

IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

Appeal No. e-295-07/2022

Dr. Muhammad Tahir Khan

Vs

Higher Education Commission

Fawad Malik: Information Commissioner

A. APPEAL

1. Dr. Muhammad Tahir Khan in continuation to his earlier email request whereby he was provided part of information and was requested to be specific for the rest of the desired information keeping in view the convenience of the public body, through email dated 7.6.2022 addressed to the Public Information Officer, Higher Education Commission has requested the provision of the following specific information, invoking the Right of Access to Information Act, 2017:

“AL-Khair University (AJK)

Name : Mr. Jamil Asim s/o Muhammad Ashraf Asim

Registration No.AUL(CS)211-2004 Session 2004-2007

Degree: Bachelor of Computer Science (Honors)

HEC has verified both transcript and degree

Information Requested: Please confirm from the record of HEC as provided by the AL-Khair University (AJK) that:

- i. In which campus/city he was enrolled and graduated*
- ii. Date of enrolment/registration*
- iii. Date of graduation*
- iv. Whether this degree could be obtained through distance learning or online mode?*
- v. Whether this degree was earned as a regular student or private (External Candidate)*

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Preston Institute of Management Science and technology (PIMSAT),
Karachi

Name: Mr. Jamil Asim s/o Muhammad Ashraf Asim

Registration No. 1642-307018

Degree: Master of Science Specialization: Information Technology

HEC has verified both transcript and degree

Information Requested: Please confirm from the record of HEC as provided by the PIMSAT that:

- a. In which campus/city he was enrolled and graduated*
 - b. Date of enrolment/registration*
 - c. Date of graduation*
 - d. Whether this degree could be obtained through distance learning or online mode?*
 - e. Whether this degree was earned as a regular student or private (External Candidate)”*
2. Feeling aggrieved for the non-provision of information within the period provided under the Act, he has filed appeal before the Pakistan Commission on Access to Information, Islamabad.

B. PROCEEDINGS

3. The Director (Publication), Higher Education Commission, Islamabad vide letter dated 19-07-2022, 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 reply was not submitted therefore the appeal was fixed for hearing before the Commission on 17.8.2022 but neither was the reply submitted nor any one appeared to represent the respondent public body.

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C. COMMISSION'S VIEW

5. While dealing with the matters related to information and record sought by the citizens under the Act 2017, the public bodies are under obligation to respond the applications as mandated in the Act. In the case in hand the respondent has not acknowledged the application, information is not provided to the applicant in the stipulated time frame and the notices of the Commission are ignored. The reply is not submitted and the hearing before the Commission was not represented by the public body. It is presumed that the respondent public body is willfully avoiding the proceedings before the Commission and that the public body has nothing in the sleeves to submit in the defence. In such like circumstances the Commission is left with no option but to decide the appeal ex parte after going through the file in light of the Act.
6. The appellant want some inquiries pertaining to two degrees held by Mr. Jamil Asim s/o Muhammad Ashraf Asim, i.e. Degree in Bachelor of Computer Science (Honors) from AL-Khair University (AJK) and the other in Master of Science Specialization : Information Technology from Preston Institute of Management Science and technology, Karachi. The HEC has verified both transcript and degree of both degrees. In connection with these two degrees the appellant want to collect some information. He has asked in which campus/city he was enrolled and graduated, date of enrolment/registration, date of graduation, whether this degree could be obtained through distance learning or online mode and whether this degree was earned as a regular student or private (External Candidate).
7. The set of questionnaires is sort of survey which can be asked by any citizen to evaluate the criterions, standard and morals maintained by the Universities operating in the country. Nothing of it is the material that penetrates into the private privacy of any identifiable individual or transgressing into the private documents or information. 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 practise would improve the participation of the people in the public affairs aimed at reducing corruption, misuse of authority and power, nepotism, discrimination and inefficiency in the governance.

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8. The right of access to the information and record is fundamental right guaranteed under article 19A of the Constitution of Islamic Republic of Pakistan, 1973 and statutory right under the Right of Access to

Information Act, 2017. This right cannot be delayed or denied on the pretexts and whims of beurocratic hurdles and delaying tactics as it would amount to infringement of fundamental rights.

9. Moreover if any element of fraud or cheating is detected by the student or *vice versa*, it develops a matter of public importance. The citizens should have access to all matters of public importance.

D. ORDER

10. The appeal is allowed. The Secretary, Election Commission of Pakistan is directed to furnish the appellant all the requested information and record detailed in para 1 of this order, forthwith, but in any case not later than seven days of the receipt of this order.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner
Announced on 23.08.2022

Certified that this order consists of 04 pages, each page has been read and signed