



**In the Pakistan Information Commission, Islamabad**

**Appeal No 2046-07/22**

**Muhammad Raza Ahmad Khan**

(Appellant)

Vs.

**Comsats University**

(Respondent)

**ORDER**

**Date:** September 05, 2022

**Mohammad Azam:** Chief Information Commissioner

**A. The Appeal**

1. This commission has received an appeal from Muhammad Raza Ahmed Khan dated June 30, 2022, stating that he submitted an information request dated June 17, 2022 under the Right of Access to Information Act 2017 to the Rector, Comsats University Islamabad. The Respondent public body has not responded to his information request as required under section 13 of the Right of Access to Information Act, 2017. Therefore, the appellant has filed his appeal to the Commission.

2. The information sought by the Appellant is as under:

*“In accordance with the right to information granted to citizens of Pakistan under the Right of Access to information Act 2017, I request the following information based on specific official record pertaining to the Comsats University Islamabad which is a body corporate constituted under the Comsats University Islamabad Act, 2018 and a constituent organization of the Ministry of Science and Technology, Government of Pakistan.*

1. Copies of printouts of (i) of consolidated monthly Staff Attendance Report from automated biometric attendance record of following Principal Set departments and (ii) individually for OG-4/OG-3 level officers of following departments from July 2019 to May 2022 as per the attached printout format specimens from the COMSATS Attendance Monitoring System at CUI:

- |                       |                              |
|-----------------------|------------------------------|
| a. Rector Office      | e. Treasurer Officer (PS)    |
| b. Registrar Officer  | f. Human Resource (PS)       |
| c. Directorate of P&D | g. Controller of Examination |
| d. ORIC               |                              |

2. Copy of a duly approved document (by the Senate of CUI) or a statutory provision that authorizes any of the CUI offices including the Rector to stop salary of a senior most OG-r level employee based on non-verification of attendance by the administration itself. If no such document exists, then a clear statement that none of the CUI officers has such legal authority.”

**B. Proceedings**

- 3. Through a notice dated July 04, 2022, sent to Rector, Comsats University, Islamabad the Commission stated that “Under Section 14 of the Right of Access to Information Act 2017, each federal public body is bound to respond to a request as soon as possible and in any case within ten working days of receipt of the request. You are directed to provide reasons in writing within 7 working days of the receipt of this notice as to why the requested information has not been provided to the applicant, (copy of the information request and appeal thereon enclosed)”.
- 4. The appeal was fixed for hearing on August 23, 2022 and both parties were informed through notices sent on August 02, 2022.
- 5. The Respondent through a letter vide No CUI/Legal(PIC)-Reg/22/595 dated August 22, 2022 submitted its response which is as under:

<i>Sr. #</i>	<i>Requested Information</i>	<i>Response from CUI</i>
1.	<i>Automated biometric attendance record of following principal Seat departments w.r.t OG4/OG3 level officers for the period from July 2019 to May 2022; as per prevailing format of PS Departments</i>	<i>The information requested by the appellant does not come under purview of Section 6 of the Right of Access to Information Act.</i>
2.	<i>A statutory provision/approval that authorizes any CUI officers including the Rector to stop salary of senior most OG-4 level employees based on non-verification of attendance by the administration.</i>	<i>Clause 20 of the CIIT Statutes and Rules (copy attached) clearly states that only those employees are entitled to withdraw the salary and other emoluments who assumes the duties to the post.</i>

**C. Discussion and Commission’s View on Relevant Issues**

- 6. The commission has to decide that whether the information requested by the citizens falls within the ambit of the public record and whether the public body has responded or not to the information request and notices of the commission within time limit mentioned in the Right of Access to Information Act, 2017, hereafter referred as Act.
- 7. The information/documents requested by the Appellant in the instant appeal belong to the Section 5(a) of the Act, which is as under:

“a) Description of the public body’s organization and functions, duties, powers and any services it provides to the public, including a directory and any services it provides to the public, including a directory of its officers and employees, indicating their duties that these are accessible subject to reasonable restrictions based on limited resources;”
- 8. This Commission maintains that disclosure of this record will enable the citizen to have check and balance on the employees of the Respondent who are getting salaries from the government. The citizen has the right to get the attendance of the government employee of any public body to check whether they are performing their duties regularly or not for which they are paid from the tax payer money.
- 9. This Commission maintains that practicing Right to Information laws the citizen will able to make the public bodies accountable for their performance.
- 10. Purpose of the Act is to ensure the Transparency in the business of the Government, as the Preamble of the Act states.”

*“Whereas Government believes in transparency and the right to have access to information to ensure that the people of Islamic Republic of Pakistan have improved access to records held by public authorities and promote the purpose of making the government more accountable to its people, of improving participation by the people in public affairs, of reducing corruption and inefficiency in Government, of promoting sound economic growth, of promoting good governance and respect for human rights”.*

11. The Commission also expresses concerns over the non-serious behaviour of the Respondent, as despite committing multiple times the provision of the information to the appellant during the hearings held in Pakistan Information Commission, the public body is reluctant to provide the requested information to the appellant.
12. The fact that the citizens are forced to exercise the Right of Access to Information Act 2017 and have to wait for many months even for the information that should be available on the websites of the public bodies demonstrates that the public bodies are not ensuring the implementation of the Act, 2017.
13. This Commission maintains that the information proactively published under Section 5 of the Right of Access to Information Act 2017 should be ‘accessible’ for all citizens, including the blind, low-vision, physically disabled, speech and hearing impaired and people with other disabilities. Apart from the interpretation of ‘accessible’ in section 5 of the Act, section 15 (5) of the ICT Rights of Persons with Disabilities Act 2020 requires federal public bodies to ensure accessibility of web sites to the special needs of persons with disabilities and it is as under:

*“The government shall ensure that all websites hosted by Pakistani website service providers are accessible for persons with disabilities”.*

#### **D. Order**

14. Appeal is allowed. Rector, Comsats University, Islamabad is directed to provide complete information mentioned in para 2 of this Order to the Appellant, at the earliest but not later than 7 working days of the receipt of this Order, with intimation to this office.
15. The Respondent is also 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](http://www.rti.gov.pk). The compliance report be submitted to this commission within 30 days of the receipt of this Order.
16. Copies of this order be sent to Rector, Comsats University, Islamabad and the Appellant for information and necessary action.

**Mohammad Azam**

Chief Information Commissioner

**Fawad Malik**

Information Commissioner

**Zahid Abdullah**

Information Commissioner

Announced on: September 05, 2022

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