



**In The Pakistan Information Commission, Islamabad**

**Appeal No 1011-04/21**

**Nadeem Umer**

**(Appellant)**

Vs.

**Social Security Islamabad**

**(Respondent)**

**ORDER**

Date: June 22, 2021

Zahid Abdullah: Information Commissioner

**A. The Appeal**

1. The Appellant filed Appeal on April 21, 2021, to the Commission, stating that he had submitted information requests to Commissioner, Islamabad on March 29, 2021 under the Right of Access to Information Act 2017 but did not receive any response from the public body.

2. The information sought by the Appellant is as follows:

*“You are requested to provide the duly attested copies of the following.*

1. *List of the organizations / companies / factories / hotels etc. registered with the department along with the details of their employees, address and security (social security fee) submitted by each of them from Jan 2018 to date.*

*I shall be thankful if the requested information is provided in the given below format.*

| <i>Unit /organization name</i> | <i>Address of unit/ organization</i> | <i>Number of employees registered</i> | <i>Revenue received</i> | <i>Area Inspector name</i> |
|--------------------------------|--------------------------------------|---------------------------------------|-------------------------|----------------------------|
|                                |                                      |                                       |                         |                            |
|                                |                                      |                                       |                         |                            |

2. *Details of the action taken against non-registered organizations/unit from Jan 2017 to date.*

3. *How many of these registered organization submitted their financial report/audit report during last four years? (Year wise breakup)*

4. *List of the organizations who have not submitted their financial reports from Jan 2017 to date along with the details of the action taken against each of them.*

5. *Provide copies of the notices issued to the registered organizations for not obeying Social Security law / rules from Jan 2018 to date.*

6. *Details of the challans / fine imposed on the registered organizations for not obeying Social Security law / rules from Jan 2018 to date.*

7. *Copy of the relevant rules / regulation regarding ICT Employees Social Security.”*

## **B. Proceedings**

3. Through a notice dated April 29, 2021, sent to Commissioner, Islamabad, 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. On May 25, 2021, the commission sent another notice to the Respondent but no response was submitted to this commission. Through this notice, the Commission directed the public body to submit its written response. Copies of the supporting documents may be annexed with the written arguments”. The Commission also stated through this notice that if the written arguments are not submitted by June 09, 2021, “the appeal will be decided Ex Parte in the light of the record available on file and the Right of Access to Information Act 2017”.
5. Through an undated letter received in this commission on June 14, 2021, the Respondent submitted its response which is as under:  
  
“As is evident from the complaint dated April 28, 2021 addressed to the learned Commission by the complainant, no specific information has been given allegedly not provided to him. That whatever information was required to be provided e.g., names of all registered establishments, address thereof, number of employees registered in each establishment, revenue received and the name of area inspector etc, as per the letter dated 29/3/2012 are concerned, clearly hit by section 7 of the Right of Access to Information Act, 2017. That if the complainant requires any information enumerated in Section 6 of the Act *ibid*, he shall be well come and all such information will be provided accordingly”.

## **C. Discussion and Commission’s View on Relevant Issues**

6. This commission is of the view that the requested information pertaining to the list of the organizations / companies / factories / hotels etc registered with the Social Security, Islamabad along with the details of such as total number of their employees, addresses, security (social security fee) submitted by each organisation, names of area inspectors, revenue collection details, action taken against non-registered organizations/unit, number of organization which submitted their financial report/audit report during last four years, list of the organizations who have not submitted their financial reports along with the details of the action taken against each of them, certified copies of the notices issued to the registered organizations for not obeying Social Security law / rules details of the challans / fine imposed on the registered organizations for not obeying Social Security law / rules and copies of the relevant rules / regulation regarding ICT Employees Social Security is a matter of public importance.
7. This commission is of the view that the requested information pertains to the core functions and responsibilities of the Respondent and would reveal how effectively the relevant officers are carrying out their responsibilities.
8. This commission is of the view that the requested information should not have only been provided to the Appellant on his request but it should have been proactively published on the web site of the Respondent.
9. The Respondent has broadly referred to Section 7 of the Right of Access to Information Act 2017 but has not specified specific sub-clause which bars the disclosure of the requested information.
10. The fact that the Respondent does not have its web site demonstrates that the Respondent is oblivious to the shifting sands of time. It also demonstrates that the Respondent has not taken any steps for the implementation of the Act. It demonstrates that the powers vested in officers are not being exercised “reasonably, fairly, justly, and for the advancement of

the purposes of the enactment” as required under Section 24A (1) of the General Clauses Act 1897.

11. The Right of Access to Information Act 2017 was enacted on October 16, 2017. The Act provided ample time of six months to each Principal Officer of a federal public bodies to ensure the publication of categories of information mentioned in Section 5 on its web site. Had the Respondent carried out its obligation to ensure proactive disclosure of categories of information mentioned in Section 5 of the Act, this information would have already been published on its web site and easily accessible for citizens. Furthermore, had the Respondent implemented provisions of this Act, including, but not limited to Section 4 and 5 of the Act, the unwarranted delay in providing requested information to the Applicants could have been avoided.
12. Even a cursory glance at these categories demonstrates that the significance of their proactive disclosure can hardly be exaggerated in terms of improving governance in the country.
13. This commission is of the view that trust of citizens in public institutions is irrevocably linked with timely and accurate flow of information between citizens and public institutions. However, this would only be possible when Principal Officers of federal public bodies would ensure implementation of the Right of Access to Information Act 2017 in letter and spirit.

#### **D. Order**

14. Appeal is allowed. Chief Commissioner, Islamabad is directed to provide information mentioned in para 2 of this Order to the Appellant, at the earliest but not later than 7 working days of the receipt of this Order, with intimation to this office.
15. Chief Commissioner, Islamabad is directed to notify Public Information Officer, (PIO), under Section 9 of the Act, put contact details of PIO on its web site as required under Section 5 (1) (h) of the Act and submit compliance report to the commission within 10 working days of the receipt of this order.
16. Chief Commissioner, Islamabad is directed to take immediate steps to proactively share through the web site 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](http://www.rti.gov.pk). The compliance report be submitted to this commission within 30 days of the receipt of this Order.
17. Copies of this order be sent to Chief Commissioner, Islamabad and the Appellant for information and necessary action.

**Mohammad Azam**

Chief Information Commissioner

**Fawad Malik**

Information Commissioner

**Zahid Abdullah**

Information Commissioner

Announced on: June 22, 2021

This order consists of 3 (three) pages, each page has been read and signed.