hit by any of the exemption clauses of “the Act 2017” including its Section 7 (b) and (c).

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’, ‘minutes of the meetings’ and ‘intermediary opinion and recommendation’ is subject to a final decision. As such, ‘noting on the file’, ‘minutes of the meeting’ and ‘intermediary opinion’ cannot be shared during the deliberative process.

10. The disclosure of ‘minutes of meetings’, ‘noting on the file’ and ‘intermediary opinion and recommendation’ 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, minutes of the meetings and ‘intermediary opinion and recommendation’ cannot be treated as excluded records.

E. Order

12. The Appeal is allowed. The Respondent is directed to provide the Appellant “the Summary dated 29-01-2021 at the earliest but not later than 10 working days of the receipt of this Order, with intimation to this office.

13. Copies of this order be sent to the Respondent and the Appellant for information and necessary action.

Mohammad Azam
Chief Information Commissioner

Zahid Abdullah
Information Commissioner

Announced on 21.10.2022

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