



In the Pakistan Information Commission, Islamabad

Appeal No 1923-05/22

Faisal Khan Durrani

(Appellant)

Vs.

Pakistan Nursing Council

(Respondent)

ORDER

Date: October 18, 2022

Mohammad Azam: Chief Information Commissioner

A. The Appeal

1. This commission has received an appeal from Faisal Khan Durrani dated May 23, 2022, stating that he submitted an information request dated April 16, 2022 under the Right of Access to Information Act 2017 to President, Pakistan Nursing Council. 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:
 - i. *Detail of pendency of pnc license card verified/supported by dak/dairy register uptill now rate of normal/urgent approved fees//total fees deposited into pnc account since last five years verified from bank.*
 - ii. *Dispatch records of the cards and total expenditure of dispatch and source of dispatch.*
 - iii. *Financial/Administrative powers/ job description of President and Registrar PNC*
 - iv. *Job description / roles of Mr Asif khattak computer programmer*
 - v. *List of official vehicles.*
 - vi. *All movement/log books registers of vehicles for last three years*
 - vii. *Petrol account of the vehicles for the period of last five years.*
 - viii. *Vehicle condemnation in contravention to section 25 of staff car rules 1980, vehical auction in contravention to section 26 of staff car rules and cabinet division om no 6-7 (1)02-m-11 dated 26-062007 and vehicle authorization/purchase in contravention to section 24 of staff car rules/1980.*
 - ix. *Detail of House Building Advance cases of all the employee of PNC.deduction and interest if applied supported by monthly pay slips.*
 - x. *Mode of procurement either with previous sanction of the federal government or authorize through section-26 (1) (2) (a) to (m). Total procurement during last three years, firms name and detail list of items or civil work.*
 - xi. *Approved budget with detail NIS for the financial years, 2018 to 2021.*
 - xii. *Copy of the sanctioned strength /working strength. Verification of academic and professional record of the employee of PNC.*
 - xiii. *Deduction of taxes i.e. GST, incomtax with proof from FBR on salaries and against varies contingencies procured during last five years. Proof of deposit into national Exchequer.*

- xiv. Declaration of assets in respect of Ex President Afshan Nazli Deputy Registrar fouzia mushtaq and computer programmer asif khattak as per establishment o.m no 2/1/2013-d-4 dated 6th august 2020.
- xv. Dead stock registers. List of unserviceable items.
- xvi. Details of recognition fees and any other verified from bank
- xvii. Detail of fines including fine of over induction of students and students inducted by un-recognized nursing institutes in Sindh and Kpk.
- xviii. Detail of pay orders received against pre-registration of students since 2017 and deposit in the accounts of PNC verified from bank. Detail of expire cheques
- ix. Number of bank accounts along with bank statements showing the detail of balances.
- xx. List of all advances registers viz HBA.MCA.MCYA.GP fund advance. The accounts of pnc has neither been audited either internally or externally.”

B. Proceedings

3. Through a notice dated May 24, 2022 sent to Registrar, Pakistan Nursing Council, 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 July 19, 2022 and both parties were informed through notices sent on June 23, 2022. No one appeared before the Commission to represent the Respondent during the hearing held on July 19, 2022.
5. The appeal was again fixed for hearing on July 26, 2022. Mr. Sami Ullah Shah, Council of Pakistan Nursing Council attended the hearing and requested time for submission of response, which was allowed and appeal was adjourned for hearing on August 16, 2022.
6. The appellant through a letter dated July 25, 2022 submitted its response and claimed that the requested information is exempted from disclosure under the Right of Access to Information Act, 2017. The appellant submitted a rejoinder to the response of the public body and stated that the requested information falls within the ambit of the public record.
7. Mr. Asif Khattak, Computer Programmer, Pakistan Nursing Council and the Appellant attended the hearing held on August 16, 2022. The Respondent through a letter vide No PNC/PIC-Appeal No 1923-05/22/473 dated 15th August 2022 submitted its response, which is as under:

Sr.No	Questions	Answers
i	Detail of pendency of pnc license card verified/supported by dak/dairy register uptill now rate of normal/urgent approved fees//total fees deposited into pnc account since last five years verified from bank.	The detail of any registration of the cards can be checked online on the website of Pakistan Nursing Council along with the breakup of fee. The complainant may be asked to visit the PNC website for details. https://online.pnc.org.pk/track-your-application https://pnc.org.pk/Fee.html
ii	Dispatch records of the cards and total expenditure of dispatch and source of dispatch.	<ul style="list-style-type: none"> • The detail of any registration of the card can be checked online on the website of Pakistan Nursing Council. The

		<p>complainant may be asked to visit the PNC website for details.</p> <ul style="list-style-type: none"> • The cards are dispatched through M&P Courier Service on the address on record. • The expenditure of every dispatch vary from location to location. The rates of M&P can be checked on their website.
iii	Financial/Administrative powers/ job description of President and Registrar PNC	The Financial and Administrative of powers are mentioned in the Pakistan Nursing Council Regulations under PNC Act, 1973. For details the complainant be asked to visit PNC website:
iv	Job description / roles of Mr Asif khattak computer programmer	Mr. Asif Khattak is responsible for IT technical matters.
v	List of official vehicles.	Annexed.
vi	All movement/log books registers of vehicles for last three years	PNC Special Audit w.e.f. 2018 and onwards is in progress. The record will be provided after the completion of Audit, subject to law and approval of the PNC Council.
vii	Petrol account of the vehicles for the period of last five years.	PNC Special Audit w.e.f. 2018 and onwards is in progress. The record will be provided after the completion of Audit, subject to law and approval of the PNC Council.
viii	Vehicle condemnation in contravention to section 25 of staff car rules 1980, vehicle auction in contravention to section 26 of staff car rules and cabinet division om no 6-7 (1)02-m-11 dated 26-062007 and vehicle authorization/purchase in contravention to section 24 of staff car rules/1980.	No such violation has been committed during condemnation/purchase of official vehicles.
ix	Detail of House Building Advance cases of all the employee of PNC.deduction and interest if applied supported by monthly pay slips.	The House Building Advance are allowed to the employees of PNC with the approval of Council as per laid down regulations of Federal Government. The employees concerned are deducting their pay as per rules. Pay slips of employees are not part of public document, hence cannot be provided.
x	Mode of procurement either with previous sanction of the federal government or authorize through section-26 (1) (2) (a) to (m). Total procurement during last three years, firms name and detail list of items or civil work.	All purchases and procurements are done through PPRA Rules. PNC Special Audit w.e.f. 2018 and onwards is in progress. The record will be provided after the completion of Audit, subject to law and approval of the PNC Council.
xi	Approved budget with detail NIS for the financial years, 2018 to 2021.	PNC Special Audit w.e.f. 2018 and onwards is in progress. The record will be provided after the completion of Audit, subject to law and approval of the PNC Council.
xii	Copy of the sanctioned strength /working strength. Verification of academic and professional record of the employee of PNC.	Copy of sanction strength is attached.
xiii	Deduction of taxes i.e. GST, incomtax with proof from FBR on salaries and against varies contingencies procured	PNC Special Audit w.e.f. 2018 and onwards is in progress. The record will be provided after the completion of Audit, subject to law and approval of the PNC Council.

	<i>during last five years. Proof of deposit into national Exchequer.</i>	
<i>xiv</i>	<i>Declaration of assets in respect of Ex President Afshan Nazli, Deputy Registrar Fouzia Mushtaq and computer programmer Asif Khattak as per establishment o.m no 2/1/2013 dated 6th august 2020.</i>	<i>The details sought by the complainant does not fall within the purview of public documents, hence cannot be provided.</i>
<i>xv</i>	<i>Dead stock registers. List of unserviceable items.</i>	<i>PNC Special Audit w.e.f. 2018 and onwards is in progress. The record will be provided after the completion of Audit, subject to law and approval of the PNC Council.</i>
<i>xvi</i>	<i>Details of recognition fees and any other verified from bank</i>	<i>Being banking documents, the documents are exempt and cannot be provided. However, PNC Special Audit w.e.f. 2018 and onwards is in progress. The record will be provided after the completion of Audit, subject to law and approval of the PNC Council.</i>
<i>xvii</i>	<i>Detail of fines including fine of over induction of students and students inducted by un- recognized nursing institutes in Sindh and Kpk.</i>	<i>No over induction of student was allowed in Sind and KP. However, some colleges with the name of PACE Group of colleges tried to over induct students and the matter is reported to FIA and FIR is registered.</i>
<i>xviii</i>	<i>Detail of pay orders received against pre-registration of students since 2017 and deposit in the accounts of PNC verified from bank. Detail of expire cheques</i>	<i>PNC Special Audit w.e.f. 2018 and onwards is in progress. The record will be provided after the completion of Audit, subject to law and approval of the PNC Council.</i>
<i>xix</i>	<i>Number of bank accounts along with bank statements showing the detail of balances.</i>	<i>The information sought is exempt.</i>
<i>xx</i>	<i>List of all advances registers viz HBA.MCA.MCYA.GP fund advance. The accounts of pnc has neither been audited either internally or externally.”</i>	<i>PNC Special Audit w.e.f. 2018 and onwards is in progress. The record will be provided after the completion of Audit, subject to law and approval of the PNC Council.</i>

8. The response submitted by the public body was shared with the appellant during the hearing. The Appellant on August 20, 2022 submitted rejoinder to the response of the public body which is as under:

“Sir I am not at all satisfied with the ambiguous answers of Pakistan Nursing Council and once again request that my questions be fully answered.

Sir nursing council management has linked the most of answers of the questions asked by me to the audit of the council, while regarding the answers to some questions, PNC advice the complainant to go to the website of the council himself. Sir the Pakistan Nursing Council is bound by law and regulation of information act to answer my questions sent by the Honorable Information Commission, but the officials of the Nursing Council are deliberately using delaying tactics, which is a complete violation of the law.

Sir Pakistan Nursing Council while replying to my questions directing me in the first question of mine to go to the website and check the record which is not available there. Whereas have asked how many PNC cards were generated in five years and the details of outstanding cards and how long the cards are delayed. Meanwhile, how much was charged as its fee.

Sir in my Question No. 2 only request for providing the record that how much money was paid to various courier companies in the last five years for dispatching cards?

In the answer to question number 4 is also ambiguous. Is the computer programmer Asif Khattak performing the duties of the assigned IT in-charge or is he sitting in charge of other matters out of his responsibilities?

Sir Pakistan Nursing Council has also attached the answers to Question No. 6, Question No. 7, Question No. 11, Question No. 13, Question No. 15, Question No. 18 and Question No. 20 to the completion of the audit and approval of the Council.

Sir, are the rules and regulations of the Nursing Council more than the Information Commission set up by the Government of Pakistan.

Sir the Nursing Council has written in response to most of the questions that the audit of the council has started from 2018 and when it will be completed, it can be given only after the approval of the council, which means to wait for the completion of the audit of the council first then the reply will be given after the council meeting and after the approval of the council.

Your Excellency, in question number 9, I request for providing the letter of approval for giving house building advance to the employees of Pakistan Nursing Council and the details of deduction from the salaries of which employee is being deducted from the salary, which has not been answered.

In question number 10, the details of the purchase of various items made by the Pakistan Nursing Council have been asked, from which firm and how much was purchased in the last three years not provided.

In question number 16, it was requested to provide the amount received by the Pakistan Nursing Council in the form of fees has nothing to do with the bank. The Nursing Council also keeps a record of how much money has been deposited into their account towards fees.

In Question No. 17 has asked that the record of how many nursing colleges have been fined in last five years from 2018 to till now and how much money has been collected so far as per the law and rule is also available with the Nursing Council, which is required to be provided under the Information Act.

Respected Sir I once again request the Pakistan Information Commission to answer the questions asked by my and in case of non-providing answers, punish the Registrar Pakistan Nursing Council as per law and regulation under the information act.

Hoping to meet with your rapid action because the establishment of Pakistan Nursing Council is only wasting my precious time since long time.”

9. Rejoinder submitted by the appellant was shared with the public body on August 29, 2022, with directions to submit response to the queries of the appellant within 10 working days.
10. The appeal was again fixed for hearing on September 29, 2022. Mr. Zia Ur Rahman Advocate, Council of Pakistan Nursing Council, attended the hearing and requested time for the submission of response to the queries of the appellant. Which was allowed and

hearing was adjourned for October 04, 2022. Mr. Sajjad Baloch, the representative of Pakistan Nursing Council, appeared before the Commission and informed that the official who is the custodian of the record is suffering from Dengue fever, therefore, some time may please be granted for submission of the record. His request was accepted and was directed to submit complete record before October 10, 2022.

C. Discussion and Commission's View on Relevant Issues

11. The commission has to decide:
 - i. Whether the Respondent has provided complete information to the Appellant or not?
 - ii. Whether the remaining requested information falls within the ambit of public document under the Right of Access to Information Act, 2017, hereafter referred to as the "Act" or not?
12. The record on the file shows that the Respondent has provided complete and relevant information in response to Para iii, iv, v, viii, x, xii, and xvii of the information request filed by the appellant under the Act.
13. In Para-ix of the information request, the appellant has asked for copies of the salary slips. This Commission through multiple orders including order on an "Appeal No 1632-01/22 Saifullah Saif Vs Allama Iqbal Open University" has held that the salary slips should be provided to the citizen after blanking the private information i.e. CNIC No, Address, phone number and others.
14. The Respondent has not provide the information requested in Para- i, ii, vi, vii, xi, xiii, xiv, xv, xvi, xviii and xx of Appellant's information request. In response to a number of the questions, the respondent stated that "*PNC Special Audit w.e.f. 2018 and onwards is in progress. The record will be provided after the completion of Audit, subject to law and approval of the PNC Council.*" This commission maintains this information is public record under Section -5 of the act, and it should be available on the website of the public body. Therefore, audit of the public body has nothing to do with the disclosure of this information with the citizen as well as on the website. In fact, the disclosure of this information on the website of public body will also help the auditors in performing their job timely and effectively.
15. The respondent in response to the information request in Para-xvi and xviii, should provide information about total fee collected by PNC. This Commission maintains that bank verification documents/record is not public record under and it can't not be provided to the appellant as requested in Para-16 and 18 of the information request.
16. In Para -xiv of the information request, the appellant has requested asset declaration of Ex President Afshan Nazli, Deputy Registrar, Fouzia Mushtaq and Computer Programmer Asif Khattak. This Commission has no power to ask the respondent to declare the Assets of these officials as they are not civil servants. However, it is pertinent to mention that this Commission in an Order on "*Appeal No 1925-05/22 Sharafat Ali Zia Vs Establishment Division*" has asked the Establishment Division to declare the assets of the Civil Servants as per Section 13(A) of the Government Servants (Conduct) Rules, 1964.

D. Order

17. Appeal is allowed. Registrar, Pakistan Nursing Council is directed to provide information requested in Para- i, ii, vi, vii, xi, xiii, xiv, xv, xvi, xviii and xx of the Appellant's

information requested mentioned in Para-2 of this Order, at the earliest but not later than 7 working days of the receipt of this Order, with intimation to this office.

18. The Respondent is also directed to take immediate steps to proactively share through the website 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. The compliance report be submitted to this commission within 30 days of the receipt of this Order.
19. Copies of this order be sent to the Registrar, Pakistan Nursing Council and the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on: October 18, 2022

This order consists of 7 (seven) pages, each page has been read and signed.