

**Pakistan Information Commission**  
1<sup>st</sup> Floor, National Arcade, 4-A Plaza  
F-8 Markaz, Islamabad  
Website: www.rti.gov.pk  
Phone: 051-9261014  
Email: appeals@rti.gov.pk  
@PkInfoComm



**In The Pakistan Information Commission, Islamabad**

**Appeal No 1340-09/21**

**Syed Ali Asghar**

(Appellant)

Vs.

**Higher Education Commission**

(Respondent)

**ORDER**

**Date:** February 03, 2022

**Mohammad Azam:** Chief Information Commissioner

**A. The Appeal**

1. This commission received the appeal from Syed Ali Asghar dated September 16, 2021, stating that he submitted information request dated June 03, 2021 under the Right of Access to Information Act 2017 to the Higher Education Commission.
2. The information sought by the Appellant is as under:
  1. *Copy of the blue question paper of the Law GAT test conducted on 30.05.2021.*
  2. *Copy of the white question paper of Law GAT test conducted on 30.05.2021.*

**B. Proceedings:**

3. Through a notice dated September 21, 2021, sent to Director (Publications) / Public Information Officer, Higher Education Commission, the Commission called upon the Respondent to submit reasons for not providing the requested information, which was not replied with in the given time.
4. The Appeal was fixed for hearing on November 16, 2021 and both parties were informed through notices sent on November 01, 2021.
5. Mr. Waseem Khaliqdad, Deputy Director, Higher Education Commission and the appellant attended the hearing. Respondent submitted its response before the Commission, which was handed over to the Appellant. Response submitted by the public body is as under  
*“With reference to your request for provision of question papers of Law Graduate Assessment Test (Law-GAT) held on 30-05-2021, It is stated that the candidates have*

*been provided access to a sample paper, from the question bank, through website to be effectively guided in their preparations for the test.*

*No testing agency of repute, local or international, is known to share question papers developed based on a standardized question bank. However, samples are usually provided to help the students in their preparations.*

*Sharing of the entire question bank or a paper based on it would go against the international norms and standards of testing, and at the same time would render its costly development to be effectively wasted. Moreover, sharing the question papers developed from the standardized question bank would affect the authenticity of testing. Sharing of question papers goes against the development of a standardized Question Bank. Pretesting of developed questions through piloting or focus group testing exposes these questions to a small sample of the population. However, the inclusion of these questions in a proper test allows the determination of their statistical/difficulty-level parameters, required for standardization, with a higher degree of confidence. Only such questions then form part of the Question Bank. Making these public would negate the whole effort.*

*According to Section 16 (i) (iv) of "the Right of Access to Information Act, 2017":*

*"Information may be exempt if its disclosure is likely to undermine the effectiveness of a testing or auditing procedure used by a public body".*

6. During the hearing appellant expressed dissatisfaction over the response of the public body. The Respondent requested time for the provision of the requested information which was allowed and hearing was adjourned for December 07, 2021.
7. Dr. Imtiaz Haider, Consultant, Higher Education Commission, attended the hearing and submitted same response dated November 12, 2021 again before the Commission.

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

08. The commission has to decide:
  - i. Whether the question paper of any exam which is already conducted is a public document under the Right of Access to Information Act, 2017, hereafter referred to as the "Act"?
  - ii. Whether the disclosure of the information will affect the testing standard of the public body or not?
09. This Commission through different orders including "Sajid Abbas Vs Federal Public Service Commission (FPSC)" has held that the even the answer sheet of any examination, after result is announced, is a public document under the Act.
10. In the instant appeal the appellant has only requested copy of the question papers of a particular exam whose result is also announced. Such old papers of different exams are available online and, in the market. Students/candidates use these papers for the preparation of the examination.
11. The Respondent in its response stated that "*Sharing of question papers goes against the development of a standardized Question Bank. Pretesting of developed questions through piloting or focus group testing exposes these questions to a small sample of the population.*"

12. The appellant has only requested question papers of a particular date not the whole testing system. Therefore, provision of requested information to the appellant will not disclose the questions bank.

#### **D. Order**

13. Appeal is allowed. Director General (Publications)/ Public Information Officer, Higher Education Commission is directed to provide complete information mentioned in para 2 of this Order to the Appellant, at the earliest but not later than 7 working days of the receipt of this Order, with intimation to this office.
14. Copies of this order be sent to Director General (Publications)/ Public Information Officer, Higher Education Commission and the Appellant for information and necessary action.

#### **Mohammad Azam**

Chief Information Commissioner

#### **Fawad Malik**

Information Commissioner

#### **Zahid Abdullah**

Information Commissioner

Announced on:

February 03, 2022

This order consists of 3 (three) pages, each page has been read and signed.