**ORDER SHEET**

**THE PUNJAB INFORMATION COMMISSION**

64 Nursery Lane, Near China Chowk, Lahore, Punjab.

**Case Tracking Portal:** https://rti.punjab.gov.pk/cases

042-99205794

Appeal # 19-1-2023-5

Naeem Sadiq

Vs

Punjab MassTransit Authority Lahore

**Subject:** **RTI Appeal / Complaint Regarding Non-Disclosure of Public Information under Article 19/A of the Constitution and the Punjab Transparency and Right to Information Act, 2013**

Order

23.02.2023 This order is in continuation of order dated 17.01.2023 when both Secretary Punjab MassTransit Authority (PMA) and Law Officer of Security Company 2000 appeared and disclosed limited information (i) that 862 Security Guards / Janitors were employed for Orange Line Train System and 590 for Green Line Metrobus, (ii) EOBI Registration No. BIB-04597 & Social Security Registration No. 2021090039 of Security Company SEMC (iii) EOBI Registration No. 09-39-358 & Social Security Registration No. AAE-00638R of Security Company 2000 (iv) that monthly salary of janitors/workers in SEMC of Rs. 25,200/- & (v) that monthly salary of janitors/workers in Security Company 2000 of Rs. 26,411/-. However disclosure of Social Security registrations of all workers was withheld declaring private information which was repelled by the Commission and both companies as well as PMA were directed to disclose said information.

2. Mr. Jawad Assistant Manager (Legal) has today (23.02.2023) entered his appearance to submit copies of two letters dated 22.02.2023 issued by both Security Companies namely SEMC and Security Company 2000 whereby the information of individual social security registration of workers is claimed as internal, confidential and personal to employees, therefore, regretted.

3. He has also submitted copies of two contracts, one with Security Company 2000 dated 25.02.2022 and second with SEMC dated 29.04.2016. According to clause (iv)(i) the lumpsome cost / price per month being paid to Security 2000 in respect of security

and safety of Orange Line Metro Train is Rs. 23,310,000/- whereas the similar cost for same services by SEMC dealing with Metro bus System is Rs. 13,000,000/- PM.

4. The none appearance of Learned Counsel of both security companies or any of their representative reflects that they have probably withdrawn to further appear before Commission under their claim of being private entities necessarily leading to an adverse inference that they have not got all workers registered with Social Security subject to issuance of R-5 Cards and both are also not paying salaries to workers according to govt instructions of minimum wages salaries.

5. We have given due consideration to the facts of this case and have carefully examined the record before taking following conclusions;

i. As regards merits of this case, there is no doubt that the missing information as to exact take home salary of each worker along with his/her Social Security Registration No. is public information liable to be disclosed. The salaries are paid from public funds & more importantly it is a question of compliance of mandatory liabilities under Provincial Employees Social Security Ordinance 1965. It is also a question of human rights of marginalized class hence a matter of great public importance vide Article 19/A of the Constitution.

ii. PMA is a govt department, therefore, a public body as such responsible to take care of entering into contracts only with such private entities which are law abiding ensuring Social Security Registration of all workers to ensure medical & other facilities and disbursement of salaries according to minimum wages declared by the govt. We have reason to believe that both Security Companies have not got their workers registered preventing their Social Security benefits and to pay salaries less than minimum wages declared by Govt of Punjab The Secretary PMA, if he believes in law and human rights, may take notice of said fact and re-consider contracts with

both SEMC & Security 2000 subject to affording an opportunity to satisfy on both counts. We believe that continuation of contracts with companies not coming up with clean hands is likely to bring bad name in civil society.

iii. Secretary PMA being HOD is directed to ensure the disclosure of information i.e. individual registration numbers (copies of R-5 Cards) of all workers (janitors, security guard) of SEMC & Security 2000 along-with individual salaries within 7 days after receipt of this order.

iv. A copy of this order be forwarded to Mr. Muhammad Hasaan DG (Hdq) PESSI Jail Road Lahore along with copies of material submitted by respondent to ensure the compliance of Social Security Laws and may consider legal action u/s 66 of Provincial Employees Social Security Ordinance 1965 in case both companies are found delinquent.

v. A copy of this order may also be forwarded to ACS (Home Department) & Secretary Law & Parliamentary Affairs Department with request to write to all govt departments to ensure the compliance of Social Security Laws for the benefit of menial workers (janitors, security guards etc) ensuring individual registration of workers & salaries not less than minimum wages declared by Govt of the Punjab.

6. To come up for a report of Secretary PMA along-with certified copies of requisite information on 15.03.2023.

**(Mahboob Qadir Shah)**
Chief Information Commissioner

**(Mr. Shaukat Ali)**
Information Commissioner

**(Dr. Arif Mushtaq Chaudhary)**
Information Commissioner