



Centre for Peace and  
Development Initiatives

# **Comparison of Draft Sindh Freedom of Information Bill 2015 with Khyber Pakhtunkhwa Right to Information Act 2013 and the Punjab Transparency and Right to Information Act 2013**

## Comparison of Draft Sindh Freedom of Information Bill 2015 with Khyber Pakhtunkhwa Right to Information Act 2013 and the Punjab Transparency and Right to Information Act 2013

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
	Draft Sindh Freedom of Information Bill 2015		Khyber Pakhtunkhwa Right to Information Act 2013	The Punjab Transparency and Right to Information Act 2013		
Law is guided by the principle of maximum disclosure	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 Draft Sindh FOI Bill 2015. Furthermore, harm test is not included in Draft Sindh FOI Bill 2015.	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

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Exceptions are clearly and narrowly drawn	0	Instead of having one clearly defined short list of exempted information and declaring the rest as public information, Draft Sindh FOI Bill 2015 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.	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

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Law provides cost effective access to information	7	The issue of fee is left to rules to be prescribed under Section 12 (1). Unlike Khyber Pakhtunkhwa Right to Information Act 2013, there is no provision to provide a certain number of pages free of cost in Draft Sindh FOI Bill 2015 However; Section 3 clearly says that the purpose of this law is the disclosure of information at the lowest reasonable cost.	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

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Law provides for easy and speedy access to information	6	Draft Sindh FOI Bill 2015 allows, under Section 13 (1) 21 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. Under Section 12 of the draft Sindh FOI Bill 2015, information is to be made on a prescribed form whereas under Khyber Pakhtunkhwa Right to Information Act 2013 and the Punjab Transparency and Right to Information Act 2013 citizens can file request for information on a plain paper.	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. Under both these laws, information requests can be filed on plain paper.	10

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There is an effective complaint redressal mechanism available	7	If access to information is delayed or denied, citizen will lodge, under Section 19 (10) of draft Sindh FOI Bill 2015, complaint with head of public body who will decide on the complaint within 10 working days. If complainant is not satisfied with the decision of the head of public body, the complainant can lodge complaint with Sindh Information Commission. However, Sindh Information Commission is not time-bound to decide on the complaint.	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

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Law imposes penalty on the officer for wrongfully denying/delaying access to the requested information	9	Under Section 21 (2) (b), Sindh Information Commission can impose a penalty up to Rs. 250 per day that can go up to Rs. 25000.	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	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.	10	10	Comprehensive list containing categories of information that has to be proactively disclosed is included in both laws.	10

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Law does not require description of specific interest with information requested	10	The applicant is not required to state the purpose for seeking the information.	10	10	There is no such provision.	10
Law recognizes the willful destruction of records as a criminal offense	10	Under Section 23 (3), 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 a fine not exceeding 100,000.	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	Draft Sindh FOI Bill 2015 does not override other laws.	10	10	Both these laws override other laws.	10



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Law has provisions that allows Inspection of documents before getting access	0	There is no such provision in draft Sindh Freedom of Information bill 2015.	10	10	Right of access to information also includes right to inspect documents, samples and materials etc	10
Law requires it as a duty of information officer to assist applicant	8	The duty to assist the applicant is mentioned in Section 9 of the draft Sindh FOI Bill 2015 but left on the rules to be 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	If an official has not been designated, the head of public body is made responsible under Section 10 (2) 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

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Law has a comprehensive definition of Public Body	10	Secretariat of Governor and Members of Sindh Assembly are not included in the definition of public body in Section 2 (I). However, organizations funded by government are included in the definition of public body..	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	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	0	5	Under the Khyber Pakhtunkhwa law, it is criminal offence to use information 'malafiedly purposes with	5

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		defamation laws. The punishment for this offence, under Section 23 (2) is fine up to Rs. 50,000 or imprisonment up to 2 years.				
<b>Total</b>	80		<b>133</b>	<b>141</b>		<b>145</b>

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## Centre for Peace and Development Initiatives

📍 104-Multi Arcade | Street 1 | Sector E-11/1 | Islamabad | Pakistan

☎ +92 51 230 49 87, 230 49 89

✉ +92 51 844 36 33

✉ info@cpdi-pakistan.org

📘 /cpdi.pakistan

📱 /cpdi\_pakistan

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[www.cpdi-pakistan.org](http://www.cpdi-pakistan.org)

