

**Pakistan Information Commission**  
**Government of Pakistan**

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**In the Pakistan Information Commission, Islamabad**

**Appeal No E76-01/21**

**Wajahat Ahmed Ghous**

**(Appellant)**

Vs.

**Pakistan Medical Commission**

**(Respondent)**

**Order**

**Date:** June 23, 2021

**Mohammad Azam:** Chief Information Commissioner

**A. The Appeal**

1. The Appellant filed an appeal, date January 23, 2021, to the Commission, stating that he Submitted an information request to the President, Pakistan Medical Commission dated September January 03, 2021 under the Right of Access to Information Act 2017 but did not receive the requested information from the public body.

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

*“It is submitted that undersigned filed a complaint before Pakistan Medical Commission vide no PF.8.1641/2018-Legal-DC.*

*The undersigned is filing a legal request to please provide following documents,*

- 1) *Verified copy of the complete file.*
- 2) *Verified copy of the Disciplinary Committee Minutes dated 30-March-2020.*
- 3) *Verified copy of the Disciplinary Committee Minutes dated 23rd-July-2020.*
- 4) *The video recording of the hearing of disciplinary committee.”*

**B. Proceedings**

3. Through a notice dated February 03, 2021 sent to the President, Pakistan Medical Commission called upon the Respondent to submit reasons for not providing the requested information.
4. Through another notice dated April 13, 2021 the Respondent was directed to submit written arguments within 15 days, otherwise the appeal will be decided Ex-Partee in the light of the record available on the file and the Right of Access to Information Act 2017.

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

5. The question for the consideration of the commission is that whether the information requested by the citizen is public information/ record? And whether the public body has fulfilled its duties as defined in the Right of Access to Information Act, 2017 hereafter referred as Act?

6. In para-1 of the information request of the appellant sent to the President, Pakistan Medical Commission, the appellant has requested the copy of the file of a complaint lodged before the Pakistan Medical Commission.
7. The citizen has the right to get this information / document to know about the proceedings and action taken on their complaints. Disclosure of such information will reduce the trust gap between the public bodies and the citizens.
8. In Para-2 and 3 of the information request the appellant has requested the minutes of the disciplinary committee meetings dated March 30, 2020 and July 23, 2020. The commission through multiple orders has held that the minutes of the meetings and notes on the files are public record once the final decision on the matter is taken by the public body.
9. In Para 4 of the information request the appellant has requested the video recording of the hearing of the disciplinary committee.
10. According to the section 5 (1) (l) of the Right of Access to Information Act 2017, the public bodies are bound to proactively disclose / share the camera footages at public places, which have a bearing a crime.  
Section 5(1) (l) is as under:  
*“(l) Camera footages at public places, wherever available, which have a bearing a crime:”*
11. The respondent did not respond to the notices of the commission, so, it is not possible to determine whether the public body have the video recording to the hearing or not. However, even if the department have video recording, the question is that whether such recording fall within the ambit of the public record or not.
12. The commission observes that recording of hearing within the premises of any office and for the purpose of the inquiry of any matter is not public record. Because it is neither the footage of any public place, nor bearing any crime.
13. The information requested in Para-1, 2 and 3 belongs to the Section 5(1) (i) and 6 (d) of the Act.  
Section 6(d) is as under:  
*“(d) Final orders and decisions, including decisions relating to members of public; and”*
14. In the instant appeal the public body is failed to acknowledge and respond to the information request of the appeal. Moreover, the public body also failed to submit written arguments as directed by the commission through a notice dated April 13, 2021.
15. According to Section 14 of the Act, the public body shall be required to response to a request as soon as possible and in any case within ten working days of receipt of the request, however, in the instant appeal the appeal is failed to acknowledge and respond to the information request of the citizen.
16. According to Section 9 of the Act, each public body shall, within thirty days of the commencement of this Act, notify one or more designated officials, not below the rank of an officer in BPS -19 or equivalent; but the Respondent has not so far nominated any official to deal with the information request of the citizen.

#### **D. Order**

17. The appeal is partially allowed. The President, Pakistan Medical Commission is directed to provide the information requested in Para 1, 2 and 3 of the information request of the appellant with intimation to this office, at the earliest, but in any case, not later than 10 working days of the receipt of this Order.
18. The public body 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 by July 23, 2021.
19. The Respondent is also directed to designate Public Information Officer as required under Section 9 of the Act and upload its notification along with the name, designation and

contact details on its website as required under Section 5 (1) (b) and (h) of the Act and submit compliance report to the commission within 10 working days of the receipt of this order.

20. Copies of this order be sent to the President, Pakistan Medical Commisison and the Appellant for information and necessary action.

**Mohammad Azam**  
Chief Information Commissioner

**Fawad Malik**  
Information Commissioner

**Zahid Abdullah**  
Information Commissioner

Announced on:  
June 23, 2021

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