



In the Pakistan Information Commission, Islamabad

Appeal No E73-01/21

Naeem Sadiq

(Appellant)

Vs.

Employees Old Age Benefits Institution (EOBI)

(Respondent)

ORDER

Date: August 09, 2021

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed Appeal on January 23, 2021, to the Commission, stating that he had submitted information requests to the Secretary, Employee's Old Age Benefits Institution on January 02, 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:
 1. *How many total Establishments and Industries exist in Pakistan who employ 5 or more employees (whether directly or through any other person) and how many of them are registered with EOBI.*
 2. *What is the total number of "employees" in Pakistan and how many of them are registered with EOBI.*
 3. *How many total Establishments and Industries exist in Sindh who employ 5 or more employees (whether directly or through any other person) and how many of them are registered with EOBI.*
 4. *What is the total number of "employees" in Sindh and how many of them are registered with EOBI.*
 5. *Do you have a unique EOBI registered number for each employee registered with you and has every such employee been given an EOBI card.*
 6. *Are all your records of organisations / establishments / industries / registered EOBI employees fully computerized.*
 7. *How much total amount was collected by EOBI in each of the three years i.e. 2018, 2019 and 2020 in entire Pakistan.*
 8. *How much was the total amount collected by EOBI in each of the three months i.e. September October and November 2020 from entire Pakistan,*

9. What were the total number of industries / establishments (province wise) who were punished (fined or sentenced to jail) in each of the two years, i.e. 2018 and 2019.

B. Proceedings

3. Through a notice dated June 03, 2021 sent to Dy. Director General / Public Information Officer, Employees Old Age Benefits Institutions, 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 Respondent through a letter vide No. EOBI/2021/450 dated June 29, 2021 submitted its response which was shared with the appellant on July 02, 2021.
5. The appellant on July 06, 2021 and later through an email dated July 09, 2021 submitted its rejoinder to the information shared with him. Text of the rejoinder is as under:
“Kindly refer to my application against Secretary EOBI for failure to provide information. Finally we have received response from EOBI vide their letter EOBI/2021/450 dated 29.06 2021, which is unsatisfactory and incomplete on the following grounds:

Against Question no 9, "what are total number of industries (province wise), who were punished (fined or sentenced to jail) in each of the two years 2018 and 2019, the organization responded by saying " N/A."

1. The response of the organization N/A is incorrect and dodges the question. If they have not fined or taken any punitive action against 90 percent of erring establishments in Pakistan, then the correct answer is "Zero". (though this would reflect a high level of corruption and compromise on the part of EOBI.)

2. If they have taken any action and they do not even know about it, then it suggests supreme incompetence and a reason strong enough to disband this dead organization.

In both cases EOBI needs to speak the truth and provide the correct information.”
6. The rejoinder of the appellant was shared with the Respondent on July 08, 2021 with directions to respond to the queries of the appellant before August 05, 2021.

C. Discussion and Commission’s View on Relevant Issues

7. To the question "what are total number of industries (province wise), who were punished (fined or sentenced to jail) in each of the two years 2018 and 2019, the Respondent maintained that it is ‘N/A’.
8. This commission is of the view that the response of the Respondent is legally untenable under, inter alia, Section 37, (Chapter 8) of the **Employees' Old-Age Benefits Act, 1976** which is as under:

37. Offences.-If any person-

For the purpose of obtaining [a benefit]1 or denial of any payment or [benefit]2, under this Act, whether for himself or some other person, or for the purpose of avoiding any payment to be made by him or any other person under this Act.

(i) knowingly makes or causes to be made false statement or false representation; or

(ii) produces or furnishes, or cause, or knowingly allows to be produced or furnished, any document or information which he knows to be false in any material particular ; or

(b) fails to pay any contribution which under the Act he is liable to pay ; or

(c) recovers or attempts to recover from an insured person, or deducts or attempts to deduct from his wages, the whole or any part of the 3[employer's share of contribution] ; or

(d) fails or refuses to submit any return required by this Act, or regulations or makes a false return ; or

(e) obstructs any official of the Institution in the discharge of his duties ; or

(f) is guilty of any contravention of, or non-compliance with, any of the provisions of this Act or the rules or the rules or the regulations, he shall be punished with imprisonment for a term which may extend to two years, or with fine which may extend to ten thousand rupees, or, both”

9. The Respondent, EOBI should have provided information about the action taken under Section 37, (Chapter 8) of the **Employees' Old-Age Benefits Act, 1976** or should have responded that no action has been taken against any entity/person based on powers vested in EOBI through its Act. “N/A”, is incorrect response.

D. Order

10. Appeal is allowed. Public Information Officer, Employee's Old Age Benefits Institution is directed to provide the requested information/record based on action taken under the powers vested in EOBI pertaining to the total number of industries (province wise), who were punished (fined or sentenced to jail) in each of the two years 2018 and 2019. This information be provided to the Appellant at the earliest but not later than 7 working days of the receipt of this Order, with intimation to this office.
11. Copies of this order be sent to Public Information Officer, Ministry of Education and Professional Training and the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Fawad Malik

Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on:

August 09, 2021

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