



Centre for Peace and  
Development Initiatives

December 2016

## CPDI Right to Information Watch

### Editorial:

Greetings from the Centre for Peace and Development Initiatives, (CPDI).

It is unfortunate that federal government has decided to table structurally flawed Right of Access to Information Bill 2016 in Parliament. This bill has been rejected by all stakeholders as it fails to meet standards of effective legislation. There are three major problems with this bill. One, it turns upside down the principle of maximum disclosure. A large number of records have been given blanket exemption from disclosure including minutes of meetings and notings on files. Second, federal government will be able to exempt from disclosure any document that it may so desire. Third, the proposed Pakistan Information Commission is not empowered to instruct federal public bodies to disclose information if the disclosure is in public interest.

It seems that federal government has decided to sacrifice citizens' right to information at the altar of perceived notions of national security. Pleas to the government that right to information is not at [odds](#) with national security, it seems, has fallen on deaf ears.

The issue of legislation on citizens' right to information is still up in the air and civil society groups and media can influence the legislative process provided there is a unified stance against this bill. Civil society groups and media organisations need to engage with parliamentarians and also mount pressure through print and electronic media. Otherwise, if enacted into a law, it will be another albatross like Freedom of Information Ordinance 2002 around our necks which will be difficult to get rid of.

### RTI Legislative Landscape

#### Structurally flawed right to information bill on its way to parliament:

As reported in [Dawn](#) on December 01, 2016, Minister of State for Information and Broadcasting Maryam Aurangzeb has said RTI bill will be presented in next National Assembly session. So, next NA session is very crucial and civil society should stay vigilant. Right of Access to Information Bill 2016 is almost as good an RTI law as Freedom of Information Ordinance 2002 it seeks to repeal.

### **Movement on enacting RTI law for Balochistan:**

CPDI has been trying to move the dial with regard to repealing Balochistan Freedom of Information Act 2005 and putting in place an effective law on the lines of the Punjab Transparency and Right to Information Act 2013 and Khyber Pakhtunkhwa Right to Information Act 2013 in Balochistan as well. In this connection, articles like [‘the Need to Repeal Balochistan Freedom of Information Act 2005’](#) have been published and seminar/conferences with elected leadership have been held in Quetta.

CPDI held a round table conference with elected representatives, journalists and civil society groups in Balochistan in the first week of December and arranged their interaction with members of Khyber Pakhtunkhwa and Punjab information commissions. The idea was to drive home the point that Balochistan needed an effective RTI law. As a result of persistent engagement of CPDI, Adviser to CM on Information Sardar Raza Mohammad Barech [said](#) that Balochistan government will introduce a new law within 2 months.

## **RTI in Action**

### **Secretive ways of FBR:**

CPDI experience of seeking information from Federal Board of Revenue under Freedom of Information Ordinance 2002 has never been pleasant one. Instead of providing the requested information, FBR resorts to filing representations against the decisions of Federal Ombudsman. Apparently, this time around FBR is not providing requested information even on the [order](#) of Lahore High Court.

### **The Punjab Transparency and Right to Information Act 2013 at odds with the constitution?:**

Lack of support from Punjab government has resulted in the slow implementation of the Punjab Transparency and Right to Information Act 2013. The Punjab government has yet to approve service rules for Punjab Information Commission. As a result, Punjab Information Commission has not been able to hire staff to function properly. Inordinate delays by Punjab Information Commission in deciding on complaints by citizens against officials for not providing requested information is causing frustration to many applicants. One expression of this frustration has found expression in a [petition](#) filed by an advocate in Lahore High Court who has maintained that the Punjab Transparency and Right to Information Act 2013 is in conflict with the constitution as he could not get access to information despite lodging complaint with the commission. Notwithstanding the merit of the petition, this reflects poorly on the performance of Punjab Information Commission as well as on Punjab government.

### **Second official punished under the Punjab Transparency and Right to Information Act 2013:**

Punjab Information Commission has shown restraint in imposing fine on officials for unlawfully delaying or denying access to information. It is only the second time that [fine](#) has been imposed on an official by Punjab Information Commission. The commission has directed district accounts officer of Faisalabad to deduct the amount of fine from the salary of Saleem Bhatti and deposit it

in the account established for obtaining information.

**Transparency and Right to Information Program**

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