

Level of Effectiveness of Khyber Pakhtunkhwa and Punjab RTI laws and Information Commissions

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Rationale:

The effectiveness of right to information legislation as a tool for public accountability lies in the fact that civil society groups, citizens and journalists can contribute to informed debate on pertinent issues. This can only happen when public bodies respond to information requests filed under right to information laws within stipulated period of time and provide the certified information to the applicants. The present study has been conducted to gauge the level of effectiveness of Khyber Pakhtunkhwa Right to Information Act 2013 and the Punjab Transparency and Right to Information Act 2013. For this purpose, information requests were filed to Khyber Pakhtunkhwa and Punjab public bodies working in agriculture sector, seeking information about the total number of sanctioned posts and the total number of posts lying vacant in these public bodies. The study also seeks to determine level of effectiveness of Khyber Pakhtunkhwa Information Commission and Punjab Information Commission in facilitating citizens in having access to information held by public bodies by acting on their complaints. Lastly, the study also explore the issue of under-staffing in Khyber Pakhtunkhwa and Punjab public bodies in agriculture sector, based on certified information received from these public bodies in response to information requests. Centre for Peace and Development Initiatives, (CPDI) filed information requests in Punjab and Centre for Governance and Public Accountability, (CGPA) filed information requests in Khyber Pakhtunkhwa.

Level of Responsiveness of Punjab Public Bodies and the Level of Effectiveness of Punjab Information Commission:

A total of 35 information requests were filed in Punjab by Centre for Peace and Development Initiatives, (CPDI) under the the Punjab Transparency and Right to Information Act 2013. A public body is bound to provide the requested information within 14 working days. Out of the total 35 Punjab agriculture departments that were requested to provide the information, only 2 provided the requested information prior to lodging complaint with the Punjab Information Commission whereas 18 provided information only after the intervention of the Punjab Information Commission. 15 Punjab agriculture departments have not provided the requested information despite the fact that more than 4 months have elapsed since complaints were lodged with Punjab Information Commission. Under the Punjab Transparency and Right to Information Act 2013, the Punjab Information Commission is bound to decide on the complaints within 2 months.

Under staffing is a major issue in Punjab public bodies. According to the data shared by 20 Punjab public bodies, there are 7315 sanctioned posts and 1397 posts are lying vacant. .

Level of Responsiveness of Khyber Pakhtunkhwa Public Bodies and the Level of Effectiveness of Khyber Pakhtunkhwa Information Commission:

Out of the total 49 Khyber Pakhtunkhwa public bodies in the agriculture sector that were requested to provide the information by Centre for Governance and Public Accountability,

(CGPA), all but 9 provided the requested information prior to lodging complaint with the Khyber Pakhtunkhwa Information Commission whereas all 9 provided information after the intervention of the Khyber Pakhtunkhwa Information Commission. . According to the data shared by 49 Khyber Pakhtunkhwa public bodies, there are 4584 sanctioned posts and 413 posts are lying vacant.

Findings:

1. Khyber Pakhtunkhwa public bodies are more responsive to requests filed under Khyber Pakhtunkhwa Right to Information Act 2013 than Punjab public bodies when similar requests for information are filed under the Punjab Transparency and Right to Information Act 2013.
2. Only 2 Punjab public bodies provided information prior to lodging complaint with the Punjab Information Commission whereas 40 Khyber Pakhtunkhwa public bodies provided requested information prior to lodging complaint with the Khyber Pakhtunkhwa Information Commission.
3. Khyber Pakhtunkhwa Information Commission is more effective in acting on complaints than Punjab Information Commission as all seven Khyber Pakhtunkhwa public bodies provided the requested information.
4. Only 18 Punjab public bodies provided information on the intervention of Punjab Information Commission and 15 public bodies have not provided the requested information yet despite the fact that more than four months have passed when complaints were lodged with Punjab Information Commission.
5. Under staffing is a major issue in Punjab public bodies as 19% of sanctioned posts are lying vacant in the public bodies of agriculture sector whereas only 9% of sanctioned posts are lying vacant in the public bodies of Khyber Pakhtunkhwa.

Recommendations:

1. Khyber Pakhtunkhwa Information Commission has been able to dispose off all the complaints because it is properly staffed. On the other hand, Punjab government has neither approved service rules for Punjab Information Commission nor the Punjab government has provided necessary staff to Punjab Information Commission. So far, Punjab Information Commission is functioning on shoe-string budget which is tantamount to rendering it ineffective. Punjab government should provide staff to Punjab Information Commission on urgent basis and approve its service rules so that the Punjab Information Commission could hire staff to function properly. Punjab government should provide adequate budget to Punjab Information Commission so that it could train Public Information Officers on their roles and responsibilities under the Punjab Transparency and Right to Information Act 2013. Without adequate resources, Punjab Information Commission cannot launch awareness raising campaign about right to information.
2. Both Punjab and Khyber Pakhtunkhwa governments should address the issue of understaffing in public bodies on priority basis. The fact that 19% of the sanctioned posts are lying vacant in Punjab public bodies of agriculture sector demonstrates that agriculture is not a priority area for the Punjab government. Earlier such studies have also shown that sanctioned posts are lying vacant in schools and basic health units of Punjab. It seems that Punjab government is executing mega infrastructural projects at the expense of agriculture, education and health sectors.



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



📍 House 370 | Street 75 | Sector E-11/3 | Islamabad | Pakistan
☎ +92 51 237 51 58-59, 431 94 30
☎ +92 51 844 36 33
✉ coordinator@crti.org.pk
f /CoalitionOnRightToInformationCrti
t /RTICoalition

www.crti.org.pk