

Pakistan Information Commission
Government of Pakistan

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In The Pakistan Information Commission, Islamabad

Appeal No 1075-04/21

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 28, 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:
 - “1. When audit of the IESSI was conducted last time. Please provide copies of the last two audit reports.
 2. Total number of the sanctioned posts in the department, along with the details of the vacant posts (pay scale wise break-up).
 3. Provide copy of the employees' directory along with their job descriptions of IESSI, having details of the employees working on contract/daily wage as well.
 4. Details about the steps taken by the department to develop its own web site as required under the Section 5 of the Right of Access to Information Act 2017.”

B. Proceedings

3. Through a notice dated May 28, 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 June 10, 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 24, 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 17, 2021, the Respondent submitted that “with reference to Appeal No. 1075-05/21, dated June 10, 2021, written reply has already been sent to your office via E-mail and post as well....

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. The same Appellant filed two requests for information to the Respondent, with entirely different subject matter on different dates. The same Appellant filed two separate appeals with this commission. As such, this commission allotted separate appeal numbers to each appeal.
7. The Respondent submitted the same response in the instant Appeal as it submitted in the Appeal No 1011-04/21.
8. This commission is of the view that the request to have access to the last two audit reports of number of the and when was the audit conducted last time, total IESSI sanctioned posts in the department, along with the details of the vacant posts (pay scale of the employees' directory along with their job certified copy ,(up-wise break having details of the employees working on contract/daily wage as ,descriptions of IESSI about the steps taken by the department to develop its own web site and the details well as required under the Section 5 of the Right of Access to Information Act 2017is a matter of public importance.
9. This commission is of the view that this 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.
10. 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.
11. 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 Section24A (1) of the General Clauses Act 1897.
12. 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.

13. 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.
14. The significance of the proactive disclosure of information of the directory of officers and the information about total number of sanctioned posts and those lying vacant should not be lost on senior civil servants. It is a common knowledge that the under staffing of officers is a perennial problem faced by public bodies. However, this issue does not get public attention it deserves. If a public body keeps updated directory of its officers on its web site, citizens would know about total number of sanctioned posts and the details about sanctioned posts filled and lying vacant. This critical issue of under-staffing is not going to get public attention if this information is not brought in the public domain through proactive disclosure of directory of officers through web sites.
15. 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

16. 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.
17. 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.
18. 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. The compliance report be submitted to this commission within 30 days of the receipt of this Order.
19. 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.