



**In the Pakistan Information Commission, Islamabad**  
**Appeal No 2027-06/22**

**Gul Wali**

**(Appellant)**

**Vs.**

**University of Peshawar**

**(Respondent)**

**ORDER**

Date: October 27, 2022

Zahid Abdullah: Information Commissioner

**A. The Appeal**

1. The Appellant filed an appeal, dated June 22, 2022 to the Commission, stating that he submitted an information request to the Director, University of Peshawar on March 09, 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:
  - i. *“I request the office orders issued to permanent the rolling employees namely*
  - ii. *M. Mihad Ali (Nab Qasid)*
  - iii. *Mr. Ahmad (Bps-11)*
  - iv. *Mr. Tariq Khan (Choukidar)*
  - v. *Mr Afzal Ahmad (Academic “Assistant Bps-11” new Academic Superintendent (Bps-16) I am also request to provide the Minutes of the meeting*
  - vi. *Recommendation of the selection committee*
  - vii. *Member designation of the members & selection approved by the committee by vice Chancellor or concern authority”.*

**B. Proceedings**

3. The record on the file suggests that the Respondent submitted its response on the intervention of this commission on June 02, 2022 and its text is as under:

*“I am directed to refer to the subject noted above and to enclose please find the letter received from Rehman Ullah Shah, Advocate Supreme Court on behalf of Librarian Area Study Centre, University of Peshawar vide No. Nill dated 23-04-2022 regarding your case, wherein is it is stated that area Study Centre, University of Peshawar is regulated by Federal Laws.*

*Hense, the instant complaint stands disposed of as the Commission lacks jurisdiction on the Federal entity”.*
4. The Appellant submitted his response on September 07, 2022 and its text is as under:

“Reference to information Sharing Letter Dt. 30/08/2022 in Appeal No. 2027 06/22, It is submitted That Reply of the Complaint Dated 16/08/2022 is irrelevant, against the fact and requirement of complaint hence, liable to be discarded.

Sir, we have challenged the four post advertised by the director area study center UOP through advertisement in daily newspaper THE FRONTIER POST dated. 20/09/2022 before hon'ble Peshawar high court as all the post fill by the acting director without jurisdiction, without adopting the procedure mood and manner law but the pointed all the four person their nephew, relatives by adopting nepotism and favoritism. The hon'ble court while in hearing ask the question that why you have not place before appointment order as directed to place all the four appointment order in next hearing, the issue is still pending before hon ble high court Peshawar as the acting director appointed the four person according to law or not.

That the complainant has requested before your honor that the acting director area study center UOP be directed to provide the four person appointment order

No.1 MR. Mihad Ali Naib Qasid

No.2 MR. Ahmad BPS11

No.3 Mr Tariq Khan Chowkidar

No.4 Mr Afzaal Ahmad Academic Assistant

Before your honor or to complainant, in order to place it before Division bench of Peshawar high court.”

5. Hearing on the instant Appeal was fixed for October 06, 2022 vide letter dated September 28, 2022. The Respondent was represented by M. Majid Khan , Advocate High Court.

**C. Issues**

6. The instant appeal has brought to the fore the following issues:
  - (a) Is University of Peshawar a public body under the Right of Access to Information Act, 2017, henceforth referred to as the Act, 2017?
  - (b) Can the requested information be disclosed under “the Act, 2017”?

**D Discussion and commission’s views on relevant issues:**

7. This commission finds it bemusing that the Respondent has stated that “area Study Centre, University of Peshawar is regulated by Federal Laws. Hence, the instant complaint stands disposed of as the Commission lacks jurisdiction on the Federal entity”. In any case, its own web site states that “*University of Peshawar is a public research university and Federal government bears its recurrent expenditure*”. Therefore, it is a public body under the Act, 2017.”
8. This commission holds that records pertaining to the prerecruitment process are public documents. Therefore, requested “office orders issued to permanent the rolling employees namely M. Mihad Ali (Nab Qasid) Mr. Ahmad (Bps-11) Mr. Tariq Khan (Choukidar) Mr Afzal Ahmad (Academic “Assistant Bps-11” new Academic Superintendent (Bps-16)
9. This commission also holds that as the recruitment process is complete, therefore Minutes of the meeting pertaining to the recruitment, recommendation of the selection committee, designation of the members & selection approved by the committee by vice Chancellor or concern authority” are also public documents.
10. This commission issued a detailed Order in Appeal No. 942-03/21, Abdullah Rashed Waraich Vs. Pakistan Housing Authority Foundation which was upheld by the Honourable Islamabad High Court. In this Order, the commission held that information

such as regional quota roster maintained by a public body, consolidated result of written test of the posts, attendance sheet of written tests, online applications submitted by candidates who were shortlisted for interview, educational certificates/degrees of the candidates who were shortlisted for interview, answer sheets of all candidates who were called for interview, attendance sheet of interviews, evaluation Proforma containing detail of academic records, marks obtained in written as well as in interviews by the candidates shortlisted for interview, duly signed by Departmental Selection Committee, recommendations of the Departmental Selection Committee regarding selection of candidates is a matter of public importance.

11. 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.
12. 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. 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.
13. This commission has also noticed that even when Public Information Officer, (PIO) is designated under the Act, information to this effect is either not provided on the web site, or, if it is provided, it is not displayed at a prominent place on the web site.
14. 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**

15. The Appeal is allowed. The Respondent is directed to provide the Appellant certified copies of the records/information requested in para 2 of this Order within 7 working days of the receipt of this Order and submit compliance report to this effect to this commission.
16. 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.

17. 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.
18. 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:  
October 28, 2022

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