



In the Pakistan Information Commission, Islamabad

Appeal No 2025-06/202

Raza Ahmed Khan

(Appellant)

Vs.

Comsats University, Islamabad

(Respondent)

ORDER

Date: November 02, 2022

Mohammad Azam: Chief Information Commissioner

A. The Appeal

1. This commission has received an appeal from Mr. Raza Ahmed Khan dated June 23, 2022, through email, stating that he submitted an information request dated June 06, 2022 under the Right of Access to Information Act 2017 to the Rector, Comsats University, Islamabad. The Respondent public body has not responded to his information request as required under section 13 of the Right of Access to Information Act, 2017. Therefore, the appellant has filed his appeal to the Commission.

2. The information sought by the Appellant is as under:

“1. Copy of agreement with legal counsel(s) and amount of legal expenses including lawyer(s) fees paid backed by copies of payment vouchers in Islamabad High Court W.P. No. 2631/2020.

2. Copy of agreement with legal counsel(s) and amount of legal expenses including lawyer(s) fees paid backed by copies of payment vouchers in Islamabad High Court ICA No. 68/2021.

3. Copy of agreement with legal counsel(s) and amount of legal expenses (including) lawyer(s) fees paid to-date backed by copies of payment vouchers in FST Appeal No.17(R)CS/2022 With MP No. 27/2022.

4. Copy of agreement with legal counsel(s) and amount of legal expenses (including) lawyer(s) fees paid to-date backed by copies of payment vouchers in FST MP No. 498/2022 in Appeal No.17(R)CS/2022.

5. Copy of agreement with legal counsel(s) and amount of legal expenses (including) lawyer(s) fees paid to-date backed by copies of payment vouchers in Supreme Court C.P. 1428/2022.”

B. Proceedings

3. Through a notice dated July 04, 2022, sent to Rector, Comsats University, Islamabad, the Commission stated that “Under Section 14 of the Right of Access to Information Act 2017, each federal public body is bound to respond to a request as soon as possible and in any case within ten working days of receipt of the request. You are directed to provide reasons in writing within 7 working days of the receipt of this notice as to why the requested information has not been provided to the applicant, (copy of the information request and appeal thereon enclosed)”.
4. The appeal was fixed for hearing on August 23, 2022 and both parties were informed through notices sent on August 02, 2022. Mr. Asif Mustaq, Deputy Registrar, Comsats University Islamabad and the Appellant attended the hearing held on August 23, 2022. The Respondent submitted response during the hearing which was shared with the Appellant.
5. The Appellant on August 31, 2022 submitted rejoinder to the response of the public body, which is as under:
 - “1. The information requested at serial # 5 is incomplete. As requested, copy of agreement with legal counsels Mian Abdul Rauf (ASC) and Ahmed Nawaz Chaudhry (AOR) representing the Registrar CUI in honorable Supreme Court CP 1428/2022 is not provided. Provided
 2. The copy of addendum to Retainer agreement made on July 1, 2017 as referenced in F/A is not provided.
 3. In the payment vouchers placed at F/B yellow highlighter is used to imply that the payment was made to the lawyer but it doesn't specify the case no. and associated amount.
 4. The respondent in his letter is not reproducing the exact text of information as requested by the undersigned which may be an effort to conceal information; the text "...including lawyer(s) fees paid..." is missing. He may be directed to produce exact text of requested information to keep matters in their correct perspective.”
6. Rejoinder submitted by the appellant was shared with the Respondent on September 16, 2022 with the directions to address the queries of the appellant within 10 working days.

7. The appeal was again fixed for hearing on October 25, 2022 and both parties were informed through notices sent on October 04, 2022. Mr. Asif Mustaq, Deputy Registrar, Comsats University Islamabad and the Appellant attended the hearing held on August 23, 2022. The Respondent was directed to produce original file of the hiring of the advocates by the Respondent before the Commission.
8. The Respondent produced the original file of the hiring of the advocates and also provided the remaining information to the appellant.

C. Discussion and Commission's View on Relevant Issues

6. The commission has to decide:

The question for the consideration of the commission is that whether the Respondent has provided complete information to the appellant? And whether the public body has fulfilled its duties as defined in the Right of Access to Information Act, 2017 hereafter referred as Act?

7. The Respondent has provided the complete requested information to the appellant during the hearing held on October 28, 2022. However, the Respondent is also bound to fulfill its duties mentioned in Section 5 and Section 9 of the Act.
8. The fact that the citizens are forced to exercise the Right of Access to Information Act 2017 and have to wait for many months even for the information that should be available on the websites of the public bodies demonstrates that public bodies have not carried out steps for the proactive disclosure of information as required under Section 5 of the Act, 2017.
9. According to Section 9 of the Act, each public body shall, within thirty days of the commencement of this Act, notify one or more designated officials, not below the rank of an officer in BPS -19 or equivalent; but the Respondent has not so far nominated any official to deal with the information request of the citizen.
10. 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”.

D. Order

11. The appeal is disposed of to the extent of the provision of the information to the appellant.
12. Rector, Comsats University, Islamabad 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. The compliance report be submitted to this commission within 30 days of the receipt of this Order.
13. The Respondent is also directed to notify Public Information Officer, (PIO), under Section 9 of the Act, put contact details of PIO on its web site as required under Section 5 (1) (h) of the Act and submit compliance report to the commission within 10 working days of the receipt of this order.
14. Copies of this order be sent to Rector, Comsats University, Islamabad and the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on: November 02, 2022

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