

**Pakistan Information Commission
Government of Pakistan**

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In the Pakistan Information Commission, Islamabad

Appeal No 1112-06/21

Asad H. Kizilbash

(Appellant)

Vs.

Cantonment Board Clifton

(Respondent)

ORDER

Date: December 14, 2021

Mohammad Azam: Chief Information Commissioner

A. The Appeal

1. The Appellant through an email dated May 31, 2021 filed an appeal to the Commission, stating that he Submitted an information request to the Cantonment Executive Officer on April 23, 2021 under the Right of Access to Information Act 2017 but did not receive the requested information from the public body.
2. The information sought by the Appellant is as under:
 1. *Kindly give exact figures of janitorial staff you have now, under the new arrangements, hired/ enrolled for all cleaning, sweeping and solid waste removal services of your Cantonment.*
 2. *Kindly provide information on exact wages, working hours, EOBI and Social Security benefits at which they have now been employed.*
 3. *Kindly provide any 5 Employment Letters that you have given to such employed janitorial staff which reflect the terms and conditions of service.*
 4. *Kindly provide a list of names of all janitors along with their EOBI registration numbers and SESSI registration numbers.*
 5. *Kindly confirm if they will now be paid by cash or by a banking channel, as required by law to provide evidence of the actual payment made."*

B. Proceedings

3. Through a notice dated June 09, 2021, sent to Chief Executive Officer, Cantonment Board Clifton the Commission stated that "Under Section 14 of the Right of Access to Information Act 2017, each federal public body is bound to respond to a request as soon as possible and in any case within ten working days of receipt of the request. You are directed to provide reasons in writing within 7 working days of the receipt of this notice as to why the requested information has not been provided to the applicant, (copy of the information request and appeal thereon enclosed)".

4. The Appeal was fixed for hearing on July 29, 2021 and both parties were informed through notices sent on June 25, 2021.
5. The Appellant through a letter dated July 14, 2021 informed the Commission that he has received response from the Respondent, but the information shared by the public body is incomplete. Response of the Appellant is as under:
“This is to inform you that Cantonment Board Clifton (CBC) has failed to provide full information as described below.
 1. Answer to my question no.1 has been provided.
 2. Answer to my question no 2 is not fully provided. No information given on EOBI and Social
 3. Answer to my question no. 3 was not provided. No Employment Letter indicating terms and conditions have been provided.
 4. Answer to my question no. 4 is not fully provided. EOBI numbers and SESSI numbers not provided.
 5. Answer to my question no. 5 is provided.
The organization has to provide satisfactory answers to my question numbers 2, 3, and 4. Kindly ask CBC to provide information at the earliest.”
6. Response submitted by the Appellant was shared with the public body on July 29, 2021 with the directions to respond to the queries of the Appellant within 10 working days.
7. The Appeal was fixed for hearing October 26, 2021 and both parties were informed through notices sent on October 08, 2021.
8. No one appeared before the Commission to represent the public body in the hearing held on October 26, 2021.

C. Discussion and Commission’s View on Relevant Issues

9. This commission has already held in Appeal No. 890-02/21 “it is responsibility of the public bodies to keep records of all the transactions to ensure that public funds, spent directly, or, through contractors, to perform official functions, are utilized in accordance with the laws of the land”. Otherwise, it would be tantamount to throwing the employees at the mercy of market forces.
10. The information requested by the appellant is declared as public record in Section 5 (a) of the right of Access to Information act 2017 and the public bodies are bound to ensure that all such categories of the information and record defined in Section 5 of the Act are duly published including uploading over the internet or in a manner which best ensures that these are accessible to the public.
11. The public body is failed to the respond to the notices of commission and also did not attend the hearing held on October 26, 2021.
12. This commission has observed that the public bodies are reluctant to share the basic information to the citizen which should be available on their website under the Section 5 of the Act, the citizens have to approach the commission for information due to the the

wilful delay or denial by the public which causes undue cost to citizens and the commission.

13. 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".

D. Order

14. Appeal is allowed. Executive Officer / Public Information Officer, Cantonment Board Clifton is directed to provide remaining information as identified by the Appellant and mentioned in para 5 of this Order to the Appellant, at the earliest but not later than 7 working days of the receipt of this Order, with intimation to this office.
16. Executive Officer / Public Information Officer, Cantonment Board Clifton is also 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 within 30 days of the receipt of this Order.
17. Copies of this order be sent to Executive Officer / Public Information Officer, Cantonment Board Clifton and the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Fawad Malik

Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on:

December 14, 2021

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