



**Appeal No. 230-12/19**

**&**

**Appeal No. 231-12/19**

**Naeem Sadiq**

**(Appellant)**

**Vs.**

**Quaid-i-Azam Mazar Management Board (Respondent)**

**ORDER**

Date: February 25, 2020

**Zahid Abdullah:** Information commissioner

**A. The Appeal**

1. The Appellant filed appeals with the commission on 16/12/2019 in which he stated that he had requested information from Quaid-i-Azam Mazar Management Board under the Right of Access to Information Act 2017.
2. The Appellant requested the same information from Federal Minister for Federal Education and Professional Training under the Right of Access to Information Act 2017 but the requested information was not provided within the stipulated time. Since Common question were asked in both the said appeals i.e. 230/12/19 and 231/12/19, therefore both the appeals are being decided through a consolidated order.
3. The information sought by the Complainant, through application dated 05/11/2019, is as under:
  - “3. *“Please provide a copy of the last three years’ contracts awarded to the contractors for cleaning / sweeping / janitorial service at the Quaid e Azam’s Mazar. The contract documents must be complete and include full information on total contract value, number of janitors / cleaners on single shift/double shift and the terms of contract.*”
  4. *Kindly ensure that a certificate, to the effect that the documents sent are a true copy of the original record, signed by the Resident Engineer or a designated official is also provided along with records.”*

**B. Proceedings**

4. Through a notice dated 20/12/2019, the Commission called upon the Respondent to submit reasons for not providing the requested information.

5. The Respondent through its letter dated 07<sup>th</sup> January 2020 vide No. Q.198(12-M)/638 stated that,

*"Kindly refer to your letter No. Appeal-231-12/2019 dated: 20" December 2019, received in this office on 06" January 2020, on the captioned subject.*

*In this regard it is intimated that the applicant was informed by this office vide letter No. Q.198(12-M)/520 dated: 29" November 2019 (enclosed at annexure "A") that at present there are no separate contracts for cleaning / sweeping / janitorial services for Bagh-e-Quaid-i-Azam as desired by the applicant. hence it is not possible to provide the desired information.*

*However, he was duly informed that the said services are performed under the contract of "Operation & Maintenance Services of Bagh-e-Quaid-i-Azam" and if he wishes to acquire the contract documents for this contract, he may pay the prescribed fee as per the clause-15 of the Information Act 2017. The said reply was dispatched on 29" November 2019. It may also be noted that instead of contacting this office, the applicant is writing to various forums including your good-self with wrong acquisition that this office has denied the applicant regarding provision of information against the act of "Right of Access to Information Act 2017".*

*Forwarded for information and further necessary action please."*

6. Through an E-mail dated February 24, 2020, the Appellant submitted the following:

*"This is in reference to my letter of 22 Nov 2019 to Resident Engineer Quaid e Azam Mazar Board, Karachi.*

*"The requested information has NOT been provided so far.*

*The Resident Engineer gave a reply saying vaguely that these janitors were not under a separate contract but under a maintenance contract. However, this was misleading as regardless of the name of the contract, the information of what is paid by the QA Board to its janitors, was not provided.*

*The Resident Engineer also suggested that I would need to pay the required amount. This was again misleading as the info on first 10 pages is free. Also there was no mention of what amount must I pay and to which place and how. Therefore, Sir, these are simply techniques for delay and avoid giving information.*

*It is now more than 4 months and a citizen in Pakistan cannot get the LOWEST form of information, i.e. contract that gives wages of janitors".*

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

7. The question for the consideration of the commission is as under:

What is prescribed fee, who determines it and how should it have charged?

8. The Respondent asked the Appellant to pay prescribed fee for provision of the requested information. How can the Appellant determine the prescribed fee when he does not know total number of pages of the requested information to be provided by the Respondent?
9. It is quite apparent from the information request of the Appellant that he wants access to information about the wages/salaries paid to janitorial staff hired by the Respondent and terms and conditions thereof. Instead of indulging in hair splitting as to whether requested information pertained to separate contracts or it pertained to contracts under "Operation & Maintenance Services of Bagh-e-Quaid-i-Azam", the Respondent should have asked the Appellant to deposit fee based on Schedule of Costs notified by the commission for copies of the requested information/records.

### **D. Order**

10. The appeal is allowed. The Respondent is directed to provide the requested information to the Appellant at the earliest, but in any case, not later than 10 working days of the receipt of this order, or, if applicable, within 10 working days of the payment of the fee by the Appellant.

Furthermore, the Respondent 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 by 01/04/2020.

11. Copies of this order and the Schedule of Costs be sent to the Respondent and the Appellant for information and necessary action.

Mohammad Azam  
Chief Information Commissioner

Fawad Malik  
Information Commissioner

Zahid Abdullah  
Information Commissioner

**Announced on:**

February 25, 2020

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