

Pakistan Information Commission

Government of Pakistan

Order

Appeal No: 2501

Muhammad Asad

Vs

Pakistan Medical Commission

Date:

July 26, 2023

Dr. Mahmoodi appeared on behalf of appellant. Ms. Dr. Rukhsana, Manager Exam, Syed Rizwan Saeed, Assistant Manager Exams Operations, along with learned counsels Ms. Ayesha Tauqeer Aslam and Ms. Saman Shahid Ansari appeared on behalf of respondent / public body.

2. The representative of public body has submitted written response to the appeal that for the required information as at proforma A, PMC is not repository as no such classification score wise and domicile wise was required to be made or possessed by PMDC. During initial registration process of MDCAT, a field was marked to specify domicile, which was not a mandatory requirement.

3. Furthermore, it was added that information required in proforma B was not a mandatory requirement. The information regarding proforma C which is received from UHS is provided to this Commission as well as to the appellant. Information regarding proforma D that is merit list is not available with the PMDC and the information regarding CNIC, father name or Form B is private information and public body seeks exemption under Section 7 (g) and 16 (c) of the Right of Access to Information Act, 2017. The written reply submitted by the public body is attached with this order as exhibit C.

4. The representative of the appellant has submitted that PMC was legally bound to conduct the test by itself and the stance of PMC that it does not have requested information regarding MDCAT conducted by UHS and Shaheed Zulfiqar Ali Bhutto University (SZABU) respectively on its behalf is not correct and against legal provision. As PMC is the only regulator for medical professionals / medical colleges/universities in Pakistan, so it is its prime responsibility to hold all relevant record which is requested in Proforma A, B, C & D. He also argued that the information regarding Performa B must be available with the PMC as Shaheed

Zulfiqar Ali Bhutto University (SZABU) conducted MDCAT on behalf of the PMC (now PMDC). The sole authority to maintain the statistical data is of PMDC on whose behalf Shaheed Zulfiqar Ali Bhutto University (SZABU) has conducted MDCAT 2022 test for Rawalpindi Division and Islamabad students. He stated that partial information has been provided in this regard which is incomplete with missing data.

5. The representative of appellant further said that the information sought in the appeal is public information and is covered under section 5 of the Right of Access to Information Act, 2017. He further argued that information in proforma D regarding the merit list and other details of the appellant are also available with the PMDC but they are not providing those information. He alleged that PMC/public body is doing discrimination in this regard as PMC conducts different exams in which Shaheed Zulfiqar Ali Bhutto University (SZABU) students got different merit while other college/universities got different merit raising suspicion. The appellant has given his consent that the information pertaining to the privacy of any citizen of Pakistan i.e CNIC No. may be blurred and other information must be provided.

6. This Commission observe that as per the Constitution of Islamic Republic of Pakistan, it is clear discrimination vis a vis Article 25 which requires that all citizen of Pakistan must be treated equally and no discrimination is allowed. The response of the appellant and his rejoinder is attached with this order as exhibit D.

7. The Commission has heard the arguments advanced by both the parties, perused legal provisions and applied its mind judiciously. The Right of Access to Information Act, 2017 is liberal legislation in pursuance of Article 19 (A) of the Constitution of the Islamic Republic of Pakistan. The law aims to promote transparency and improved access of people to public records. The prime intention is to empower the citizens and make the working of government more accountable to the people. It aims at reducing inefficiency in government and promoting good governance.

8. The public body in the instant appeal is regulatory in nature and has great responsibility linked to the future of our younger generation. The public body is obliged to adopt fair, equitable policies and practices to ensure that the youth of our country who are aspiring to become medical students, get a fair chance of competition to get admitted in medical colleges and pass out as

competent professionals with the mission to serve fellow citizens. Pakistan is a country with more than 60 % population falling in the category of youth who are our future and need proper attention, investment, and promotion.

9. In this context and in view of the importance of the functions assigned to the public body which entail matters relating to public health and life, extraordinary levels of transparency, merit, and effective control over medical education institutions is required. Being regulator it is vital responsibility of the public body to maintain relevant information pertaining to entry test for medical education institutions. Needles to mention that these tests are conducted by various colleges on behalf of the public body which puts a great demand on it to maintain information in the form as sought by the appellant.

10. In view of the above, the Commission directs the public body through its Registrar to provide missing information to the appellant as per his satisfaction. The public body may charge per page fee as per market rate instead of Rs. 80 per page which is unjustified or provide the information in soft form as a better alternative within 7 days failing which action against the Registrar PMC / public body will be initiated under Section 20 of the Right of Access to Information Act, 2017.

11. This order be circulated for the personal attention of the Secretary, Ministry of National Health Service Regulation & Coordination and the President, Pakistan Medical Commission for making better policy and adopting efficient practices for the youth of the country.

Huzaifa Rehman
Information Commissioner

Shoaib Ahmad Siddiqui
Chief Information Commissioner

This Order consist of three pages.
Approval for reporting.