

**Pakistan Information Commission**  
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**In The Pakistan Information Commission, Islamabad**

**Appeal No 375-06/20**

**Naeem Sadiq**

(Appellant)

Vs.

**Cantonment Board Faisal Karachi**

Through its Chief Executive Officer

(Respondent)

**Order**

**Date: September 22, 2020**

**Zahid Abdullah: Information Commissioner**

**A. The Appeal**

1. The Appellant filed an appeal, dated May 01, 2020, to the Commission, stating that he submitted an information request to the Chief Executive Officer of Cantonment Board Faisal dated February 28, 2020 under the Right of Access to Information Act 2017.
2. The information sought by the Appellant is as follows:
  - a) *“What is the total amount of sewage (Million Gallons Daily) generated in the area that constitute your cantonment.*
  - b) *What is the total amount of sewage (MGD) that is treated and reused in the areas that constitute your cantonment.*
  - c) *What is the total amount of sewage (MGD) that is sent out (untreated) from the boundaries that constitute your cantonment.*
2. *Please provide both the current contract and the previous contract between your Cantonment and the contractor(s) for cleaning/sweeping/janitorial service in your cantonment area. These should include complete information such as total number of contracted janitors, wages, timing, conditions and facilities of janitors (if any), equipment if any required for clearing, sweeping and disposing of waste.*

**B. Proceedings**

3. Through a notice dated June 16, 2020 sent to the Chief Executive Officer, Cantonment Board Faisal the Commission called upon the Respondent to submit reasons for not providing the requested information.

4. The Respondent did not respond to the notice and the hearing date was fixed for September 17, 2020 through the hearing notice sent on Aug 19, 2020 and both parties were informed accordingly.
5. No one appeared on behalf of the Respondent on the date of hearing on 17-09-2020

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

6. The questions for the consideration of the commission are as under:
  - (a) Should a citizen have access to requested information in accordance with the provisions of the Right of Access to Information Act 2017, hereafter referred as Act?
  - (b) Did the Respondent follow procedure laid down in the Act in responding to the request of the citizen?
7. The requested information should not only be made available to the Appellant as a constitutional right of access to information in matters of public importance under Article 19-A of the Constitution of Islamic Republic of Pakistan but also as a statutory right under different provisions of the Right of Access to Information Act 2017. The Preamble of the Act states:

“Whereas Government believes in transparency and the right to have access to information to ensure that the people of Islamic Republic of Pakistan have improved access to records held by public authorities and promote the purpose of making the government more accountable to its people, of improving participation by the people in public affairs, of reducing corruption and inefficiency in Government, of promoting sound economic growth, of promoting good governance and respect for human rights”.
8. The public body is legally obligated to proactively disclose through its web site the requested information about the salary offered to the employees of the public body and the duties assigned to them under following sub-sections of Section 5 of the Right of Access to Information Act 2017:
  - a) “Description of the public body’s organization and functions, duties, powers and any services it provides to the public, including a directory and any services it provides to the public, including a directory of its officers and employees, indicating their duties that these are accessible subject to reasonable restrictions based on limited resources;
  - b) Statutes, statutory rules, regulations, bye-laws, orders and notifications, etc. applicable to the public body disclosing the date of their respective commencement or effect.
  - c) Substantive or procedural rules of the general application evolved or adopted by the public body, including any manual or policies by its employees
  - d) Relevant facts and background information relating to important policies and decisions which have been adopted, along with a statement of policies

adopted by the public body and the criteria, standards or guidelines upon which discretionary powers are exercised by it.”

- e) 9. The requested information is declared public records under Section 6 (c) which is as under:
- f) “Information regarding grant of licenses, allotments and other benefits, privileges, contracts and agreements made by a public body”.

09. In the instant appeal, the head of public body, deemed to be Public Information Officer, (PIO), as required under Section 9 of the Act when a PIO is not designated by the head of a public body, failed to perform following obligations under the Act.

- I. Failure to provide “written acknowledgement in response to” a request for information filed by citizen as required by Section 10 (1) of the Act.
- II. Failure to follow procedure enunciated in the Act for acceptance and refusal of request for information laid down in Section 13 (2) of the Act which is as under:

“(2) The designated official shall process the request and by notice in writing inform the applicant that---

- a) A request has been acknowledged and the applicant is entitled to receive the information or record, subject to the payment of the prescribed fee. On payment of the fee the designated official shall provide the requested record, or
- b) The request has been rejected-
  - i. On the basis that it does not comply with the provisions of this act and the rules made there under but only after requisite assistance has been offered to the applicant as mentioned in sub-section (2) of section 10;
  - ii. On the basis that the information is already available in a generally accessible form in which case the notice shall indicate to the applicant the place from where the information may be found;
  - iii. On the basis that it is incorrect, because it relates to information which is substantially the same information that has already has been provided to the same applicant during last six months; or
  - iv. In whole or in part, on the basis that the information is exempt subject to section 7 or section 16, in which the notice shall specify the exact exception, relied upon and specifying details regarding the right of the applicant to appeal against this decision”
  - v. Failure in following the timeline for responding to the information requests as required under Section 14 (1) and (2) of the Act as the PIO did not respond to the information request at all.

10. The PIO not only delayed and denied access to the requested information, the PIO also failed to comply with the duly sent notices of the commission.

11. Had the Respondent gone through the Act after receiving request for information of the citizen and notices of this commission, clearly referencing the Act, it would have saved time and resources of this Commission. 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 Section 24A (1) of the General Clauses Act 1897.
12. This commission is of the view that the wilful delay or denial of the requested information causes undue cost to citizens and the commission. Citizens have to approach this commission for the exercise of their fundamental constitutional right of access to information which involves cost both in terms of money and time.
13. Citizens of Pakistan through their elected representatives have included the provision of imposing fine on public official who wilfully delay or deny access to the requested information so that they do not have to pay the undue cost in terms of time and money in exercising their right of access to information because of the dereliction of the duty of a public official.
14. The commission has no option but to fulfil its legal obligation and offset this trend of raising cost in terms of time and money for citizens, the commission and the superior judiciary.
15. If directions of the commission in this Order are not followed, it will be left with no option but to invoke Section 20 (f) of the Right of Access to Information Act 2017.

#### **D. Order**

16. The appeal is allowed. The Respondent is directed to provide the requested information to the Appellant About the total amount of sewage (Million Gallons Daily) generated in the area that constitute the cantonment, total amount of sewage (MGD) that is treated and reused in the areas that constitute the cantonment, the total amount of sewage (MGD) that is sent out (untreated) from the boundaries that constitute the cantonment, certified copies of the current contract and the previous contract between the Cantonment and the contractor(s) for cleaning/sweeping/janitorial service in the cantonment area. These should include complete information such as total number of contracted janitors, wages, timing, conditions and facilities of janitors (if any), equipment if any required for clearing, sweeping and disposing of waste.
17. The information mentioned in para 16 be provided, with intimation to this office, at the earliest, but in any case, not later than 10 working days of the receipt of this Order.
18. The Respondent is directed to notify Public Information Officer, (PIO), under Section 9 of the Act, put the notification to this effect on its web site as required under Section 5 (1) (b) of the Act, put name, designation and contact details of the PIO on its web sites 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.
19. 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 20/10/2020.

20. Copies of this order be sent to Chief Executive Officer, Cantonment Board Faisal Karachi, and the Appellant for information and necessary action.

Mohammad Azam  
Chief Information Commissioner

Fawad Malik  
Information Commissioner

Zahid Abdullah  
Information Commissioner

Announced on:  
September 22s, 2020

This order consists of 5 (five) pages, each page has been read and signed