

**PUNJAB INFORMATION COMMISSION
LAHORE**

File No. AD(A&C)PIC 2-161/2015

Ms. Assia Munir, d/o Munir Hussain, Masha Allah Traders, Airport Road, Gohd Pur,
Sialkot

(the complainant)

Vs.

1. Prof. Dr. Farhat Saleemi, Vice Chancellor, Govt. College for Women University,
Sialkot

2. Barrister Shahzad Shabbir, Consultant/ Designated Public Information Officer
(PIO), Govt. College for Women University, Sialkot

(the respondents)

ORDER:

1. The Complainant submitted a complaint to the Commission on 11/09/2015 alleging that the Respondent had not provided her the requested information within the time period specified in section 10(7) of the Punjab Transparency and Right to Information Act 2013. The information sought by the Complainant, through her application dated 26/08/2015 included, *inter alia*, selection criteria and minutes of the meeting regarding an appointment against the post of Associate Lecturer.

2. Through a letter dated 22/09/2015, the Commission directed the Respondent No. 1 to "either immediately provide the requested information to the complainant and/or explain the reasons, including rebuttal if any, of alleged non-response or delay in deciding the application submitted by the complainant." However, no response was received, and the complainant sent another letter dated 14/10/2015 to the Commission, wherein she complained that her application/ complaint remained unaddressed. Consequently, the Commission issued a show cause notice on 09/11/2015. Through a letter dated 17/11/2015, the Respondent No. 1 stated that the complainant had been telephonically asked to visit the University and that she had viewed/ checked the relevant record in her presence during her visit on 16/10/2015. The Respondent No. 1 also stated that the complaint had been lodged with *malafide* intentions. The complainant, however, remained unsatisfied and, through her letter dated 21/12/2015, she alleged that she had not been provided the requested information, and that the University administration had also tried to 'gratify' and even threaten her to withdraw her application/ complaint. Following this, the Commission, vide its letter dated 23/12/2015, again issued a show cause notice, while pointing out that

the Respondent No. 1 should have sent the certified copies of the record by post, and there was no need or legal requirement to ask the complainant to personally appear in the University to examine or collect the record. The Respondent No. 2, vide his letter dated 01/01/2016, argued that the report/ evaluation sheet of the Selection Board is not a public document, and that these documents are privileged documents and are protected by the Qanoon-e-Shahadat Order, 1984. It was further argued that the University has statutory protection to secure the confidential information based on public policy. The Respondent No. 2 also claimed exception of requested information from public access by referring to section 13(b), (c) & (d) of the Act. In view of this, the Commission held a hearing on 18/01/2016, which was attended by the complainant and the Respondent No. 2. During the hearing, the Respondent No. 2 agreed to provide to the complainant the selection criteria and the reasons of not selecting the complainant against the said post but insisted that the minutes of the relevant meetings could not be disclosed in view of the reasons already explained to the Commission through above referred letters.

3. The Commission is of the view that the requested information, including minutes of the relevant meetings, cannot be withheld by referring to section 13(1) b, c & d of the Act. The university is neither involved in any commercial activity nor the requested information is about any intellectual property and, therefore, the respondents can't rely upon section 13(1)d of the Act to block access to information. As for section 13(1)b & c of the Act are concerned, it is emphasized that a person who competes for a job in a public body can't claim to enjoy the same level of privacy or privilege in view of the rights of his/ her competitors and the public interest that demands maximum transparency in matters involving use of official authority and tax-payers money. In the instant case, it is unlikely that the disclosure of minutes of relevant committees/ boards would undermine or harm any of the interests protected through section 13 of the Act. Even if it could be established that there is a possibility of harm to protected interests as a result of disclosure of requested information, it still has to be determined whether such an apprehension should be given preference over the overarching consideration of public interest in transparency of recruitment and governance processes. The Commission holds that the benefits of the disclosure of requested information in the instant case outweigh any harm that it may cause in view of the consequent removal of doubts about the recruitment process and enhanced public trust in the selection process of the University. The argument that the requested documents are protected from disclosure under Qanoon-e-Shahadat Order 1984 is not relevant in relation to citizens' right of access to information in accordance with the provisions of the Punjab Transparency and Right to Information Act 2013 and Article 19A of the Constitution. The Qanoon-e-Shahadat Order 1984 is essentially about the evidences to be presented before courts, and it can't be relied upon to favour restrictions on disclosure of information to citizens.

4. The complaint is allowed. It is directed that all the requested information, including minutes of relevant meetings, should be provided to the complainant latest by 28/01/2016 under intimation to the Commission. It is further directed that the University management must take immediate steps to ensure full compliance with, *inter alia*, section 4, 7, 8 and 10 of the Act. A copy of this Order may be sent to the complainant as well.

Announced on:
18/01/2016

(Mukhtar Ahmad Ali)
Information Commissioner

(Mazhar Hussain Minhas)
Chief Information Commissioner

(Ahmad Raza Tahir)
Information Commissioner