



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

Why do we legislate on right to information in secrecy?

Out of the five right to information laws in the country, the Punjab Transparency and Right to Information Act 2013 is the only law whose draft was shared with public for comments and feedback. Furthermore, prior to tabling it in the Punjab Assembly, Chief Minister Shahbaz Sharif constituted a committee which included members from diverse backgrounds to review and finalize the draft of the Punjab RTI law. As a result, the Punjab Transparency and Right to Information Act 2013 is free from any lacunas. On the other hand, the draft of Khyber Pakhtunkhwa Right to Information Act 2013 was not put to public scrutiny as vigorously as in the case of the Punjab Transparency and Right to Information Act 2013. As a result, there are some lacunas in the law which Khyber Pakhtunkhwa Information Commission is still trying to address as [reported](#) in Express Tribune of June 01, 2016. Moral of the story is simple. You end up enacting good laws with public feedback and if the process of enacting laws is secretive, laws are often riddled with lacunas, best intentions notwithstanding.

We reported in the last edition that while speaking on a public event, Mr. Nasir Jamal, a representative from the Ministry of Information and Broadcasting shared that as the draft law is still in the process, they could not share the proposals being discussed. Understandably, this is extremely frustrating for those involved in the process and Senator Kamil Ali Agha and Senator Farhat Ullah Babar gave vent to their frustration in their interaction with Secretary, the Ministry of Information and Broadcasting as reported in the news headlined [Senate body irked by government's dithering over information bill](#). IN a public event organized by HRCP, Senator Farhat Ullah Babar told CPDI that the opposition is going to table the draft as a private member bill.

It seems that secrecy with regarding to enacting right to information laws is endemic.

Balochistan government is not sharing the draft right to information law under its consideration to repeal the Balochistan Freedom of Information Act 2005. It is in the best interest of Balochistan government to share the draft bill with public so that an effective right to information law for the province could be enacted. Our apprehension is that the Balochistan bureaucracy is trying to get a weak law enacted which might be an improvement on the existing Balochistan Freedom of Information Act 2005 but an ineffective law nevertheless.

RTI in Action

Approve summary not exempt from disclosure

Deciding on a complaint lodged by a citizen, Punjab Information Commission has given the [decision](#) that the approved summary is not exempt from disclosure. In its decision, Punjab Information Commission has written that if a public body wants to withhold disclosure of a document, or part of a document, it has to be done on justifiable grounds.

Pushing the envelope? Is Khyber Pakhtunkhwa Information Commission right in asking a federal body to provide information?

Recently, Khyber Pakhtunkhwa Information Commission has given a [judgment](#) which is going to have far reaching implications. PESCO, registered under the Companies Ordinance 1984, hence a federal public body, has been asked by Khyber Pakhtunkhwa Information Commission to provide requested information to a citizen. In its judgment, Khyber Pakhtunkhwa Information Commission said: The Companies Ordinance 1984 is as subject not enumerated in the Federal Legislative List and hence it is a provincial law for all practical purposes and is consequently applicable to all limited companies registered under the same ordinance.”

It also referred to Section 2 of the RTI Act pertaining to the definition of a public body and the Khyber Pakhtunkhwa Information Commission is of the view that since PESCO performs public functions, therefore, it is a public body, hence comes within the ambit of Khyber Pakhtunkhwa Right to Information Act 2013. If we go by this decision, each federal public body operational in Khyber Pakhtunkhwa comes within the purview of Khyber Pakhtunkhwa Right to Information Act 2013. It would be interesting to see how Peshawar High Court interprets this judgment if PESCO files review petition against this judgment.

Transparency and Right to Information Program

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