

CPDI Comments to Improve Draft Sindh Transparency and Right to Information Bill 2016

September 02, 2016

The Sindh government has drafted the Transparency and Right to Information Bill 2016. This draft shows considerable improvement on the Sindh Freedom of Information Act 2006. However, there are certain lacunas in the bill that need to be fixed. Centre for Peace and Development Initiatives, (CPDI) believes that the Sindh government needs to improve the draft in the following key areas if it wants to enact an effective right to information law.

1. The Secretariat of Chief Minister of Sindh should also be included in the definition of public body in Section 2 (H).
2. Section 8 (2) requires an applicant to provide reason for seeking access to information. It will give discretionary power to a public official to agree or disagree with the reason provided by an applicant. Since, right of access to information is a fundamental right under the constitution; a citizen should not be bound to provide reasons for exercising this right. There is no such provision in Sindh Freedom of Information Act 2006 which this bill seeks to repeal. Neither there is any such provision in Freedom of Information Ordinance 2002, Khyber Pakhtunkhwa Right to Information Act 2013 and the Punjab Transparency and Right to Information Act 2013. In fact, Section 7 (5) of Khyber Pakhtunkhwa Right to Information Act 2013 and Section 10 (3) of the Punjab Transparency and Right to Information Act 2013 specifically prohibit to ask from the applicant reason for requesting information.
3. Section 10 (k) says that information will not be shared if it is likely to Affect the dignity of a citizen'. There is no need for sub section k as issues pertaining to dignity and privacy are adequately protected in Section 10 (c).
4. Public bodies should be given 14 working days to provide the requested information and be allowed to take 14 more working days if information is to be collected from large number of records or from different offices. The present time period of 30 working days to provide the requested information and also allowing public bodies to take 15 more working days if information is to be collected from different offices or to be retrieved from large records is likely to lengthen the waiting period
5. Since Section 8 (4) gives an applicant option to either file a review with the head of public body or a complaint with the commission, the word 'shall' in Section 9 (1) should be replaced with word 'may'.
6. In Section 8, Public Information Officer should be bound to provide assistance in filing information requests to the illiterate and people with disabilities
7. In Section 15, fixing the upper amount limit of fine of Rs. 10,000 may lose its impact over time because of inflation. The fine should be linked with the salary of Public Information Officer. Depending on the nature and the severity of the violation of the law, salary of certain days is deducted as a fine.
8. There should be a provision in the bill declaring all records to be public records that are 30 years old.
9. Whistle blower protection clause should be included in the bill.
10. In Section 23, it should be Sindh Freedom of Information Act 2006 and not Sindh Right to Information Act 2006.