



TRANSPARENCY INTERNATIONAL - PAKISTAN

13th July, 2021

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Dr. Arshad Taqi,
President,
Pakistan Medical Commission,
Head office, Mauve Area,
G-10/4, Islamabad

**Subject: Complaint on the allegation of violation of PPRA 2004 rules in award of
Contract for computer based MCQ exam, to M/s SOAR Testing and Evaluation
Platform (SMC-PVT) Limited (TEPS)**

Dear Sir,

Transparency International Pakistan has examined MPC letter No. F-7-President(PMC-Trans-Intl)/2021/008 dated 08th July, 2021 in response to TI Pakistan letter No. TL21/06/28/1B dated 28th June 2021 regarding the allegations of violation of PPRA 2004 rules in award of Contract for computer based MCQ exam, to M/s SOAR Testing and Evaluation Platform (SMC-PVT) Limited (TEPS).

Following are TI Pakistan comments.

1. Clearly, any fee charged from candidates by PMC is government revenue and any money spent by a government entity for procurement of works, goods or services is subject to the application of Pakistan Public Procurement Rules 2004, in order to ensure transparency in the spending of the public money. Therefore, to say that the subject joint venture does not fall under PPRA Rules is erroneous.
2. Clause 2 (i) of Pakistan Medical Commission Ordinance 2020 clearly expresses that PMC authority is established under the PMC Ordinance 2020, thus it is a government entity and is a procuring agency under PPRA Rule 2004 and PPPRA Ordinance 2002.
3. Further, clause 44 of PMC Ordinance 2020 (quoted below) expressly defines the officers and employees of the Authority to be public servants. The decision of government entities and public servants is subject to PPRA Rules 2004.

Clause 44. Officers, etc. deemed to be public servants. – *The members, officers, employees and other staff of the Authority shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (Act CLV of 1860).*

4. PMC response does not provide any explanation on the violation of PPRA Rule No. 35: Announcement of evaluation reports and Rule No.7,13,35 47, Public access and transparency and compliance of Section 33 B of Nao 1999.

Pakistan Medical Commission is requested to review the procurement in light of above comments, and if violations are found correct, re-invite the tender in accordance with requirements of PPRA Rule 2004.



**TRANSPARENCY
INTERNATIONAL-PAKISTAN**

Continuation Sheet No.....

Transparency International Pakistan is striving for across the board application of Rule of Law, which is the only way to stop corruption, and achieve against Zero tolerance against Corruption,

With Regards,

Yasmeen Lari

Ms. Yasmeen Lari
Sitara-e-Imtiaz, Hilal-i-Imtiaz
Chairperson
Transparency International Pakistan

Nasira Iqbal

Justice (R) Nasira Iqbal,
Sitara-e-Imtiaz
Vice-Chairperson
Transparency International Pakistan

Copies forwarded for the information with request to take action under their mandate,

1. Muhammad Azam Khan, PSPM, PM House, Islamabad
2. Chairman, National Accountability Bureau (NAB), Islamabad
3. Auditor General Pakistan, Islamabad
4. MD, PPRA, Islamabad
5. Registrar, Supreme Court of Pakistan

Note: This letter is being issued under Article 19-A of the Constitution of the Islamic Republic of Pakistan 1973, which empowers civil society to seek information and hold accountable public institutions. Refer to the Lahore High Court Order , Attaullah Khan Malik vs. The Federation of Pakistan (**2010 PLD Lahore 605**) in which following observation is given;

“Right to information is another corrective tool, which allows public access to the working and decision making of the public authorities. It opens the working of public administration to public scrutiny. This necessitates transparent and structured exercise of discretion by the public functionaries. Article 19A empowers the civil society of this country to seek information from public institutions and hold them answerable. Article 19A, therefore, enthuses fresh life into Public Interest Litigation.”