CPDI Information Commissions
Performance Barometer

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Executive Summary

CPDI Information Commissions Performance Barometer, (ICPB) gauges performance of Punjab Information Commission and Khyber Pakhtunkhwa Information Commission in carrying out their duties as required by their respective laws from May 01 2014 to December 31, 2016. Key tasks to be performed by these commissions have been assigned score, taking into account relative importance of each task. Members of both information commissions assessed their performance and allotted score to each parameter. CPDI assessed the evaluation of the performance by each commission and assigned score to each task based on CPDI evaluation of the performance of each commission.

Khyber Pakhtunkhwa Information Commission gave itself score of 155 out of 200 points whereas CPDI gave Khyber Pakhtunkhwa Information Commission score of 107.

Punjab Information Commission scored 91 out of 200 points. In many cases, both commissions have failed to decide complaints within stipulated period of sixty days. Furthermore, both commissions are empowered to conduct enquiries to enforce different provisions of their respective laws. However, other than conducting enquiries on the complaints lodged by applicants, information commissions have not conducted enquiries on their own. Both information commissions have not developed monitoring mechanisms to monitor and report on the compliance level of public bodies with regard to implementation of right to information laws. Khyber Pakhtunkhwa and Punjab information commissions have not compiled guidelines for Public Information Officers (PIOs) to carry out their tasks. Similarly, commissions have not compiled easy-to-use hand-books, in Urdu and in English for citizens depicting the process of filing information requests and their rights under their respective laws. Standards for record keeping were to be developed by these commissions but neither Khyber Pakhtunkhwa nor Punjab information commission has developed minimum standards for public bodies to manage their records.

Centre for Peace and Development Initiatives, (CPDI) recommends that both Khyber Pakhtunkhwa and Punjab Information Commissions should put in place procedures to ensure that all complaints are decided within 60 days. These procedures should envision all the possible eventualities and should be robust enough to decide complaints within 60 days after due process. Both Khyber Pakhtunkhwa Information Commission and Punjab Information Commission should develop monitoring mechanisms to monitor and report on the compliance of public bodies with regard to proactive disclosure of information as well as other provisions of their respective laws. These monitoring mechanisms should be used to collect gender, area, issue and public body wise data about information requests being filed by citizens, ensure proactive disclosure of information, issues being faced by citizens in the exercise of their right to information and issues being faced by public bodies in facilitating citizens in the exercise of their right to information. Information commissions should develop guidelines for PIOs to implement provisions of their respective laws. These guidelines should cover, inter alia, standards of record-keeping, proactive disclosure of information through web sites and notice boards, time-line for responding to information requests, applying harm test, transferring information requests to relevant Public Information Officers (PIOs), fee to be charged for providing requested information and facilitating illiterate and people with disabilities in filing information requests. Information commissions should develop rules and standards for public bodies so that information is kept in a proper manner. These rules and standards should take cognisance of the fact that owing to the advancement in information communication technology, information is
not only being created in different manner, it is being preserved and transmitted in different ways. The performance of both Khyber Pakhtunkhwa and Punjab governments have been less than satisfactory with regard to providing support to their respective information commissions. CPDI urges Punjab government to approve service rules for information commission without further delay so that Punjab Information Commission could hire requisite staff to perform its responsibilities. Furthermore, Punjab government should increase publicity budget for Punjab Information Commission so that it could launch mass campaign about rights of citizens under the Punjab Transparency and Right to Information Act 2013. More than three years have lapsed since the enactment of Khyber Pakhtunkhwa Right to Information Act 2013 but Khyber Pakhtunkhwa government has failed to frame rules for right to information law. CPDI urges Khyber Pakhtunkhwa government to frame rules for Khyber Pakhtunkhwa Right to Information Act 2013, in consultation with Khyber Pakhtunkhwa Information Commission without further delay.
1. Rationale:

Enormity of the task of protecting and promoting citizens’ right to information, as mandated to both Khyber Pakhtunkhwa Information Commission and Punjab Information Commission under their respective laws, can be gauged from the fact that discharging their duties as appellate bodies is one set of tasks out of some others also extremely important ones these commissions are entrusted with. These include but not limited to: creating mass awareness by publicizing rights of citizens under right to information laws, combating culture of secrecy by training officials, reforming anti-information legal regime of the past and the present by preparing recommendations for the government, developing monitoring mechanism to ensure public bodies adhere to provisions of their respective laws including sue motto disclosure of information. Hence, it would be stating the obvious to say that integrated efforts of both civil society groups and information commissions would be required to contribute to achieving the primary objective of Khyber Pakhtunkhwa and Punjab RTI laws, i.e. to protect and promote citizens’ right to information. Given this context, it is of vital importance that scientific methodology is developed to measure the performance of information commissions in carrying out their mandated tasks for implementation of right to information laws. Centre for Peace and Development Initiatives, (CPDI) has developed Information Commissions Performance Barometer, (ICPB) based on parameters derived from their respective laws assigning the information commissions to perform functions aimed at achieving objectives of these right to information laws. Guided by its philosophy of constructive engagement, instead of developing ICPB on its own by relying on the data available in the public domain, CPDI believes it would greatly contribute to the cause of right to information if information commissions and CPDI assign scores to the parameters of the ICPB on annual basis.

2. Research Methodology:

Following are the key features of the research methodology of ‘CPDI Information Commissions Performance Barometer’:

1. Key task to be performed by each commission for the implementation of its right to information law have been assigned weightage keeping in mind relative importance of each task.

2. Interviews were held with members of each commission in which they assessed performance of the commission and they assigned score against each task.

CPDI assessed the evaluation of the performance by each commission and assigned score to each task based on CPDI evaluation of the performance of each commission.

3. Performance of Information Commissions

3.1 Timely Disposal of Complaints:

A citizen lodges complaint with information commission after waiting for a minimum of 14 working days in the case of the Punjab Transparency and Right to Information Act 2013 and 10 working days in the case of Khyber Pakhtunkhwa Right to Information Act 2013. Furthermore, if requested information is to be retrieved from a large number of records or to be collected from different
offices, a public body may take extra 10 working days under Khyber Pakhtunkhwa Right to Information Act 2013 and extra 14 working days under the Punjab Transparency and Right to Information Act 2013. Therefore, it is important that information commissions take decisions on complaints at the earliest after following the due process.

Information commissions have been time bound to decide on complaints lodged by citizens. In this regard, Section 6 (2) of the Punjab Transparency and Right to Information Act 2013 is as under:

‘the Commission shall decide a complaint within thirty days of its receipt or, for good reasons to be recorded in writing, within sixty days’.

With regard to deciding complaints within the stipulated time period under Section 6 (2) of the Punjab Transparency and Right to Information Act 2013, Punjab Information Commission gave itself score of 5 out of 15 points.

Members of Punjab Information Commission shared that lack of sufficient staff is the primary reason for the delay in deciding complaints within stipulated time-frame. Punjab Information Commission needs 43 member staff to function properly. Punjab Information Commission is unable to hire staff as service rules have not been finalized by the Punjab government.

Khyber Pakhtunkhwa Information Commission is also time bound with regard to deciding complaints. In this regard, Section 23 (3) is as under: the Information Commission shall decide any complaint within a period of sixty (60) days.

With regard to deciding complaints within the stipulated time period under Section 23 (3) of Khyber Pakhtunkhwa Right to Information Act 2013, Khyber Pakhtunkhwa Information Commission gave itself score of 12 out of 15 points whereas CPDI has given score of 8 points on this count. The differential between score assigned by Khyber Pakhtunkhwa Information Commission and CPDI with regard to deciding complaints in timely manner is because a large number of requests filed by CPDI have not been addressed by Khyber Pakhtunkhwa Information Commission even after sixty days of lodging complaints with the commission. Furthermore, as published in Express Tribune on September 1, 2016, a citizen protested against the commission for closing complaint number 2252 without following due process.

3.2 Imposition of Fine for Obstructing Access to Information:

One of the deterrents against the obstruction of access to requested information is the likelihood of the imposition of fine on Public Information Officers (PIOs). However, there are different opinions with regard to the imposition of fine on PIOs on unlawfully delaying or denying access to requested information. There are those information commissioners and RTI activists who opine that the law should be followed in letter and spirit and fine should be imposed on officials as and when they deny or delay access to information. Then there are those like Wajahat Habib Ullah, former Chief Information Commissioner, India who are of the view that penalties on officials should be sparingly used, especially in the early days of the implementation of a right to information law.

According to the latter, the focus of information commissions should be on changing the culture of secrecy by imparting training to PIOs and by creating awareness about citizens’ right to information.
Instead of arriving at a fine amount in monitory terms, as is the case in Khyber Pakhtunkhwa Right to Information Act 2013, the amount of fine is linked with the salary in the Punjab Transparency and Right to Information Act 2013. Section 15 about this issue is as under: Where a public information officer has, without any reasonable cause, refused to receive an application, has not furnished information within time limits, or malafide denied the request or knowingly gave incorrect, incomplete or misleading information, the Commission may, after providing sufficient opportunity of defense to the public information officer, direct the public information officer to pay fine not exceeding two days’ salary for each day of delay or to pay fine which may extend to fifty thousand rupees.

So far, Punjab Information Commission has sparingly imposed this penalty as only 2 PIOs have been punished under Section 15 of the Punjab Transparency and Right to Information Act 2013. The penalty has been imposed on PIOs who willfully obstructed access to requested information. First ever penalty was imposed in October, 2014 on Executive District Officer, Education Department, Vehari, who instead of providing copy of the seniority list requested by a primary school teacher, initiated enquiry against him. Second penalty was imposed in November, 2016 on Saleem Bhatti, Executive Engineer, and Irrigation Department who neither provided the requested information nor responded to seven notices issued by Punjab Information Commission to explain his point of view.

On the issue of imposing penalty on officers for willfully obstructing access to requested information, Punjab Information Commission scores 10 points out of 15.

Under Khyber Pakhtunkhwa Right to Information Act 2013, fine is imposed in monitory terms. In this regard, Section 26 (3) (b) empowers Khyber Pakhtunkhwa Information Commission to:

‘Impose a daily fine of up to Rs. 250 per day, up to a maximum of Rs. 25,000, on any official who has acted willfully to obstruct any activity which is required to be undertaken by this Act, including with a view to preventing or delaying the disclosure of information to a requester’.

On the issue of imposing penalty on officers for willfully obstructing access to requested information, Khyber Pakhtunkhwa Information Commission gave itself score of 14 points out of 15 whereas CPDI gave Khyber Pakhtunkhwa Information Commission score of 10 out of 15 points.

3.3 Holding Enquiries for the Implementation of the Law:

Apart from holding enquiries pertaining to complaints lodged by citizens, the commissions are also empowered to hold enquiries with regard to the implementation of their respective laws. Section 6 (a) of the Punjab Transparency and Right to Information Act 2013 is as under:

‘Commission may conduct an inquiry, on its own accord or on a complaint, and may direct a public body to disclose information to an applicant or in a proactive manner’.

Section 6 (a) gives sumoto powers to Punjab Information Commission to conduct enquiries to ensure implementation of Section 4 pertaining to proactive disclosure of information.

These powers have not been put to use.

In this regard, Section 26 (2) of Khyber Pakhtunkhwa Information Commission is as under:
The Information Commission shall also have the power to conduct inquiries, in relation to either a complaint or other matters connected with the proper implementation of this Act.

Khyber Pakhtunkhwa Information Commission has also not used these powers.

3.4 Developing Minimum Standards for Management of Records:

Information can only be shared with citizen within reasonable time if information is kept in a proper manner. The advancement in information communication technology means not only information is being created in different manner; it is being preserved and transmitted in different ways. Even records created prior to the advent of information communication technology are being preserved through the use of new modes of employing different electronic devices. In this context, it is job of information commissions to develop standards for public bodies for preservation and sharing of information both on-demand as well as in proactive manner.

Section 6 (5) (a) of the Punjab Transparency and Right to Information Act 2013 is as under:

‘issue directives to public bodies for preservation, management, publication, publicity and access to information’.

Punjab Information Commission has not issued directives to public bodies for preservation and management of records and scored zero out of 15 points.

In this regard, Section 25 (2) (a) of Khyber Pakhtunkhwa Right to Information Act 2013 empowers Khyber Pakhtunkhwa Information Commission to: set rules and minimum standards regarding the manner in which public bodies are required to manage their records, in accordance with section 4 of this Act.

Khyber Pakhtunkhwa Information Commission gave itself 9 out of 15 points and said that these standards have been drafted but not finalized. CPDI believes that score can only be allotted once these standards have been finalized.

3.5 Proactive Disclosure of Information:

Right to information laws require public bodies not only to provide information to citizens when requested, but also provide for the proactive disclosure of information. Section 4 of the Punjab Transparency and Right to Information Act 2013 enlists categories of information which provincial public bodies are bound to publish on their web sites. Punjab Information Commission gave itself score of 10 out of 15 points With regard to the steps taken by Punjab Information Commission for the implementation of Section 4 of the Punjab Transparency and Right to Information Act 2013.

Similarly, Section 5 of Khyber Pakhtunkhwa Right to Information Act 2013 enlists categories of information which provincial public bodies are bound to publish on their web sites. Khyber Pakhtunkhwa Information Commission gave itself 15 out of 15 points and shared that letters have been written to public bodies for implementation of Section 5 of Khyber Pakhtunkhwa Right to Information Act 2013. CPDI gave Khyber Pakhtunkhwa Information Commission score of 10 out of 15 points.
3.6 Information Commissions and Proactive Disclosure of Information:

Both Punjab Information Commission and Khyber Pakhtunkhwa Information Commission are public bodies and as such required to proactively disclose information under sections 4 and 5 of their respective laws. In fact, information commissions need to serve as role models for public bodies with regard to proactively share information through web sites. Punjab Information Commission gave itself score of 9 out of 15 points with regard to proactively sharing information through its web site as required by Section 4 of the Punjab Transparency and Right to Information Act 2013.

Khyber Pakhtunkhwa Information Commission gave itself score of 15 out of 15 points with regard to proactively sharing information through its web site as required by Section 5 of Khyber Pakhtunkhwa Right to Information Act 2013. CPDI gave Khyber Pakhtunkhwa Information Commission score of 10 points as it believes that information provided to a citizen on the intervention of an information commission should also be proactively shared through its web site for all citizens.

3.7 Schedule of Fees and Principle of Reasonable Cost:

Right of access to information is a human right and as such no person should be debarred from getting access to information owing to excessive cost. Public bodies can charge for providing copies of requested records but principle of reasonable cost should be adhered to. It is function of information commissions to ensure that the principle of reasonable cost for getting access to requested records is being followed by public bodies.

Under both Khyber Pakhtunkhwa Right to Information Act 2013 and the Punjab Transparency and Right to Information Act 2013, there is no fee for filing information requests and first 20 pages of requested information are to be provided free of cost to the applicants. For every extra page, a public body can charge Rs. 2 per page.

Punjab Information Commission has developed a comprehensive ‘Schedule of Costs’ covering fee for both hard and soft copies as well as for the time taken by a citizen to inspect documents. Punjab Information Commission gave itself score of ten points out of ten points.

Khyber Pakhtunkhwa Information Commission has also developed ‘Schedule of Fees’ but it is only for the hard copies. Khyber Pakhtunkhwa Information Commission gave itself score of 8 points out of 10 points whereas CPDI gave score of 6 on this count.

3.8 Creating Awareness about Right to Information:

Exercising right to information is easier said than done. Firstly, there has to be an effective right to information law in place. Secondly, citizens should be aware about the existence of the law. Thirdly, citizens should be made aware as to how they could exercise their right of access to information held by public bodies. That is why both Khyber Pakhtunkhwa Right to Information Act 2013 and the Punjab Transparency and Right to Information Act 2013 require respective information commissions to create awareness about these laws. Section 6 (5) (f) of the Punjab Transparency and Right to Information Act 2013 requires Punjab Information Commission to: undertake mass awareness campaign to create awareness about the Act, rules and regulations.
Punjab Information Commission gave itself score of 12 out of 15 points with regard to creating awareness about the Punjab Transparency and Right to Information Act 2013, its rules and regulations.

Section 25 (3) (e) of Khyber Pakhtunkhwa Right to Information Act 2013 requires Khyber Pakhtunkhwa Information Commission to: publicize the requirements of this Act and the rights of individuals under it.

On this count, Khyber Pakhtunkhwa Information Commission gave itself 15 points.

### 3.9 Compiling Handbook for Applicants:

Citizens can only exercise their right of access to information held by public bodies when they know about the procedure of filing information requests with public bodies and lodging complaints with information commissions when access to requested information is unlawfully delayed or denied. Both the Punjab Transparency and Right to Information Act 2013 and Khyber Pakhtunkhwa Right to Information Act 2013 require information commissions to compile easy-to-use handbooks for applicants in English as well as in Urdu. Section 6 (5) (h) of the Punjab Transparency and Right to Information Act 2013 requires Punjab Information Commission to: compile a user handbook in Urdu and English, containing such information in easily comprehensible form and manner, as many reasonably be required by an applicant.

Section 25 (2) (e) of Khyber Pakhtunkhwa Right to Information Act 2013 requires Khyber Pakhtunkhwa Information Commission to: compile a user-friendly handbook, in Urdu and English, describing in easily comprehensible form the rights established by, and how to make a request for information under, this Act.

Both Khyber Pakhtunkhwa Information Commission and Punjab Information Commission score 0 out of 10 points with regard to their obligation of compiling an easy-to-use handbook for applicants containing necessary information about their right to information laws.

### 3.10 Compiling Guidelines for Officials:

Pivotality of Public Information Officers (PIOs) in the implementation of right to information laws can hardly be exaggerated. A PIO is not only required to decide whether requested information is to be provided under the law or whether the requested information exempted from disclosure, a Public Information Officer is required perform other key tasks essential for the implementation of right to information law. Furthermore, a PIO is required to facilitate illiterate and disabled applicants in filing information requests, transfer information requests to relevant public bodies, ensure proactive disclosure of information through web sites, take lead on indexing and computerizing records and submit annual report to information commission containing information about the status of information requests submitted to the public body. That is why both Khyber Pakhtunkhwa Right to Information Act 2013 and the Punjab Transparency and Right to Information Act 2013 require information commissions to develop guidelines for Public Information Officers with regard to the implementation of different provisions of both these laws. Section 6 (5) (i) of the Punjab Transparency and Right to Information Act 2013 requires Punjab Information Commission to: compile guidelines for use by the public information officers.
There is no specific section that requires Khyber Pakhtunkhwa Information Commission to develop guidelines for public officials. However, it is unthinkable to understand how Khyber Pakhtunkhwa Information Commission can get Khyber Pakhtunkhwa Right to Information Act 2013 implemented in the absence of such guidelines. Both Khyber Pakhtunkhwa Information Commission and Punjab Information Commission score 0 out of 10 points with regard to compiling guidelines for officials.

3.11 Conducting Training of Public Information Officers (PIOs):

Prior to enactment of Khyber Pakhtunkhwa Right to Information Act 2013 and the Punjab Transparency and Right to Information Act 2013, there were no laws in these provinces that require public officials to share information with citizens. In fact, there were laws in place that were incendiary to the very concept of transparency prohibiting public officials to share information with citizens. As a result, public officials have been functioning in a culture of secrecy. The purpose of enacting right to information laws is to change the culture of secrecy and promote a culture of openness and transparency in the functioning of public bodies. This departure from the culture of secrecy to a culture of transparency requires change in the mindset of bureaucracy. That is why under both Khyber Pakhtunkhwa Right to Information Act 2013 and the Punjab Transparency and Right to Information Act 2013, information commissions are tasked to conduct trainings for Public Information Officers on their roles and responsibilities under these laws.

Section 6 (5) (e) of the Punjab Transparency and Right to Information Act 2013 requires Punjab Information Commission to: conduct training of the public information officers.

Punjab Information Commission gave itself score of 15 out of 15 points with regard to conducting trainings for Public Information Officers.

Section 25 (3) (d) of Khyber Pakhtunkhwa Right to Information Act 2013 requires Khyber Pakhtunkhwa Information Commission to: co-operate with or undertake training activities for public officials on the right to information and the effective implementation of this Act.

Khyber Pakhtunkhwa Information Commission gave itself score of 15 out of 15 points with regard to conducting trainings for Public Information Officers.

3.12 Developing Monitoring Mechanism to Monitor and Report on the Compliance by Public Bodies:

Under both Khyber Pakhtunkhwa Right to Information Act 2013 and the Punjab Transparency and Right to Information Act 2013, public bodies are obligated to provide the requested information on-demand as well as proactively share categories of information mentioned in sections 5 and 4 of their respective laws. Moreover, Section 5 (2) of Khyber Pakhtunkhwa Right to Information Act 2013 says:

‘Public body shall also publish an annual report on what they have done to implement their obligations under this Act, which shall include detailed information about the requests for information which they have received, and how they have processed these requests’.

Similarly, Section 9 of the Punjab Transparency and Right to Information Act 2013 says:
‘A public body shall publish in electronic form or otherwise an annual report of its activities under this Act during the previous financial year by 31 August each year in such manner as may be prescribed and make the report available for public inspection free of charge and for purchase at a reasonable cost’.

Both Punjab Information Commission and Khyber Pakhtunkhwa Information Commission have to ensure that public bodies publish these details in their annual reports. This is only possible if information commissions develop monitoring mechanisms to track the progress of public bodies with regard to their obligations under their respective laws. Both Khyber Pakhtunkhwa Information Commission and Punjab Information Commission score zero points on this count as they have not developed monitoring mechanisms to track the performance of provincial public bodies under their right to information laws. Khyber Pakhtunkhwa Information Commission gave itself 6 points on this issue but CPDI believes that score on this count can only be allotted when there is a robust monitoring mechanism is in place which is not the case.

3.13 Publishing Annual Reports:

Both Khyber Pakhtunkhwa Information Commission and Punjab Information Commission are obligated under their respective right to information laws to publish annual reports detailing their performance and activities undertaken by the commissions with regard to the implementation of their respective RTI laws. Section 6 (6) of the Punjab Transparency and Right to Information Act 2013 requires Punjab Information Commission to: prepare an annual report on the implementation of the provisions of this Act during a financial year and submit it to the Government by 31 August and the Government shall lay the report before Provincial Assembly of the Punjab.

The Punjab Transparency and Right to Information Act 2013 even describe the content to be covered in the annual report and Section 6 (7) says:

The annual report of the Commission shall, in particular, contain the following information:-

(a) status of right to information law, rules, regulations and procedures;

(b) progress on implementation of the freedom of information law, including district and department-wise summaries of information requests showing current status of each information request;

(c) hurdles being faced in the implementation of freedom of information law; and

(d) budget, expenses and other organizational matters.

At the time of the interview, annual report of Punjab Information Commission was under process and Punjab Information Commission gave itself zero out of 10 points on publishing annual report.

Khyber Pakhtunkhwa Information Commission has developed annual report and gave 15 out of 15 points.
3.14 Developing Recommendations for Government on Right to Information:

A common denominator of both Khyber Pakhtunkhwa Right to Information Act 2013 and the Punjab Transparency and Right to Information Act 2013 is that both these laws have empowered Punjab Information Commission and Khyber Pakhtunkhwa Information Commission to protect constitutional right of access to information by keeping a watchful eye on developments in the area of right to information.

In this connection, Section 6 (5) (c) requires Punjab Information Commission to: advise and provide support to the Government to make necessary laws and procedures for implementation of the right to information.

Members of the Punjab Information Commission shared that the commission has developed transparency standards for prison department and has been giving recommendations to public bodies with regard to promoting right to information. Punjab Information Commission gave itself score of 10 out of 10 points with regard to developing recommendations for protection of right to information.

Section 25 (3) (b) requires Khyber Pakhtunkhwa Information Commission to: make recommendations to Government for reform both of a general nature and in relation to specific public bodies.

Similarly, Section 25 (3) (c) requires Khyber Pakhtunkhwa Information Commission to: make formal comments on any legislative or other legal proposals which affect the right to information.

Khyber Pakhtunkhwa Information Commission gave itself score of 10 out of 10 points with regard to developing recommendations for protection of right to information.

3.15 Framing Rules and Regulations:

Both Punjab and Khyber Pakhtunkhwa governments are legally bound to frame rules for their right to information laws in consultation with Punjab Information Commission and Khyber Pakhtunkhwa Information Commission. Rules under both the Punjab Transparency and Right to Information Act 2013 and Khyber Pakhtunkhwa Right to Information Act 2013 need to be framed to provide procedure for for proper maintenance, indexing and storage of information, procedure for filing information requests, devising schedule of costs, information to be included in annual reports of public bodies, designation of Public Information Officers, procedure for the removal of an information commissioner, mechanism for taking decisions, responsibilities of information commissioners and other such matters. Section 19 of the Punjab Transparency and Right to Information Act 2013 and Section 32 of Khyber Pakhtunkhwa Right to Information Act 2013 pertain to framing rules for their respective laws. Punjab government in consultation with Punjab Information Commission has framed Punjab Transparency and Right to Information Rules 2014. Punjab Information Commission gave itself a score of 10 out 10. Khyber Pakhtunkhwa government has not finalized rules for Khyber Pakhtunkhwa Right to Information Act 2013. Khyber Pakhtunkhwa Information Commission gave itself score of 8 points out of 10 points as it has been taking steps for the framing of the rules and maintained that the delay is being caused by other departments.
4. Findings:

1. Both Khyber Pakhtunkhwa Information Commission and Punjab Information Commission have failed to decide some of the complaints within stipulated period of time as required by their right to information laws.

2. Both Khyber Pakhtunkhwa and Punjab information commissions have not developed monitoring mechanisms to monitor and report on the compliance of provincial public bodies with provisions of their respective right to information laws.

3. Information commissions have not compiled guidelines for Public Information Officers (PIOs).

4. Information commissions have not fulfilled their obligation of compiling an easy-to-use handbook for applicants containing necessary information about their right to information laws.

5. Both Khyber Pakhtunkhwa Information Commission and Punjab Information Commission have not developed rules and standards for public bodies to manage their records.

6. Information commissions are not proactively disclosing information in letter and spirit as required by their respective laws.

7. Punjab Information Commission did not publish its annual report by August 31, for year 2016 as required by the Punjab Transparency and Right to Information Act 2013.


9. Both Khyber Pakhtunkhwa Information Commission and Punjab Information Commission have done well with regard to the training of Public Information Officers (PIOs) on their roles and responsibilities under their respective right to information laws.

10. Information commissions have done well with regard to taking steps for publicizing rights of citizens under their respective right to information laws.

11. Punjab Information Commission has developed comprehensive Schedule of Costs detailing fees for hard and soft copies as well as fee for time to inspect documents whereas Khyber Pakhtunkhwa Schedule of Fees is only about hard copies.

12. Both Khyber Pakhtunkhwa Information Commission and Punjab Information Commission are empowered to hold enquiries, other than those pertaining to complaints, for the implementation of various provisions of their respective laws but have held no such enquiries.
13. Punjab Information Commission imposed fine in 2 cases and Khyber Pakhtunkhwa Information Commission imposed fine in 6 cases where a public official unlawfully delayed or denied access to information.
5. Recommendations:

5.1 Deciding Complaints within Stipulated Time-Period:

It is tantamount to the violation of law if information commission fails to decide a complaint within the stipulated period mentioned in the law. Delay in deciding on complaints further erodes trust of citizens in institutions. Citizens and journalists who have been using Khyber Pakhtunkhwa Right to Information Act 2013 and the Punjab Transparency and Right to Information Act 2013 are being discouraged to use these laws because of the inordinate delays by information commissions in deciding on complaints.

Information commissions should ensure that each complaint is decided within sixty days of the stipulated period of time.

Both Khyber Pakhtunkhwa Right to Information Act 2013 and the Punjab Transparency and Right to Information Act 2013 provide for sixty days to decide on a complaint which is reasonable time for due process to take place. Each commission should lay down elaborate procedure that deals with all possible eventualities with regard to a complaint under right to information law. Such a robust procedure should respond to these eventualities within a time frame of sixty days by following due process and giving adequate time to public bodies to respond to the queries of the commission.

Developing Monitoring Mechanism to Monitor and Report on Compliance of Public Bodies:

Information commissions should develop robust monitoring mechanisms to monitor and report on the compliance of provincial public bodies with regard to the implementation of right to information laws. How can Punjab Information Commission and Khyber Pakhtunkhwa Information Commission ensure that Section 4 of the Punjab Transparency and Right to Information Act 2013 and Section 5 of Khyber Pakhtunkhwa Right to Information Act 2013 pertaining to proactive disclosure of information are being implemented by provincial public bodies in the absence of monitoring mechanisms developed by these commissions? Furthermore, information commissions will only be able to collect data from provincial public bodies if there is a monitoring mechanism in place to collect such data. Through such a monitoring mechanism, information commissions should instruct public bodies to maintain following data and the staff of information commission should collect this data from public bodies on monthly basis:

- date of receiving information request;
- title and name of the applicant;
- name of public body;
- detail of information requested;
- date of deciding on information request;
- status of information request, denied/provided;
- status of proactive disclosure of information;
- Details of Public Information Officers (PIOs) to whom requests for information have been transferred;
- facilitation, if any, provided to applicants on account of their illiteracy or disability;
- challenges faced in the implementation of the law; and
• date of sending to information commission annual report prepared by Public Information Officers (PIOs) about status of information requests and steps taken to implement provisions of right to information law.

5.2 Compiling Guidelines for Public Information Officers (PIOs):

Information commissions should develop guidelines for PIOs to implement provisions of their respective laws. These guidelines should cover, inter alia, the following points:

• standards of record-keeping;
• proactive disclosure of information through web sites and notice boards;
• time-line for responding to information requests;
• applying harm test;
• transferring information requests to relevant Public Information Officers (PIOs);
• fee to be charged for providing requested information; and
• facilitating illiterate and people with disabilities in filing information requests.

5.3 Compiling Hand-book for Citizens to Exercise their Right to Information:

Information commissions should compile easy-to-use hand-books depicting procedure and requirements for the exercise of their right to information under their respective right to information laws.

5.4 Developing Rules and Standards for Management of Records:

Information commissions should develop rules and standards for public bodies so that information is kept in a proper manner. These rules and standards should take cognisance of the fact that owing to the advancement in information communication technology, information is not only being created in different manner, it is being preserved and transmitted in different ways. These rules and standards should ensure that records are preserved, both off-line and on-line, through the use of new modes of employing different electronic devices.

5.5 Serving as Role Models for Proactive Disclosure of Information:

Both Punjab Information Commission and Khyber Pakhtunkhwa Information Commission are public bodies and as such required to proactively disclose information under sections 4 and 5 of their respective laws. In fact, information commissions need to serve as role models for public bodies with regard to proactively share information through web sites.

5.6 Developing Rules for Khyber Pakhtunkhwa Right to Information Act 2013:

It is more than three years since the enactment of Khyber Pakhtunkhwa Right to Information Act 2013 but rules for this law have not been enacted yet. Khyber Pakhtunkhwa government, in consultation with Khyber Pakhtunkhwa Information Commission, should frame rules at the earliest.
5.7 *Training of Public Information Officers (PIOs):*

Punjab government should provide adequate funds for the training of Public Information Officers (PIOs). The Punjab government should assign the task of training Public Information Officers (PIOs) to Management Professionals Training Department to conduct training of PIOs on regular basis in collaboration with Punjab Information Commission.

5.8 *Creating Awareness about Right to Information:*

Both commissions should continue raising awareness about right to information and how it could be exercised under their laws to attain fundamental rights as well as to ensure public accountability.

It is unfortunate that Punjab government has reduced the funds allocated for publicity of the Punjab Transparency and Right to Information Act 2013 from 30 million to 1 million. How can citizens be made aware about the Punjab Transparency and Right to Information Act 2013 and the process of exercising the right to information under this law on a shoe-string budget provided for publicity by Punjab government?

5.9 *Providing Staff to Punjab Information Commission:*

Members of Punjab Information Commission are on the record saying that they are facing ‘organised resistance’ from Punjab bureaucracy. This resistance has manifested itself in not approving service rules for Punjab Information Commission. As a result, Punjab Information Commission cannot hire staff to perform its roles and responsibilities under the Punjab Transparency and Right to Information Act 2013. Punjab government should approve service rules for the commission without delay.
6. Annexures

**Annex i: Score sheet of Punjab Information Commission**

<table>
<thead>
<tr>
<th>S. No</th>
<th>Parameters</th>
<th>PIC Suggested Score</th>
<th>CPDI Suggested Score</th>
<th>Weightage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The commission was able to decide complaint within the time-frame.</td>
<td>5</td>
<td>5</td>
<td>15</td>
</tr>
<tr>
<td>2</td>
<td>The commission imposed fine on officials who acted willfully to obstruct any activity which is required to be performed under the Punjab Transparency and Right to Information Act 2013.</td>
<td>10</td>
<td>10</td>
<td>15</td>
</tr>
<tr>
<td>3</td>
<td>The commission conducted enquiries, other than those pertaining to complaints, for implementation of the Punjab Transparency and Right to Information Act 2013.</td>
<td>0</td>
<td>0</td>
<td>15</td>
</tr>
<tr>
<td>4</td>
<td>The commission has developed minimum standards regarding the manner in which public bodies are required to manage their records.</td>
<td>0</td>
<td>0</td>
<td>15</td>
</tr>
<tr>
<td>5</td>
<td>Steps taken by the commission to ensure implementation of Section 4 of the Punjab Transparency and Right to Information Act 2013.</td>
<td>10</td>
<td>10</td>
<td>15</td>
</tr>
<tr>
<td>6</td>
<td>The commission itself is implementing Section 4 of the Punjab Transparency and Right to Information Act 2013.</td>
<td>9</td>
<td>9</td>
<td>15</td>
</tr>
<tr>
<td>7</td>
<td>The schedule of fees adheres to the principle of reasonable cost for getting access to hard copies, material in soft form as well as fee for time spent to inspect documents.</td>
<td>10</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>8</td>
<td>The commission publicized requirements of the Punjab Transparency and Right to Information Act 2013 and rights of individuals under this law.</td>
<td>12</td>
<td>12</td>
<td>15</td>
</tr>
<tr>
<td>9</td>
<td>The commission compiled a user-friendly handbook, in Urdu and English, describing in easily comprehensible form the rights established by, and how to make a request for information under the Punjab Transparency and Right to Information Act 2013.</td>
<td>0</td>
<td>0</td>
<td>10</td>
</tr>
<tr>
<td>10</td>
<td>The commission compiled guidelines for public officials</td>
<td>0</td>
<td>0</td>
<td>10</td>
</tr>
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<td>S. No</td>
<td>Parameters</td>
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<td>---------------------</td>
<td>----------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>11</td>
<td>The commission carried out training activities for public officials.</td>
<td>15</td>
<td>15</td>
<td>15</td>
</tr>
<tr>
<td>12</td>
<td>Monitoring mechanism developed by the commission to monitor and report on the compliance by public bodies to their obligations under the Punjab Transparency and Right to Information Act 2013.</td>
<td>0</td>
<td>0</td>
<td>15</td>
</tr>
<tr>
<td>13</td>
<td>The commission compiled annual report both describing its own activities, including an overview of its audited accounts, and providing an overview of the activities undertaken by all public bodies to implement the Punjab Transparency and Right to Information Act 2013, taking into account the information provided by individual public bodies.</td>
<td>0</td>
<td>0</td>
<td>15</td>
</tr>
<tr>
<td>14</td>
<td>The commission formulated recommendations to protect and promote citizens’ right to information and shared with government for reforms of general nature and those pertaining to public bodies.</td>
<td>10</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>15</td>
<td>The commission took steps to frame rules in consultation with the government.</td>
<td>10</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>91</td>
<td>91</td>
<td>200</td>
</tr>
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### Annex ii: Score Sheet of Khyber Pakhtunkhwa Information Commission

<table>
<thead>
<tr>
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<td>5</td>
<td>Steps taken by the commission to ensure implementation of Section 5 of Khyber Pakhtunkhwa Right to Information Act 2013.</td>
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<td>10</td>
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</tr>
<tr>
<td>6</td>
<td>The commission itself is implementing Section 5 of Khyber Pakhtunkhwa Right to Information Act 2013.</td>
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</table>

**Total** | **155** | **107** | **200** |
Centre for Peace and Development Initiatives, (CPDI) is an independent, non-partisan and a not-for-profit civil society organization working on issues of peace and development in Pakistan. It is registered Under Section 42 of the Companies Ordinance, 1984 (XLVII of 1984). It was established in September 2003 by a group of concerned citizens who realized that there was a need to approach the issue of peace and development in a an integrated manner. CPDI is a first initiative of its kind in Pakistan. It seeks to inform and influence public policies and civil society initiatives through research-based advocacy and capacity building in order to promote citizenship, build peace and achieve inclusive and sustainable development. Areas of special sectoral focus include promotion of peace and tolerance, rule of law, transparency and access to information, budget watch, legislative watch and development.