



**In the Pakistan Information Commission, Islamabad**

**Appeal No 985-04/21**

**Asif Mehmood Butt**

**(Appellant)**

Vs.

**Employees Old Age Benefit Institute**

**(Respondent)**

**Order**

**Date:** September 02, 2021

**Mohammad Azam:** Chief Information Commissioner

**A. The Appeal**

1. The Appellant filed an appeal, dated April 08, 2021, to the Commission, stating that he Submitted an information request to the Chairman, Employees Old Age Benefit Institute dated March 16, 2021 under the Right of Access to Information Act 2017 but did not receive the requested information from the public body.
2. The information sought by the Appellant is as under:

*“While browsing the website of EOBI, I saw the particulars and data showing against my Name / CNIC Number which is INCOMPLETE. I am in employment since year 2009 but my employers' details are not mentioned completely. Provide up-to-date seriatim details / information/ record against each below mentioned request:*

1. *Either my data is complete and correct?*
2. *For how many years my contribution has been deposited with EOBI?*
3. *Employer details and contributions deposited till to date.*
4. *How much contribution has been deposited till to date?*
5. *After how many years' contribution deposit, one is entitled for EOBI pension?*
6. *After how much contribution deposit, one is entitled for EOBI pension?*
7. *Keeping in view my contribution history, either there is any discrepancy / shortfall entitling me for EOBI pension after attaining the age of 60 years?*
8. *Keeping in view my contribution history, copies of relevant rules required to become eligible for EOBI pension after attaining the age of 60 years.”*

## B. Proceedings

3. This commission through a notice dated April 15, 2021 sent to the Deputy Director General / Public Information Officer, Employees Old Age Benefits Institution (EOBI) called upon the Respondent to submit reasons for not providing the requested information.

4. The Respondent through a letter vide No. HO/Law/2021/332 dated May 20, 2021 submitted its response which is as under:

*“This is to mention that we have already replied your query vide this office letter No EOBI/2021/208, dated 26-03-2021 (copy enclosed). However, due to your non satisfaction we are attaching herewith the print of your data entered in our record which is received through you Employer.*

*If in case of any other query regarding your pension, you are requested to visit our EOBI office in Lahore along with all your relevant documents for further guidance as all the pension cases are initiated by our Regional offices of that area.”*

5. Response submitted by the public body was shared with the appellant on May 26, 2021.

6. The Appellant on June 07, 2021 submitted rejoinder to the information which is as under:  
*“Kindly reread my Application dated 16-03-2021 wherein serial wise points/queries mentioned for the convenience and better understanding of respondent.*

*It was particularly emphasised in this Application that up-to-date seriatim details / information / record against each point is solicited but the Respondent took refuge in just one paper print out which I already retrieved through EOBI website and advise to visit the local EOBI office.*

*First it is to reiterate that written seriatim reply is required which shall address the requisite information Second. Ask/Order the respondent to address the request for information dated 16-03-2021 in seriatim manner rather to confuse the matter with visit to local office and verbal advises of the local office's dealing staff.”*

7. Rejoinder submitted by the Appellant was shared with the Respondent through a notice dated June 14, 2021 with the directions to response to the queries of the appellant within 10 working days.

8. The respondent through a letter vide No. EOBI/2021/528 dated June 23, 2021 submitted response to the queries of the appellant which is as under:

*“2. In response to your application you were requested to approach our concerned Regional Office along with relevant record/ evidence in support of your version,*

*for updation of the same else send the same to this office but, you did not provide any document as yet.*

3. *It is to inform that an insured person having fifteen years of insurable employment is entitled to old age pension u/s 22 of EOB Act, 1976 (extract of the Act is available on EOBI's Website). As far as is concerned updation of your record it is, requested to provide the certified copies of the followings documents:
  - i. CNIC and EOBI PI-03 Card
  - ii. Appointment Letter
  - iii. Service Certificate duly sign and stamped by the employer
  - iv. Evidence of payment of contribution*
4. *Please note that furnishing any false information/ document is an offence u/s 37 of EOB Act, 1976 and punishable with imprisonment for a term which may extend to two years or with fine which may extend to ten thousand rupees or with both.”*

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

11. The commission has to decide that whether the Respondent has provided the complete information requested by the appellant and if any part of information is still not provided whether that information fall within the ambit of public document or not. Moreover the commission also has to examine whether the public body has responded or not to the information request and notices of the commission within time limit mentioned in the Right of Access to Information Act, 2017, hereafter referred to as Act.
12. After examining the information request filed by the Appellant and responses of the public body this commission observes that the public body has answered / provided information requested in the Para-2 of this order except the information requested in Serial No 7 and 8 of the information request.
13. The information requested in Serial No 7 & 8 of the information request by the appellant is declared as public record in section 5 (e) of the right of Access to Information act 2017 and the public bodies are bound to ensure that all such categories of the information and record defined in Section 5 of the Act are duly published including uploading over the internet or in a manner which best ensures that these are accessible to the public.
14. This commission observes also observes that initially the responded asked the Appellant to visit nearest regional office to update / correct his record. However, in response dated June 23, 2021 the public body asked to submit certified copies of the mandatory documents required to update the record.
15. The appellant should follow the rules and regulation of the EOBI if he wants to update his record and should provide the required documents to the public body. The Right of Access to Information Act, 2017 do not provide exemption from the mandatory requirements.

However, the public body should also make sure the availability of the requirements and the relevant rules on its website as required under Section 5 of the Act so that the citizens are not required to file information request and appeals for such basic information.

16. According to Section 19 (d) of the Act, this commission is bound to make sure the all information determined in Section 5 of the Act available on the website of the public bodies. In this regard, the Pakistan Information Commission has developed a template to ensure proactive disclosure of information. The template is available on the website of this commission i.e. [www.rti.gov.pk](http://www.rti.gov.pk)

#### **D. Order**

17. The appeal is allowed. The Public Information Officer, EOBI is directed to provide the following information to the appellant with intimation to this office, at the earliest, but in any case, not later than 10 working days of the receipt of this Order,

*“7. Keeping in view my contribution history, either there is any discrepancy / shortfall entitling me for EOBI pension after attaining the age of 60 years?*

*8. Keeping in view my contribution history, copies of relevant rules required to become eligible for EOBI pension after attaining the age of 60 years.”*

18. The public body is also 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 by September 27, 2021.
19. Copies of this order be sent to the Deputy Director General (Law) / Public Information Officer, Employees Old Age Benefit Institution and the Appellant for information and necessary action.

**Mohammad Azam**

Chief Information Commissioner

**Fawad Malik**

Information Commissioner

**Zahid Abdullah**

Information Commissioner

Announced on:

September 02, 2021

This order consists of 4 (four) pages, each page has been read and signed.