

Appeal No. 1495-11/2021

Nauman Ashraf

Vs

Pakistan Nursing Council

Fawad Malik: Information Commissioner

A. APPEAL

1. Mr. Muhammad Nauman Ashraf filed a request under the Right of Access Information Act, 2017 read with Article 19A of the Constitution of Islamic Republic of Pakistan, 1973. Through his application dated November 10, 2021 addressed to the Public Information Officer, Pakistan Nursing Council, Islamabad he has requested the following information:

- i. *“Recruitment process including copies of (Advertisement, Qualifications, Experience & Notification of Appointment).*
- ii. *Mode of Selection.*
- iii. *Initial appointment details including charge report.*
- iv. *Copies of Acting/Additional charge from 2016 to present (November 10, 2021) accordingly.”*

2. Feeling aggrieved on the non-provision of the Information he has filed an appeal before Pakistan Commission on access to information, Islamabad.

B. PROCEEDINGS

3. The Public Information Officer, Pakistan Nursing Council, Islamabad vide letter dated 30.11.2021, 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.

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4. The reply was not submitted therefore the appeal was fixed for hearing before the Commission on 2.2.2022 but neither was the reply submitted nor any one appeared to represent the respondent public body.
5. The appeal was again fixed for hearing on 9.3.2022 as final opportunity when Mr. Zia-ur-Rehman Advocate appeared on behalf of the respondent public body and on his request the appeal was fixed for 30.6.2022. On the following dates i.e. no one represented the respondent.

C. COMMISSION'S VIEW

6. 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 defense. 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.
7. The Pakistan Nursing Council established in 1948 is regulatory body constituted under the Pakistan Nursing Council Act (1952, 1973) and is empowered to register (license) Nurses, Midwives, Lady Health Visitors and Nursing Auxiliaries to practice in Pakistan thus is enlisted as public body within the meanings of the Act.
8. The bare reading of the request depicts that the information and record sought by the appellant is enlisted in the category of public record as defined in the Act. Each public body is under compulsion to proactively publish including uploading over the internet in a manner to ensure its accessibility to the citizens, all the record detailed in section 5 of the Act.
9. Transparency in the working of the government departments is the essence for the enactment of the Act 2017. Its spirit is to ensure that

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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, nepotism, discrimination, misuse of power and inefficiency in the governance.

D. ORDER

10.The appeal is allowed. The Public Information Officer/ Deputy Registrar, Pakistan Nursing Council, Islamabad is directed to furnish the appellat all the requested information detailed supra 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 26.07.2021

Certified that this order consists of 03 pages, each page has been read and signed