

# Country Briefing Paper

## Right to Information Legislation in Pakistan



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Centre for Peace and Development Initiatives (CPDI) would welcome reproduction and dissemination of the contents of the report with due acknowledgments.

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## Acronyms

CDA	Capital Development Authority
CGPA	Centre for Governance and Public Accountability
CPDI	Centre for Peace and Development Initiatives
CRTI	Coalition on Right to Information
DCO	District Coordination Officer
DEO	District Education Officer
EDO	Executive District Officer
FOI	Freedom of Information
FOIO	Freedom of Information Ordinance
KP	Khyber Pakhtunkhwa
NAP	National Awami Party
NGO	Non-Governmental Organization
Op-Ed	Opposite the Editorial Page
PIO	Public Information Officer
PLD	Pakistan Legal Decisions
PMLN (N)	Pakistan Muslim League (N)
PPP	Pakistan People's Party
PTI	Pakistan Tehreek-e-Insaf

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## **Introduction:**

This briefing paper seeks to encapsulate factors leading to the legislation on right to information laws, qualitative aspects of these laws and role of civil society groups, political parties, press, federal and provincial Ombudsmen, information commissions and superior judiciary in protecting and promoting citizens' right to information in the country. It also documents bureaucratic shenanigans when requests for information are submitted under right to information laws and how appellate bodies and superior judiciary have been addressing the bureaucratic resistance to these sunshine laws.

## Executive Summary

Though there have been attempts to legislate on right to information since 90s, the first right to information law in Pakistan was put in place in 2002 in the shape of Freedom of Information (FOI) Ordinance 2002. There are two sets of RTI laws in Pakistan: the Freedom of Information Ordinance 2002 and its replicas in Balochistan and Sindh in the shape of Balochistan Freedom of Information Act 2005 and Sindh Freedom of Information Act 2006 belong to the first generation of RTI laws. These are largely ineffective laws and were put in place as a part of conditionality attached with an Asian Development Bank loan.

Civil society groups have been demanding the enactment of effective right to information laws in the country by repealing these laws. Khyber Pakhtunkhwa Right to Information Act 2013 and the Punjab Transparency and Right to Information Act 2013 belong to the second generation of RTI laws. These are highly effective laws as there had been serious input from civil society groups when these laws were enacted in 2013. According to CPDI's Score Sheet of Right to Information Laws of Pakistan, the Punjab Transparency and Right to Information Act 2013 is the most effective right to information law in the country as it scores 141 out of 145 points when judged against standards of effective right to information legislation followed by Khyber Pakhtunkhwa Right to Information Act 2013 which scores 133 points. Freedom of Information Ordinance 2002, Balochistan Freedom of Information Act 2005 and Sindh Freedom of Information Act 2006 each scores 32 points.

Though highly ineffective, promulgation of Freedom of Information Ordinance 2002 will always remain an important milestone for right to information movement in the country. CPDI and other civil society groups started filing information requests to federal public bodies under this law (and to provincial public bodies in Balochistan and Sindh under respective FOI laws) and stories based on these information requests and Op-Ed articles started appearing in the press which generated debate on the need for enactment of effective right to information laws. As a consequence of such efforts, right to information was accorded constitutional protection as a fundamental right by inserting Article 19-A into the Constitution of Islamic Republic of Pakistan through 18th Amendment in 2010. Furthermore, the enactment of Khyber Pakhtunkhwa Right to Information Act 2013 and the Punjab Transparency and Right to Information Act 2013 is also an outcome of civil society's efforts in the country. At the same time, civil society's efforts for the repeal of Freedom of Information Ordinance 2002 and its replicas in Sindh and Balochistan have also started showing results. Sindh government has prepared draft Right to Information Bill 2015 and CPDI, on November 29, 2015, shared specific recommendations with Sindh government to improve this draft. Although Sindh Right to Information Bill 2015 is a significant improvement on Sindh Freedom of Information Act 2006, it still has lacunas that CPDI recommendations seek to address and if incorporated in the bill, it will bring this law at par with those enacted in Punjab and Khyber Pakhtunkhwa. Similarly, Senate Committee on Information and Broadcasting approved a highly effective right to information law in July 2014 by incorporating provisions of both Khyber Pakhtunkhwa Right to Information Act 2013 and the Punjab Transparency and Right to Information Act

2013. The federal government is dilly-dallying on presenting this law in the National Assembly.

No matter who has been at the helm of the affairs-whether military dictators or democratically elected politicians-secrecy has been the rule and the disclosure of information an exception throughout the history of Pakistan. However, the enactment of effective right to information laws in Khyber Pakhtunkhwa and Punjab has given renewed impetus to drive for transparency in the country. In sharp contrast to the first generation RTI laws, the second generation RTI laws i.e. Khyber Pakhtunkhwa Right to Information Act 2013 and the Punjab Transparency and Right to Information Act 2013 provide an easy and cost-effective process of filing information requests and for lodging complaints. Under both these laws, information requests can be submitted on a plain paper, there is no fee for filing information requests and first 20 pages of information are to be provided free of cost. As a result, journalists, civil society groups and citizens have started using RTI laws for public accountability.

It goes to the credit of journalists that they have been able to use RTI for investigative reporting despite the fact that media houses do not allocate funds to build capacity of journalists to learn how to use RTI for investigative reporting and filing information requests.

Ever since 2006, CPDI has been setting example by using RTI laws and sharing the information gathered through them with journalists. CPDI, as the available data in the public domain suggests, has been the leading organisation with regard to the use of RTI laws. By filing such RTI requests as seeking information about fees paid to the lawyers for representing government in courts to highlight nexus between public officials at the Ministry of Law and Justice and lawyers; information request to the Ministry of Information and Broadcasting seeking copy of the policy document pertaining to secret fund maintained by the Ministry that eventually led to PML(N) government announcing in 2014 that no secret/discretionary funds will be maintained by federal ministries, CPDI was able to establish the potential of RTI laws for investigative reporting as stories based on these information requests made to prominent pages in the press.

Furthermore, CPDI established RTI helpline for journalists and citizens to facilitate them in drafting RTI requests and to answer their queries about RTI laws. The RTI Helpline has been functioning since February 27, 2014. CPDI procured two numbers for this purpose. These numbers are: 0092 51 2224496 and 0092 336 2224496. At the same time [rtihelpline@cpdi-pakistan.org](mailto:rtihelpline@cpdi-pakistan.org) email has also been created to share material with journalists and interact with them.

CPDI as partner organization holding Secretariat of Coalition on Right to Information, (CRTI) constituted Annual RTI Champion Award to protect and promote citizens' right to information held by public bodies. CRTI RTI Champion Award is given in 3 categories: a citizen, a journalist and an NGO. In 2014, Umar Cheema and in 2015 Waseem Abbasi won this award in the journalist category.

As a result of CPDI's multi-pronged engagement with journalists spanning over 7 years coupled with the fact that the process of filing information requests under Khyber Pakhtunkhwa and Punjab right to information laws is both cost-effective and easy, journalists have started filing truly remarkable stories from 2014 onwards. Journalists have used RTI laws in Pakistan to report on social issues and to investigate claims of austerity by politicians. At the same time, they have also reported on the implementation status and the quality of RTI laws.

Civil society groups have also started using RTI laws in greater frequency. Predominantly, civil society groups have sought certified information from government departments to highlight incidents of misuse of public funds and maladministration, to ensure accountability of public officials and elected representatives.

According to Mr Mukhtar Ahmed Ali, Information Commissioner, Punjab Information Commission, employees of government departments have filed information requests about their issues pertaining to transfers, promotions and enquiries. Citizens have also filed information requests on issues surrounding recruitments and have sought certified copies of merit list. Information requests have also been filed about the maintenance of parks and water filter plans.

It is also encouraging to note that there have been judgements by superior judiciary wherein citizens' right to information has been upheld and protected even in pre-18th Amendment era. For example, in PLD 2008 Karachi 68, access to information has been declared as sine qua non of constitutional democracy. Again, in PLD 1993 SC 746, Supreme Court not only declared it a duty of the government to disseminate information, but also provided pertinent reasons as to why government should disseminate information. The apex court considers access to information vital to enable citizens "to adjudge the conduct of those who are in office and the wisdom and follies of their policies".

After the specific recognition of right to information through the insertion of Article 19-A through 18th Amendment, there have been at least two excellent judgements in which superior judiciary has deliberated upon right to information by juxtaposing different sections of Freedom of Information Ordinance 2002 with Article 19-A. *In* CONSTITUTION PETITIONS NO.77 TO 85 & 89 OF 2011, Justice Jawwad S. Khawaja made some pertinent observations on right to information with reference to the running of affairs of the country. He laments that "ever since the independence of the country in 1947, people in quest of the truth have mostly been left with conjectures, rumours and half-truths. Concealment of information has, in turn led to a distorted history of the country and to a destabilizing division in the polity". Justice Shams Mehmood Mirza of Lahore High Court gave a landmark judgement with far reaching implications on January 18, 2016 in the case of Waheed Shahzad Butt VERSUS The Federation of Pakistan and another. The judgement has put an end to the practice of filing representations with the President of Pakistan by public bodies against the decisions of Federal Ombudsman and Federal Tax Ombudsman, appellate bodies under Freedom of Information Ordinance 2002. The judgement says that the Tax Ombudsman passes a '*decision*' on the complaint of an aggrieved person under the Freedom of Information Ordinance 2002

while Tax Ombudsman makes merely a ‘recommendation’ under the jurisdiction of the Federal Tax Ombudsman Ordinance.

CPDI recommends that the federal Right to Information Bill approved by the Senate Committee on Information and Broadcasting should be tabled in the parliament without further delay.

The draft Sindh Freedom of Information Bill 2015 should contain one clearly and narrowly drawn list of exempted information and rest of the information should be declared public. At present, the draft bill has separate lists; records that can be shared under Section 7, records that cannot be shared under Section 8 and records that can be shared but certain types of information, if contained in these records, will not be shared under Sections 15, 16, 17 and 18. There should be time-frame for Sindh Information Commission to decide on complaints as in the case of Punjab and KP commissions that are time bound to decide on complaints within maximum of 60 days. Section 5 of draft Sindh FOI Bill 2015 pertaining to proactive disclosure of information is limited in scope and more categories of information need to be brought in its scope to bring it at par with Section 4 of the Punjab Transparency and Right to Information Act 2013 and Section 5 of Khyber Pakhtunkhwa Right to Information Act 2013. There should be a provision stating that provisions of Sindh FOI law will take precedence over other laws. The draft bill should have provision pertaining to the inspection of documents as is the case in Khyber Pakhtunkhwa Right to Information Act 2013 and the Punjab Transparency and Right to Information Act 2013. Secretariat of Governor and Sindh Assembly should also be included in the definition of public body in Section 2 (I). Under Section 23 (1) (e) draft Sindh FOI Bill 2015, it is a criminal offence for an applicant ‘to use the information obtained for malafide purposes with ulterior motives with facile, frivolous design’. There is no need for including this provision in a right to information law and such matters should be dealt with in defamation laws.

Punjab government should provide requisite funds to Punjab Information Commission and approve its service rules.

Punjab Information Commission and Khyber Pakhtunkhwa Information Commission should prioritise implementation of section 4 of the Punjab Transparency and Right to Information Act 2013 and Section 5 of Khyber Pakhtunkhwa Right to Information Act 2013.

## **Chapter 1: Timeline of Right to Information Legislation in Pakistan**

CPDI meticulously maintains timeline of Right to Information legislation in order to keep track of developments pertaining to RTI Legislative landscape both at Federal and Provincial Levels.

### **Timeline of Right to Information Legislation in Pakistan**

**1990**-Professor Khursheed Ahmad tabled Freedom of Information Bill in Senate.

**1994**-Malik Qasim, Chairperson of Public Accounts Committee realized the significance of citizens' right of access to information held by public bodies in curbing corruption and played significant role in preparing draft of freedom of information law.

**1996**-Interim government Federal Law Minister Fakhruddin G. Ebrahim drafted Freedom of Information bill.

**January 29, 1997**-President Farooq Khan Leghari promulgated ordinance on Freedom of Information, drafted by Fakhruddin G. Ebrahim, which was not ratified by PML(N) Government and lapsed.

**2001**-Local Government Ordinance 2001, adopted by all provinces, contained certain provisions pertaining to right of access to information held by district public bodies.

**October 26, 2002**-Military government promulgated Freedom of Information Ordinance 2002.

**June 18, 2004**-Cabinet Division notified The Freedom of Information Rules 2004.

**December 6, 2005**-Provincial Assembly of Balochistan enacted Balochistan Freedom of Information Act.

**May 14, 2006**- PPP and PML (N) committed in Charter of Democracy that 'access to information will become law after parliamentary debate and public scrutiny'.

**August 10, 2006**-Governor Sindh promulgated Sindh Freedom of Information Ordinance 2006.

**September 13, 2006**- Provincial Assembly of Sindh enacted Sindh Freedom of Information Act 2006.

**March 29, 2008**-Yousaf Raza Gillani pledged in his address to Parliament, soon after being nominated as Prime Minister, that a new freedom of information law will be brought to promote press freedom.

**September 20, 2008-** President Asif Ali Zardari, while addressing the joint session of the Parliament stated that “We will soon be bringing other fundamental laws such as freedom of information bill...”

**November 21, 2008-**As Federal Information Minister, Ms Sherry Rehman stated “Freedom of Information bill would shortly be tabled in the parliament after incorporating views of the provincial governments in it”.

**March 22, 2010** Federal Minister for Information and broadcasting Qamar Zaman Kaira said that access to information is a fundamental right of every citizen in a democracy and the government would incorporate maximum input of all the stakeholders to make an effective legislation on right to information.

**April 08, 2010-**Article 19-A was inserted in the constitution through 18<sup>th</sup> Amendment and right to information was acknowledged as fundamental constitutional right.

**2013-**The Khyber Pakhtunkhwa interim provincial government drafted Khyber Pakhtunkhwa Right to Information Act 2013.

**2013-**The Punjab interim provincial government drafted Punjab Freedom of Information Ordinance 2013.

**June 13, 2013-**The Sub-Committee of Senate on Information and Broadcasting gave final touches to draft Right to Information Act 2013, proposed amendments and asked Ministry of Information and Broadcasting to finalise it by the first week of July for tabling in the Parliament.

**August 18, 2013-**Governor Khyber Pakhtunkhwa promulgated Khyber Pakhtunkhwa Right to Information Ordinance 2013

**August 28, 2013-**Senate Committee on Information and Broadcasting approved the draft of Right to Information Act 2013.

**October 04, 2013-**Governor Punjab promulgated Punjab Transparency and Right to Information Ordinance 2013.

**October 26, 2013-**Federal Minister for Information, Broadcasting and National Heritage, Senator Pervaiz Rashid said that right to information bill was being worked out very speedily and assured that all stakeholders would be taken on board in this regard.

**October 31, 2013-** Provincial Khyber Pakhtunkhwa Assembly passed Khyber Pakhtunkhwa Right to Information Act 2013.

**November 05, 2013-**Khyber Pakhtunkhwa Right to Information Act 2013 was notified in the official gazette.

**12 December, 2013-** Provincial Assembly of Punjab passed Punjab Transparency and Right to Information Act 2013.

**December 16, 2013**-Punjab Transparency and Right to Information Act 2013 was notified in the official gazette.

**July 15, 2014:** The Senate Standing Committee on Information, Broadcasting and National Heritage approved the Right to Information Bill 2013 with proposed amendments.

**December 19, 2014** Khyber Pakhtunkhwa Right to Information Commission notified “Schedule of Fee for Hard Copies”

**January 4, 2015** Punjab Government notified the Punjab Transparency and Right to Information Rules 2014.

**January 13, 2015** Punjab Information Commission notified “Schedule of Costs”

**February 17, 2015:** Federal Minister for Information, Broadcasting and National Heritage assured Members of Senate Committee on Information, Broadcasting and National Heritage that Right to Information Bill would be taken up by the federal cabinet in its next meeting.

**June 23, 2015:** Khyber Pakhtunkhwa Assembly exempted itself from the purview of Khyber Pakhtunkhwa Right to Information Act 2013.

**September 10, 2015:** Khyber Pakhtunkhwa Assembly withdrew amendments pertaining to its exemption.

**November 18, 2015:** Barrister Zafar Ullah Khan, Special Assistant to Prime Minister, Economic Affairs Division said that Right to Information Bill would be tabled in the next Session of the Parliament.

## **Chapter 2: Role of Political Parties in RTI Legislation-A Historical Perspective**

It is not the political will but political compulsions that have contributed to the enactment of effective right to information laws in Pakistan. There has been realisation amongst political parties about the significance of right to information legislation in curbing corruption but political parties have been more vocal when in opposition about the need for the enactment of right to information laws and less than willing to enact these laws when in power. The only exception is Pakistan Tehreek-e-Insaf, (PTI) which showed political will with regard to the enactment of an effective RTI law for Khyber Pakhtunkhwa and enacted one in the shape of Khyber Pakhtunkhwa Right to Information Act 2013 when it came into power. There are two sets of RTI laws in Pakistan: the Freedom of Information Ordinance 2002 and its replicas in Balochistan and Sindh in the shape of Balochistan Freedom of Information Act 2005 and Sindh Freedom of Information Act 2006 belong to the first-generation of RTI laws. These are largely ineffective laws and were put in place as a part of conditionality attached with Asian Development Bank loan. These laws fail when measured on the yardstick of standards of right to information and it is hardly unsurprising as these laws were put in place to get instalments of loans released and without the input of civil society groups working in the area of transparency and right to information.

Khyber Pakhtunkhwa Right to Information Act 2013 and the Punjab Transparency and Right to Information Act 2013 belong to the second-generation of RTI laws. These are highly effective laws as there has been serious input from civil society groups when these laws were enacted in 2013.

### **Right to Information Legislation at Federal Level:**

Since 1990, several efforts have been made to introduce RTI legislation in the country. In this regard, the first proper attempt was made by Professor Senator Khurshid Ahmad of Jamaat-i-Islami, who tabled a Bill on Right to Information in the Senate in 1990. This Bill was introduced in the Senate as a private Bill, but was not enacted. In 1994, during the second term of Benazir Bhutto, Malik Qasim, Chairperson of Public Accounts Committee, realising the significance of citizens' right of access to information held by public bodies in curbing corruption, played significant role in preparing draft of freedom of information law. However, this bill was also not enacted due to the early dismissal of government. In 1996, Federal Law Minister of the interim government, Fakhruddin G. Ebrahim drafted Freedom of Information bill. Mr. Farooq Ahmad Khan Laghari, the President of Pakistan promulgated the Freedom of Information Ordinance drafted by Fakhruddin G. Ebrahim on January 29, 1997. However, the successive government of Mian Nawaz Sharif allowed this Ordinance to lapse and did not enact it into law. In 2001, Local Government Ordinance 2001 adopted by all provinces contained certain provisions pertaining to right of access to information held by district public bodies. The military government promulgated the Freedom of Information Ordinance on 26th October, 2002 for attaining loan from Asian Development Bank. On June 18, 2004, Cabinet Division notified The Freedom of Information Rules 2004. As FOI Ordinance was a weak and

ineffective law, civil society started demanding for the enactment of a better and effective law from political parties. In June 2004, Ms. Sherry Rehman presented private member FOI bill. However, no legislation could be done on this. It is interesting to note that though Ms. Sherry Rehman presented private member bill when her party was in opposition, she could not get the law enacted during her tenure as Federal Minister for Information and Broadcasting when her party came into power after 2008 general elections. On May 14, 2006 PPP and PML (N) committed in Charter of Democracy that ‘access to information will become law after parliamentary debate and public scrutiny’. PML (N) in its half tenure from 2013 onwards and PPP in its complete tenure from 2008 to 2013 failed to honour this commitment and their leadership continued making public pledges on enacting RTI law. On March 29, 2008, Mr. Yousaf Raza Gillani pledged in his address to Parliament soon after being nominated as Prime Minister that a new freedom of information law would be brought to promote press freedom. On September 20, 2008, President Asif Ali Zardari, while addressing the joint session of the Parliament stated “We will soon be bringing other fundamental laws such as freedom of information bill”. On November 21, 2008, as Federal Information Minister, Ms Sherry Rehman stated “Freedom of Information bill would shortly be tabled in the parliament after incorporating views of the provincial governments in it”. While on March 22, 2010 Federal Minister for Information and broadcasting, Mr. Qamar Zaman Kaira said that access to information is a fundamental right of every citizen in a democracy and the government would incorporate maximum input of all the stakeholders to make an effective legislation on right to information. Despite several public pledges, PPP could not enact an effective RTI Law during its tenure from 2008 to 2013.

On June 13, 2013, the Sub-Committee of Senate on Information and Broadcasting gave final touches to draft Right to Information Act 2013, proposed amendments and asked Ministry of Information and Broadcasting to finalise it by the first week of July for tabling in the Parliament. On August 28, 2013, Senate Committee on Information and Broadcasting approved the draft of Right to Information Act 2013.

### **Right to Information Legislation at the Provincial Level:**

Two distinct trends emerge when we look at the right to information legislation carried out by the provinces. Balochistan and Sindh, instead of carrying out legislation after consultations with civil society groups, decided to adopt Federal Freedom of Information Ordinance 2002. That is why RTI laws of Balochistan and Sindh are exact replicas of FOIO 2002. Khyber Pakhtunkhwa and Punjab did not adopt Freedom of Information Ordinance 2002 and eventually enacted RTI laws in 2013.

#### ***RTI Legislation in Balochistan:***

On December 6, 2005, Provincial Assembly of Balochistan enacted Balochistan Freedom of Information Act 2005, which, as shared earlier, is the exact replica of FOIO 2002. Civil society groups have been endeavouring to get this law repealed. In a conference organised by CPDI in Quetta on September 02, 2015, Dr. Abdul Malik who remained Chief Minister of Balochistan from June 07, 2013 to December 23, 2015, expressed his willingness to repeal Balochistan

Freedom of Information Act 2005 and to enact an effective one in its place. However, it seems that Balochistan bureaucracy is not willing to legislate on this issue which has been dominant perception in our engagement with Balochistan government.

### ***RTI Legislation in Sindh:***

Replicating federal Freedom of Information Ordinance 2002, on August 10, 2006 Governor Sindh promulgated Sindh Freedom of Information Ordinance 2006. On September 13, 2006 Provincial Assembly of Sindh enacted Sindh Freedom of Information Act 2006.

Sindh government prepared draft Right to Information Bill 2015 and CPDI, on November 29, 2015, shared specific recommendations with Sindh government to improve this draft. Although Sindh Right to Information Bill 2015 is a significant improvement on Sindh Freedom of Information Act 2006, it still has lacunas that CPDI recommendations seek to address and if incorporated in the bill, it will bring this law at par with those enacted in Khyber Pakhtunkhwa.

### ***Right to Information Legislation in Khyber Pakhtunkhwa:***

From 2008 to 2013, National Awami Party was at the helm of affairs in Khyber Pakhtunkhwa but it did not legislate on the issue of right to information. A right to information bill was drafted by the interim government set-up to oversee elections. However, this draft was watered down version of federal Freedom of Information Ordinance 2002. That is why when the interim Information Minister shared this draft with CPDI for its comments, it was shared with the minister that the draft bill was so structurally flawed that it could not be improved and that a new law needed to be drafted. Pakistan Tehreek-e-Insaf came into power in Khyber Pakhtunkhwa after 2013 general elections.

The enactment of Khyber Pakhtunkhwa Right to Information Act 2013 is a fascinating story of the interplay of political will to draft an effective right to information law and the bureaucratic shenanigans to dilute the effectiveness of such a law. CPDI shared with provincial government draft model right to information law for the province. Instead of enacting this law, provincial bureaucracy tried to enact ineffective draft right to information bill prepared by the interim government and even got it approved from provincial cabinet government. CPDI called a press conference on July 24, 2013 in Peshawar, condemning approval of an ineffective RTI draft which had won Khyber Pakhtunkhwa's Cabinet approval. As a consequence, the tempered RTI draft was superseded on August 13, 2013 with progressive and robust Khyber Pakhtunkhwa Right to Information Ordinance 2013. Centre for Peace and Development Initiatives was on the distinguished panel at Right to Information launching ceremony headed by Chairman Pakistan Tehreek e Insaf, Imran Khan at Peshawar. The story does not end here. When Khyber Pakhtunkhwa Right to Information Ordinance 2013 was submitted in the provincial assembly for its approval, CPDI protested against amendments suggested by certain members of Select Committee of Provincial Assembly, Khyber Pakhtunkhwa. As a result, negative amendments could not be incorporated in the law. On October 31, 2013, Provincial Assembly of Khyber Pakhtunkhwa passed Khyber Pakhtunkhwa Right to Information Act 2013 and it was notified in the official gazette on November 05, 2013

### ***Right to Information Legislation in Punjab:***

CPDI has been heavily engaged in the process of enacting an effective right to information law for the Punjab province. That is why the Punjab Transparency and Right to Information Act 2013 is mirror reflection of CPDI comments on subsequent drafts shared by Punjab government in 2010, 2012 and 2013.

In 2008, CPDI started engaging Punjab government on the need for RTI law for the province. In 2009, as a consequence of this sustained letter campaign, Punjab government invited CPDI to give presentation on RTI law. CPDI's founding director Mukhtar Ahmed Ali explained principles of freedom of information legislation and best practices pertaining to an effective RTI law to senior public officials of Punjab. In 2010, Punjab government shared its draft Punjab Freedom of Information Act 2010 for comments. CPDI took the position that it was a weak law and needed to be improved. CPDI did not only take this position but went a step further and provided detailed comments on the key provisions of the draft Punjab RTI law. As a result of this advocacy campaign, Punjab government shared another draft in 2012 titled Punjab Freedom of Information Act 2012. This version incorporated most of the suggestions put forward by CPDI, however, it fell short of CPDI's expectations. Again, CPDI conducted in-depth analysis of this draft and shared its findings with elected representatives, public officials and media. Similarly, CPDI also provided feedback on draft Punjab Transparency and Right to Information Act 2013 to Punjab government.

CPDI also contributed Op-Ed articles specifically based on the analyses of different drafts shared by Punjab government and some of these were: 'The Right to Information' Dawn, July 09, 2011, and 'Anatomy of Punjab Information Law', The News', April 15, 2012. CPDI also addressed some of the misconceptions about right to information laws when Punjab Transparency and Right to Information Ordinance 2013 was promulgated on October 04, 2013 by contributing a piece titled 'Misconceptions about Right to Information Laws', The News International, October 13, 2013.

In May, 2014, Chief Minister of Punjab, Mian Shahbaz Sharif established a five-member committee to finalise the draft of Punjab RTI law. The fact that CPDI founding director Mukhtar Ahmed Ali was included in this committee demonstrates the level of trust reposed in CPDI as a research based advocacy organization working in the area of transparency and right to information. As a member of this committee, Mukhtar Ahmed Ali, among other things, was able to convince fellow members about the need for an independent and autonomous appellate body in the shape of Punjab Information Commission instead of Punjab Ombudsman. On 12 December, 2013, Provincial Assembly of the Punjab passed the Punjab Transparency and Right to Information Act 2013 and it was notified in the official gazette on December 16, 2013.

### **Chapter 3: Effectiveness of Legal Regime on Right to Information**

Second-generation right to information laws i.e. the Punjab Transparency and Right to Information Act 2013 and Khyber Pakhtunkhwa Right to Information Act 2013 are far more effective than the 1st generation RTI laws i.e. Freedom of Information Ordinance 2002 and its replicas in Balochistan and Sindh in the shape of Balochistan Freedom of Information Act 2005 and Sindh Freedom of Information Act 2006. The existing right to information laws at three tiers of government were studied against the variables developed in line with right to information principles by Article 19. The Punjab Transparency and Right to Information Act 2013 is the most effective right to information law in Pakistan as it scores 141 out of 145 points when judged against standards of effective right to information legislation followed by Khyber Pakhtunkhwa Right to Information Act 2013 which scores 133 points. Freedom of Information Ordinance 2002, Balochistan Freedom of Information Act 2005 and Sindh Freedom of Information Act 2006 each scores 32 points.

As the following table shows, the Freedom of Information Ordinance 2002 fails on key questions pertaining to the effectiveness of right to information legislation.

Under all these provincial right to information laws, citizens can have access to information from district public bodies as well.

Each question is scored from a numerical range of 0 to 10, where 0 equates “doesn’t meet the provision”, and 10 equates “completely follows the provision”.

### CPDI Score Sheet of Right to Information Laws in Pakistan

Standards of Right to Information Legislation	Score under each standard of Right to Information Legislation			Comments	Score under each standard of Right to Information Legislation		Comments	Weightage
	Freedom of Information Ordinance 2002	Balochistan Freedom of Information Act 2005	Sindh Freedom of Information Act 2006		Khyber Pakhtunkhwa Right to Information Act 2013	Punjab Transparency and Right to Information Act 2013		
Law is guided by the principle of maximum disclosure	0	0	0	Under principle of maximum disclosure, a narrowly and clearly drawn list contains types of information to be exempted from disclosure. The rest is declared public information. This is not the case in these laws. Furthermore, harm test is not included in these laws.	10	10	Both these laws contain a narrowly and clearly drawn list of exempted information and the rest of the information is declared public information. Furthermore, both these laws have harm test and specifically mention that even if the requested information belongs to categories of exempted information, it will be provided if the public interest outweighs the harm.	10

Standards of Right to Information Legislation	Score under each standard of Right to Information Legislation			Comments	Score under each standard of Right to Information Legislation		Comments	Weightage
	Freedom of Information Ordinance 2002	Balochistan Freedom of Information Act 2005	Sindh Freedom of Information Act 2006		Khyber Pakhtunkhwa Right to Information Act 2013	Punjab Transparency and Right to Information Act 2013		
Exceptions are clearly and narrowly drawn	0	0	0	There is no definition of information. Instead of having one clearly defined short list of exempted information and declaring the rest as public information, these laws have separate lists; records that can be shared, records that cannot be shared and records that can be shared but certain types of information, if contained in these records, will not be shared.	7	8	Both these laws have defined information. The definition of information in Khyber Pakhtunkhwa Right to Information Act 2013 is precise and left to the interpretation of the public officials whereas in the Punjab Transparency and Right to Information Act 2013, the definition is comprehensive and in detail. The list of exempted information is narrowly and clearly drawn.	10

Standards of Right to Information Legislation	Score under each standard of Right to Information Legislation			Comments	Score under each standard of Right to Information Legislation		Comments	Weightage
	Freedom of Information Ordinance 2002	Balochistan Freedom of Information Act 2005	Sindh Freedom of Information Act 2006		Khyber Pakhtunkhwa Right to Information Act 2013	Punjab Transparency and Right to Information Act 2013		
Law provides cost effective access to information	3	3	3	Under rules framed for FOI Ordinance 2002 and Balochistan FOI Act 2005, information requests can only be submitted after depositing Rs. 50 in State Bank of Pakistan or National Bank of Pakistan which covers first 10 pages of information. Rs. 5 are charged for each extra page.	10	10	There is no fee for filing information and for the first 20 pages of the requested information. However, RS. 2 will be charged for every extra page and the applicant will have to bear the postal cost according to Schedule of Fees introduced by Khyber Pakhtunkhwa Information Commission. Whereas, RS. 2 will be charged for every extra copy and applicant will not have to bear postal cost according to Schedule of Costs introduced by Punjab Information Commission.	10

Standards of Right to Information Legislation	Score under each standard of Right to Information Legislation			Comments	Score under each standard of Right to Information Legislation		Comments	Weightage
	Freedom of Information Ordinance 2002	Balochistan Freedom of Information Act 2005	Sindh Freedom of Information Act 2006		Khyber Pakhtunkhwa Right to Information Act 2013	Punjab Transparency and Right to Information Act 2013		
Law provides for speedy and easy access to information	1	1	1	These laws allow 21 working days to public bodies for providing access to the requested information. There is no provision for expediting the process of providing the requested information if it pertains to life or liberty of a person.	10	9	In Khyber Pakhtunkhwa law, the requested information has to be provided within 10 working days whereas in the Punjab law the requested information has to be provided within 14 working days. However, both laws specifically mention that if the requested information pertains to the life or liberty of a person, it will be provided within 2 working days.	10

Standards of Right to Information Legislation	Score under each standard of Right to Information Legislation			Comments	Score under each standard of Right to Information Legislation		Comments	Weightage
	Freedom of Information Ordinance 2002	Balochistan Freedom of Information Act 2005	Sindh Freedom of Information Act 2006		Khyber Pakhtunkhwa Right to Information Act 2013	Punjab Transparency and Right to Information Act 2013		
There is an effective complaint redressal mechanism available	3	3	3	Under Balochistan and Sindh laws, affidavit has to be submitted prior to lodging the complaint testifying that no complaint regarding this matter has already been submitted and that no law-suit is pending pertaining to the matter with any court. Federal Ombudsman requires a form to be filled after lodging the complaint testifying the same. No time-frame for the office of Ombudsman in Sindh and Balochistan.	9	10	No need to furnish any kind of affidavit while lodging complaints with the commission. Furthermore, the commissions are bound to take decisions on complaints within sixty days. However, Khyber-Pakhtunkhwa Right to Information (Amendment) Bill 2015 has created confusion as Amendment in Section 23 does not specifically say that appeal against the decisions of the Commission will be made in Peshawar High Court.	10

Standards of Right to Information Legislation	Score under each standard of Right to Information Legislation			Comments	Score under each standard of Right to Information Legislation		Comments	Weightage
	Freedom of Information Ordinance 2002	Balochistan Freedom of Information Act 2005	Sindh Freedom of Information Act 2006		Khyber Pakhtunkhwa Right to Information Act 2013	Punjab Transparency and Right to Information Act 2013		
Law imposes penalty on the officer for wrongfully denying/delaying access to the requested information	0	0	0	There is no such penalty.	9	10	A fine of Rs. 250 per each day of the delay can be imposed under Khyber Pakhtunkhwa law which can go up to Rs. 25000. Under the Punjab law, 2 days of salary can be deducted for each day of the delay or fine up to 50000 can be imposed.	10
Law requires proactive disclosure	0	0	0	There is no such provision.	10	10	Comprehensive list containing categories of information that has to be proactively disclosed is included in both laws.	10
Law does not require description of specific interest with information requested	0	0	0	The purpose for seeking the information has to be described.	10	10	There is no such provision.	10

Standards of Right to Information Legislation	Score under each standard of Right to Information Legislation			Comments	Score under each standard of Right to Information Legislation		Comments	Weightage
	Freedom of Information Ordinance 2002	Balochistan Freedom of Information Act 2005	Sindh Freedom of Information Act 2006		Khyber Pakhtunkhwa Right to Information Act 2013	Punjab Transparency and Right to Information Act 2013		
Law recognizes the willful destruction of records as a criminal offense	7	7	7	It is criminal offence to destroy any record if an information request is submitted to have access to the record or complaint is lodged in this regard. The penalty for such an offence is imprisonment up to 2 years, with fine or both.	10	10	In both these laws, it is criminal offence to destroy any record if an information request is submitted to have access to the record or complaint is lodged in this regard. The penalty for such an offence is imprisonment up to 2 years or with fine up to 10000 or both.	10
Right to Information law takes precedence over all other laws contradicting its aim	0	0	0	These laws do not override other laws.	10	10	Both these laws override other laws.	10

Standards of Right to Information Legislation	Score under each standard of Right to Information Legislation			Comments	Score under each standard of Right to Information Legislation		Comments	Weightage
	Freedom of Information Ordinance 2002	Balochistan Freedom of Information Act 2005	Sindh Freedom of Information Act 2006		Khyber Pakhtunkhwa Right to Information Act 2013	Punjab Transparency and Right to Information Act 2013		
Law has provisions that allow Inspection of documents before getting access	0	0	0	There is no such provision in these laws.	10	10	Right of access to information also includes right to inspect documents, samples and materials etc.	10
Law requires it as a duty of information officer to assist applicant	5	5	5	The duty to assist the person is mentioned in these laws but not elaborated.	10	10	Public Information Officers are duty-bound to facilitate the disabled and the illiterate in filing information requests.	10
Law makes head of public body responsible to act as information officer in the absence or unavailability of Information officer	10	10	10	If an official has not been designated, the head of public body is made responsible for providing the requested information.	10	9	Head of public body is to serve as Public Information Officer in the Khyber Pakhtunkhwa law in the absence or unavailability of the PIO. Head of public body is to serve as Public Information Officer if PIO has not been designated under the Punjab Transparency and Right to Information Rules 2014.	10

Standards of Right to Information Legislation	Score under each standard of Right to Information Legislation			Comments	Score under each standard of Right to Information Legislation		Comments	Weightage
	Freedom of Information Ordinance 2002	Balochistan Freedom of Information Act 2005	Sindh Freedom of Information Act 2006		Khyber Pakhtunkhwa Right to Information Act 2013	Punjab Transparency and Right to Information Act 2013		
Law has a comprehensive definition of Public Body	3	3	3	Organizations funded by government do not come within the purview of these laws.	8	10	Organizations substantially funded by public funds come within the purview of both the laws. The Khyber Pakhtunkhwa law specifically excludes Peshawar High Court from the definition of the Public body.	10
Law does not prescribe penalties for applicant for alleged vexatious applications	0	0	0	Under these laws, if complaint is found to be 'frivolous, vexatious and malicious', Ombudsman can impose fine up to Rs. 10,000.	0	5	Under the Khyber Pakhtunkhwa law, it is criminal offence to use information with 'malafide purposes.	5
<b>Total</b>	<b>32</b>	<b>32</b>	<b>32</b>		<b>133</b>	<b>141</b>		<b>145</b>

## **Chapter 4: Countering Secrecy Narrative through RTI:**

No matter who has been at the helm of the affairs-whether military dictators or democratically elected politicians-secrecy has been the rule and the disclosure of information an exception throughout the history of Pakistan. The disconnect between state institutions and citizens has its roots in this secretive way of running the affairs of the country. This disconnect was a prerequisite for putting in place a coercive relationship between the colonists and the natives, through different law, rules and regulations as was the case in the colonial era. After all, colonists were here to subjugate than to serve, extract resources than to develop human capital. However, even after the independence, successive governments have found it convenient to benefit from colonial legal and administrative regime that encourages and protects the secretive functioning of public bodies and dispensation of official business behind closed doors. Instead of changing the colonial era patron-client relationship between the rulers and the people, by changing the secrecy narrative, the ruling elite has further strengthened it as it helps to project themselves as saviours when they throw crumbs at the masses while continue to be the principle beneficiaries of the system. The key pillars of secrecy narrative in the country like national security, threat to safety of public officials, privacy of elected representatives and public officials and damage to country's relations with other countries need to be seen in relationship with public interest. Furthermore, a transparency narrative that gives primacy to public good without compromising safety and privacy of the individuals and the security needs of the state needs to be built and strengthened. Information commissions established under Khyber Pakhtunkhwa Right to Information Act 2013 and the Punjab Transparency and Right to Information Act 2013 can play a pivotal role in building this transparency narrative. We are in for a long haul but it is encouraging to note that a new transparency narrative countering secrecy narrative within the bounds of the law of the land has already started emerging.

Now public officials cannot raise the spectre of personal safety to deny access to information as was the case when access to the certified copy of the logbook of District Coordination Officer was requested under the Punjab Transparency and Right to Information Act 2013. It was maintained in the hearing before Punjab Information Commission that DCO performs duty in a sensitive area and that there will be threat to his safety. As the logbook contains information about the movements of the DCO in the past which could be used to anticipate his future movements.

In order dated October 03, 2014, the Commission said: "This argument merits consideration, as the Respondent undeniably performs certain sensitive functions and it has been argued that his past movements might be used to predict his future travels. But the point is whether, in this instance, the potential or perceived risk to life or safety of a person touches the threshold where it could be justifiably used as a ground to restrict transparency and a fundamental right to information under Article 19A of the Constitution. The Commission is of the view that the mere mention, assumption or apprehension of possible harm to life or safety of a person is not enough to claim an exception u/s 13(e) of the Act.

In requests filed under RTI laws of the land, public officials have been building secrecy narrative around the supposed invasion of privacy.

In the case of Mr. Amer Ejaz vs. Secretary, Punjab Assembly, the Punjab Information Commission in its order on January 12, 2015: settled the issue of the attendance record of the Members of the Provincial Assembly as falling in the official domain and not as personal information. The Commission said: “The requested information is about the attendance record of elected representatives who perform a public function within their constitutional mandate and are accountable to citizens. They are also compensated in the form of salary, allowances and other perks or privileges for the work they undertake and the functions they perform; whereas the attendance record provides a basis for documenting performance, processing compensation and administering legislative business – all of these relate to official or public, not their personal domain”. In the same case, the Commission wrote in its order on January 12, 2015: “In any case, the Commission is of the view that the officer from whom the public information officer seeks assistance/ information u/s 7(3) of the Act is duty bound to provide that information to the public information officer. If such an officer fails to provide the required assistance/ information, he shall be deemed to be a public information officer u/s 7(4) of the Act and can be held accountable under section 15 or 16 of the Act”.

While Punjab Information Commission is trying to change the secrecy narrative by building a transparency narrative, PML(N) federal government has reinforced the age old dictum that more things change, more they remain the same. On January 16, 2016, it was reported in the national media that the federal government has formed a special committee to review the draft Right to Information Bill approved by Senate Committee on Information and Broadcasting on July 15, 2014 in the light of ‘changing security situation’. The formation of this special committee is especially baffling given the fact that there are already adequate and strong safeguards in the bill to protect sensitive information. For example, Section 2 (vii) defines ‘national security’ and sections 18, 19 and 22 have been specifically inserted to protect the disclosure of sensitive information pertaining to international relations, enforcement of law and national security respectively.

Furthermore, another safeguard against the disclosure of sensitive information is the proposed Pakistan Information Commission to be established under Section 29 and comprising of 3 information commissioners drawn from superior judiciary, lawyer’s fraternity and civil society. This commission will decide whether the disclosure of certain information is harmful to national security or the disclosure will serve public interest.

Lastly, even if federal government is not satisfied with the decision of Pakistan Information Commission, it would be able to file writ petition with superior judiciary to adjudicate on the findings of the commission.

It is extremely unfortunate that a democratically elected government has chosen to strengthen secrecy narrative instead of strengthening the transparency narrative by raising the bogey of ‘changing security situation’. In this context, we must keep in mind what Benjamin Franklin said: “Those who surrender freedom for security will not have, nor do they deserve, either one”.

## Chapter 5: Use of RTI for Investigative Reporting

It goes to the credit of journalists that they have been able to use RTI for investigative reporting despite the fact that media houses do not allocate funds to build capacity of journalists to learn how to use RTI for investigative reporting and filing information requests.

Importance of RTI for investigative reporting can hardly be exaggerated and has been beautifully summed up by Umar Cheema, one of Pakistan's most outstanding investigative journalists in these words: "Without effective RTI law, investigative journalism is leak journalism. RTI law empowers a journalist to make his own choice of which issue to follow and collect information accordingly instead of waiting for somebody to share information of his choice."

CPDI's engagement with journalists to promote and popularize the use of RTI legislation for investigative reporting has been taking place at multiple levels ever since this engagement was started in 2006. CPDI has been imparting training to journalists on the use of RTI legislation for investigative reporting since 2007. Centre for Peace and Development Initiatives has consistently maintained that RTI can be a very potent and powerful tool for investigative reporting. Journalists would argue that they have to meet deadlines while retrieving information by submitting information request is a time consuming process. Furthermore, some journalists would maintain that they are able to get access to information through their sources. Our position has been that filing information requests for investigative stories and meeting deadlines are not mutually exclusive. We have always argued that while there is no denying the fact that journalists have to constantly meet deadlines but at the same time filing an information request does not take much time. If a journalist continues filing information requests, in the fullness of time he starts gathering enough data to work with to file investigative reports. Furthermore, there is certain type of information which cannot be gathered by a journalist no matter how well connected the journalist might be but RTI helps gather such information

Ever since 2006, CPDI has been setting example by using RTI laws and sharing with journalists information gathered through the use of RTI laws. As a result, CPDI was able to practically demonstrate how RTI laws could be used for investigative reporting.

CPDI established through the use of Freedom of Information Ordinance 2002 that the Ministry of Information and Broadcasting operates a secret account. CPDI contributed an Op-Ed article to daily Dawn titled 'Public and Secret Funds' which was published on December 07, 2010. This article helped generate debate on this issue and Mati Ullah Jan, one of the leading journalists in Pakistan contacted CPDI to get the background information about our information requests pertaining to secret funds. He conducted one hour exclusive talk show on this issue at prime time on Dawn TV. CPDI representative, one former information minister and retired bureaucrats were invited to this talk show and there was exhaustive debate on secret funds.

During General Musharraf's rule, many leading lawyers of the country would defend his policies in TV talk shows. CPDI decided to investigate this matter to determine whether there

existed patron-client relationship between lawyers and the Ministry of Law and Justice. On May 05, 2008, CPDI filed information request to the Ministry of Law and Justice seeking information about the fee paid to lawyers for representing federal government in the courts. The Ministry took the plea before the Federal Ombudsman that the requested information, if shared, will open Pandora's box and maintained that it would also violate privacy of lawyers. We shared all the details with Ansar Abbasi, reporter 'The News International' and there was a front page story in 'Jang' and 'The News' on Monday, July 14, 2008 titled 'Law Ministry protecting Musharraf's legal extravagance'. This investigative initiative through RTI request finally paid off when MNA Begum Nuzhat Siddiqi asked the Minister for law, justice and human rights the same question Zahid had been raising: "to show the names of lawyers, who pleaded the cases on behalf of the government in the Supreme Court during the last five years and the total amounts of fees paid to them in each case". The Minister provided the information and details of scandalous amounts paid to the lawyers and injudicious use of public funds was exposed. The news item pertaining to these revelations was a major story carried by print and electronic media on Tuesday, August 12, 2008.

The details submitted in the National Assembly during the question hour showed that Musharraf had hired a huge team of 23 lawyers who were paid a total sum of about Rs 30 million as fees. It transpired that Wasim Sajjad got Rs 8.2 million, Malik Qayyum Rs 8.2 million and Khalid Ranjha Rs 4 million to defend the presidential reference against the then Chief Justice of Pakistan. This was first of its kind RTI based investigative story that was published in a newspaper.

### ***RTI Exposing Prime Minister's Expensive Foreign Trips:***

CPDI also exposed Prime Minister's expensive foreign trips by collecting certified data from the Ministry of Foreign Affairs through the use of Freedom of Information Ordinance 2002. It is often alleged that politicians take their cronies and favorite journalists on foreign trips wasting exorbitant amount of public funds. This was first of its kind information request that brought into the public domain huge expenses incurred on foreign trips undertaken by a Prime Minister during his tenure.

The Ministry of Foreign Affairs provided the requested information on the intervention of Federal Ombudsman on March 18, 2013. It was for the first time that exact amount incurred on foreign trips undertaken by a Prime Minister was revealed.

Yousaf Raza Gillani, as Prime Minister of Pakistan, visited 50 countries from March 2008 to 2012 and total cost incurred on these trips amounted to Rs. 491,023,130.

Information was shared with media and it led to an investigative piece published in 'The News International' on April 03, 2013 with following headline: "Gillani almost flew to the moon as PM"

It is exceedingly important that journalists have a support mechanism available, which facilitates them in filing information requests under different RTI laws of the country for their investigative reporting.

Keeping this in mind, CPDI established RTI helpline for journalists and citizens to facilitate them in drafting RTI requests and in order to answer their queries about RTI laws. The RTI Helpline has been functioning since February 27, 2014. CPDI procured two numbers for this purpose. These numbers are: 0092 51 2224496 and 0092 336 2224496. At the same time [rtihelpline@cpdi-pakistan.org](mailto:rtihelpline@cpdi-pakistan.org) email has also been created to share material with journalists and interact with them. CPDI's trained staff manages RTI Helpline, queries of journalists are answered and proper data is maintained.

CPDI as partner organization holding Secretariat of Coalition on Right to Information, (CRTI) constituted Annual RTI Champion Award to protect and promote citizens' right to access information held by public bodies. CRTI RTI Champion Award is given in 3 categories: a citizen, a journalist and an NGO. In 2014, Umar Cheema and in 2015 Waseem Abbasi won this award in journalist category.

As a result of CPDI's multi-pronged engagement with journalists spanning over 7 years coupled with the fact that the process of filing information requests under Khyber Pakhtunkhwa and Punjab right to information laws is both cost-effective and easy, journalists have started filing truly remarkable stories from 2014 onwards. Journalists have used RTI laws in Pakistan to report on social issues and to investigate claims of austerity by politicians. At the same time, they have also reported on the implementation status and the quality of RTI laws. In fact, some of the stories filed by journalists would perhaps not have been possible otherwise.

#### Detail of Investigative Stories Published by Using Right to Information Laws

S. No.	Date of story published	Story Headline	Newspaper	Link
1	18-09-2014	KPK govt better than Punjab in access to information	The News	<a href="#">KPK govt better than Punjab in access to information</a>
2	29-09-2014	پنجاب، پختونخوا کی بیوروکریسی اہم معلومات دینے سے انکاری	Dunya News	<a href="#">پنجاب، پختونخوا کی بیوروکریسی اہم معلومات دینے سے انکاری</a>
3	30-09-2014	Rs2.6 million spent on moon sighting in one year	The News	<a href="#">Rs2.6 million spent on moon sighting in one year</a>
4	18-10-2014	KP CM spends Rs2.6m on entertainment, bakery items	The News	<a href="#">KP CM spends Rs2.6m on entertainment, bakery items</a>
5	2-11-2014	Article 19-A — freedom of information 'on paper, not in practice'	Dawn	<a href="#">Article 19-A — freedom of information 'on paper, not in practice'</a>

<b>S. No.</b>	<b>Date of story published</b>	<b>Story Headline</b>	<b>Newspaper</b>	<b>Link</b>
6	6-11-2014	Punjab conceals facts while KP provides requested details	The News	<a href="#">Punjab conceals facts while KP provides requested details</a>
7	16-11-2014	KP govt using helicopters in violation of rules	The News	<a href="#">KP govt using helicopters in violation of rules</a>
8	16-11-2014	FPSC also has double standards in giving information	The News	<a href="#">FPSC also has double standards in giving information</a>
9	16-11-2014	310 out of 732 Punjab BHUs working sans doctors	The News	<a href="#">310 out of 732 Punjab BHUs working sans doctors</a>
10	20-11-2014	A right step towards Right to Information	Business Recorder	<a href="#">A right step towards Right to Information</a>
11	20-11-2014	Most DCOs continue to jealously guard 'information'	Dawn	<a href="#">Most DCOs continue to jealously guard 'information'</a>
12	22-11-2014	Punjab commission for review of laws against right to information	The News	<a href="#">Punjab commission for review of laws against right to information</a>
13	28-11-2014	No doctor for 70pc BHUs in three KP districts	The News	<a href="#">No doctor for 70pc BHUs in three KP districts</a>
14	29-11-2014	Imran used govt helicopter four times: KP govt	The News	<a href="#">Imran used govt helicopter four times: KP govt</a>
15	4-12-2014	No CT scan machines in 16 districts of Punjab, seven of KPK	The News	<a href="#">No CT scan machines in 16 districts of Punjab, seven of KPK</a>
16	10-12-2014	Education not top priority of Punjab, KP govts	The News	<a href="#">Education not top priority of Punjab, KP govts</a>
17	12-12-2014	Right to Information Act	The News	<a href="#">Right to Information Act</a>
18	28-12-2014	Does access to information law not apply to Presidency?	The News	<a href="#">Does access to information law not apply to Presidency?</a>
19	13-01-2015	Upload MPAs attendance on web, Punjab PA directed	The News	<a href="#">Upload MPAs attendance on web, Punjab PA directed</a>

<b>S. No.</b>	<b>Date of story published</b>	<b>Story Headline</b>	<b>Newspaper</b>	<b>Link</b>
20	16-01-2015	No law in place to address issues of disabled persons	The News	<a href="#">No law in place to address issues of disabled persons</a>
21	30-01-2015	30pc newborns die in DI Khan, Mianwali hospitals	The News	<a href="#">30pc newborns die in DI Khan, Mianwali hospitals</a>
22	04-02-2015	KP's Governor House spends more than CM House	The News	<a href="#">KP's Governor House spends more than CM House</a>
23	23-02-2015	15 Punjab MPAs claim medical bills worth Rs2.7m	The News	<a href="#">15 Punjab MPAs claim medical bills worth Rs2.7m</a>
24	27-02-2015	40pc police deployed for VIPs in capital	The News	<a href="#">40pc police deployed for VIPs in capital</a>
25	03-03-2015	Punjab top offices defying orders of Information Commission	The News	<a href="#">Punjab top offices defying orders of Information Commission</a>
26	10 - 03-2015	Govt is open in rhetoric and secret in reality	The News	<a href="#">Govt is open in rhetoric and secret in reality</a>
27	08-04-2015	Punjab CM's copter makes 627 flights costing Rs37 million	The News	<a href="#">Punjab CM's copter makes 627 flights costing Rs37 million</a>
28	09- 04-2015	Punjab govt clarifies use of helicopter	The News	<a href="#">Punjab govt clarifies use of helicopter</a>
29	16-04-2015	Punjab provides information after eight months, KP within 14 days	The News	<a href="#">Punjab provides information after eight months, KP within 14 days</a>
30	23-04-2015	Expenses on security of KP MPs far higher than tax they pay	The News	<a href="#">Expenses on security of KP MPs far higher than tax they pay</a>
31	13-07-2015	Schools dept fails to grant RTI request even in five months	The News	<a href="#">Schools dept fails to grant RTI request even in five months</a>
32	21-08-2015	Punjab schools data remains elusive	The News	<a href="#">Punjab schools data remains elusive</a>
33	27-08-2015	Punjab commission summons Governor House official under RTI law	The News	<a href="#">Punjab commission summons Governor House official under RTI law</a>

<b>S. No.</b>	<b>Date of story published</b>	<b>Story Headline</b>	<b>Newspaper</b>	<b>Link</b>
34	28-08-2015	Has Punjab really achieved 87pc enrolment target at primary level?	The News	<a href="#">Has Punjab really achieved 87pc enrolment target at primary level?</a>
35	15-10-2015	Punjab Governor House asked to provide info to citizen by 23rd	The News	<a href="#">Punjab Governor House asked to provide info to citizen by 23rd</a>
36	17-10-2015	52pc girls, 21pc boys schools without playgrounds in Punjab	The News	<a href="#">52pc girls, 21pc boys schools without playgrounds in Punjab</a>
37	25-11-2015	Effective steps bring dengue deaths to zero in KP so far	The News	<a href="#">Effective steps bring dengue deaths to zero in KP so far</a>
38	10-12-2015	Transparency without accountability fails to improve attendance of MNAs	The News	<a href="#">Transparency without accountability fails to improve attendance of MNAs</a>
39	11- 12-2015	PPCBL declared public body owned by Punjab government	The News	<a href="#">PPCBL declared public body owned by Punjab government</a>
40	19-01-2016	PIC asks Punjab Governor House to share details of expenses	The News	<a href="#">PIC asks Punjab Governor House to share details of expenses</a>
41	30-01-2016	LHC says president can't overturn Ombudsman's verdict	The News	<a href="#">LHC says president can't overturn Ombudsman's verdict</a>
42	23-02-2016	An island of transparency in a sea of secrecy	The News	<a href="#">An island of transparency in a sea of secrecy</a>
43	27-03-2016	8,936 Pakistanis opt for foreign nationality between 2011 and 2015	The News	<a href="#">8,936 Pakistanis opt for foreign nationality between 2011 and 2015</a>
44	29-03-2016	2,000 high schools without heads	The News	<a href="#">2,000 high schools without heads</a>

## **Chapter 6: Use of RTI Legislation by Civil Society Groups**

Civil society groups in Pakistan have led the way and have explored the uncharted waters with regard to the use of right to information for getting access to certified information from public bodies. Predominantly, civil society groups have sought certified information from government departments to highlight incidents of misuse of public funds and maladministration to ensure accountability of public officials and elected representatives.

First ever request for information under an RTI law was filed by Mukhtar Ahmed Ali when he was executive Director at Consumer Rights Commission of Pakistan. He sought details from Capital Development Authority, (CDA) under Freedom of Information Ordinance 2002 about date palm trees that were planted in Islamabad as this plant is not suited for climate of Islamabad.

CPDI, as the available data in the public domain suggests, has been the leading organisation with regard to the use of RTI laws. By filing such RTI requests as seeking information about fees paid to the lawyers for representing government in courts to highlight nexus between public officials at the Ministry of Law and Justice and lawyers; information request to the Ministry of Information and Broadcasting seeking copy of the policy document pertaining to secret fund maintained by the Ministry that eventually led to PML(N) government announcing in 2014 that no secret/discretionary funds will be maintained by federal ministries, CPDI was able to establish the potential of RTI laws for investigative reporting as stories based on these information requests made to prominent pages in the press. However, since procedure of filing information requests under Freedom of Information Ordinance 2002 is neither cost-effective nor easy, journalists did not use it for investigative reporting. CPDI kept on collecting certified information under Freedom of Information Ordinance 2002 and sharing it with journalists to hammer the point that RTI laws have the potential to be used for investigative reporting. Similarly, when Khyber Pakhtunkhwa Right to Information Act 2013 and the Punjab Transparency and Right to Information Act 2013 were enacted, CPDI started using these laws as tool to spread awareness about these laws amongst public officials, general public and journalists. That is why CPDI submitted well over 1000 information requests in first few months of the enactment of these laws. As a result, when public officials in both these provinces started receiving information requests under these laws, they started talking about these laws and were made aware about the enactment of these laws as well as citizens' right to access information held by their departments. Furthermore, high quantum of RTI requests also served the purpose of generating work for information commissions established under these laws. CPDI used the laws for public accountability as well by submitting RTI requests under the laws. As a result of these information requests, CPDI got certified information about the use of official helicopters, status of medical equipment in District Headquarter Hospitals, information about sanctioned and vacant posts of doctors in Basic Health Units and the information about sanctioned and vacant posts of teachers in schools of these provinces. Since the process of filing information requests is easy and cost-effective under these laws, CPDI was finally able to prevail upon journalists that these laws can be used for investigative journalism. That journalists in Pakistan are now using RTI laws for investigative reporting is

perhaps singularly the most important contribution of the organisation towards its goal of achieving transparent functioning of public bodies. Furthermore, CPDI also engaged citizens in the process of filing information requests under these laws and as a result of this engagement, citizens have also started filing requests for information in greater numbers under these laws.

Shehry, a Karachi based civil society organisation is one of the oldest organisations that has been using RTI laws. Since the organisation works on environmental issues, it has sought information about plots that have been earmarked for residential use but have been used for commercial purposes or have been allotted to certain organisations on throw away prices.

Centre for Governance and Public Accountability, (CGPA), relatively young organisation based in Peshawar, has been using Khyber Pakhtunkhwa Right to Information Act 2013 to test the effectiveness of this law as well as to get certified information to hold elected representatives and public officials accountable. CGPA established through the use of Khyber Pakhtunkhwa Right to Information Act 2013 that district courts were not willing to provide information under this law. Furthermore, the organisation has also been using this law to collect certified information about the status of medical equipment in District Headquarter Hospitals.

## Chapter 7: RTI and Citizens: Emerging Trends

One of the core principles of RTI legislation is that the process of filing information requests should be easy and cost-effective. The logic behind this principle is to facilitate citizens in exercising their right to information. First generation of RTI laws in Pakistan i.e. federal Freedom of Information Ordinance 2002 and its replicas in Balochistan and Sindh in the shape of Balochistan Freedom of Information Act 2005 and Sindh Freedom of Information Act 2006 do not adhere to this principle. Under the rules framed for Freedom of Information Ordinance 2002 and the Balochistan Freedom of Information Act 2005, citizens are required to submit applications on prescribed forms and deposit Rs. 50 for first 10 pages of the requested information in State Bank of Pakistan, National Bank of Pakistan or Government Treasury. It has been seen that neither citizens nor the Bank staff know about the account head under which the fee is to be deposited. Furthermore, under all these laws, in case request for information is denied, complaint is to be lodged with Federal or provincial Ombudsman, as the case may be. The office of Ombudsman has proven to be toothless in acting on the complaints lodged by citizens and civil society groups. Therefore, it is hardly surprising that citizens have not taken fancy to using these laws as even civil society groups dedicated to working for transparency and greater flow of information from public bodies to citizens have found it extremely hard to use these laws.

In sharp contrast to the first generation of RTI laws, second generation of RTI laws i.e. Khyber Pakhtunkhwa Right to Information Act 2013 and the Punjab Transparency and Right to Information Act 2013 provide an easy and cost-effective process of filing information requests and for lodging complaints. Under both these laws, information requests can be submitted on a plain paper, there is no fee for filing information requests and first 20 pages of information are to be provided free of cost. Complaints' redressal mechanisms are far more effective than those envisaged in first generation RTI laws as independent and autonomous information commissions set-up under these laws are not only mandated to decide on complaints within a certain time-frame but these commissions have also been empowered to impose penalties on officials who unlawfully deny or delay access to the requested information. No wonder, we have witnessed a surge of information requests filed to provincial public bodies in Khyber Pakhtunkhwa and Punjab.

Four distinct trends emerge when we scrutinise requests for information filed by citizens under both first and second generation RTI laws in Pakistan. First, as pointed out earlier, the dichotomy between the number of requests for information filed under first and second generation RTI laws is too pronounced to be ignored. There is no data available on the web sites of federal and provincial ombudsmen about the number of complaints lodged under federal, Balochistan and Sindh freedom of information laws. If those working in the area of transparency and right to information are to be believed, not more than 500 or 600 information requests have been filed under these laws in all these years. Whereas, according to Khyber Pakhtunkhwa Information Commission web site, number of complaints lodged was 1,784 on March 01, 2016. Punjab Information Commission has yet to update complaint figures on its website but according to news item published in the press on February 24, 2016, Chief

Information Commissioner shared that the Commission received over 1,800 complaints ever since its establishment in March 2014. This suggests that a higher number of complaints have been lodged with information commissions in relatively far lesser period of time when compared with the complaints lodged with federal and provincial Ombudsmen. However, when seen in relationship with population of these provinces, number of requests for information is staggeringly low which shows that both information commissions have failed to raise awareness level about right to information in their provinces. Second trend that has clearly emerged is that public officials, apart from employing host of other tactics for not divulging the requested information, do not feel any qualms to take even punitive measures against those who request information. Ever since the enactment of these laws, at least 3 teachers have faced the wrath of bureaucracy in the shape of transfers, suspensions and enquiries for seeking copies of seniority lists.

As reported in the press on March 25, 2015, district education officer (DEO) Nowshera suspended two school teachers, Ijaz Ur Rahman and Mudassir Shah, under West Pakistan Government Servants (Conduct) Rules 1966. According to Ijaz Ur Rahman, he was first transferred and then suspended because he had sought information about seniority list and PTC Fund from District Officer, Education Department. Sub Divisional Education Officer (SDEO) Nowshera Abdul Samadsaid said that such information requests are not responded to, as requested information is displayed on notice boards of some circle offices. Mr. Samad obviously did not know that even if the requested information was available in the public domain, the public body is bound under Khyber Pakhtunkhwa Right to Information Act 2013 to guide the requester as to where the requested information could be obtained. Earlier in June 2014, Executive District Officer Vehari launched enquiry against a primary school teacher for seeking seniority list under the Punjab Transparency and Right to Information Act 2013. Apart from these three teachers, on March 04, 2015, it was reported in the national press that the Punjab University found a former professor guilty of misuse of authority in an inquiry conducted after he had requested release of information under the Punjab Transparency and Right to Information Act 2013 about faculty who continued to occupy official residences after their retirement. The third trend pertains to the nature of requests for information being filed by citizens. According to Mukhtar Ahmed Ali, Information Commissioner, Punjab Information Commission, employees of government departments have filed information requests about their issues pertaining to transfers, promotions and enquiries. Citizens have also filed information requests on issues surrounding recruitments and have sought certified copies of merit list. Information requests have also been filed about the maintenance of parks and water filter plants. While journalists have used these laws for public accountability and civil society groups to highlight incidents of maladministration, citizens have used these laws to solve their personal issues and for the attainment of their rights. Forth, both Punjab Information Commission and Khyber Pakhtunkhwa Information Commission have imposed penalties though sparingly so far, on public officials that have denied citizens access to the requested information. Punjab Information Commission imposed fine equal to sixty days of the salary of District Officer, Education Department, Vehari on October 24, 2014 and also said that “he acted with malafide intentions to first delay and then obstruct access to the requested information by intimidating the complainant to withdraw the complaint filed with the

Commission”. This was the first ever penalty imposed on an official in the country for not providing access to information. Khyber Pakhtunkhwa Information Commission imposed first ever penalty under Khyber Pakhtunkhwa Right to Information Act 2013 on July 16, 2015 when it slapped a fine of Rs. 25,000 on Registrar, Abdul Wali Khan University, Mr. Sher Alam Khan for not providing information about hiring of the staff to a citizen. On December 19, 2015, Qazi Sajiduddin, AIG legal, Khyber Pakhtunkhwa Police Department got dubious distinction of being fined twice and was asked to deposit Rs. 50,000 for failing to provide copies of enquiry reports to fellow colleagues. Interestingly, Khyber Pakhtunkhwa Information Commission, unlike Punjab Information Commission, instructs that the fine imposed be paid to the applicant as a compensation.

Relatively lower number of complaints lodged with information commissions suggests that both Khyber Pakhtunkhwa Information Commission and Punjab Information Commission need to launch massive mass awareness campaigns which is the responsibility, of these commissions under their respective laws. While imposing penalty on officials for unlawfully denying or delaying access to information is a step in right direction, Khyber Pakhtunkhwa Information Commission needs to rethink the policy of compensating an applicant with the fine money. There is no precedent from other countries for such compensation and fine amount is collected by the government. Furthermore, such a practice is surely bound to create animosity between the applicant and an official each time an official is asked to pay fine as compensation to an applicant.

## Chapter 8: RTI and Bureaucratic Shenanigans

“If no one knows what you're doing, then no one knows what you're doing wrong”, a dialogue spoken by quintessential bureaucrat Sir Humphrey Appleby, of BBC’s famous TV comedy ‘Yes Minister’ encapsulates in one single line what prevents public officials from sharing information with public. CPDI has rich experience of seeking information from public officials under all RTI laws enacted or promulgated in the country i.e. Section 137 of Local Government Ordinance 2001, Freedom of Information Ordinance 2002, Balochistan Freedom of Information Act 2005, Sindh Freedom of Information Act 2006, Khyber Pakhtunkhwa Right to Information Act 2013 and the Punjab Transparency and Right to Information Act 2013.

During all these years, we have seen public officials offering lame excuses and using tactics of hiding behind rules, procedures and even constitutional provisions so that information could be denied to citizens. Not only this, in some cases, public officials have employed implicit and explicit threats when information has been sought under RTI laws of the land.

We have received many letters in response to information requests containing all sorts of reasons for not providing requested information but the one received in response to an information request filed under Section 137 of Local Government Ordinance 2001 from Executive District Officer, Community Development contained excuses, contempt for citizens and unsubstantiated allegations all rolled in one. It is generally said that our bureaucracy is still living in colonial era. It became official in the case of Executive District Officer (EDO) Community Development, Rawalpindi district when CPDI sought information about utilisation of funds through a request filed on August 12, 2011 under Section 137 of Local Government Ordinance 2001. Adjudicating on a complaint lodged with Ombudsman against denial of information by the said EDO, Ombudsman said that “The EDO (CD) appears to be still working in colonial age when public was not allowed to participate in governance”. The language, tone and the arguments employed by EDO while enlisting reasons for denying access to the requested information leave no option but to agree with the findings of Ombudsman. The letter by EDO makes a very interesting study into the mind-set of a public official determined not to provide information. The EDO said that we did not establish locus standi for requesting access to information which he deemed ‘classified’. He started by saying that the applicant did not mention in the letter his locus standi and capacity for sharing such classified information. Next, he said that the requested information could not be provided to ‘every a, b or c’. Not only this, the ground for not sharing the information with ‘every a, b or c’ according to the official is the fear that the applicant ‘might exploit it according to his own sweet will and designs. The EDO goes on to say that ‘The complaints in this form are elusive and not (sic) proceedable and an attempt to harass the public servants’.

In our information request submitted to the Ministry of Information and Broadcasting on August 29, 2008, pertaining to the utilisation of Special Publicity Fund, the Ministry kept on denying access to this information on one pretext or the other. It said “the whole operation of Special Publicity Fund falls under category of classified information. It is, therefore, exempted under Section 8, 14 and 17 of Freedom of Information Ordinance 2002.’ In a letter to Federal Ombudsman dated October 24, 2008, the Ministry took the plea that the Special Publicity Fund

is an allocation made under the Head of the Account "A 03914- Secret Services Expenditure" similar to Secret Fund provided to any organization of the government. On 25th November, 2008 CPDI wrote a rejoinder to the Ombudsman stating that Special Publicity Fund is put in 'Others' category in budget for 2008-9. Furthermore, there were some other allocations in 'Others' category such as 'Pakistan Institute of National Affairs', 'Internews', 'Institute of Regional Studies' and 'News Network International'. CPDI maintained that it saw no reason why the information pertaining to the utilization of 'Special Publicity Fund' could be termed as classified and that if it indeed was classified information, then by the same token, there should not be access to information on the expenditure of Pakistan Institute of National Affairs, Internews, Institute of Regional Studies and News Network International. In its response on December 17, 2008, the Ministry maintained that the fund was declared by the Finance Division as secret through its letter dated April 29, 1976. The Ministry also stated that the Secretary had declared the information sought by the complainant as secret in exercise of the powers given to him in terms of Chapter 4 of the booklets titled 'Security of Classified Matter in government Departments' issued by the Cabinet Division.

This letter makes a very interesting reading. Justifying the reason for the existence of this fund, the letter says this fund is to counter the 'hostile propaganda' and 'for wider dissemination of government's policies and activities. Terming the Special Publicity Fund as secret, the letter says: "the account will not be subject of scrutiny by even the Audit Authority".

Have you ever heard an information request being denied to a citizen on the pretext that it will "open a Pandora's box"?

During General Musharraf's rule, many leading lawyers of the country would defend his policies in TV talk shows and this is exactly what happened when we decided to investigate this matter to determine whether there existed patron-client relationship between lawyers and the Ministry of Law and Justice.

In response to our information request filed to the Ministry of Law and Justice on May 05, 2008, seeking information about Certified copy of the list containing the names and addresses of lawyers hired by Ministry of Law, Justice and Human Rights to represent Federal Government/ Federation in Supreme Court of Pakistan from October 01, 2002 to March 20, 2008 and seeking also certified information about the total amount paid in fee or in other heads to the lawyers, we were told that if this information was provided, it will open Pandora's Box. The Ministry also maintained that it was 'indirect interference into the working of the government on the part of Mr. Abdullah for seeking this information.

Oath taken for the office of Governor has also been cited as a justification for not sharing information and that too when information pertaining to the expenses of bakery items was sought by a journalist. It was maintained by Governor House that the oath taken by the Governor under the Constitution puts an obligation upon him in the following terms: "I will not directly or indirectly communicate or reveal to any person any matter which shall be brought under my consideration or shall become known to me as Governor of the Province of Punjab except as may be required for the discharge of my duties as Governor".

Invasion of privacy has been one of the favourite excuses of public officials for not sharing the requested information. When we requested information about the fee paid to the lawyers by Federal Board of Revenue, the department denied access to the requested information taking the plea that it would violate privacy of the lawyers. Similarly, when we sought access to the attendance record of the members of Punjab Assembly, invasion of privacy was cited as a reason for not sharing the requested information.

These examples of bureaucratic shenanigans amply illustrate that the job of RTI activists and information commissions is clearly cut out and that sustained efforts would be required to change the mindset reflected in these examples.

## **Chapter 9: Implementation Status of RTI Laws in Pakistan**

Punjab Information Commission and Khyber Pakhtunkhwa Information Commission have been specifically mandated under their respective laws to ensure their implementation. That is why we see greater level of implementation of Khyber Pakhtunkhwa Right to Information Act 2013 and the Punjab Transparency and Right to Information Act 2013 when compared with Freedom of Information Ordinance 2002 and its replicas in Sindh and Balochistan in the shape of Sindh Freedom of Information Act 2005 and Balochistan Freedom of Information Act 2006. Federal and provincial Ombudsmen are entrusted to decide complaints lodged under federal, Sindh and Balochistan RTI laws. However, office of the Ombudsman does not enjoy any powers to impose penalty on public officials for unlawfully denying or delaying access to information as is the case in both Khyber Pakhtunkhwa Right to Information Act 2013 and the Punjab Transparency and Right to Information Act 2013. Furthermore, unlike Ombudsman, Khyber Pakhtunkhwa Information Commission and Punjab Information Commission are mandated to create awareness about their laws, impart training to Public Information Officers about their roles and responsibilities under their laws, ensure proactive disclosure of information by public bodies, develop guidelines for record keeping and to present annual report to provincial governments depicting the level of implementation of right to information laws.

Both Punjab Information Commission and Khyber Pakhtunkhwa Information Commission are bound to decide on the complaints lodged by citizens within a maximum of 60 days. This deadline has not been strictly adhered to by both the commissions as both the commissions have been more focussed on creating awareness about their respective laws and changing the mindset of public officials rather than relying on imposing penalties, especially in the beginning of the implementation phase of their laws. However, the performance of information commissions with regard to the rate of disposal of complaints in relationship with that of Federal, Sindh and Balochistan Ombudsman is far better. Furthermore, the fact that these commissions, unlike Ombudsmen, have powers to impose penalties on public officials for unlawfully delaying or denying access to information has greatly influenced the decisions of public officials. As a result, information which is not otherwise shared with the public has been shared with the citizens when it has been requested under Khyber Pakhtunkhwa Right to Information Act 2013 and the Punjab Transparency and Right to Information Act 2013.

For the first time in the history of these provinces, Public Information Officers, (PIOs) have been designated in provincial public bodies as required under their respective RTI laws. These PIOs are responsible to facilitate citizens in providing access to information, ensuring proactive disclosure of information by their public bodies and implementing other provisions of their laws. In Punjab, a total of 1,311 and in Khyber Pakhtunkhwa 162 PIOs have been designated. However, both Punjab Information Commission and Khyber Pakhtunkhwa Information Commission need to be more proactive in ensuring that all public bodies have designated PIOs.

### ***Performance of Provincial Information Commissions:***

Punjab Information Commission seems to have been more imaginative and proactive with regard to the implementation of its RTI law. As the following table shows, Punjab Information Commission has prepared comprehensive Schedule of Costs under the Punjab Transparency and Right to Information Act 2013, covering fees to be paid for hard and soft copies as well as for the time taken by a person to inspect documents. Furthermore, Punjab Information Commission has also framed the Punjab Transparency and Right to Information Rules 2014 whereas Khyber Pakhtunkhwa Information Commission has not been able to frame its rules yet. In the Punjab Transparency and Right to Information Act 2013, head of public body is not declared to be Public Information Officer in the absence or unavailability of Public Information Officer. However, under the the Punjab Transparency and Right to Information Rules 2014, Punjab Information Commission has declared head of public body to be Public Information Officer if a public body has not designated one or in the absence or unavailability of the Public Information Officer.

### **Comparison of Khyber Pakhtunkhwa and Punjab Schedule of Cost for providing Information**

<b>S. No</b>	<b>Category</b>	<b>Khyber Pakhtunkhwa</b>	<b>Punjab</b>	<b>CPDI Comments</b>
<b>1</b>	1 <sup>st</sup> 20 pages	No fee to be charged for 1 <sup>st</sup> 20 pages of the information	No fee to be charged for 1 <sup>st</sup> 20 pages of the information	Excellent provision.
<b>2</b>	More than 20 pages	Rs. 5 per page to be charged for extra copies and Rs. 8 per page if both sides of the page are used	Rs. 2 per page to be charged for extra pages.	Khyber Pakhtunkhwa should revise the fee for the extra pages as it seems to be in violation of Section 3 (3) (b) which says that the cost will be the 'lowest reasonable'.
<b>3</b>	Postal and courier charges	Actual cost for extra copies	Public bodies to bear the postal cost for providing information to citizens.	Khyber Pakhtunkhwa Information Commission should ask public bodies to bear the postal cost even when information is more than 20 pages as in the case of Punjab Information Commission.

S. No	Category	Khyber Pakhtunkhwa	Punjab	CPDI Comments
4	Fee for providing electronic data	Not notified yet.	Actual cost of CD, diskette, floppy, cassette video or any other electronic device containing information as determined on the basis of official procurement record. No cost to be charged if applicant provides the device and requires only an electronic copy of the information.	Excellent provision of not charging fee to the applicant if the applicant provides the device. Khyber Pakhtunkhwa Information Commission should also notify fee for getting electronic data. Collecting samples.
5	Fee for inspecting documents	Not notified yet	No cost to be charged for inspection of any work. Rs. 10 to be charged for the first hour of inspection of record/documents for taking notes or extracts. Rs. 5 to be charged for each extra 15 minutes after the first hour.	Excellent provision of not charging the applicant for inspecting any work. Khyber Pakhtunkhwa Information Commission should also notify fee for inspecting works/documents.
6	Fee for collecting samples	Not notified yet	Actual cost of the sample of a material to be charged. In case of a published report, document, book or any other official record, actual price as determined by the public body or the relevant publisher to be paid by the applicant.	Khyber Pakhtunkhwa Information Commission should also notify fee for collecting samples.

Khyber Pakhtunkhwa Information Commission has started awarding fine money as compensation to the applicants, which it is not supposed to do according to some legal experts. Civil society groups have taken up this issue with the Commission and it is hoped that it will reconsider its position.

Another matter of grave concern is the conditionality imposed by Khyber Pakhtunkhwa Information Commission to provide copy of CNIC when lodging complaint against a Public Information Officer. One can understand what led to the putting in place this conditionality as some complaints are lodged wherein the complainant might not be interested in pursuing the case or, very rarely, someone else might have lodged complaint on behalf of some other person. Such cases are bound to happen in a country where people are not familiar with the culture of

asking questions as their right. Especially, such things are bound to happen soon after the enactment of right to information law because of the very novelty of the idea of seeking information and lodging complaints. However, this conditionality is harsh and Khyber Pakhtunkhwa Information Commission should do away with this practice on the following grounds:

1. Khyber Pakhtunkhwa Information Commission should not make it compulsory for all citizens to provide CNIC just because some citizens lodged false complaints. This is tantamount to collective punishment and the principle of the presumption of innocence till proven guilty has been compromised.
2. This requirement is in conflict with the spirit of Khyber Pakhtunkhwa Right to Information Act 2013 as there is emphasis on providing an easy process for citizens to submit information requests and lodge complaints.
3. There is no such requirement by Punjab Information Commission for lodging complaints. It should be enough for citizens to share the name and the address when lodging complaints. If Punjab Information Commission is able to deal with complaints lodged without copy of CNIC so should be Khyber Pakhtunkhwa Information Commission.

Khyber Pakhtunkhwa Information Commission has also proposed amendments in the Khyber Pakhtunkhwa Right to Information Act 2013 to make it more effective. These amendments pertain to the collection of fine money and imposing fine for providing incorrect information.

While both Punjab Information Commission and Khyber Pakhtunkhwa Information Commission are trying to implement their laws, both provincial governments will have to do a lot to prove that these governments are serious about transparency and right to information of citizens. Especially, other than Information Department, Khyber Pakhtunkhwa, public bodies are not taking steps to proactively disclose information through web sites as required by Section 4 and Section 5 of the Punjab Transparency and Right to Information Act 2013 and Khyber Pakhtunkhwa Right to Information Act 2013 respectively.

Lastly, Khyber Pakhtunkhwa Information Commission, in sharp contrast to Punjab Information Commission, has not written down even a single detailed judgement on disputed issues pertaining to access to information.

On the other hand, Punjab Information Commission has taken certain progressive steps which augurs well for right to information movement in the country in the long run. First of all, it ensured through the Punjab Transparency and Right to Information Rules 2014 that head of public body is deemed Public Information Officer if a public body has not designated one, which is not made specific in the Punjab Transparency and Right to Information Act 2013 unlike as in Khyber Pakhtunkhwa Right to Information Act 2013. Furthermore, unlike Khyber Pakhtunkhwa Information Commission which had the requisite funds and the staff right from the beginning, Punjab Information Commission has not been provided with requisite funds and the staff. As a result, Punjab Information Commission has been dependant on the secretarial support by civil society groups to perform day-to-day activities. Unlike Khyber Pakhtunkhwa Information Commission, Punjab Information Commission has given some landmark judgments. Punjab bureaucracy has used all available tactics to thwart efforts of RTI activists

and the Punjab Information Commission. However, the shenanigans of public officials are being recorded since public officials are bound to put their reservations in writing for not providing the requested information. As a result, Punjab Information Commission has been able to give some landmark decisions which have put an end to some of the key excuses offered by public officials for not sharing information. The significance of these decisions can hardly be exaggerated given the prevailing culture of secrecy in the country. As the right to information movement progresses in the country, these decisions are going to serve as precedents for RTI activists in their struggle for transparent functioning of public bodies and greater flow of information from public bodies to citizens.

Punjab Information Commission has decided issues like overriding effect of the Punjab Transparency and Right to Information Act 2013 over all other laws, rules and orders, level of harm to personal safety to claim exemption from disclosure of information, head of public body to serve as Public Information Officer in the absence of designation of PIO, transfer of requests for information to PIOs, claim to privacy with regard to disclosure of information and the declaration of entities as public bodies that are substantially funded by the government and oath of secrecy not to be a valid justification for not to provide the requested information.

In its order dated October 18, 2015 in the case of Mr. Waseem Abbasi, Ch. Siraj Din, Mr. Muhammad Waseem Elahi vs. Mr. Tariq Shahzad Deputy Secretary (Coord.)/ Public Information Officer, Governor House settled some key contentious issues with regard to the exercise of right to information.

The commission has settled the issue of the term ‘public importance’, as interpreted in the context of the question of admissibility under Article 184(3) vis-a-vis the term public importance in the context of Article 19-A of the constitution. The commission declared that “the term ‘public importance’, as interpreted in the context of the question of admissibility under Article 184(3), may not be exactly applicable in the context of its usage in Article 19A of the Constitution. In the context of right to information regarding official records, the term ‘public importance’ has to be understood in terms of what records should be accessible to each and every member of the public vis-à-vis the records which are of personal nature and whose disclosure may amount to invasion of privacy of a specific individual”.

Furthermore, while interpreting the term ‘public importance’ in the context of Article 19A of the Constitution, it has to be kept in mind that right to information is now universally recognized as a human right, which can be exercised to access information about matters of individual, community or public interest”.

In this case, the commission also put to rest the issue of the oath of the Governor as an excuse for not sharing the requested information. “Another argument made by the Respondent is that the oath taken by the Governor under the Constitution puts an obligation upon him in the following terms: “I will not directly or indirectly communicate or reveal to any person any matter which shall be brought under my consideration or shall become known to me as Governor of the Province of Punjab except as may be required for the discharge of my duties as Governor.” The Commission is not convinced that the above-referred part of the oath of the

Governor can be used to claim exemption from the purview of Article 19A of the Constitution or the provisions of the Punjab Transparency and Right to Information Act 2013, which was assented by the Governor himself without expressing any reservations. In fact, the Governor is duty bound to disclose information, when it is required by the Constitution or law, and the underlined part of the above-referred quote from the oath refers exactly to such like situations.”

Some provisions of Qanun-e-Shahadat Order 1984 and the Official Secrets Act 1923 are also cited as reasons by public officials for not providing the requested information. Punjab Information Commission has, basing its argument on the overriding clause of the Punjab Transparency and Right to Information Act 2013, declared that these laws cannot be used to keep information from disclosure. In the same case, it also said: “As regards the section 6 and section 7 of the Qanun-e-Shahadat Order 1984, these provisions are about the presentation of evidence in the courts of law and, hence, are not relevant to the disclosure of information to the general public under the Punjab Transparency and Right to Information Act 2013. While the courts have a limited function of deciding cases brought before them, the objectives of the Punjab Transparency and Right to Information Act 2013 are much broader and include transparency, government accountability and improved access to public information. In addition, even if it is accepted for the sake of argument that the restriction imposed on presentation of evidence in the courts also means such information should not be disclosed to the general public as well, the question remains whether the heads of departments really enjoy absolute discretion in such matters. In this context, it may be argued that the functions and discretion of the heads of provincial public bodies is regulated through laws and rules enacted by the provincial government and, therefore, the relevance of the Punjab Transparency and Right to Information Act cannot be disregarded or down-played”. Regarding the Official Secrets Act 1923, the commission said: “As for the Official Secrets Act 1923 is concerned, it doesn’t specifically list documents, which are to be treated as secret, and instead leaves such a function to be performed through other statutes or rules enacted or notified by the respective Federal or a provincial government. Hence, while the Official Secrets Act 1923 is a Federal law, it leaves it to the respective provincial governments to decide scale or scope of secrecy, as it was earlier done through, inter alia, the relevant provisions of the Punjab Government Rules of Business 2011. The Punjab Transparency and Right to Information Act 2013 has now specifically declared the kind of information that can be kept secret, and that all other information must be disclosed proactively or in response to applications filed by citizens. Therefore, the Punjab Transparency and Right to Information Act 2013 has no conflict with the Official Secrets Act 1923 and, in fact, both complement each other”.

Dwelling upon the concept of entities to be treated as public bodies that are substantially funded by public money, in its order dated November 24, 2015 in the case of Mr. Qalandar Hussain Khan and Ms. Ambreen Kanwal vs. Public Information Officer (PIO) Punjab Provincial Cooperative Bank the commission said: “The Commission has carefully reviewed the documents and judgments submitted by the parties as well as the arguments that they made during the hearing, and holds that the PPCBL is a public body in view of, inter alia, sections 2(h)(iv) and 2(h)(vii) of the Act. It is evident from the record that the Government of Punjab currently owns 78% shares in the PPCBL, which is also being managed by the Respondent No.

3 in his capacity as Administrator of PPCBL”. In its order dated November 18, 2015 in the case of Mr. Muhammad Imran Zia (the Complainant) Vs. Deputy Secretary (Admn.)/ Designated PIO, Information & Culture Department, Punjab Information Commission settled the issue of a citizen using RTI as a tool for his personal interest and not for public interest. The commission said: “The Commission informed the Respondent that the Act makes no distinction between the information involving personal interest vis-à-vis public interest, and that access to information can only be denied if its disclosure is likely to cause harm to one or more of the interests mentioned in section 13 of the Act”. In the same case, the Commission also dwelt upon the issue of noting on the files and said: “He was further informed that noting portion of files or minutes of meetings per se are not exempt from disclosure. However, a specific part of noting or minutes can be withheld, provided it could be justified in the light of exceptions mentioned in section 13 of the Act”.

Seen in the context of the fact that certain quarters in Punjab bureaucracy are trying their best to create hurdles in the way of Punjab Information Commission, the commission has done a tremendous job so far. These hurdles include, but are not limited to, delay in releasing funds for the Commission, not providing staff to the Commission and using delaying tactics as a result service rules of the Commission have yet not been framed owing to which Punjab Information Commission cannot hire staff on its own. The fact that public officials have presented all sorts of arguments at their disposal for not sharing the information and the fact that the Punjab Information Commission has effectively countered these arguments by referring to the constitution, judgements of the superior courts and the provisions of the Punjab Transparency and Right to Information Act 2013 augurs well for the future of transparency and right to information movement in the country. For the first time in the history of the country, there is a forum where contentious issues pertaining to the disclosure of information are being debated within the bounds of law. As a result, not only citizens have been able to exercise their right of access to information held by public bodies for the attainment of their rights, journalists have also been able to get access to certified information from public bodies for investigative reporting which will strengthen accountability of public officials and elected representatives as well as contribute to the greater public participation in democratic processes”.

### ***Roles of PTI and PML(N) Provincial Governments in Implementation of their RTI Laws:***

Both PML(N) and PTI have mixed record with regard to the implementation of their respective RTI laws. On June 23, 2015, Khyber Pakhtunkhwa Assembly exempted itself from the purview of Khyber Pakhtunkhwa Right to Information Act 2013 through a hastily introduced amendment in the law. It was after concerted effort of civil society groups that exerted enough pressure on PTI government to eventually withdraw this amendment on September 10, 2015. However, the attitude of PML(N) government in Punjab has been far from satisfactory with regard to supporting Punjab Information Commission in the implementation of the Punjab Transparency and Right to Information Act 2013. Punjab government has not framed service rules for Punjab Information Commission so that it could hire on its own and neither it has deputed staff at the Commission so that its members could perform their duties in a proper

manner. As a result, ever since its establishment, Punjab Information Commission has been dependant on the support of civil society to carry out its functions. Punjab Information Commission has documented the failure of Punjab government in providing it requisite budget and staff in its annual report as well which is available on its website.

## **Chapter 10: Constitutionality of RTI and Judgements of Superior Judiciary:**

Constitutionality of citizens' right to information makes a very interesting study. It is largely believed that the constitutional right to information was accorded when Article 19-A was inserted into the constitution through 18th Amendment in 2010. The Article 19-A says: "Every citizen shall have the right to have access to information in all matters of public importance subject to regulation and reasonable restrictions imposed by law".

There is no denying the fact that Article 19-A specifically guarantees right to information and this right is declared as a fundamental right. However, there have been judgements by superior judiciary wherein citizens' right to information has been upheld and protected even in pre-18th Amendment era. For example, in PLD 2008 Karachi 68, access to information has been declared as sine qua non of constitutional democracy. The judgement says that the public has a 'right to know' about everything done by public functionaries. The judgement goes on to explain the reason as to why citizens should have right to information and we are told that the "responsibility of public functionaries to disclose their acts works both against corruption and oppression". The judgement goes on to affirm principle of maximum disclosure by saying that "as rule information should be disclosed and only as an exception privilege should be claimed on justifiable grounds".

Again, in PLD 1993 SC 746, Supreme Court not only declared it a duty of the government to disseminate information but provided pertinent reasons as to why government should disseminate information. The apex court considers access to information vital to enable citizens "to adjudge the conduct of those who are in office and the wisdom and follies of their policies".

After the specific recognition of right to information through the insertion of Article 19-A through 18th Amendment, there have been at least two excellent judgements in which superior judiciary has deliberated upon right to information by juxtaposing different sections of Freedom of Information Ordinance 2002 with Article 19-A. In CONSTITUTION PETITIONS NO.77 TO 85 & 89 OF 2011 & CMA NO.5505/2011 IN CONST.P.79 OF 2011, Justice Jawwad S. Khawaja made some pertinent observations on right to information with reference to the running of affairs of the country. He laments that "ever since the independence of the country in 1947, people in quest of the truth have mostly been left with conjectures, rumors and half truths. Concealment of information has, in turn led to a distorted history of the country and to a destabilizing division in the polity". Highlighting the significance of Article 19-A, he says that it has "enabled every citizen to become independent of power centres which, heretofore, have been in control of information on matters of public importance". Commenting on the "intrinsic worth of information as a stand-alone fundamental right", he says that the "very essence of a democratic dispensation is informed choice". Elaborating on the value of informed choice in the context of democratic set-up, he says that it is through informed choice that people "acquire the ability to reward or punish their elected representatives or aspirants to elected office, when it is time for the People to exercise their

choice”. This line of reasoning leads him to conclude that information on matters of public importance is “foundational bedrock of representative democracy and the accountability of chosen representatives of the people”. Civil society groups have been demanding the repeal of Freedom of Information Ordinance 2002 because it is restrictive in nature and limited in scope apart from other various short-comings. Analysing Section 3 of the Freedom of Information Ordinance 2002, Justice Jawwad S. Khawaja seems to be on the same page with civil society. He brings to the fore its restrictive nature by juxtaposing with Article 19-A and concludes that “the Constitutional right is much broader and more assertive than the statutory right which by its own terms is restricted to disclosure of official record only”.

Justice Shams Mehmood Mirza of Lahore High Court gave a landmark judgement with far reaching implications on January 18, 2016 in the case of Waheed Shahzad Butt VERSUS The Federation of Pakistan and another. The judgement has put an end to the practice of filing representations with the President of Pakistan by public bodies against the decisions of Federal Ombudsman and Federal Tax Ombudsman, appellate bodies under Freedom of Information Ordinance 2002. The judgement says that the Tax Ombudsman passes a ‘*decision*’ on the complaint of an aggrieved person under the Freedom of Information Ordinance 2002 while Tax Ombudsman makes merely a ‘*recommendation*’ under the jurisdiction of the Federal Tax Ombudsman Ordinance. Justice Shams Mehmood Mirza wrote: “A decision is a binding adjudication of rights and claims between two or more persons whereas recommendation denotes something in the nature of a suggestion. It is, therefore, held that the President had no jurisdiction to entertain and pass a decision on the representation filed by the Board against the decision of the Tax Ombudsman”. This judgement also highlights shortcomings in Freedom of Information Ordinance 2002. Justice Shams Mehmood Mirza observes that exclusions contained in section 8 of the FOI Ordinance are quite loosely worded, open-ended and in abstract form”. There is no ‘*criteria*’ in Freedom of Information Ordinance 2002 on which the “application of a requester may be turned down”. What is remarkable in this judgement is that public bodies will not be able to claim blanket exemption. When information is requested under FOIO 2002. The judgement says that if a public body claims to exclude any information from disclosure, it will have to “justify/demonstrate that that stance is supported (with sufficient particulars and by demonstrable factual basis) by weighing of the relevant aspects of the public interest”.

It would be stating the obvious to say there exists dichotomy between judicial pronouncements on the significance of citizens’ right to information with regard to ensuring public accountability and greater public participation in the affairs of governance and the lacklustre performance of political parties in putting in place mechanisms by enacting right to information laws so that citizens could exercise their right to information.

## Chapter 11: Recommendations:

1. Despite the fact that there is political consensus on the draft right to information bill as it was approved by the Senate Committee on Information and Broadcasting on July 15, 2014, PML(N) led federal government has failed to table this bill in the parliament. This bill should be tabled in the parliament without further delay.
2. Sindh government has drafted right to information bill which is a major improvement on Sindh Freedom of Information Act 2006. Centre for Peace and Development Initiatives, (CPDI) makes following recommendations to improve draft Sindh Freedom of Information Bill 2015.
  - 2.1 The draft Sindh Freedom of Information Bill 2015 should contain one clearly and narrowly drawn list of exempted information and rest of the information should be declared public. At present, the draft bill has separate lists; records that can be shared under Section 7, records that cannot be shared under Section 8 and records that can be shared but certain types of information, if contained in these records, will not be shared under Sections 15, 16, 17 and 18.
  - 2.2 There should be a time-frame for Sindh Information Commission to decide on complaints as in the case of Punjab and KP Commissions that are time bound to decide on complaints within maximum of 60 days.
  - 2.3 Section 5 of draft Sindh FOI Bill 2015 pertaining to proactive disclosure of information is limited in scope and more categories of information need to be brought in its scope to bring it at par with Section 4 and 5 of the Punjab Transparency and Right to Information Act 2013 and Khyber Pakhtunkhwa Right to Information Act 2013 respectively.
  - 2.4 There should be a provision stating that provisions of Sindh FOI law will take precedence over other laws.
  - 2.5 The draft bill should have provision pertaining to the inspection of documents as is the case in Khyber Pakhtunkhwa Right to Information Act 2013 and the Punjab Transparency and Right to Information Act 2013.
  - 2.6 Secretariat of Governor and Sindh Assembly should also be included in the definition of public body in Section 2 (I).
  - 2.7 Under Section 23 (1) (e) draft Sindh FOI Bill 2015, it is a criminal offence for an applicant ‘to use the information obtained for malafide purposes with ulterior motives with facile, frivolous design’. There is no need for including this provision in a right to information law and such matters should be dealt with in defamation laws.
  - 2.8 Whistle Blower Protection clause should also be included in the law.
3. Punjab government is creating hurdles in the implementation of the Punjab Transparency and Right to Information Act 2013 by not releasing requisite funds to Punjab Information Commission and by not framing its service rules owing to which Punjab Information Commission is unable to recruit staff. Punjab government should provide requisite funds to

- Punjab Information Commission and approve its service rules.
4. Khyber Pakhtunkhwa government should revoke amendments in Khyber Pakhtunkhwa Right to Information Act without delay. In this connection, CPDI urges Khyber Pakhtunkhwa government to:
    - 4.1 bring Khyber Pakhtunkhwa Assembly and Peshawar High Court within the ambit of Khyber Pakhtunkhwa Right to Information Act 2013;
    - 4.2 make Peshawar High Court the forum for appeal against the decisions of Khyber Pakhtunkhwa Information Commission; and
    - 4.3 ensure that Khyber Pakhtunkhwa Information Commission consists of Chief Information Commissioner and 2 Information Commissioners taken from bureaucracy, Judiciary and Civil Society.
    - 4.4 Khyber Pakhtunkhwa Information Commission should discard its 'Complaint Form' and should not seek photo and CNIC from the complainant. The complainant should be treated with the assumption of innocence rather than that of guilt and the proof of identity should only be sought in specific cases.
    - 4.5 Khyber Pakhtunkhwa Information Commission and Khyber Pakhtunkhwa governments should notify rules of business.
    - 4.6 Khyber Pakhtunkhwa Information Commission should notify fee for soft copies of information and the fee for the time consumed to inspect documents.
    - 4.7 Federal and Khyber Pakhtunkhwa governments should take steps to extend right of information to citizens living in Provincially Administered Tribal Areas and Federally Administered Tribal Areas.
  5. Punjab Information Commission and Khyber Pakhtunkhwa Information Commission should priorities implementation of sections 4 and 5 of the Punjab Transparency and Right to Information Act 2013 and Khyber Pakhtunkhwa Right to Information Act 2013 respectively.
  6. Punjab Information Commission and Khyber Pakhtunkhwa Information Commission should review all Provincial Laws, Rules, Regulations, Executive Orders and Secretarial Instructions and anything found in these to be in conflict with the provisions of the Punjab Transparency and Right to Information Act 2013 and Khyber Pakhtunkhwa Right to Information Act 2013 should be removed.

Centre for Peace and Development Initiatives, (CPDI) is an independent, non-partisan and a not-for-profit civil society organization working on issues of peace and development in Pakistan. It is registered Under Section 42 of the Companies Ordinance, 1984 (XLVII of 1984). It was established in September 2003 by a group of concerned citizens who realized that there was a need to approach the issue of peace and development in an integrated manner. CPDI is a first initiative of its kind in Pakistan. It seeks to inform and influence public policies and civil society initiatives through research-based advocacy and capacity building in order to promote citizenship, build peace and achieve inclusive and sustainable development. Areas of special sectoral focus include promotion of peace and tolerance, rule of law, transparency and access to information, budget watch, legislative watch and development.



Centre for Peace and  
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OPEN SOCIETY  
FOUNDATIONS



The Coalition on Right to Information (CRTI) was  
established on December 17, 2012 in Islamabad by  
a group of civil society organizations.

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