

Conference on Right to Information Legislation in Balochistan: the Way Forward



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December 23, 2014, Serena Hotel, Quetta



Conference Rationale:

Balochistan Freedom of Information Act 2005 belongs to the first generation of right to information laws in Pakistan as Balochistan opted, along with Sindh, to replicate Freedom of Information Ordinance 2002. Khyber Pakhtunkhwa Right to Information Act 2013 and Punjab Transparency and Right to Information Act 2013 belong to 2nd generation of right to information laws as the provinces of Khyber Pakhtunkhwa and Punjab did not adopt Freedom of Information Ordinance 2002. Balochistan Freedom of Information Act 2005 and other 1st generation right to information laws are inadequate as these laws do not meet international standards of effective right to information legislation. ‘Information’ is not defined, the list of exempted information is vague, there is no harm test, and the process of access to information held by public bodies is neither cost-effective nor easy. More importantly, instead of establishing independent and autonomous commissions, the role of appellate body has been entrusted to Ombudsman. That is why empirical data collected over the years by using these 1st generation laws also supports assertion of the right to information activists in the country that these are highly ineffective laws. On the other hand, KP and Punjab right to information laws meet standards of right to information legislation. ‘Information’ is clearly defined, list of exempted information clear and precise, process of submitting information requests is both easy and cost-effective and independent and autonomous commissions have been established with powers to get these laws implemented. As a result, civil society groups, citizens and journalists are using 2nd generation right to information laws in greater frequency than 1st generation right to information laws. The federal government is in the process of repealing Freedom of Information Ordinance 2002 and its replicas in Sindh and Balochistan also need to be repealed if the constitutional right of citizens guaranteed through Article 19-A is to be promoted and protected. It is in this context that Coalition on Right to Information held conference on ‘Right to Information Legislation in Balochistan: the Way Forward’.

Conference Objectives:

Challenges in the implementation of Balochistan Freedom of Information Act 2005 highlighted;

Policy makers, media, academia and citizens sensitized about their need for repealing Balochistan Freedom of Information Act 2005.

Debate on CPDI Model Balochistan Right to Information Act 2015 generated.

Session 1: Balochistan Freedom of Information Act 2005-Implementation Challenges:

First session was moderated by Mr. Kosar Abbas and chaired by Mr. Sarfaraz Bugti, Interior Minister, Balochistan.

Speakers:

Mr. Sarfraz Bhugti, Interior Minister, Balochistan

Mr. Usman Kakar, President PMAP

Mr. Nizam ud Din, General Secretary ANP

Mr. Zahid Abdullah, Program Manager, CPDI

Proceedings of the Session:

Following are the key and salient points shared by the speakers and the participants.

Mr. Zahid Abdullah:

Mr. Abdullah, while giving brief overview of legislative landscape of right to information in the country, shared with the participants that Balochistan Freedom of Information Act 2005, fell short of standards of international standards of effective right to information legislation needed to be repealed. He shared with the participants that these standards pertain to maximum disclosure, minimal exemptions, obligation for proactive disclosure, process to facilitate access to information, minimum cost for the requested information, and disclosure taking precedence over exemption and assisting the requesters. He also shared with the participants that research studies based on filing information requests under RTI laws also reveal that it is exceedingly difficult to get information from Balochistan public bodies for a citizen under Balochistan Freedom of Information Act 2005. Furthermore, Balochistan Ombudsman has proven to be a toothless appellate body in terms of making effective interventions when access to information is unlawfully delayed or denied to a citizen as its decisions are not binding.



Mr. Nizam ud Din, General Secretary ANP:

Mr. Nizam ud Din lamented the fact that even basic information is not made available to people. He was of the view that information about budget and its utilization and other information pertaining to matters of public importance should be made available to citizens. For this, it is exceedingly important that a new robust and progressive law is enacted.



Mr. Usman Kakar, President PMAP:

Mr. Usman Kakar was of the view that bureaucracy hides information from politicians. People are real owners of the information held by officials. Therefore, officials should be accountable to citizens and their representatives which is only possible by having access to information held by public bodies.



Mr. Sarfraz Bugti, Interior Minister, Balochistan:

Mr. Bugti was of the view that RTI is an important tool for accountability and that PMLN will ensure right to information in Balochistan as well. He shared with the participants that accountability and good governance was only possible if citizens could ask questions to officials and their elected representatives. He was also of the view that any new law in the province pertaining to right to information should be Balochistan context specific and take into account the security situation as well.



Session 2: Road map for effective Right to Information Legislation:

This session was chaired by Mr. Abdul Rahim Ziaratwal, Information Minister, Balochistan and moderated by Mr. Kausar Abbas, CPDI. Abdul Rahim Ziaratwal, Information Minister, Balochistan.

Speakers:

Mr. Abdul Rahim Ziaratwal, Information Minister, Balochistan

Ms. Yaasmin Bibi, Member Provincial Assembly, National Party

Dr. Ishaq Baloch, Advisor to Chief Minister Balochistan

Mr. Saleem Shahid, Bureau Chief, Dawn

Dr. Shama Ishaq, Member National Assembly, National Party

Mr. Zahid Abdullah, Program Manager, CPDI

Dr. Ishaq Baloch, Advisor to Chief Minister Balochistan:

Mr. Baloch shared with the participants that it was for the first time in the history of Balochistan that



a party of people belonging to the middle class was in the power in the province. He shared with the participants that Policy Reforms Unit has been established by Balochistan government. The Balochistan government is introducing progressive laws. The right to information is vital for accountability, democracy and good governance. He appreciated CPDI for developing Model Balochistan Right to Information Bill 2015. He assured the participants that

this model bill will be reviewed and changes will be made in Balochistan Freedom of Information Act 2005.

Mr. Saleem Shahid, Bureau Chief, Dawn:

Mr. Saleem Shahid appreciated the fact that after insertion of Article 19-A in the Constitution, right



to information had now become a fundamental right of citizens. He was of the view that under Balochistan Freedom of Information Act 2005, the process of getting access to information was time-consuming. At the same time, getting access to the requested information is next to impossible. As a journalist, it is difficult to use this law for reporting purposes. Therefore, it is important that the Balochistan Freedom of Information Act 2005 is repealed and a new law is enacted.

Ms. Yaasmin Bibi:

Ms. Yaasmin Bibi was of the view that Balochistan Freedom of Information Act 2005 was useless for people. After 18th Amendment, the provinces had the right to carry out legislation. She said that until and unless citizens' access to information held by public bodies is not ensured, there can be no transparency.



Dr. Shama Ishaq, Member National Assembly, National Party:

She was of the view that good laws have not been enacted in Balochistan and for this fault mainly lies with the politicians. She stressed the need for enacting a right to information law for the province on the lines of those enacted in Khyber Pakhtunkhwa and Punjab.



Mr. Zahid Abdullah, Program Manager, CPDI:

Mr. Abdullah shared key features of CPDI Model Balochistan Freedom of Information Bill 2005. He said that instead of holding a conference and just stressing the need for repealing Balochistan Freedom of Information Act 2005, CPDI has developed a model law for the province by reviewing Khyber Pakhtunkhwa Right to Information Act 2013, the Punjab Transparency and Right to Information Act 2013 and the federal draft right to information bill approved by Senate Committee on Information and Broadcasting. While preparing model right to information law for the province, we included best parts of these laws and left out weaker parts. As a result, it is a good law which can be adopted by the provincial government after taking inputs from all the stakeholders in the province. He also offered services of CPDI to the provincial government for the drafting of effective right to information law for the province.

Mr. Abdul Rahim Ziaratwal, Information Minister, Balochistan:

Mr. Ziaratwal shared that we have already worked on the issue of enacting a right to information law for the province. There is certain type of information that cannot be disclosed as it pertains to the security related issues. He was of the view that there should be a commission, an independent and autonomous body to decide whether information should be made public or not. He said that right to information is the basic right of the people and it is a crime to deprive people of their basic rights.



The Way Forward:

There is willingness in the provincial government to repeal Balochistan Freedom of Information Act 2005 and enact an effective law in its place. Civil society groups need to engage provincial government on sustained basis for the repeal of Balochistan Freedom of Information Act 2005.



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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