

**Pakistan Information Commission**

**Government of Pakistan**

**Order**

**Appeal No: 2509-02/23**

**Kaleem Ahmed**

**Vs**

**Pharmacy Council of Pakistan**

Date:

April 05, 2023

Appellant present in person. None appeared on behalf of respondent / public body in spite of the fact that on last date of hearing Ms. Shahza Rashid Advocate, appeared on behalf of public body, filed memo of appearance and requested for adjournment in order to file power of attorney as well as written reply.

2. In addition, to that it is noted that first notice of hearing was issued to Registrar, Pharmacy Council of Pakistan on March 01, 2023 whereas second notice was issued to Secretary, Pharmacy Council of Pakistan on 09-03-23. Whereas third notice was received by council appeared on behalf of public body. From the above said situation it appears that respondent / public body is intentionally not appearing before the commission or to file their written reply meaning thereby, that it has no defence and deliberately avoiding to attend hearing before the Commission. The Commission has examined the contains of the appeal and heard the appellant. The appeal follows as under:

1. "That Hamdard University is chartered by the Government of Sindh under the Hamdard University Act 1991, which is one of the pioneer and prestigious higher education and research university of Pakistan.
2. That the Pharmacy Council of Pakistan, which is a public body established under the Pharmacy Act 1967.
3. That the university started B. Pharm degree program in the year 2002 with the approval of the academic council.

4. That the B. Pharm degree program was upgraded to Pharm-D program in the year 2004 and academic session commenced in the year 2005.
5. That B. Pharm and Pharm-D programs were recognized by Pharmacy Council of Pakistan (PCP).
6. That Pharmacy Council of Pakistan has imposed penalty wide impugned letter notification dated 15-08-2022 (Annexure A) la violation of the approved minutes of PCP dated May 15.2008 and October 01.2010.
7. That the inspection teams of Pharmacy Council visited Pharmacy Department of Karachi on March 13.2008 and July 14, 2010. The recommendations of the inspection teams were placed before the Pharmacy Council of Pakistan on May 15.2008 and Oct 01,2010 respectively, and approved the recommendations of both inspection teams to enhance the number of seats for Pharm-D program to 120 (60-60 morning and evening) and 200 seats (100+100 morning and evening) respectively.
8. That to the utter shock and surprise, the Pharmacy Council of Pakistan imposed penalty wide letter dated 16-08-2022 (Annex-A) on account of over and above enrollment, without considering the records and approved Minutes and payments of requisite fees to the Pharmacy Council of Pakistan.
9. That it is pertinent to mention that the appellant applied for the certified copies of the approved Minutes of PCP dated May 15, 2008 and Oct 01,2010 through applications under Right to Access to Information Act, 2017 dated Sep 07 2022 and Jan 11, 2023.”

3. From the contents of the appeal it is found that the appellant has made request that he is require certified copies of approved minutes of PCP’s meeting dated 15-05-2008 and 01-10-2010 vide which penalty was imposed on account of over and above enrollment without considering the record and approved minutes and payments of requisite fees to the Pharmacy Council of Pakistan. Under section 7 of Right of Access to Information Act, 2017 minutes of meeting have been exempted from disclosure subject to final decision by the public body.

4. In the present case minutes of meeting have been finalized and penalty has been imposed on the appellant meaning thereby that both the documents required by the appellant are not exempted from disclosure being public record. Under Right of Access to Information Act, 2017, any citizen of Pakistan has fundamental right to have information from any public body subject to some exemption under the law.

5. The documents required by the appellant in his appeal have been found to be public record and its disclosure is not exempted under any provision of the Act. Since public body has neither provided the said information to the appellant within time provided under the act, nor has bothered to associate the proceedings of the commission in spite of notice. Therefore, keeping in view the above facts and circumstances, the appeal is allowed. The respondent / public body is directed to provide certified copies of minutes of PCP's meeting dated 15-05-2008 and 01-10-2010 to the appellant within ten days. Copy of the order of the Commission be sent to the Secretary, Pharmacy Council of Pakistan for implementation of the order. Now to come up for report about implementation of order May 30, 2023.

**Shoaib Ahmed Siddiqui**  
Chief Information Commissioner

**Ijaz Hassan Awan**  
Information Commissioner