

# IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

APPEAL NO. E-165-10-2021

Muhammad Shahid Khan

Versus

Quaid-i-Azam University

Date of Hearing: 19.01.2022

Fawad Malik: Information Commissioner

Present: Dr. Aneela, Assistant Professor along with Mr. Humayun, Dy. Registrar on behalf of Quaid-i-Azam University, Islamabad.

## A. APPEAL

1. Muhammad Shahid Khan, preferred his appeal dated October 04, 2021 before the Pakistan Commission on access to information, Islamabad. He alleged that the request for information has not been responded by the Registrar, Quaid-i-Azam University, Islamabad within the frame of time stipulated under the Right of Access to Information Act, 2017.
2. Earlier through an application dated 16-09-2021 addressed to Mr. Dr. Raja Qaiser Ahmed, Registrar, Quid-i-Azam University, Islamabad he has desired the certified copies of marked answer sheets of all successful and unsuccessful candidates who appeared in PhD anthropology admission for written test held online on September 13, 2021.

## B. PROCEEDINGS

3. The notice of the Commission was responded by the Registrar of the University vide letter dated 25.11.2021 which was shared with the appellant. The relevant part of the reply is as under:-

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*“It is submitted that the Appellant Muhammad Shahid Khan requested the University for Provision of certified copies of marked answer sheets of all the successful and unsuccessful candidates appeared for admission in Ph.D Anthropology in Quaid-i-*

*Azam University. His request was forwarded to the Learned Legal Advisor of the University for opinion. He advised that the information sought for, is exempted from disclosure in view of clause "C" Section 16 of the Act, because the information would involve invasion of the privacy of the students."*

4. The appellant feeling dissatisfied with the reply and reasons for denying the information has filed his rejoinder before the Commission reiterating the provision of the information/record.

### **C. COMMISSION'S VIEW**

5. The appellant through his application has asked for the certified copies of marked answer sheets of all successful and unsuccessful candidates who appeared in written test for admission in PhD anthropology held online on September 13, 2021. The asking respondent has refused the provision of the same claiming exemption under section 16(c) of the Act as its disclosure would involve invasion of privacy of the individuals, other than the appellant.
6. Quaid-i-Azam University is a public research institution of higher, advance, intellectual learning for its repute, faculty and programmes. It attracts a large number of foreign students as well although it offers admission to a measured number of students from all regions of the country as it is a federal public sector university. It is providing quality education at a subsidized fee structure at the expense of the government exchequer therefore is answerable to the citizens.
7. The appellant admittedly is one of the candidates who appeared for the admission in PhD anthropology program held on September 13, 2021. He reserves his right to know his underperformance, shortage for his shortfall as compared to those who secured a seat for the slot. Since it is an institution of international ranking with supported fee arrangement so every citizen reserves his right to seek advantage from the facility subject to qualification.
8. The copies of marked answer sheets of all successful candidates cannot be held as exempted under the garb of section 16(c) of the Act for the reason that it would not involve invasion of privacy of any identifiable individual rather its disclosure will surely prove the transparency in the selection of the

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successful candidates. It would not be out of place to mention here that since the foreign students are also enrolled in the university so the transparency demands international standards as well.

9. The privacy claimed by the university cannot be attached to the paraphernalia of the answer sheets however the CNIC, Phone number, address, account number or any other information touching the privacy of the individual or his/her family are the areas to be exempted from disclosure.
10. The access to information is a fundamental right envisaged under the Constitution of Islamic Republic of Pakistan 1973. This right is not absolute rather subject to reasonable rules and restrictions imposed by the Right of Access to Information Act, 2017. The appellant however earns the right to have access to his own answer sheet to evaluate his cause of failure.
11. It is noticed that the respondent University has not notified the designated officer so far, as mandated in section 9 of the Act.

#### **D. ORDER.**

1. The appeal is partly allowed. The Registrar, Quaid-i-Azam University, Islamabad is directed to provide the appellant, certified copies of marked answer sheet of all successful candidates as well as that of the appellant who appeared in PhD anthropology admission for written test held online on September 13, 2021, forthwith but in any case not later than ten days of the receipt of this order.

He is further directed to notify the designated officer as required under section 9 of the Act within a month under intimation to the Commission.

Mohammad Azam  
Chief Information Commissioner

Fawad Malik  
Information Commissioner

Zahid Abdullah  
Information Commissioner  
Announced on 25.1.2022

Certified that this order consists of three (03) pages, each page has been read and signed