ORDER SHEET

THE PUNJAB INFORMATION COMMISSION

64 Nursery Ln, Near China Chowk, Lahore, Punjab.

Website: - https://rti.punjab.gov.pk

Appeal No: 15-2-2024-1

Dr. Farooq Tanwir

Vs

PIO of Agriculture University of Faisalabad

Subject: **Complaint Regarding Non-Provision of Information under the Punjab Transparency and Right to Information Act 2013.**

Order

17.04.2024 **Present**: Complainant and Prof. Dr. Muhammad Jalal Arif, Principal Officer/PIO, University of Agriculture, Faisalabad are present.

2. Complainant in exercise of his fundamental right to information acknowledged under Article 19/A of the Constitution sought disclosure of the equivalence certificate of Ph.D degree of Sociology UAF and HEC Approved Supervisor Letter issued in favor of Dr. Izhar Ahmad Khan Associate Professor Deptt of Sociology, both documents issued by HEC which may reflect his eligibility and appointment as such. The RTI Application filed under the Punjab Transparency & Right to Information Act 2013 was never responded by PIO designated for Agriculture University FSD hence the instant RTI Complaint u/s 10 of the Act.

3. We have heard both sides and have perused the record.

4. The Act requires each PIO to disclose certified copy of requisite information within 14 working days but PIO did not bother to respond to Complainant on his original RTI Application dated 10.02.2024 in violation of his statutory obligation. His conduct has been contumacious before Commission as well to repeated notices dated 15.02.2024, 18.03.2024 and 02.04.2024. The Commission received a letter dated 13.03.2024 from PIO through post claiming exemption from disclosure of information u/s 13(1)(b) ***"a legitimate privacy interest, unless the person concerned has consented to***

disclosure of information" but PIO did not bother to appear on 18.03.2024, the date fixed for hearing, to argue in support of his claim of exemption which led to adverse observations for conduct of PIO. On adjourned date i.e., 02.04.2024 PIO again failed to appear for disposal of his claim of exemption prompting the Commission to give a final opportunity of hearing for 02.04.2024 alongside directing Prof. Dr. Iqrar Ahmad Khan VC to intervene in the matter and ensure disclosure of information failing which no option will be left except to award penalty of Rs. 50,000/- u/s 15 of RTI Act 2013. It was also reminded that under Rule 3(4) of RTI Rules 2014, any head of institution is not absolved of his duty for disclosure of information. It may be noted that as many as 52 days had already elapsed on 02.04.2024 whereas the law creates a mandatory obligation for disclosure of information within 14 working days.

5. As regards today (17.04.2024) we have heard Prof. Dr. Jalal Arif / PIO at length and have explained that Equivalence Certificate of foreign degree and Supervisor Approval Letter, both issued by HEC, on the basis of which Dr. Izhar Ahmad Khan got appointment as Associate Professor in Deptt of Sociology, therefore, said documents are public documents hence do not enjoy immunity from disclosure as private documents.

6. There is yet another aspect disclosed from the submissions of Complainant. He states that he had earlier filed WP # 49339/2022 based on his grievance that his credentials were never evaluated for the post of Professor whereas Dr. Izhar Ahmad Khan was being accommodated though he did not hold Ph.D degree in Rural Sociology whereas being Doctor of Agriculture Sciences he did not enjoy equivalence with Ph.D degree but still was getting undue favour from VC (his real brother). Further states that the Learned Counsel for University got the Writ Petition dismissed as not pressed on a technical ground vide order dated 12.04.2023 to prevent legal consequences and now he seeks disclosure of certified copies of

Equivalence Certificate and Supervisor Approval Letter, both issued by HEC, to carry out accountability of the authority concerned.

7. PIO has failed to convince us that the requisite documents are of private nature particularly when both certificates are held by university as public body vide Section 2(f) of the Act and were subjected to official scrutiny for appointment of Dr. Izhar Ahmad Khan. Both documents were not personal to the person of Dr. Izhar Ahmad Khan hence their disclosure, in keeping with the object of law to carry out accountability of public body vide Preamble of Act, is mandatory. In view of said legal aspects, the claim of exemption is repelled and PIO is directed to disclose certified copies within 24 hours as already a delay of 66 days has been caused in utter disregard of mandatory requirement of law.

8. We have observed that the face of PIO turned pale with above pronouncement. Though he did not nod affirmatively that Dr. Izhar Ahmad Khan is brother of VC but at the same time he did not rebut said assertion of Complainant. His conduct visibly reflected that he is under immense pressure of VC and would be never in a position to disclose information, adversely affecting the interest of brother of VC. In such case, Commission is not left with any other option except to award penalty up to Rs. 50,000/- to PIO u/s 15 of the Act for refusal or for not furnishing information within time limit without any reasonable cause.

9. PIO time & again went to side room with our permission, obviously to seek guidance from the authority, but did not turn up with definite response for disclosure of information except seeking adjournment of some days. We have reason to believe that PIO being a subordinate officer shall never be in a position to disclose information.

10. Rule 3(6) of RTI Rules 2014 comes to our rescue in such cases where delay is visibly caused for non-cooperation or influence of third officer who is obviously VC in this case. This Rule empowers the Commission to impose penalties on such third officer responsible for

causing delay by PIO to disclose public information. Although we can straight away award penalty to VC as he was already cautioned under Rule 3(4) of RTI Rules 2014 vide order dated 02.04.2024 to ensure the disclosure of information as HOD yet taking a lenient view we provide him a final opportunity to make compliance of our order. He is directed, given the peculiar circumstances of this case, to himself forward certified copies of both documents at the given address of Complainant within 7 days after receipt of copy of this order, acting as PIO, failing which he shall be deemed guilty of refusal to disclose public information on account of conflict of interest and shall be liable for penalty of Rs. 50,000/-. In case of compliance, the order of award of penalty shall be deemed as recalled. The compliance report be submitted on 29.04.2024. A formal letter for forfeiture of the amount of penalty shall be issued to the relevant Treasurer on 29.04.2024, in case compliance report is not submitted. A copy of this order be forwarded to VC Agriculture University FSD through registered post.

11. A copy of this order be also forwarded to Hon'ble Chancellor / Governor of Punjab for his kind information. This RTI Complaint stands disposed of with above observations and directions.

(Mahboob Qadir Shah)
Chief Information Commissioner

(Mr. Shaukat Ali)
Information Commissioner

(Dr. Arif Mushtaq Chaudhary)
Information Commissioner