

**Pakistan Information Commission**

**Government of Pakistan**

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**In The Pakistan Information Commission, Islamabad**

**Appeal No. 1248-08/21**

**Muhammad Sharafat Ali Zia**

(Appellant)

Vs.

**Federal Employees Benevolent and Group Insurance Funds**

(Respondent)

**Order**

**Date:** December 08, 2020

**Zahid Abdullah:** Information Commissioner

**A. The Appeal:**

1. The commission received Appeal on on August 04, 2021 in which the Appellant stated that he filed a request for information to the Managing Director of the Respondent on July 16, 2021 but did not receive the requested information.
2. The requested information is as under:  
*“Pursuant to Section 3 of the Right of Access to Information Act, 2017 Federal Employees Benevolent and Group Insurance Funds management is requested that the following information may kindly be provided to the undersigned, by Registered post, as early as possible:*  
*Year-wise and head-wise Receipts received under the heads (1) Benevolent Fund; and (ii) Group Insurance Fund for the years 2018-19, 2019-20 and 2020-21;*  
*ii. Year-wise and head-wise disbursements made/ expenditure incurred under the heads (1) Benevolent Fund; and (ii) Group Insurance Fund for the years 2018-19, 2019-20 and 2020-21; and*  
*iii. Copy of the Actuary's latest report/ recommendations considered by the Management Committee/ FEB & GIF Board along with decisions taken thereon.”*

**B. Proceedings:**

3. In response to the notices of the commission, through a letter dated September 17, 2021, the response was submitted by the Respondent, relevant portions are as under:  
*“Please refer to your application dated 16. 07. 2021 on the above subject. The detail of receipts and disbursements of the Benevolent and Group Insurance are as under*

<i>Year</i>	<i>Receipt (Rs in Million</i>	<i>Disbursements Rs in million</i>
2018-19	9,598.89	6,558.05

2019-20	12,154.52	6,438.60
2020-21	12917.12	6,600.86

*Liabilities carried forward to next financial year*

*Liabilities carried forward to next financial year*

*Liabilities carried forward to next financial year*

*The increase in amount of receipts for the year 2019-20 & 2020-21 is due to the payment by Finance Division of an amount of Rs. 6739.244 as arrear.*

*2. Actuary report cannot be provided as demanded under section 3 of the Right of Access to Information Act, 2017, as the same has not been finalized and still awaiting for approval of the concerned forum”.*

4. The Appellant submitted the rejoinder on September 25, 2021 and its relevant parts are as under:

*“Kindly refer to Pakistan Information Commission's letter dated 25th August, 2021 in the case Cited above.*

*The public body under reference has responded vide their letter dated 17th September, 202 [Copy attached]. However, the information provided therein does not meet the specific request m by Applicant in his application dated 16th July, 2021, reproduced below:*

*Year-wise and head-wise Receipts received under the heads (1) Benevolent Fund; and Group Insurance Fund for the years 2018-19, 2019-20 and 2020-21; ii. Year-wise and head-wise disbursements made/ expenditure incurred under the head*

*(1) Benevolent Fund; and (ii) Group Insurance Fund for the years 2018-19, 2019-20 and 21; and Copy of the Actuary's latest report/ recommendations considered by the Manage me Committee/ FEB & GIF Board along with decisions taken thereon”.*

5. The hearing was held on November 11, 2021 but the Respondent did not attend the hearing.

**C. Issues:**

6. This Appeal has brought to the fore following issues:
  - (a) Can the certified copy of the requested Actuary's latest report/ recommendations be provided to the Appellant under the provisions of the Right of Access to Information Act, henceforth referred to as “the Act 2017”?
  - (b) Has the Respondent provided the requested information permissible under the Act 2017?

**D. Discussion and Commission’s View on Relevant Issues:**

7. The right of access to information in matters of public importance is guaranteed protection under the Constitution of the Islamic Republic of Pakistan through Article 19-A which states:

*“Every citizen shall have the right to have access to information in all matters of public importance subject to regulation and reasonable restrictions imposed by law”.*

Our ability to exercise our fundamental right of access to information enables us to attain our other fundamental rights such as gainful employment, right to life, right to clean drinking water, right to breathe in in clean air and right to healthcare services etc. In fact, the constitutional right of access to information helps citizens in the exercise of right of access to justice as well by having access to records/information to effectively present their cases in the court of law.

8. This commission maintains that the Respondent has not provided complete information permissible under the Act 2017. The Respondent has provided requested information about detail of receipts and disbursements of the Benevolent and Group Insurance. However, the Respondent has not provided requested information about the expenditure incurred as requested by the Appellant.
9. So far as the requested information about the certified copy of the Actuary's latest report/ recommendations is concerned, the commission concurs with the Respondent that its disclosure is not permissible under the Act 2017 as it has not been finalised yet.
10. This Commission has observed that information of public importance mentioned in Section 5 of the Act is not being published through the web site of federal public bodies. In fact, the Web sites of federal public bodies contain generic information and not specific information as required under Section 5 the Act. This is despite the fact that Principal Officer of each public body was required to ensure proactive disclosure of information through web site within 6 months of the commencement of the Right of Access to Information Act, 2017.
11. This Commission maintains that the information proactively published under Section 5 of the Right of Access to Information Act 2017 should be 'accessible' for all citizens, including the blind, low-vision, physically disabled, speech and hearing impaired and people with other disabilities. Apart from the interpretation of 'accessible' in section 5 of the Act, section 15 (5) of the ICT Rights of Persons with Disabilities Act 2020 requires federal public bodies to ensure accessibility of web sites to the special needs of persons with disabilities and it is as under:

*"The government shall ensure that all websites hosted by Pakistani website service providers are accessible for persons with disabilities".*

**E. Order:**

12. The appeal is allowed. The Managing Director, Federal Employees Benevolent and Group Insurance Funds is directed to provide the requested information about the expenditure incurred to the Appellant as requested in para 2 of this Order, at the earliest but not later than 7 working days of the receipt of this Order, with intimation to this office.
13. The Respondent is directed to designate Public Information Officer as required under Section 9 of the Act, put contact details on its web site as required under Section 5 (1) (h) of the Act and submit notification to this effect to this commission within 10 working days of the receipt of this Order.
14. The Respondent is directed to proactively publish all categories of information through its web site as required under Section 5 of the Act 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 at the earliest but not later than 10 working days of the receipt of this Order.
15. The Respondent is directed to ensure accessibility of the information proactively published on its web site under Section 5 of the Right of Access to Information Act

2017 for all citizens, including the blind, low-vision, physically disabled, speech and hearing impaired and people with other disabilities and submit compliance report to this effect using 'Web accessibility checklist'. This checklist 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 at the earliest but not later than 10 working days of the receipt of this Order.

16. Copies of this order be sent to the Managing Director, Federal Employees Benevolent and Group Insurance Funds and the Appellant for information and necessary action.

**Mohammad Azam**

Chief Information Commissioner

**Zahid Abdullah**

Information Commissioner

Announced on: December 08, 2021

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