

IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

APPEAL NO. E 97-03-2021

Dr Syed Naeem Badshah

Vs

International Islamic University, Islamabad

Date: 2.6.2021

Fawad Malik: Information Commissioner

A. APPEAL.

1. Dr. Syed Naeem Badshah, invoking the Right of Access to Information Act, 2017 has filed appeal before the Pakistan Information Commission against the International Islamic University, Islamabad alleging therein that the public body has provided the irrelevant information.
2. The relevant portion of the request filed in the office of the President, International Islamic University, Islamabad is reproduced here under:

It is submitted that in response to your advertisement for the position of Professor in the department of Usool ul Din, we the following 06 were the candidates for the advertised position;

1. *Dr Ilyas*
2. *Dr. Abdul Ghaffar*
3. *Dr Syed Naeem Badshah*
4. *Dr. Junaid Hashmi*
5. *Dr. Sana Ullah*
6. *Dr. Tahir Mahmood*

In this regard, the following information may kindly be provided to me;

1. *Attested Eligibility (Scrutiny) report of the Committee duly signed by the Scrutiny Committee members at that very time.*
2. *Attested Academic Qualifications of ours duly signed by the committee of that very time. (marks from metric to PhD of all candidates including the publication marks)*
3. *Referees Evaluation duly signed by the Referee (s) and attested by your responsible officer.*
4. *Details of Academic marks given to the candidate on pre selection board proforma of all candidates of each selection board member.*

B. PROCEEDINGS.

3. The Commission after taking the cognizance intervened the matter through notice and on the intervention the Addl. Director (HR) vide letter dated April 27, 2021 submitted the reply to the following effect:

Reference your letter (Appeal: E97/03/2021) addressed to the President, International Islamic University, Islamabad; I am directed to convey that the applicant i.e. Dr. Syed Naeem Badshah, has been informed through a letter vide No. Dir/HR/(1)20/IIU-7662 dated April 16, 2021 that if he wish, he can visit personally to HR directorate to see the opinion of the Board Members and experts given during the Selection Board. However, the record demanded by applicant is excluded to disclose to public as per section 7 (A&B) of Right to Information (RTI) Act.

4. Mr. Abbas Zafar, Mr. Zubair Butt, superintendents, HR-V alongwith Mr. Naseer Ahmed, Assistant legal department represented the public body whereas Mr. Munir Ahmad Advocate appeared on behalf of the appellant at the time of hearing before the Commission on 2.6.2021. After hearing both the sides the Commission has concluded as under.

C. COMMISSION'S VIEW.

5. The appellant is serving as Chairman, Department of Islamic Studies, University of Agriculture, Peshawar. He is one of the contenders for the post of Professor in the department of Usooludin/Islamic Studies in International Islamic University, Islamabad. He has desired in his application the duly attested information vis-à-vis the scrutiny report, academic qualification of the candidates, referee's evaluation and the detail of academic marks given to each candidate by the Board Members.
6. The university in its reply has asked the appellant to visit in person the HR directorate of the university to have a look on the opinion inked by the Board Members and experts. However the information sought by the appellant has been denied while referring sub section a & b of section 7 of the Act.
7. The cursory glance of the section 7 proves it unambiguous and clears in its interpretation that noting on the files and minutes of meetings that has been finalised are encompassed in the category of public record as defined in section 6 of the Act.
8. The asking of the public body to the appellant to visit in person, the HR directorate of the University to see the opinion inked by the experts and the Board Members is not appreciated nor permitted under the Act. This practise is otherwise not practical because the appellant is resident of the province KPK and he has been asked to visit the university directorate at Islamabad. The appellant has demanded the attested copies of the requested documents which can be provided to the appellant at his given address. Instead the university has offered the appellant to just have a look on the documents.
9. Transparency in the working of the government departments is the essence for the enactment of the Act 2017. Its spirit is to ensure that the people of the Islamic Republic of Pakistan have access to the records held by the federal public bodies for making the government accountable to the people. This practice would improve the participation of the people in the public affairs aimed at reducing corruption, nepotism and the culture of favoritism in the appointments in the government departments.

10. Article 19-A of the Constitution of Pakistan read with the Right of Access to Information Act, 2017 has empowered the citizens to have access to the record held by the public bodies. This right is further fortified where the contestant questions the transparency in the selection of the post.
11. It is noticed that the university has so far not notified the designated officer as mandated under section 9 of the Act.

D. ORDER.

12. The appeal is allowed. The President, International Islamic University, Islamabad is directed to provide the appellant attested copies of all the information requested in his application, forthwith but not later than ten days of the receipt of this order.
He is further directed to implement sections 5 & 9 of the Act in letter and spirit by or before 16.7.2021, under intimation to the Commission.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner
Announced on 3.6.2021

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