

IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

APPEAL NO. 821-01-2021

Sannan Tariq

Vs

National University of Computer & Engineering Sciences

Date: 12.7.2021

Fawad Malik: Information Commissioner

**A. APPEAL**

1. Mr. Sannan Tariq filed an appeal under Section 17 of the Right of Access to Information Act, 2017 read with Article 19A of the Constitution of Pakistan before the Pakistan Information Commission alleging therein that his request for information has not been even acknowledged by National university of Computer & Engineering Sciences, Islamabad.
2. The information request addressed to the Rector, National University of Computer & Engineering Sciences, Islamabad reads as under:
  1. *"Certified copies of complete official by-laws and policy regulations of the university providing for its complete Academic Grading Policy regarding each offered Bachelors and masters program of its Lahore Campus for both present and pre-Caovid-19 periods.*
  2. *Specify which system of academic grading does the university legally/officially regularly imply for awarding academic grades to students within each of the Bachelors and Masters programs offered at its Lahore Campus, i.e. whether it is Relation System of Academic Grading or Absolute System of Academic Grading, or any other applicable system of Academic Grading instead..*
  3. *Complete and comprehensive criteria, metrics and regulations along with relevant by-laws and list of all procedures, on the basis of which each academic grade. i.e. from A+to F Grade under the Letter Grading Scheme currently during the Covid-19 period and the standard grading scheme during pre-Covid-19 period is awarded to each student enrolled under each Bachelors and Masters program offered at the Lahore Campus of this university (and not merely the numerical/point-based interpretation of these awarded academic grades).*
  4. *Names, designations, functions and relevant professional credentials of each presently-appointed member within the campus disciplinary committee i.e. the CDC at the Lahore Campus of this university, along with copies of official documentation specifying complete Academic as well as professional official criteria, in lieu of each presently effective appointment made within the said committee (CDC) at Lahore Campus.*
  5. *Complete detail of Academic as well as professional official criteria for the appointment of the Campus Director, the Manager Academics, as well as for each presently appointed Academic officer, in addition to Manager Academics i.e. both inter-departmental and intra-departmental Academic Officer(s), at the Lahore Campus of this University.*

*Also provide complete record of duties, functions, perks and remunerations performed and obtained by all the said office-holders within the period of last 3 years, or since the time of appointment, in case the respective tenure for any of the stated presently-in-effect appointments happens to be shorter than last 3 years.*

6. *Complete and certified record of Professional as well as Academic credentials, in an evidentially verifiable format, of the presently appointed Manager Academics at the Lahore Campus of this university, evidentially providing for sole and absolute adherence to due merit within the present appointment at this office.  
Also provide with complete detail of regular functions, duties, perks and remunerations being continually performed and obtained by the said employee.*
7. *Certified copies of each regulation and/or by-law, with all implied terms & conditions, which grant this university the legal right and jurisdiction, if any at all, of cancellation/revocation of a Degree which has already been awarded along with all the binding privileges.*
8. *Complete and comprehensive financial record depicting collection of Student Activity Fund from each applicable student, its total, overall or accumulated monetary worth/value and then its consequent expense by the university at its Lahore Campus for years 2018, 2019 and 2020.*
9. *Certified copies of all by-Laws/regulations clearly providing for official, as well as comprehensive legal relevance of the presently-appointed Manager Academics to concerned Campus Disciplinary Committee, i.e. the CDC, regarding Lahore Campus of this university, on the basis of which information strictly pertaining to the proceeding of the confidential investigation under the recently issued CDC Notice 5/20 by Lahore Campus of this university, was disclosed to him-as is evidently provided for within following two published statements, issued by him in the officially capacity to the national media."*

## **B. PROCEEDINGS**

3. The Rector, National University of Computer and Emerging Sciences, vide letter dated 8.1.2021 was directed to provide reasons in writing within seven working days as to why the requested information has not been provided to the applicant as under section 14 of the Right of Access to Information Act 2017, each public body is bound to respond to a request as early as possible and in any case not later than ten working days of the receipt of the request.
4. The Registrar, National University of Computer & Emerging Sciences vide letter dated 27.1.2021 submitted the reply. The information furnished is reproduced as under:
  - i) *"The University Authorities believe in the Supremacy of Commission and Rule of Law. The University always tries its level best to obey the Provision of the Constitution and Law. The university in pursuance of Section 5 of the Right of Access to Information Act 2017 has published and also made available on university website policies, guidelines, HR Manuals and other information required by the public.*
  - ii) *As per Section 6 of the Right of Access to Information Act 2017 not all documents fall in the public domain. Moreover, your RTI request is decided under Section 13 of the Right of Access to Information Act 2017".*
5. The reply was shared with the appellant vide letter dated 03.02.2021. The appellant through his letter dated 02.02.2021, addressed to the Commission conveyed his

dissatisfaction with the information shared by the respondent. The relevant part is reproduced as under;

- i. *"To date, as a Federal Public Body, the Respondent University has failed to notify a Designated Public Official (PIO) in the first place while still blatantly claiming compliance to the Act, 2017.*
- ii. *The sent response fails to exactly highlight which part of the requested information or documents in particular, fall beyond the purview of Public Record and/or Section 6 of the Act. The Act clearly states that it is essential for any Public Body to mention the precise requested information, either in full or in part, in writing, along with writing down the exact exemption or reasoning being relied upon with regard to it if its provision is to be refused.*
- iii. *The Respondent on its official website and in the prospectus it issues yearly under the titles "Student" and "Grading", merely provides for numerical interpretation of academic grades, which it awards to thousands of students each year under its various academic programs. Yet it provides no such comprehensive policy, regulations, procedures, metrics or mechanisms anywhere on its website or within its issued prospectus, which provides) suitable criterion of those grades and as to what academic grading system it officially adopts for awarding such grades. This information falls within the Information requested by the Appellant, and remains denied so far.*
- iv. *The website of the Respondent provides for existence of a Campus Disciplinary Committee. However, the Respondent fails to provide any information, whatsoever, of any of the existing or prospective members which constitute this committee at each of its campuses. Furthermore, there is no policy, rule or regulation which provides for the criteria of appointment of the members this committee. Neither is it mentioned as to what their respective professional credentials are in lieu of that criteria, and nor is a mention of what perks, remunerations and privileges they enjoy for the discharging of duties in committee. This information falls within the Information requested by the Appellant, and remains denied so far.*
- v. *The website provides for all of its presently appointed officials, under titles "Introduction" and "Education", respectively. Yet fails to provide any information at all with regard to these titles in relevance to its presently-appointed Manager Academics at its Lahore Campus, leaving these titles entirely unaddressed. The Appellant, hence, stands within his complete legal right to seek information regarding the stated official. Reference to the Respondent's official website is attached herewith.*

<https://nu.edu.pk/Campus/Employee/4030>

*This information falls within the Information requested by the Appellant, and remains denied so far. A screenshot of this is also attached along with this letter as means of prompt reference.*

- vi. *Under sub-title, namely **Student Activities Fund**" of the title "Admissions", **"Fee Structure"** the respondent's website states:*

*"To support co-curricular and extra-curricular activities a Student Activities Fund has been formed Students contribute Rs 2.000 towards Students Activities Fund per semester".*

*This fund is a mandatory contribution charged by the Respondent for academic semester from every enrolled student. It is the primary liability of the Respondent, to provide a comprehensive breakdown of the collection in utilization of any such Fund which it has collected to date and will be do so as it constitutes a public fund in nature. However neither the website of the Respondent any of its published prospectus provides any such record which shows as to how this Fund has been to date, utilized by the Respondent. This information falls within the Information requested by the Appellant, and also remains denied so far.*

- vii. *That the Act, 2017, under Section 16 (c) categorically states that information is not exempted and hence, should be provided regarding any individual provided that it pertains to that individual being an official serving within the Public Body and that requested information relates strictly to its functions as the public official. I, as the appellant have sought no such information which breaches the personal privacy of any individual, but only that which solely and absolutely relates to various presently appointed individuals within the Respondent University and to their functions within the domains of their respective present appointments. It is evident that the Respondent has paid little heed to the submitted Information Request, as well as to the subsequent notice of this honourable Commission.*
- viii. *It is put before this honourable Commission that, I, the appellant, myself am a graduate and a former student of this University. Let alone as a citizen of Pakistan, this itself reaffirms my right to fundamentally obtain the requested information regarding policy matters and various grading/appointment criteria which directly impact or have impacted the present, prospective and past students of this university, like myself, as the Respondent stands a University and a Federal Public Body under the Act, thus responsible to ensure utter transparency in all regards and at all times. However, in an utterly illegal fashion, contrary to provisions of the Right to Information Act, 2017, the Respondent has denied the provision of the requested information altogether."*

6. The Commission fixed the appeal for hearing on 03.03.2021 and both the appellant as well as the respondent were informed accordingly.

7. On 03.03.2021, The Registrar of public body filed the reply to the points of dissatisfaction filed by the appellant along with the desired information. The relevant portion is as under:-

1. *"The university previously adopted the HEC policy for implementation of uniform semester system of Pakistan in which the academic grading policy and its procedure. Subsequently, the university made academic rules and regulations revised 2019 and inter office memo during the Covid-19. The following documents in this respect supplied to the appellant before this Honourable Commission.*

- i. *HEC policy for implementation of uniform semester system of Pakistan claiming compliance to the Act, 2017.*
- ii. *Academic Rules & Regulations of National University revised January 2019.*

- iii. *Inter office memo dated 09.01.2020 in respect of grading policy with effect from Spring 2020*
- iv. *Inter office memo dated 04.06.2020 Covid-19 examination policy Spring 2020."*

*The HEC policy and academic rules & regulations also upon the site of HEC and University, except above mentioned grading policy and documents no other documents or information available with the university.*

2. *That the appellant required the information in respect of names, designations, functions and relevant professional credentials of each member of presently appointed CDC in this respect the notification of CDC, HR Manual & Credential Manager Academic supplied to the appellant before this Commission.*
  - i. *"Notification of CDC dated 20.05.2020*
  - ii. *Credentials of Manager Academic Saif Ullah*
  - iii. *HR Manual of National University dated August of 2020*
  - iv. *Other related documents in respect of Manager Academic and Academic Officers."*

*It is pertinent to mention here that no remunerations / perks will be provided to the members of CDC. They received only salaries as per employees against your original post of appointment. The detail of regular function duties mentioned in the HR Manual.*

3. *That no rules & regulations available with the university in respect of cancellation of already awarded degrees.*
4. *That the financial statement / record in respect of student activity fund since 2018 till 25.02.2021 provided to the appellant.*
5. *That all copies of bye-laws / regulations provided to the appellant. However, CDC and directors are appointed under the HR Manual."*
8. *The response of the public body was shared with the applicant vide letter dated 03.03.2021. The appellant through email dated 12.03.2021 address to the Commission stated his dissatisfaction with the information provided by the public body.*
9. *The appeal was fixed for hearing before the Commission on 26.5.2021 and both the appellant as well as the respondent were informed accordingly. Mr. Ghulam Farid, Legal Adviser appeared on behalf of the respondent and provided reply to the letter of dissatisfaction/ information which is as under:-*

1. *"That the appellant in the letter of dissatisfaction dated 12.03.2021 agitate that the Point No.4 and 5 of RIT request was not complied. In this respect, it is submitted that the University already provided the requisite information to the appellant through this Honourable Commission and categorically mentioned in*

*That the appellant required the information in respect of names, designations functions and relevant professional credentials of each member of presently appointed CDC in this respect the notification of CDC, HR Manual & Credential*

*Manager Academic supplied to the appellant before this Commission.*

- i. *Notification of CDC dated 20.05.2020*
- ii. *Credentials of Manager Academic Saif Ullah*
- iii. *HR Manual of National University dated August of 2020*
- iv. *Other related documents in respect of Manager Academic and Academic Officers.*

*It is pertinent to mention here that no remunerations / perks will be provided to the members of CDC. They received only salaries as per employees' status against your original post of appointment. The detail of regular function duties mentioned in the HR Manual". The points are raised by the appellant in Para No.2 of letter of dissatisfaction is not correct. The appellant in the Para No.4 and 5 of RIT*

*request required the details of members of CDC and official criteria of appointment of Campus Director, Manager Academic, Academic Officer*

*which was duly provided to the appellant but in this point of dissatisfaction the appellant mentioned the chapter of University Employment and Selection of Employees and even not go through the relevant documents, therefore, the objection of the appellant is not maintainable in this respect.*

2. *That the second point of dissatisfaction of the appellant in respect of official criteria for the appointment of Campus Director, Manager Academic and Academic Officer. The official criteria for the appointment of Campus Director duly mentioned in the HR Manual 2020 in Page No.11 in the Head of Management (45) Director, Qualification mentioned as under.*

- i. *Leadership Skills (5)*
- ii. *Commitment/Dedication/Ownership [5]:*
- iii. *Availability to students, staff and faculty [5]:*
- iv. *Communication Skills (Verbal/Written [5]:*
- v. *Handling of campus finances [5]:*
- vi. *Timely convocation [5]:*
- vii. *Proper orientation of new students [5]:*
- viii. *Proper orientation of new faculty [5]:and*
- ix. *Clearance of graduates and issuance of degrees [5]:"*

1. *“Manage and update academic programs, central academics office, notifications of academic calendar, student's registration notices, course codes and misc. students' queries such as change of grade, semester registration issues etc.*
2. *Providing support to Academics staff for smooth operation of the department.*
3. *Responsible for matters concerned with the conduct of examination*
4. *Responsible for managing and arranging examination material, exams photocopies, transcripts and degrees, cases of infringement of rules of examinations with full report for disposal, student's online feedback system, convocation and medal distribution ceremonies and student's examination record*
5. *Responsible for preparation of visiting faculty and Teaching Assistants(TAS) and issuance of appointment letters*
6. *Prepare Dean's and Rector's Certificate list.*
7. *Correspondence with Head Office in Preparation of Faculty work load for submission to Head Office.*
8. *Preparation of TA list for approval from Head Office with coordination of Dept. academic Office*
9. *Preparation of monthly salary of visiting and permanent faculty with coordination of dept. academic Office*
10. *Preparation of FYP/Theses payment with coordination of dept. academic Office*
11. *To guide students and their parents on various academic matters*
12. *Analyzing statistical data on registration for administrative use in formulating policies*
13. *Any other duty assigned by the Reporting Officer.”*

*The criteria for Academies Officer attached with the statement*

**Reply of Para No.3:**

*“That the University already provide information in submission dated 03.03.2021 that no remunerations / perks will be provided to the members of CDC They received only salaries as per employees' status against your original post of appointment. The detail of salaries and allowances mentioned in the HR Manual of the employees”.*

**Reply of Para No.4 as under:**

*“It is stated that the appointments of Committee Members is not appointment as an employees. However, the criteria for members of committee from the employees of University already mentioned in the manual as well as above. Therefore, the objection is not maintainable”.*

**Reply of Para No.5 as under:**

*“It is stated that the appointments of Committee Members is not*

committee from the employees of University already mentioned in the manual as well as above. Therefore, the objection is not maintainable.”

**Reply of Para No.6 as under:**

“That the University categorically stated in which submission dated 03.03.2021 the oa rules and regulations available with the University in respect of cancellation of already awarded degrees but the appellant without any reasons and justification stated that the said rules and regulations in this respect are available which are not maintainable, hence, the objection is without any substance and liable to be rejected.”

**Reply of Para No.7 as under:**

“That the University categorically stated in which submission dated 03.03.2021 the no rules and regulations available with the University in respect of cancellation of already awarded degrees but the appellant without any reasons and justification stated that the sail rules and regulations in this respect are available which are not maintainable hence, the objection is without any substance and liable to be rejected However, the contentions appellant in Para No.7 without any substance”  
hence, not maintainable and liable to be rejected

**Reply of Para No.8 as under:**

“That the University tried to her level best provides the requisite information to the appellant as well as upon the site of the University However, if any information is not available upon the site, the appellant approached the University for such information and the University always”  
tried to obey the constitution and laws, hence, the objection is not proceed able.

**REPLY TO OBJECTIONS OF APPELLANT IN RESPECT OF SECTIONAL VIOLATIONS**

“It is stated that the appellant mentioned the sections 9, 13, 16, 5, 5(8), sic), 5(d), 5(8) & 5(h) in the objections in the head note of sectional violation. In reply it is stated that the University authorities believe in the  
supremacy of Constitution and Law and always tried its level best to obey  
the provisions of the Right of Access to Information Act, 2017. The University authorities did not violate any provisions of the above said act nor any intention to do so. The University authorities always tried her  
to  
level best to provide the information as per Act Provisions, therefore, the





### C. COMMISSION'S VIEW.

10. The Commission is of the considered view that the requested information/record in detail has been provided to the appellant by the respondent organization through written reply. All the queries of the appellant have addressed through para wise reply.
11. The Commission has noticed and the appellant has also objected that the respondent has not notified the designated officer as mandated in section 9 of the Act.

### D. ORDER.

12. The appeal is closed with the direction to the Rector, National University of Computer and Emerging Sciences to implement sections 5 & 9 of the Right of Access to Information Act, 2017 in letter and spirit within one month of the receipt of this order under intimation to this Commission.

  
Mohammad Azam  
Chief Information Commissioner

  
Fawad Malik  
Information Commissioner

  
Zahid Abdullah  
Information Commissioner

Announced on 12.7.2021

Certified that this order consists of nine (9) pages, each page has been read and signed.