



Centre for Peace and
Development Initiatives

CPDI Score Sheet of Right to Information Laws in Pakistan

April 2019

CPDI Score Sheet of Right to Information Laws in Pakistan

CPDI is a strong proponent of effective legislation and implementation of right to information (RTI) laws in Pakistan. Currently, five different RTI laws are enacted in Pakistan and the score sheet is an effort to measure the strength and effectiveness of RTI laws. The laws are ranked against different exclusive standards by following the scoring guidelines developed by CPDI.

The Standards set by CPDI, are considered as significant characteristics of good RTI laws around the world. By going through the score sheet, the reader can grasp the difference between good and bad RTI laws being implemented in Pakistan. The highest ranking RTI laws are 2nd generation laws i.e. Punjab, KP, Sindh and Federal whereas the first generation RTI law is applicable in Balochistan.

Standards of Right to Information Legislation	Score under each standard of Right to Information Legislation					Comments	Total weightage
	Balochist an FOI Act 2005	KP RTI Act 2013	Punjab Transparen cy and RTI Act 2013	Sindh Transparen cy and RTI Act 2016	The Right of Access to Information Act, 2017		
Law is guided by the principle of maximum disclosure with clearly and narrowly drawn exceptions	0	15	15	15	0	<p>Balochistan: Under principle of maximum disclosure, a narrowly and clearly drawn list contains types (list) of information to be exempted from disclosure. The rest is declared public information. This is not the case in Balochistan FOI law. Furthermore, harm test is not included in this law.</p> <p>KP, Punjab & Sindh: These three RTI laws contain a narrowly and clearly drawn list of exempted information and the rest of the information is declared public information. These laws also apply harm test when required. It is specified that even if the requested information belongs to categories of exempted information, it will be disclosed if the public interest outweighs the harm.</p> <p>Federal: RAI Act 2017 could not meet the principle of maximum disclosure in any way. There are three different lists of exempted information. Harm test is included but instead of giving the powers to commission to apply the harm test, minister-in-charge has been given such powers.</p>	15



Standards of Right to Information Legislation	Score under each standard of Right to Information Legislation					Comments	Total weightage
	Balochist an FOI Act 2005	KP RTI Act 201 3	Punjab Transparen cy and RTI Act 2013	Sindh Transparen cy and RTI Act 2016	The Right of Access to Information Act, 2017		
Law provides cost effective access to information	2	8	10	5	5	<p>Balochistan: Under this Act information requests can only be submitted after depositing Rs. 50 in National Bank of Pakistan which covers first 10 pages of information. Rs. 5 is charged for each extra page.</p> <p>KP and Punjab: Under KP & Punjab RTI laws 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.</p> <p>Sindh: Under Sindh RTI law, PIO shall not charge any fee for making the request other than the cost of reproducing and sending the information in accordance with the schedule of cost to be stipulated by Sindh Information Commission. (Rules and schedule of cost are not formed)</p> <p>Federal: There is no fee for filing information request under the RAI Act, 2017. U/S 15 of the Act prescribed fee may be charged for the cost of reproducing information and sending it to the applicant</p>	10

Standards of Right to Information Legislation	Score under each standard of Right to Information Legislation					Comments	Total weightage
	Balochist an FOI Act 2005	KP RTI Act 201 3	Punjab Transparen cy and RTI Act 2013	Sindh Transparen cy and RTI Act 2016	The Right of Access to Information Act, 2017		
Law provides for speedy and easy access to information	6	10	9	9	9	<p>Balochistan: under this Act public bodies are bound to provide information within 21 working days. There is no provision for expediting the process of providing the requested information if it pertains to life or liberty of a person.</p> <p>KP: According to KP RTI law, the requested information has to be provided within 10 working days. If requested information is related to the life or liberty of a person, it will be provided within 2 working days.</p> <p>Punjab: According to Punjab RTI law, the requested information has to be provided within 14 working days. If requested information is related to the life or liberty of a person, it will be provided within 2 working days.</p> <p>Sindh: According to Sindh RTI law, the requested information is to be provided within 15 working days. If requested information is related to the life or liberty of a person, it will be provided within 2 working days</p> <p>Federal: According to Federal RTI law, requested information has to be provided within 10 working days. If the requested information pertains to the life or liberty of a person, it will be provided within 3 working days.</p>	10

Standards of Right to Information Legislation	Score under each standard of Right to Information Legislation					Comments	Total weightage
	Balochist an FOI Act 2005	KP RTI Act 2013	Punjab Transparen cy and RTI Act 2013	Sindh Transparen cy and RTI Act 2016	The Right of Access to Information Act, 2017		
There is an effective complaint redressal mechanism available	3	7	9	8	6	<p>Balochistan: According to this act, an affidavit has to be submitted prior to lodging the complaint testifying that no complaint regarding this matter has already been submitted and that no law-suit is pending pertaining to the matter with any court. Office of the Balochistan Ombudsman is appellate body that has no time frame to resolve the complaints.</p> <p>KP, Punjab & Sindh: According to these three RTI laws, independent appellate forums(commissions) are established and there is no need to furnish affidavit while lodging complaints with the commissions. Furthermore, Punjab Information Commission is bound to take decision on complaints within thirty days while, KP Information commissions have sixty days to take decisions on complaints. Sindh Information Commission is bound to take decision on a complaint within 45 days.</p> <p>Federal: Under RAI Act 2017 Information Commission will be established to decide appeals filed under the said Act. Commission shall decide the appeals within 60 days. Whereas grievance of an applicant is termed as a 'an 'appeal' and not as a complaint. Furthermore, grounds on which an applicant could have 'an appeal' is not elaborated</p>	10
Law imposes penalty on the officer for wrongfully denying/delaying access to the requested information	0	10	10	10	10	<p>Balochistan: Under the Balochistan FOI Act 2005 there is no such penalty.</p> <p>KP: A fine of Rs. 250 per day on the delay of each day can be imposed under KP law which can go up to Rs. 25000.</p> <p>Punjab: 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.</p> <p>Sindh: Under Sindh RTI Act 2016, the commission can impose a fine of up to 10% of the basic salary of PIO.</p> <p>Federal: Under RAI Act 2017 the commission has power to impose fine on the official equivalent to his/her salary of one day for a maximum of one hundred days, who has willfully obstruct or caused delay in provision of information.</p>	10

Standards of Right to Information Legislation	Score under each standard of Right to Information Legislation					Comments	Total weightage
	Balochistan FOI Act 2005	KP RTI Act 2013	Punjab Transparency and RTI Act 2013	Sindh Transparency and RTI Act 2016	The Right of Access to Information Act, 2017		
Law requires proactive disclosure	2	15	15	15	15	Under the Balochistan FOI Act 2005 there is no such list of information to be proactively disclosed by the public bodies. While KP, Punjab Sindh and RAI Act, 2017 have comprehensive lists containing categories of information that has to be proactively disclosed by the public bodies.	15
Law does not require description of specific reason for information requested	0	10	10	10	10	Under Balochistan FOI law the purpose/reason for seeking the information has to be described to the public body. While under the KP, Punjab, Sindh & RAI Act 2017 reason for obtaining specific information is not required.	10
Law recognizes the willful destruction of records as a criminal offense	10	10	10	10	10	Balochistan: Under Balochistan FOI Act, 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, with fine or both. KP: Under KP RTI Act the penalty for such an offence is fifty thousand or imprisonment for a period not exceeding two years. Punjab: Under Punjab RTI Act 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. Sindh: Under Sindh RTI Law, it is punishable with imprisonment for a term which may extend to 2 years and six month or fine which will not be less than 10,000 or 10% of the basic pay or with both. Federal: Under the RAI Act, 2017 it is also punishable offence to destroy any record. The fine for such an offence is imprisonment for a term which may be extended to two years or with fine which shall not be less than one hundred thousand rupees or with both.	10

Standards of Right to Information Legislation	Score under each standard of Right to Information Legislation					Comments	Total weightage
	Balochist an FOI Act 2005	KP RTI Act 201 3	Punjab Transparen cy and RTI Act 2013	Sindh Transparen cy and RTI Act 2016	The Right of Access to Information Act, 2017		
Right to Information law takes precedence over all other laws contradicting its aim	0	10	10	10	10	Balochistan FOI Act 2005 does not override other laws. While KP RTI Act 2-13, Punjab T&RTI Act 2013, Sindh T&RTI Act 2016 & RAI Act 2017 override other laws contradicting their aim.	10
RTI law has provision of maintenance and Indexing of public records	5	8	10	5	3	<p>Balochistan: this law has provision of maintenance of records held by public body but the scope and definition of 'record' is limited/narrow</p> <p>KP: According to KP RTI law, public bodies are bound to properly maintain all records. However computerization or maintenance of record in electronic form for easy access is not clearly mentioned in the act where as commission has mentioned it in rules.</p> <p>Punjab: Punjab RTI law bounds public bodies to maintain all records in electronic and easily accessible form. The law fully meets the set standard.</p> <p>Sindh: According to KP RTI law, public bodies are bound to properly maintain all data. However computerization or maintenance of record in electronic form for easy access is not mentioned.</p> <p>Federal: According to RAI Act 2017, public bodies are required to maintain records as per secretariat instructions 2004, the procedure of record management is limited and outdated in In sect. instructions 2004, where computerization of records is not mentioned.</p>	10

Standards of Right to Information Legislation	Score under each standard of Right to Information Legislation					Comments	Total weightage
	Balochistan FOI Act 2005	KP RTI Act 2013	Punjab Transparency and RTI Act 2013	Sindh Transparency and RTI Act 2016	The Right of Access to Information Act, 2017		
Law bounds information officer to assist all applicants/information requesters	6	10	10	0	6	<p>Balochistan: Under Balochistan FOI Act duty to assist the person is mentioned, but not elaborated.</p> <p>KP & Punjab: PIOs are duty-bound to facilitate applicants who are disabled, illiterate or having any other problem in filing information request.</p> <p>Sindh: There is no such provision.</p> <p>Federal: Under the RAI Act, 2017 the designated official is bound to assist only disable person.</p>	10
Law makes head of public body responsible to act as information officer in the absence or unavailability of Information officer	10	10	10	10	10	Under all these five laws head of public body is responsible to deal with the information requests in case of absence of designated official.	10

Standards of Right to Information Legislation	Score under each standard of Right to Information Legislation					Comments	Total weightage
	Balochist an FOI Act 2005	KP RTI Act 2013	Punjab Transparency and RTI Act 2013	Sindh Transparency and RTI Act 2016	The Right of Access to Information Act, 2017		
Law has a comprehensive definition of Public Body	4	9	10	10	10	<p>Balochistan: Under Balochistan FOI Act, the scope of definition of a public body is limited. Non-governmental organizations funded by government are also not covered</p> <p>KP: Under KP RTI Act, the definition/scope of public body is broad and categorically defined. Organizations substantially funded by public funds also fall in purview of RTI. While KP RTI law specifically excludes Peshawar High Court from the definition of the Public body.</p> <p>Punjab: Under Punjab RTI Act, the definition/scope of public body is broad and categorically defined. Organizations substantially funded by public funds also fall in purview of RTI</p> <p>Sindh: Under Sindh RTI Act, the definition/scope of public body is broad and categorically defined. Organizations substantially funded by public funds also fall in purview of RTI.</p> <p>Federal: Under Sindh RTI Act, the definition/scope of public body is broad and categorically defined. Organizations substantially funded by public funds also fall in purview of RTI</p>	10
Law does not call applicant as offensive or impose penalties in any degree and manner	0	0	10	0	10	<p>Balochistan: Under the Balochistan FOI Act, if complainant is found to be 'frivolous, vexatious, and malicious' the ombudsman can impose a fine of up to Rs 10,000.</p> <p>KP: it is criminal offence to seek information with mala-fide purpose.</p> <p>Punjab: Punjab RTI law does not impose penalty on applicants in any degree and manner</p> <p>Sindh: it is criminal offence to seek information with mala-fide purpose.</p> <p>Federal: Federal RTI law does not impose penalty on applicants in any degree and manner</p>	10
Total	48	132	148	117	114		

Scoring Guidelines for Rating RTI Laws in Pakistan

Summary

CPDI has developed scoring guidelines for rating right to information laws in Pakistan after conducting an in-depth study of various international standards and guidelines. We have analyzed internationally acclaimed standards/parameters and slightly modified them to score national and sub national right to information laws enacted in Pakistan. Standards are weighed/numerically that will assess strength and efficiency of each RTI law in Pakistan.

Twelve out of the fourteen standards have weight-age of 10 points, while the weight-age for (a) 'maximum disclosure with less exemptions' and (b) 'proactive disclosure' is set 15 points. Two standards are weighed higher on the grounds that other elements of RTI are driven by them.

Standards and Weight-age:

Standard	Weightage
1. Maximum Disclosure	15
2. Cost Effective Access to Information	10
3. Speedy and Easy Access to Information	10
4. Effective Complaint Redressal Mechanism/independent Appellate Body	10
5. penalty on the officer for wrongfully denying/delaying	10
6. Proactive Disclosure	15
7. Description of specific reason for information requested	10
8. Destruction of records as a criminal offense	10
9. Overriding Effect on other laws	10
10. Record Management	10
11. Duty of information officer to assist applicants	10
12. Head of public body act as information officer in the absence of PIO	10
13. Comprehensive definition of Public Body	10
14. No Penalty on Applicant	10
Total	150

Sr. No.	Standards of RTI legislation	Scoring Guidelines		Weightage
1	Law is guided by the principle of maximum disclosure and exceptions are clearly and narrowly drawn	A short list of exceptions and rest of the information declared as public information	7	15
		Law applies 'Harm test' on exempted information	3	
		Appellate body has the powers to apply harm test	3	
		Applicant has a right to (a) obtain samples and (b) inspect information/documents/records	2	
2	Law provides cost effective access to information	Filing information request is free of cost	3	10
		First 20 pages of the requested information are free of cost	3	
		Less than or equal to Rs. 2/- per page is charged for more than 20 pages or original cost of producing CD, DVD or USB as the case may be.	2	
		Applicant will not bear the postal cost of sending information (more than 20 pages)	2	
		Alternate of visiting office or any other and applicant-friendly way of submitting fee in public body	2	
3	Law provides speedy and easy access to information	Law requires to provide the requested information within 10 working days	8	10
		Law requires to provide the requested information within 11-15 working days	7	
		Law requires to provide the requested information within 16-21 working days	6	
		If the requested information is related to the life or liberty of a person, it will be provided within 2 working days	2	
		If the requested information is related to the life or liberty of a person, it will be provided within 3 working days	1	
4	There is an effective complaint redressal mechanism available	Law requires establishing appellate body to address the RTI complaints lodged by citizens.	3	10

Sr. No.	Standards of RTI legislation	Scoring Guidelines		Weightage
		Law requires establishing independent appellate body to address the RTI complaints lodged by citizens. <i>* Independence of appellate body is crucial for an effective complaint redressal mechanism because then it can independently and solely serve the purpose. Whereas ombudsman or autonomous appellate body deal with RTI complaints as an added strain and responsibility.</i>	6	
		Appellate body is bound to resolve the complaint within 30 working days	3	
		Appellate body is bound to resolve the complaint within 45 working days	2	
		Appellate body is bound to resolve the complaint within 60 working days	1	
5	Law imposes penalty on the officer for wrongfully denying/delaying access to the requested information	Penalty on officer for wrongfully denying/delaying access to the information	10	10
6	Law requires proactive disclosure	Law provides a comprehensive list of information to be proactively disclosed by public body	5	15
		List of Proactive disclosure includes: acts and subordinate legislations such as rules regulations, notifications, by-laws, circulars, manuals/instructions and other legal instruments being enforced, issued or used by it or being used by its employees in the discharge of its functions	2	
		List of proactive disclosure includes: Directory of its officers & employees with their qualifications, powers, functions, remuneration, perks and privileges	2	
		Budget including details of all proposed and actual expenditures	2	
		Complete particulars (name and contact) of its designated officer/PIO	2	
		Details of all its administrative and developmental decisions/projects	2	
7	Law does not require description of specific reason for information requested	Law provides information without putting condition on requester to provide reason	10	10
8	Law recognizes the willful destruction of records as a criminal offense	It is criminal offence to destroy an official record	10	10

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 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, media watch, election watch and legislative watch and democratic development.



Centre for Peace and
Development Initiatives

☎ +92 51 831 27 94, 831 27 95

📠 +92 51 844 36 33

✉ info@cpdi-pakistan.org

📘 /cpdi.pakistan

📺 /cpdi_pakistan

📷 /cpdi_pak



A Company setup under Section 42 of the Companies Ordinance, 1984

www.cpdi-pakistan.org