

**Pakistan Information Commission  
Government of Pakistan**



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**In the Pakistan Information Commission, Islamabad**

**Appeal No 2159-08/22**

**Ahmed Sultan**

**(Appellant)**

**Vs.**

**National Engineering Services Pakistan**

**(Respondent)**

**ORDER**

Date: November 04, 2022

Zahid Abdullah: Information Commissioner

**A. The Appeal**

1. The Appellant filed an appeal, dated August 17, 2022 to the Commission, stating that he submitted an information request to the Managing Director, National Engineering Services Pakistan on August 03, 2022 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 follows:

*"a) NESPAK "Service Rules" -Updated to date today, also showing last date of updating the "Service Rules" NESPAK.*

*b) Regular Employees, Contract Employees, Daily Wage Employees, NESPAK Foundation Employees and Foundation Employees (serving and in-service) list from Grade-01 to Grade-07, at date 11/01/2022.*

*c) Regular Employees, Contract Employees, Daily Wage Employees, NESPAK Foundation Employees and Foundation Employees (serving and in-service) list from Grade-8b to Grade-12, at date 11/01/2022.*

*d) Regular Employees, Contract Employees, Daily Wage Employees, NESPAK Foundation Employees and Foundation Employees (serving and in-service) list from Grade-01 to Grade-07, at date 01/08/2022.*

*e) Regular Employees, Contract Employees, Daily Wage Employees, NESPAK Foundation Employees and Foundation Employees (serving and in-service) list from Grade-8b to Grade-12, at date 01/08/2022.*

*f) Approval of Dispensation Policy for dispensation of Employees dated: 11/01/2022, from Board of Directors-BOD (Duly signed and approved copy from authority / authorities (Means from BOD members).*

- g) When the Board of Directors-BODs gave approval for dispensation of employees, if approval was given then composition / total strength (BOD members) who were present in the meeting and total strength who were in favor of dispensation may please be provided.*
- h) Company "NESPAK" -Human Resource Policy-(From date- 06/06/2022 to date- 11/01/2022.)*
- i) Company "NESPAK"-Human Resource Policy-(From date- 11/01/2022 to date- 01/08/2022.)*
- j) All advertisements regarding "Human Resource Recruitments" from date-11/01/2022 to date 01/08/2022.*
- k) List of all induction of employees in NESPAK (In regular, contract, foundation, NESPAK foundation and daily wage cadre) from date 11/01/2022 to date 01/08/2022.*
- l) Company "NESPAK" policy of removing regular employee, if required by the company to remove regular employee.*
- m) Board of Directors-BODS authority letter or communications to company-NESPAK to delegate powers to Managing Director -MD to remove employees at MDs discretion without conforming NESPAK-Service Rules. (From Grade 01 to 11 or above).*
- n) List of all Board of Directors-BODS at date 11/01/2022.*
- o) List of all Board of Directors-BODS at date 01/08/2022.*
- p) List of all serving and in service employees whether on foundation or on NESPAK Foundation / Contract having age more than 60 years.*
- q) List of all serving and in service employees whether on foundation or on NESPAK Foundation / Contract having age more than 60 years.*
- r) Existing Board of Directors-BODS and Board of Directors-BODs who gave policy decision for dispensation of employees dated 11-01-2022, It is requested to please share date/tenure for which the BOD-members selected and about the composition and formation period of Board of Directors BODS, for both the cases as mentioned above in the same point."*

## **B. Proceedings**

3. Through a notice dated October 13, 2022 sent to Managing Director, National Engineering Services Pakistan, this Commission directed to provide reasons as to why the requested information is has not been provided to the appellant.
4. The appeal was fixed for hearing on November 03, 2022 and notices were sent to the appellant and respondent on October 25, 2022. Mr. Talal Bin Zahid, Deputy Manager (Admin), NESPAK and the appellant attended the hearing.

## **C. Issues**

5. The instant appeal has brought to the fore the following issue:

Has the Respondent provided the requested information to the Appellant permissible under the Right of Access to Information Act, 2017?

## **D Discussion and commission's views on relevant issues:**

6. The record on the file shows that the Respondent has provided some of the information but has not provided all the requested information by the Appellant. Furthermore, the Foundation is a separate entity and not custodian of some of the information requested about the recruitment/employees from the Respondent.
7. This commission holds that the disclosure of the requested information would shed light on the level of transparency adopted in the entire recruitment process and hence help achieve stated objectives of the Act enunciated in its Preamble which are as under:
  - a) Making government more accountable to citizens’;
  - b) Greater level of participation of citizens in the affairs of the government’;
  - c) ‘Reducing corruption and inefficiency’;
  - d) Promoting sound economic growth’; and
  - e) Promoting good governance and respect for human rights.
8. This Commission has observed that information of public importance mentioned in Section 5 of the Act is not being published through the web site of federal public bodies, including the Respondent, ECP. In fact, the Web sites of federal public bodies contain generic information and not specific information as required under Section 5 of the Act. This is despite the fact that Principal Officer of each public body was required to ensure proactive disclosure of information through web site within 6 months of the commencement of the Right of Access to Information Act, 2017.
9. This Commission maintains that the information proactively published under Section 5 of the Right of Access to Information Act 2017 should be ‘accessible’ for all citizens, including the blind, low-vision, physically disabled, speech and hearing impaired and people with other disabilities. Apart from the interpretation of ‘accessible’ in section 5 of the Act, section 15 (5) of the ICT Rights of Persons with Disabilities Act 2020 requires federal public bodies to ensure accessibility of web sites to the special needs of persons with disabilities and it is as under:
 

“The government shall ensure that all websites hosted by Pakistani website service providers are accessible for persons with disabilities”.

#### **E. Order**

10. The Appeal is allowed. The Respondent is directed to provide the Appellant requested information in items b, c, d, e, h, I, j, k, p and q of the para 2 of this Order, at the earliest but not later than 7 working days of the receipt of this order and submit compliance report to this effect to this commission.
11. The Respondent is directed to take immediate steps to proactively share through the web site all categories of information mentioned in Section 5 of the Right of Access to Information Act 2017 and submit the compliance report to the commission in the Template for the Compliance Report-Proactive Disclosure of Information under Section 5 of the Right of Access to Information Act 2017’. This template is available under ‘Information Desk’ category at the web site of the commission [www.rti.gov.pk](http://www.rti.gov.pk). The compliance report be submitted to this commission within 10 working days of the receipt of this Order.
12. The Respondent is directed to ensure accessibility of the information proactively published on its web site under Section 5 of the Right of Access to Information Act 2017 for all citizens, including the blind, low-vision, physically disabled, speech and hearing impaired and people with other disabilities and submit compliance report to this effect using ‘Web accessibility checklist’. This checklist is available under ‘Information Desk’ category at

the web site of the commission [www.rti.gov.pk](http://www.rti.gov.pk). The compliance report be submitted to this commission at the earliest but not later than 10 working days of the receipt of this Order.

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: November 04, 2022

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