



In the Pakistan Information Commission, Islamabad
Appeal No 2066-07/22

Amena Khan

(Appellant)

Vs.

Cantonment Board Clifton

(Respondent)

ORDER

Date: October 04, 2022

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed an appeal, dated July 15, 2022 to the Commission, stating that he submitted an information request to the Cantonment Executive Officer, Cantonment Board Clifton on June 18, 2022 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:
 - i. *“Were the two janitors who lost their lives working inside a CBC sewer gutter at the intersection of Kheaban e Shaheen and Muhafiz on the evening of 15 June 2022 regular or contracted or retired employees of CBC. Please give their names and ages.*
 - ii. *Do CBC rules permit janitors to enter CBC sewer gutters for gutter cleaning, even if they are not regular employees of CBC.*
 - iii. *Is the CBC in knowledge of the fact that the sewer that caused the death of these 2 individuals was cleaned every few months by private gutter cleaners and that scores of CBC sewers are every day cleaned/unblocked by dozens of private gutter cleaners called by affected residents on payment basis*
 - iv. *If CBC has knowledge of activities mentioned at para 3 then what measures it has taken to prevent the sewer entry by private gutter cleaners - which is a booming business in DHA and CBC*
 - v. *Large number of citizens calling private gutter cleaners to open the sewers is a reflection of no response or delayed response by CBC. What measures are being taken by CBC to improve its gutter cleaning response. Please give a record of all gutter cleaning complaints and the time taken by CBC to clear the complaint since 1st January 2021.*
 - vi. *Please give a list of safety equipment that is mandatory and must be carried by every CBC gutter cleaning worker/team when entering a gutter.*
 - vii. *Safety is universally recognized as the direct responsibility of the CEO. Why should CEO of CBC be not held directly accountable for the death of the two workers on 15 June 2022 kindly provide true, verified and specific information asked against each question within 10 working days as required by law. “*

B. Proceedings

3. The record on the file suggests that the Respondent submitted its response on the intervention of this commission on June 28, 2022 and its text is as under:

1. *“Our Client has placed before us the above referred Letter, wherein you have requested our Client to provide you with the information regarding the incident that took place on 15.06.2022 and have further requested our Client to provide information regarding the measures taken in regards to cleaning of sewerage lines, equipment's required for this task, etc.*

2. *First and foremost, it appears from the contents of your letter that you are misinformed about the unfortunate incident involving the death of two janitors, which has resulted in you making baseless allegations against our Client and using harsh words against the CEO, which is unbecoming a respectable citizen.*

3. *At the vey outset our Client states that the two unfortunate souls that died tragically on 15.6.2022, were neither employees of CBC nor were they tasked to out such an action by CBC. These two victims were hired by a private resident against whom CBC is taking action, since they are the real culprits who callously sent these janitors to their deaths and never informed CBC of any complaint; they had with their sewer system.*

4. *Secondly, CBC uses modern machinery for the purposes of cleaning its sewer system and in the normal course of things does not let its janitors enter these sewers. However, there can be extreme circumstances when such a task is necessary to be performed manually, but the same is done with proper equipment and supervision i.e. helmets, gloves, body suit etc.*

5. *Thirdly, you are alleging rather than seeking information that private gutter cleaners are being engaged because CBC is not performing its duties. Once again, please provide us with proof of the same in order to receive a proper response. Further, our Client states that that such activities of private gutter cleaning is neither encouraged nor regulated by CBC. Any activity that is illegal or unlawful or dangerous in nature is to be supervised by the law enforcement agencies i.e. police, under Section 251 of the Cantonment Act, 1924 as it is physically impossible for CBC to keep a 24/7 watch on all its gutter lines. Since, no such reports have come to CBC from law enforcement agencies you are put to strict proof regarding your allegations.*

6. *Fourthly, CBC regularly maintains its sewer system and there is an online portal available to its resident to lodge a complaint if they have any issue including sewerage issued with CBC. CBC ensures that such complaints are resolved on a prompt basis and would request all its residents to avail such a facility instead of directly engaging private gutter cleaners.*

7. *Lastly, as mentioned above the death of these two janitors is not the fault of CBC but of the private resident that engaged those cleaners without seeking permission or informing CBC of any complaint. Therefore, they are the real culprits and CBC is taking action against them. It may also be relevant to mention here that the death of these two janitors is a criminal matter, which is reportedly being taken up by the bereaved families before the police. Let the law take its own course instead of you blaming CBC or its CEO without any information.*

8. *In view of the above our Client has answered all your queries.”*

4. The Appellant submitted its response on September 08, 2022 and its text is as under
“kindly refer to your information sharing letter dated August 30, 2022

The Information provided by CBC is incomplete and untrue as explained point wise below.

Information Sought by Applicant	Response by Clifton Cantoment
Were the two janitors who lost their lives working inside a CBC sewer gutter at the intersection of Kheaban e Shaheen and Muhafiz on the evening of 15 June 2022 regular or contracted or retired employees of CBC.	Information provided and satisfactory.
Do CBC rules permit janitors to enter CBC sewer gutters for gutter cleaning, even if they are not regular employees of CBC.	Information not provided
Is the CBC in knowledge of the fact that the sewer that caused the death of these 2 individuals was cleaned every few months by private gutter cleaners and that scores of CBC sewers are every day cleaned /unblocked by dozens of private	Information not provided
If CBC has of activities mentioned at para 3 then what measures it has taken to prevent the sewer entry by private gutter cleaners - which is a booming business in DHA and CBC.	Information not provided. Clearly no measure taken by CBC as hundreds of private gutter man, sitting at scores of public places in DHA perform this service of entering CBC gutters every day. If CBC knows about it, why it has done nothing about it. If CBC does not know about it, then it is a criminal professional oversight.
Large number of citizens calling private gutter cleaners to open the sewers is a reflection of no response or delayed response by CBC. What measures are being taken by CBC to improve its gutter cleaning response. Please give a record of all gutter cleaning complaints and the time taken by CBC to clear the complaint since 1st January 2021.	Record ask for not provided
Please give a list of safety equipment that is mandatory and must be carried by every CBC gutter cleaning worker / team when entering a gutter.	False information provided about safety equipment. No helmets, gloves or body suits used by sanitary workers while entering gutters. We have latest evidence of scores of events of people CBC sanitary workers entering gutters in near naked condition.

Giving false information under RTI is an offence. Kindly take necessary punitive action against CEO CBC for providing false and incomplete information and enable me to receive true and complete information at the earliest. “

C. Issues

5 The instant appeal has brought to the fore the following issues:

- (a) Can motives of the Appellant be a factor in deciding whether the requested information is to be provided or not?

- (b) Has the Respondent provided all the information to the Appellant permissible under the Right of Access to Information Act, 2017, henceforth referred to as the “2017 Act”?

D Discussion and commission’s views on relevant issues:

6. This commission holds that the Respondent, instead of dwelling upon the motives of the Appellant for seeking the information, should have decided on his request for information under the provisions of the Act, 2017.
7. This commission holds that every citizen of Pakistan has locus standi to seek information from public bodies and under Section 11 (5) of the Act, 2017, officials are specifically forbidden to ask the applicant to submit reasons for seeking information. This also means that the officers are not supposed to dwell upon the motives for seeking the information.
8. This commission holds that so far as the requested information about “the two janitors who lost their lives working inside a CBC sewer gutter at the intersection of Kheaban e Shaheen and Muhafiz on the evening of 15 June 2022 regular or contracted or retired employees of CBC” is concerned, the response of the Respondent is unsatisfactory. The Respondent should have provided the information based on the record as to whether these janitors were regular or contracted or retired employees of CBC.
9. This commission holds that so far as the requested information about “CBC rules permit janitors to enter CBC sewer gutters for gutter cleaning, even if they are not regular employees of CBC” is concerned, the response of the Respondent is not satisfactory. The Respondent should have provided the information based on records available and should have cited specific Rules/Regulations in this regard, or, whatever the case may be.
10. This commission also holds that the response of the Respondent pertaining to the requested information about “What measures are being taken by CBC to improve its gutter cleaning response. Please give a record of all gutter cleaning complaints and the time taken by CBC to clear the complaint since 1st January 2021” is not satisfactory. The Appellant has sought specific information/records about all gutter cleaning complaints and the time taken by CBC to clear the complaint since 1st January 2021 and the Respondent should have provided information based on records of complaints available with the Respondent.

E. Order

11. The Appeal is allowed. The Respondent is directed to provide the Appellant information 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.
12. Copies of this order be sent to the Respondent and the Appellant for information and necessary action.

Mohammad Azam
Chief Information Commissioner

Zahid Abdullah
Information Commissioner

Announced on:
October 04, 2022

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