



In The Pakistan Information Commission, Islamabad

Appeal No 813-12/20

Hamid Khawaja

(Appellant)

Vs.

Military Lands and Cantonments Department

(Respondent)

ORDER

Date: February 22, 2021

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed an appeal, dated 25-09-2020, to the Commission, stating that *“Kindly refer to my request for information to Director General Military Lands and Cantonments. (copy of request letter is attached) The DG Mily Lands and Cantonment has not responded to the request letter nor provided the requested information, despite passage of the stipulated period of response.*

By doing so the organisation has violated the constitution, the RTI law and my right to obtain information. You are requested to kindly take immediate necessary action against the organization and enable me to receive the requested information.”

2. The information sought by the Appellant is as follows:

“As a citizen of Pakistan I am deeply concerned at the "less than minimum" legal wages being paid to the contracted janitors of many of the Cantonments that fall under your esteemed organization.

A recent court case (still on-going) in the Sindh Court has resulted in Clifton and Malir Cantt Boards raising the salary of their contracted janitors from 12,000 to Rs.17500, (the current minimum wage). This is encouraging and greatly appreciated. This letter is to request you Sir, to kindly inquire and ensure that all 44 Cantonments listed on your website (<http://mlc.gov.pk/>) follow the footsteps of Clifton and Malir and raise the wages of contracted labour to Rs.17500, as required by the minimum wage law.

The second reason for writing this letter is to request you to kindly provide the following information under the "Right of Access to Information Act 2017"

1. Please provide information on exact salary being paid, as of today, to the contracted janitors of each of the 44 Cantonments.

2. From what date (month and year), did the contracted janitors, of each of these 44 Cantonments, begin to receive their current salary.”

B. Proceedings

3. Through a notice dated October 07, 2020 sent to Qazi Rizwan, Deputy Director, Military Lands and Cantonments Department the Commission called upon the Respondent to submit reasons for not providing the requested information.

4. The Appeal was fixed for hearing on November 05, 2020 and both parties were informed accordingly through a notice sent on October 27, 2020.

5. The commission on 25th Nov, 2020 received a letter vide No. KCB/2187 from Rizwan Ahmed Qazi, Cantt Executive Officer, Karachi Cantonment stating that,
“Your letters appeal No.647-09/2020 dated 14-10-2020 & Appeal 643-09/20 dated 27-10-2020 received on 19-11-2020 through by post.

It is intimated that the undersigned has been transferred from HQ ML&C Deptt Rawalpindi to Karachi Cantt Board vide letter No.101/19/PS/ML&C/19-53 dated 09-12-2019 and assumed the charge of Executive Officer on 12-12-2019. Therefore your letter vide referred above is returned herewith in original with request that the same may be forwarded to the Director, Military Lands & Cantonment Dept, Ministry of Defence, Maree Road Saddar Rawalpindi for their further necessary action please.”

6. Through a notice dated December 16, 2020 sent to Deputy Director, Military Lands and Cantonments Department the Commission again called upon the Respondent to submit reasons for not providing the requested information.

7. The Respondent was issued another notice on January 04, 2021. The text of the notice is as under:

“In pursuance of the Standard Operating Procedures issued by the Government of Pakistan for the Covid-19 and to ensure public safety, the personal appearance before the Commission at the time of hearing, is condoned for the time being. Therefore, you are directed to submit your written reply and arguments to Pakistan Information Commission within fifteen days of the receipt of this notice.

Copies of the supporting documents may be annexed with the written arguments. If the written arguments are not submitted within 15 days, the appeal will be decided Ex Partee in the light of the record available on file and the Right of Access to Information Act 2017”

C. Discussion and Commission's View on Relevant Issues

8. As is evident from the following Message available on its web site, Director General, the Military Lands and Cantonments Department is mindful of the significance of the flow of information between citizens and the Military Lands and Cantonments Department:

"Message From DG ML&C

On behalf of the Military Lands and Cantonments Department, I am pleased to welcome you to the official website.

The organization has experienced vast growth since inception. With the help of our staff members, Cantonment Executive Officers(CEOs) and Military Estate Officers(MEOs) are at work to make life in cantonments the best that it can be.

As Director General, my goal is to make sure our residents and businesses alike are connected to (and informed about) the work we are doing. I encourage everyone to provide their feedback in improving our work. Please visit this site as often as you can while we do our best to update and improve the material it contains. We welcome and encourage your feedback, comments, and suggestions that will help make this site more appealing and beneficial to you.

We will continue to work to make cantonments a more liveable place".

9. This commission maintains that free flow of information from the Respondent public body to citizens would only be possible if provisions of the Right of Access to Information Act 2017 are implemented in letter and spirit, particularly Sections 5 and 9 of the Act.
10. There cannot be two opinions about the fact that janitors of each of the 44 Cantonments play a pivotal role in providing quality of services in improving living conditions. Therefore, it is extremely important that information about salaries paid to them available in the public domain.
11. So far as the matter of access to the requested information about contracts through which salaries are paid to the janitorial staff is concerned, it is a res judicata as this commission has maintained through earlier judgements that such contract are public documents which should not only be made available on-demand to citizens but should also be proactively published on web sites of federal public bodies.

D. Order

12. The appeal is allowed. The Respondent is directed to provide the following information as requested by the Applicant, with intimation to this commission, within 10 working days of the receipt of this Order:

“1. Please provide information on exact salary being paid, as of today, to the contracted janitors of each of the 44 Cantonments.

2. From what date (month and year), did the contracted janitors, of each of these 44 Cantonments, begin to receive their current salary”.

13. 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.
14. 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 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. The compliance report be submitted to this commission by 10/03/2021.
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. The compliance report be submitted to this commission by 10/03/2021.
16. Copies of this order 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 22, 2021
This order consists of 4 (four) pages, each page has been read and signed