



In The Pakistan Information Commission, Islamabad

Appeal No 1018-04/21

Salman Yousaf

(Appellant)

Vs.

Shaheed Zulfiqar Ali Bhutto Medical University

(Respondent)

Order

Date: August 30, 2021

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed appeal with this commission on April 26, 2021, stating that he Submitted information request dated March 29, 2021 under the Right of Access to Information Act 2017 to Vice Chancellor, Shaheed Zulfiqar Ali Bhutto Medical University.
2. The Appellant on April 25, 2021 requested following information:
“It is kindly request that I should be provided with the copy of my test given to SZABMU on 7th Feb 2021 for admission of Allied Health Sciences. As it was an MCQs based test so I would request for three things, that is the question paper, original answer key and the test answer sheet filled by me.”

B. Proceedings:

3. Through a notice dated May 20, 2021, sent to Rector, Shaheed Zulfiqar Ali Bhutto Medical University, the Commission called upon the Respondent to submit reasons for not providing the requested information.
4. The Appeal was fixed for hearing on July 16, 2021 and both parties were informed through notices sent on June 28, 2021.
5. The respondent through a letter vide No 585 dated June 12, 2021 submitted response which is as under:
“I am directed to refer your letter dated 20th May, 2021 on the above noted subject and to inform that there is no any provision available under the rules of the University to provide requested information to any of the candidate.”
6. The appeal was again fixed for hearing on August 26, 2021 and both parties were informed through notices sent on July 27, 2021.

7. Mr. Soban Hayat, Law Officer, Shaheed Zulfiqar Ali Bhutto Medical University appeared before the commission. He maintained that any student could see his paper according to the policy of the university.

C. Discussion and Commission's View on Relevant Issues

8. The questions for the consideration of the commission are as under:
 - (a) Should a citizen have access to requested information in accordance with the provisions of the Right of Access to Information Act 2017, hereafter referred as Act?
 - (b) Did the Respondent follow procedure laid down in the Act in responding to the request of the citizen?
9. This commission is of the view that both the letter and the spirit of the Right of Access to Information Act 2017 dictate the provision of the requested information about question paper, original answer key and the test answer sheet to the Appellant.
10. This commission maintains that exemption from disclosure of original answer key and the question paper before the examination is justifiable to maintain integrity of the examination process. However, once the examination has been conducted, keeping in secrecy the original answer key, the question paper and the answer sheet serves no purpose. In fact, the disclosure of the original answer key, the question paper and the answer sheet will help students in identifying gaps for improvement.
11. This commission believes that transparency in admission processes is pre-requisite to build trust of citizens in public universities. Therefore, the provision of certified copies of original answer key, the question paper and the answer sheet is in public interest.
12. This commission is of the view that authorization of admission is granted to successful candidates, based on their performance determined through the tests.
13. Students enrolled in public universities get access to subsidized education paid through the taxes of the citizens of Pakistan. As such, access to subsidized education through admissions in public universities is a privilege granted to successful candidates. Hence, citizens have the right to know about the performance of the successful candidates who enjoy the privilege of subsidised education in public universities. That is why Section 5 (1) (e) states that "particulars about the recipients of any concession, permit, license or authorization granted by the public body" should be made public by federal public bodies through their web sites.
14. This commission maintains that disclosure of the requested information will help achieve the stated objectives of 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.

D. Order

15. The appeal is allowed. The Vice Chancellor, Shaheed Zulfiqar Ali Bhutto Medical University is directed to provide the Appellant certified copies of question paper, original answer key and the test answer sheet of the examination held on Feb 2021 for admission of Allied Health Sciences. This information be provided to the Appellant within 10 working days of the receipt of this Order, with intimation to this commission.
16. The Vice Chancellor, Shaheed Zulfiqar Ali Bhutto Medical University is directed to notify Public Information Officer, (PIO), under Section 9 of the Act, put the notification on its web site as required under Section 5 (1) (b) of the Act, put name, designation and contact details of the PIO on its web sites as required under Section 5 (1) (h) of the Act and submit compliance reports to the commission within 3 working days of the receipt of this Order.
17. The Vice Chancellor, Shaheed Zulfiqar Ali Bhutto Medical University 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.
18. 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 by August 29, 2021.
19. Copies of this order be sent to The Vice Chancellor, Shaheed Zulfiqar Ali Bhutto Medical University and the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Fawad Malik

Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on:

August 30, 2021

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