

## 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	Weight-age
	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	Weight-age
	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	Weight-age
	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 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	Weight-age
	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	Weight-age
	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	Weight-age
	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	Weight-age
	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
Law has provisions that allows 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



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	Weight-age
	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 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	Weight-age
	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 'malafiedly purposes with	5
<b>Total</b>	<b>32</b>	<b>32</b>	<b>32</b>		<b>133</b>	<b>141</b>		<b>145</b>