



Centre for Peace and
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CPDI Right to Information Watch

Greetings from the Centre for Peace and Development Initiatives, (CPDI). Issued every month, CPDI Right to Information Watch takes stock of RTI legislative landscape in the country with focus on development pertaining to RTI legislation and implementation of these laws.

RTI Legislative Landscape

No progress on the enactment of federal RTI law despite grilling of the information minister by Senate Committee on information

As was reported in the last issue, federal government formed a special committee on January 16, 2016 to review federal RTI law in the light of what it calls [Changing security situation](#). Our readers know, CPDI [countered](#) the very need for reviewing the draft RTI law as it contains adequate safeguards against disclosure of sensitive information and shared our concerns with the government. There is total stonewalling by the government and there is no information as to whether this special committee has started functioning or not. More than 40 days have gone by and there is no word about the recommendations of this committee. Civil society finds Senate Committee on Information and Broadcasting on its side as it keeps on exerting pressure on the government to table the draft bill in the parliament. On February 03, 2016, senators [grilled](#) Federal Information Minister for failing to table right to information bill in the parliament which was approved by the Senate Committee on Information and Broadcasting on July 15, 2014. CPDI urges PMLN government to make good on its repeated pledges and enact RTI law for federal public bodies.

The process of amendments in Khyber Pakhtunkhwa Right to Information Act 2013: moves forward

We reported in the last issue that Khyber Pakhtunkhwa Information Commission has suggested [key amendments](#) in Khyber Pakhtunkhwa Right to Information Act 2013. There has been a positive development in this regard as on February 24, 2016 Special Assistant to Chief Minister on Information and Higher Education, Mushtaq Ahmed Ghani gave [nod of approval](#) to these amendments.

CPDI believes PMLN and PPP can take a leaf out of PTI's book with regard to legislation on right to information.

PPP pushing the envelope on RTI legislation in Sindh?

On February 17, 2016, Sindh Environment minister Sikandar Mandhro shared in a round table in Karachi that the draft RTI bill is ready and that it will be tabled in the assembly soon. He also told the participants that civil society recommendations have been incorporated in the bill. ON November 25, 2015, CPDI shared following specific recommendations with Sindh government to improve Sindh Freedom of Information Bill 2015.

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. 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.
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.
4. There should be a provision stating that provisions of Sindh FOI law will take precedence over other laws.
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.
6. Secretariat of Governor and Sindh Assembly should also be included in the definition of public body in Section 2 (I).
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.
8. Whistle Blower Protection clause should also be included in the law.

CPDI demands Sindh government to share with public right to information bill so that it could be determined as to what extent civil society recommendations have been incorporated in the bill as claimed by Mr. Sikandar Mandhro.

RTI in Action

Proactive Disclosure: KP Information Department leading the way whereas Punjab Information Department does not have even a web site

How can Punjab Information Department implement Section 4 of the Punjab Transparency and Right to Information Act 2013 when it does not even have a web site? This is in sharp contrast to

implementation of Section 5 of the Khyber Pakhtunkhwa Right to Information Act 2013 in letter and spirit by Khyber Pakhtunkhwa Information Department. CPDI appreciates the great work done by Abid Majeed, Secretary, Information Department urges his counterpart in Punjab to create web site of the Information Department and proactively disclose information as required under Section 4 of the Punjab Transparency and Right to Information Act 2013. The case of Punjab Information Department is special as it does not have even a web site but the level of proactive disclosure of information in Punjab and Khyber Pakhtunkhwa, as depicted in the [report](#) on this issue by Digital Rights Foundation, shows that the work of respective commission is clearly cut out.

Another case proving Federal Ombudsman to be a toothless body

As [reported](#) in the media, it is difficult to understand as to why Federal Ombudsman did not ask Army Welfare Trust, registered as an NGO, to provide the requested information pertaining to allotment of land. It seems that FO provided exemption to AWT on its own rather than deciding the matter on merit after seeking response in writing from the management of AWT. This is not the first case where FO has failed to protect citizens' right to information. CPDI urges federal government to table in the parliament draft right to information bill approved by Senate Committee on Information and Broadcasting without delay. CPDI has always maintained that Pakistan Information Commission, an independent and autonomous body envisaged to be established under this bill, replacing FO as an appellate body, is more likely to protect citizens' right to information as it will be mandated to do so under an effective right to information law than FO that has been interpreting right to information 2002 through narrow prism of maladministration. In this context, the role of independent commissions can hardly be exaggerated in building transparency narrative to counter the prevailing secrecy narrative as we argued in a recently published [Op-Ed](#) piece.

Budgetary Woes of Punjab Information Commission continue

Punjab government has not provided sufficient funds to Punjab Information Commission to perform its duties as dictated by the Punjab Transparency and Right to Information Act 2013. Furthermore, Punjab government has neither approved service rules for the commission nor provided it enough staff to carry out day-to-day business. Punjab Information Commission has documented its frustration in its annual report and it seems the commission has decided to bring this issue in public as is evident from some of the reports in the media. One wonders how long Punjab bureaucracy will continue with its shenanigans and create hurdles in the way of Punjab Information Commission?

Transparency and Right to Information Program

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