

Implementation status of proactive disclosure of information: a comparative study of Khyber Pakhtunkhwa and Punjab, Pakistan

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Abstract

Right to Information regime is considered a strong commitment towards good governance. This commitment supports fairness in laws, rules and regulations. In Pakistan, the best RTI laws are of the Punjab and Khyber Pakhtunkhwa; hence KP RTI Act 2013 and Punjab Transparency and Right to Information Act 2013 have taken as a case for this paper. This paper aims to analyze how far certain Right to Information laws remained successful in terms of proactive disclosure of information and institutional measures. Categorically two dimensions are examined (a) proactive disclosure of information by the public bodies and (b) Institutional Measures under clause 5 and 4 of Right to Information laws in both provinces respectively. Based on desk review and telephonic discussion a comparative assessment has taken randomly selected departments such as Elementary and Secondary Education, Health and Local Government Department. Comparatively, in Punjab public bodies are more actively engage with respect to proactive disclosure of information. As per provisions of RTI laws, complete information is not available on sampled websites of public bodies that deviating international best practices. This paper highlights the necessary measures to be considered by decision-makers and provides way to improve regime of RTI laws in Pakistan.

Keywords: right to information, accountability, constitutional rights, public bodies, public information, transparency.

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1. Introduction

Right to Information laws have been integrated and incorporated into the domestic laws by almost every country in the region but these laws have faced certain restrictions on the free flow of information. The main aim of RTI laws is to make governments more responsive to their people in discharging their roles. These laws obligated governments to disclose information proactively as provided in Acts and also furnish the information when requested. This is one of the important steps toward good governance. In South Asia, more than 100 countries have enacted right to information laws in their respective states. However, literature in the region shows that only bring of the legislation is hardly sufficient to bring changes in governments.

In Pakistan RTI movement started from 1980 when the rampant corruption plagued the country. For the first time RTI related initiative was taken up in 1990 by a senator of Jamaat-i-Islami, he presented a private bill about freedom of information in the Senate. In 1996 a bill about freedom of information drafted through care taker government and later on that bill announced as a Freedom of Information Ordinance in 1997. However, this seemed a transitory success, as subsequent government failed to enact the ordinance in Parliament. In 2001, a comprehensive action plan was taken up by the Asian Development Bank; the plan includes judicial and administrative reforms in Pakistan (Asian Development Bank, 2001). Freedom of information related laws the part of that comprehensive action plan. In 2002 Freedom of Information was promulgated through an ordinance, later became law through constitutional amendment. It remained inoperative for two years until its rules were formulated and published in 2004, following a sustained campaign by civil society and key stakeholders. The ordinance is believed to be a very weak law, and in view of its lacunae, the government introduced a bill in Parliament in 2008 to improve the existing legislation. At provincial level, Baluchistan and Sindh replicated the Freedom of Information Ordinance 2002 in the form of the Baluchistan Freedom of Information Act 2005 and the Sindh Freedom of Information Act 2006.

At a district level, the Local Government Ordinance 2001 also contained provisions supporting the right to information; however, even this has only been operational in Punjab province. In 2010, this legislation got constitutional protection through the 18th amendment (Pak. Const. amend. 18). The constitution of Pakistan under article 19 guarantees the right of freedom of speech, expression and freedom of the press. In Pakistan RTI Act, got constitutional protection in 2010 with the amendment under Article 19 –A “Every citizen shall have the right to have access to information in all matters of public importance subject to regulation and reasonable restrictions imposed by law.” Notably, in 2013, the provinces of Khyber Pakhtunkhwa and Punjab enacted RTI legislation. The Khyber Pakhtunkhwa Right to Information Act 2013 and the Punjab Transparency and Right to Information Ordinance 2013 and Access to Right to Information Act 2017 at the federal level have been lauded as strong laws that herald an era of RTI renewal in Pakistan.

The world community including Pakistan agreed on certain commitments to address the challenges faced by society globally under the banner of the United Nations in 2015. The challenges include poverty, environment, and access to justice, gender equality, education, health and many others. Agreed commitments are called Sustainable Development Goals (SDGs). The document of commitments consists of seventeen goals and each goal comprises specific indicators to cater the success. One of the goals of SDGs deals with promoting peace

and justice. The subsection of that goal deals with access to information to citizens and ensures fundamental freedoms in alliance with domestic laws and international commitments. In lieu of these commitments, Pakistan already has a comprehensive and somehow progressive set of RTI laws. These laws aim to provide an effective way out of the regime of right to information in order to ensure for citizens to access information held by public bodies.

Right to Information laws serves as essential tools to provide citizens access to information held by public bodies. Free flow of information gives ability to the citizens to have access to records, documents and information held by public bodies is the key to ensuring transparency, openness and accountability in governance mechanisms. These laws enable citizens' meaningful participation in government affairs for ensuring good governance in course of invoking transparency. RTI laws help in realizing other fundamental rights of humans. These laws open up venues where citizens become able to question and voice their concerns about the service delivery mechanism of public bodies. For ensuring the fully operational of law is required the active role of the concerned agency which is tasked for it. In the application of RTI laws two key lessons are necessary one is management of information and other is long term awareness rising. As per RTI laws, it is the responsibility of concerned public body to make available reliable and consistent data. The Information Commissions of each country solicit reports and data from all public bodies in a proper format and publish them on the internet timely.

The trend is being emerged that transparency and the right to information are crucial in curbing the corruption and malpractices in governance. Proactive disclosure is crucial in assuring access to information held by public bodies to the public. In Pakistan all second-generation RTI laws in provided specific clauses for proactive disclosure of information by Govt departments. These clauses legally bound public bodies to disclose a certain set of information and it boosts the informed participation of general interests. The term proactive disclosure of information spells to disclosing information by public bodies by themselves without making requests for information by citizens. Public bodies can make available sets of information through various means such as print and electronic media in order to ensure access to the maximum part of society. The disclosed information is easy to access and friendly user. Certain set of information is usually made available proactively to the public under RTI laws. Three public bodies such as Elementary and Secondary Education, Health and Local Government Department and Information Commissions are taken as cases in order to assess the implementation state of proactive disclosure of information and institutional measures under RTI laws in Punjab and KP. The data has been collected through websites of sampled public departments and the telephonic conversations with respective RTI Commissions in both provinces.

In South Asia, the RTI legislations have been enacted in almost all countries in lieu of close connection with political change and democratic reformations. In the region Pakistan is the first country that promulgated the Freedom of Information Ordinance in 2002. The ordinance could not align with the best practices of the international spectrum hence expected results from this law could not achieve. Sindh and Baluchistan passed the Freedom of Information Act in 2005 and 2006 respectively but sufficient openness about the information of public offices/operations was not ensured. Hence the cultures of secrecy in public offices remained practiced and restrict public access to citizens. In 2010, through the 18th constitutional amendment article 19A1 was inserted which articulate the right to information. So, Article 19

of the Constitution of Pakistan grants citizens of Pakistan the right to access information regarding all subjects of public importance. As per this constitutional provision the Parliament and Provincial Assemblies are bounded for RTI legislations. Consequently, the Parliament and Provincial Assemblies passed RTI laws.

The government of Khyber Pakhtunkhwa enacted Right to Information Act in October 2013 under its legislative framework of good governance (Sardar, 2014). Similarly, the government of Punjab also enacted Punjab Transparency and Right to Information Act in December 2013 in order to ensure openness, transparency and accountability in governance. Later on, governments of Sindh and Baluchistan repealed their FOIs laws and enacted Sindh Transparency and Right to Information Act in 2016 and Baluchistan Right to Information Act in 2021. Federal government also repealed the freedom of ordinance 2004 and enacted Right of Access to Information Act in 2017. These legislations include the open and maximum timely disclosure, a vigorous system to facilitate access to information and protection of the whistleblowers. To uphold this system, information commissions established by each provincial government and federal government and Public Information Officers were designated by each public department to facilitate the timely and proactive disclosure of information. These Acts aim to eradicate the inconsistent practices of public offices and support building proactive responsive public institutions.

Second generation laws are distinguished from the first generation laws on the basis of certain aspects such as the inclusion of proactive disclosure of information, having a penalty clause in case of willful denial of information by public bodies and having an independent information commission for redressal in case of grievances by citizens in the second generation of laws while these clauses were not part of the first generation of laws of RTI.

Literature review

Different sources of literature have been reviewed in order to gain a conceptual understanding about the subject of this paper. Literature review and analysis of already available material helped to understand the stated problem in a better way and in a patterned direction. In comparison with other Asian countries, in Pakistan the movements and efforts for Right to Information are not encouraging. As a result quality material or literature on the cited subject is lacking. Related to RTI laws implementation, none of any academic research studies or paper has been conducted so far in Pakistan. It is only in the last decade some reports and case studies are available regarding the RTI implementation by civil society organizations and Information Commissions. The available literature and demand of the international arena assert that Right to Information is one of the significant themes to enable the citizens to ask public bodies about their functions and roles.

In Pakistan, for the first time Consumer Rights Commission of Pakistan started working on Right to Information in the early 2000s. CRCP prepared some reports about the regime of right to information. One of the latest reports it produced in 2014 titled "Freedom of Information to Right to Information: Some lessons and insights." In the report key theme discussed was the inherent deficiencies in the ordinance of Freedom of Information 2002 as narrated through procedural activism. In the report satisfactory measures were documented about the journey of FOI towards RTI and also depicted some of deficiencies in Right to Information laws of Punjab and Khyber Pakhtunkhwa.

Anwar (2018) narrated that Pakistan's constitution guaranteed the right of access to records/information of citizens but most of the time this right is not being observed by bureaucratic officials who were entrusted to support it. This newspaper quoted examples of two instances; first, Centre for Governance and Public Accountability submitted an application for seeking information to all districts courts of the KP. The applications were about to know how many information-seeking requests were received and responded by concerned courts and how many complaints were lodged in Khyber Pakhtunkhwa RTI commission against courts last year. Out of the total, only two courts responded and five courts had not responded to a simple request of information within time frame as provided in Act.

In 2019, the Centre for Peace and Development Initiatives produced a report titled the status of Right to Information laws in Pakistan. The report narrated the status of proactive disclosure and reactive disclosure of information. State of proactive disclosure of information was examined through the websites of randomly selected departments of public bodies while the state of reactive disclosure of information was assessed through submission of information requests to selected departments. Overall, on the basis of mean 31% information was proactively disclosed by public bodies of federal and provinces without information-seeking requests by citizens. While the aspect of reactive disclosure of information average rate was only 6.7%.

Centre for Governance and Public Accountability conducted a comparative national-level study on the implementation of Right to Information laws in 2019 and 2020 in Pakistan. During the study, a scorecard was developed in order to gauge the implementation status of RTI laws of federal and KP. The findings of the study of 2020 showed that the rate of responses is poorer as compared to the results of a study conducted in 2019.

A study titled as "The efficiency and implementation of Right to Information law in Punjab" carried out about the implementation state of reactive disclosure of information under RTI law by Sustainable Social Development Organization in 2020. The study conducted with aiming to highlight the flaws in the implementation framework of RTI regime in Punjab. CPDI focused on the budget details of district offices and record of First Information reports (FIRs) from the District Police office. As per the findings of a study only 34% of information requests responded. The conclusion of the study revealed that the rate of filing information requests is very low as per RTI law and the directions by Punjab Information Commission were not considered serious by public bodies.

Proactive disclosure of information

Proactive disclosure of information is considered the essence of RTI laws which is mentioned in all RTI Acts in Pakistan. Under this provision, public bodies are believed to share/disclose the information to make this legislation more effective. Public bodies have to ensure the dissemination of information in order to institutionalize this provision as mentioned in Acts. Eventually, this provision serves as an interface robustly and dynamically among citizens and public bodies which lead to ensuring transparency, openness and accountability in the governance system. This paper asserted a deliberative attempt to assess the state of proactive disclosure of information by public bodies of Khyber Pakhtunkhwa and Punjab. Through sampled websites of public departments, particularly the current status of proactive disclosure by public bodies has been assessed.

Research methodology

The state of online proactive disclosed information of the KP and Punjab has been assessed as mentioned in a specific clause under RTI laws. The available information has been checked as per given sections in RTI laws through sampled websites of randomly selected departments. Under clause 4 of the Punjab Transparency and Right to Information Act 2013, there are 16 indicators with respect to the proactive disclosure of information. Total indicators are categorized into two sections. Section 1 consists of 12 indicators which deal with the availability of information about the public body. Section 2 consists of 4 indicators which deal with the availability of information regarding the Right to Information.

According to mentioned measuring indicator each public body is marked in such scheme as Full Disclosure of Information = 1, Full to partially disclosure = 0.75, Partial disclosure = 0.50, Partial to None = 0.25 and none = 0. Then each public body is awarded scores by adding the marks for each institution and then dividing by 16 (total indicators). Then in both sections total marked scores added for each public body and then divided by total assessed departments, three government departments in this paper. The following tables show the cross-checked published information on websites against the provisions under Section 4 of the Punjab Transparency and Right to Information Act 2013. In the below table, the first column reflects the indicators for measurement of proactive disclosure of information. While in the next columns, mentioned government department is scored as per proactively disclosed information by public body.

Proactive disclosure of information under Punjab transparency and RTI Act 2013

The following two tables show the analysis and discussion accordingly.

Table-1A: Provision of proactive disclosure of information about the public body

Availability of Information about public body	E&SE	Health Department	Local Govt. Department
Details of essentials of organizational structure, duties and functions of department.	1	1	1
Description of authorities, functions and powers as exercised by public officials and employees.	1	0.75	1
Detail of criteria, norms and procedures through which public bodies exercise its routine functions.	1	1	1
Description of statutes and other legal instruments which includes rules, ordinances, Acts, notifications, circulars, regulations and instructions being issued or used by public bodies or its employees in functioning their duties.	1	1	1
List of categories of available information with government body.	1	0.75	1
Narration of decision making processes, provision of opportunities to public for making inputs and be consulted regarding decisions.	1	0.25	0.25
Details of particular information of public officials and employees including their qualifications and privileges.	1	0.75	1
Budgetary details including actual and proposed expenditures.	1	1	1

Table-1B: Provision of proactive disclosure of information regarding RTI

Availability of information related to Right to Information	E&SE	Health Department	Local Govt. Department
Annual report about the implementation of RTI Act	0	0	0
Process for seeking information	0	0	0
Details of expenditures	0	0	0
Directory of requested information in categories	0	0	0
Total	0	0	0

Source: Proactively disclosed information by public bodies on their websites

Proactive disclosure of Information under KP RTI ACT 2013

Under clause 5 of the Khyber Pakhtunkhwa Right to Information Act 2013, there are 16 indicators with respect to proactive disclosure of information. Total indicators are categorized into two sections. Section 1 consists of 12 indicators which deal with the availability of information about the public body. Section 2 consists of 4 indicators which deal with the availability of information regarding Right to Information.

According to mentioned measuring indicator each public body is marked in such scheme as Full Disclosure of Information = 1, Full to partially disclosure = 0.75, Partial disclosure = 0.5, Partial to None = 0.25 and none = 0. Then each public body is awarded scores by adding the marks for each institution and then dividing by 16 (total indicators). Then in both sections total marked scores added for each public body and then divided by total assessed departments, 3 government departments in this paper.

Table-2A: Provision of Proactive disclosure of information about the public body

KP Right to Information Act 2013 – Section 5	E&SE	Health Department	Local Govt. Department
Details of essentials of organizational structure, duties and	1	1	1
Description of authorities, functions and powers as	1	1	1
Detail of criteria, norms and procedures through which	1	1	1
Description of statutes and other legal instruments which	0.50	1	1
List of categories of available information with	1	1	1
Narration of decision making processes, provision of	0	0.50	0.50
Details of particular information of public officials and	0	0	0
Budgetary details including actual and proposed	1	1	1
Benefited programs/subsidy details with facts of	1	1	1
Details of beneficiaries or recipients who granted	1	1	1
Details of information or category of information that held	1	1	1
Particulars of Public Information Officer or designated	0	0	0
Total	8.5	9.5	9.5

The following tables show the cross-checked published information on websites against the

provisions under Section 5 of the Khyber Pakhtunkhwa Right to Information Act, 2013. In the below table, the first column reflects the indicators for measurement of proactive disclosure of information. While in next columns, mentioned government department is scored as per proactively disclosed information by public body.

Table-2B: Provision of proactive disclosure of information regarding RTI

Availability of information related to Right to Information	E&SE	Health Department	Local Govt. Department
Annual report about the implementation of RTI Act	0	0	0
Process for seeking information	0	0	0
Details of expenditures	0	0	0
Directory of requested information in categories	0	0	0
Total	0	0	0

Table-3: Overall Scores about Institutional and Information of RTI laws of Punjab and KP

RTI Laws	Categories	E&SE	Health Department	Local Govt. Department
Transparency and RTI Act 2013	Total for Institutional Informational	12	9.25	10.25
	Total for Information about RTI	0	0	0
Total (Institutional +RTI)		12	9.25	10.25
KP RTI Act 2013	Total for Institutional Informational	8.5	9.5	9.5
	Total for Information about RTI	0	0	0
Total (Institutional +RTI)		8.5	9.5	9.5
Overall mark by government department [Total/16]		41	37.5	39.5

Each indicator (Institutional and related Information) is assessed as per given or available information on the websites of each selected public body. There are a total of 12 indicators about the institutional information and 4 indicators about information on RTI. The enlisted indicators as given in RTI Act, out of total 100% information has been proactively published by Elementary and Secondary Education, 77% by the health department and 85% by local government and community departments on their websites in the province of Punjab. None of the information is available related to information on RTI on their websites by the selected departments.

In the province of Khyber Pakhtunkhwa, out of total indicators 71% of information by the Elementary and Secondary Education department, 79% information by the health department and 79% of information have been proactively published by the local government departments on their websites. Regarding proactively disclosure of information, the scored marks are 0.8 and 0.5 by the Elementary and Secondary Education department, 0.6 by the health department and 0.6 by the local government and community department in Punjab and KP respectively.

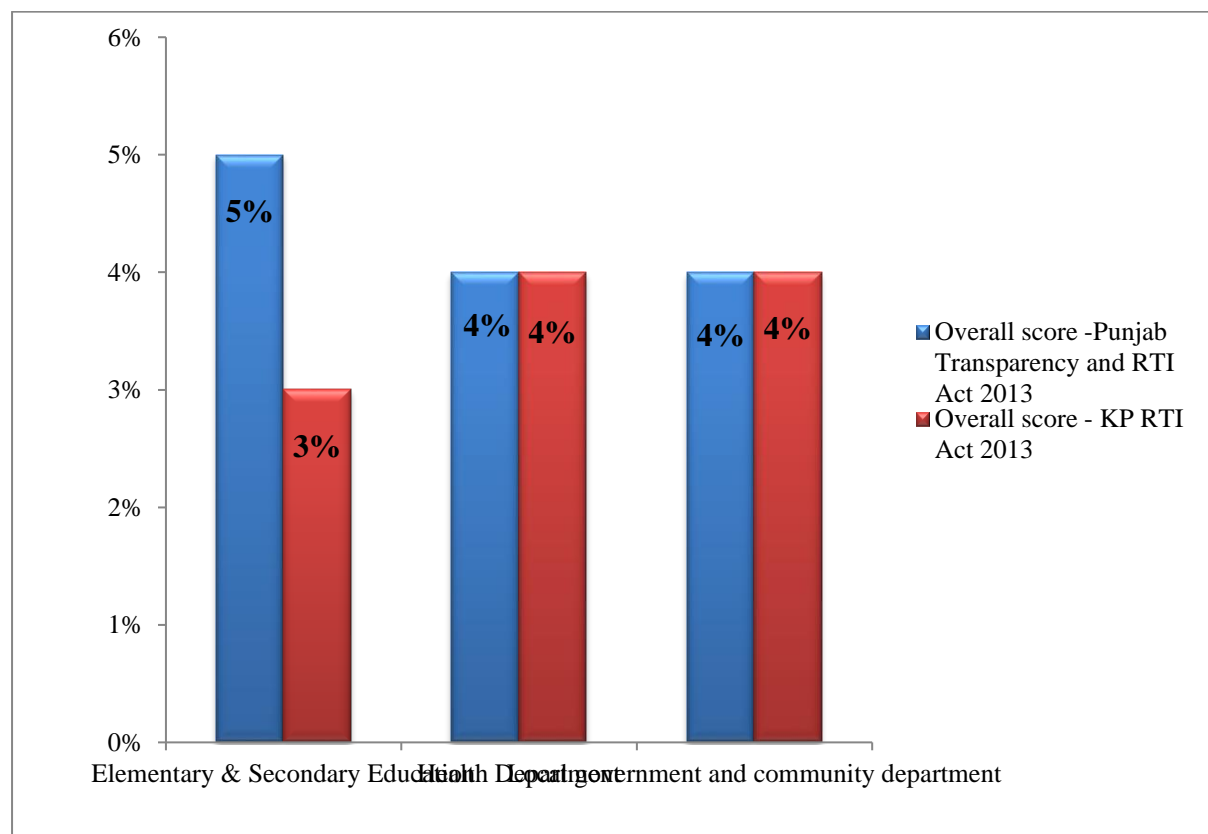


Figure 1 indicated certain percentages by all selected departments in province of Punjab and KP.

Institutional measures

Institutional measures are crucial in order to support the implementation framework of RTI laws. These measures are considered as backbone of effective implementation of RTI laws. Institutional measures relates to the establishment of information commissions and individual authorities in the implementation framework of RTI laws. The basic purpose of Information Commissions is to support the free flow and access of public information to citizens and facilitate a strong system for effective implementation of RTI laws. Each information commission comprises three commissioners; one civil society representative having at least fifteen years of experience, one advocate of high court/Supreme court and a third one a retired senior bureaucrat (of grade in KP and grade 21 in Punjab). Below data is stated in two tables, first table depicts the measures taken by provincial governments while second table spells about the actions taken by individual authorities in implementation of RTI laws in Punjab and Khyber Pakhtunkhwa respectively.

The following both tables are deemed to highlight the minimum conditions for effective implementation of RTI law. Hence the availability of these steps is examined irrespective of whether or not the law speaks for them. In both tables, first column document steps need to be ensured in order to implement RTI law in a proper way. The second column depicts whether the documented steps have been taken or not or how much. The third column shows the comments of the researcher regarding how the taken steps have been taken in respective provinces.

Table-4A: Overall framework for implementation Of Punjab Transparency and RTI Act 2013

Questions	Yes, No or Partially	Remarks
Has government established an RTI nodal agency? (If yes, narrate its roles and functionality)	Yes	In case of provincial government the nodal agency is Department of Information and Culture of Government of Punjab. With the support of DIC the Information Commission has been established since the commencement of Act. This department provided support in preparing guidelines and SOPs for proper implementation of RTI Act. Commission has tasked to conduct promotional initiatives for effective implementation of RTI Act. Numbers of procedural delays observed on part of DIC such as service rules are still not final, Information Commission generally lacking resources and institutional capabilities. The tenure of all three commissioners were terminated in May 2021, Department of Information and Culture extended period of Chief Information Commissioner however rest of two posts are still vacant. Lahore High Court (judgment, WP No.9315/2019) directed Government of Punjab to take ownership for RTI implementation as provided in Act, so as committee constituted at provincial level under the chairmanship of Chief Secretary.
Independent body/Information Commission has been established? (If yes, briefly narrate its work and role)	Yes	Punjab Transparency and Right to Information Act 2013 assert provision for establishment of Punjab Information Commission which consist on one of Chief Commissioner and two commissioners. The Punjab commission was established since the commencement of RTI Act. The commission has proper office and been staffed properly for its implementation. It is obliged to promote the culture of transparency, accountability and also encourage the citizens frequently ask in matter of public importance. The commission worked with public bodies for effective implementation of law including imparting of public information officers, developed guidelines for PIOs and guidelines for public to take benefit from the provisions of this law. Commission has proper website and provided facility for online appeals in case of grievances. Commission published list of PIOs, guidelines for using law, process for appeal in case of dissatisfaction, list of information accessible to citizens held by public bodies and list of exempted information as provided in law. It published annual report about the implementation of RTI law but with some delays. PIC lacks powers in enforcing its decisions in implementation of RTI Act. Some of cases studies/reports by civil society organizations illustrated the poor picture with respect to proactively disclosed information and improper maintenance of record by public bodies. It can work extensively with government departments in order to ensure more and more proactive disclosure of information and to maintain proper record of information.

Table-4B: Overall framework for implementation Of KP RTI Act 2013

Questions	Yes, No or Partially	Remarks
Has government established an RTI nodal agency? (If yes, narrate its roles and functionality)	Yes	In case of provincial government the nodal agency is Directorate of Information and Public Relations Government of Khyber Pakhtunkhwa. With the support of DGIPR the Information Commission has been established since the commencement of Act. Policy guidelines have been prepared by with the help of DGIPR. Some of procedural delays have been noticed like the release of salaries of staff. At the time of writing of this paper, staff of commission does not get salaries on regular basis. One of post of commissioner is vacant from last several months. Service rules are still not in practiced.
Independent body/Information Commission has been established? (If yes, briefly narrate its work and role)	Yes	Khyber Pakhtunkhwa Right to Information Act 2013 asserts provision for establishment of KP Information Commission which consist on one of Chief Commissioner and two commissioners. The KP commission was established since the commencement of RTI Act. The commission has proper office and been staffed properly for its implementation. The commission worked with public bodies for effective implementation of law including designating public information officers, developed guidelines for PIOs and guidelines for public to take benefit from the provisions of this law. Commission has proper website and provided facility for online requests for information. Commission published list of PIOs, guidelines for using law, process for appeal in case of dissatisfaction, list of information accessible to citizens held by public bodies and list of exempted information as provided in law. It maintained record of information requests and appeals. It published annual report about the implementation of RTI law but with some delays. Some of cases studies/reports by civil society organizations illustrated the poor picture with respect to proactively disclosed information and improper maintenance of record by public bodies. It can work extensively with government departments in order to ensure more and more proactive disclosure of information and to maintain proper record of information. In some of public bodies PIOs are not designated where they have been notified they are junior in rank so they cannot provide the requested information to applicant independently. And in most of cases the designated PIOs change frequently so the new ones are usually untrained in perspective of RTI implementation.

Below both of tables shows the minimum conditions for effective implementation of RTI law by individual public authorities. In both tables, first column highlights the measures need to be ensured by each public authority for proper implementation of RTI law. In the tables, the subsequent columns depict the awarded score by each selected department according to the availability of certain indicators as mentioned in column first. The score has been awarded according to set scheme such as 1 for availability and 0 for unavailability of certain indicators.

Table-5A: Implementation by Individual Public Authorities – Punjab Transparency and RTI Act 2013

Questions	E&SE	Health Department	Local Govt. Department
Has a PIO/APIO been nominated by concern department?	1	1	1
Is RTI implementation plan or framework available?	0	0	0
Has the PIO formally been given ToRs/JDs?	0	0	0
Are guidelines for receiving and responding to information requests available?	0.75	0.75	0.75
Is relevant information for submitting requests available?	0.75	0.75	0.75
Is a contact or corresponding details available of the Public Information Officers?	1	1	1

Table-5B: Implementation by Individual Public Authorities – KP RTI Act 2013

Questions	E&SE	Health Department	Local Govt. Department
Has a PIO/APIO been nominated by concern department?	1	1	1
Is RTI implementation plan or framework available?	0	0	0
Has the PIO formally been given ToRs/JDs?	0	0	0
Are guidelines for receiving and responding to information requests available?	0.75	0.75	0.75
Is relevant information for submitting requests available?	0.75	0.75	0.75
Is a contact or corresponding details available for the Public Information Officers?	1	1	1

Conclusion

RTI laws have been a landmark campaign to ensure citizens' access to information. These laws indeed gave a legal policy document and supported raising awareness about this law. These laws serve as an essential means for the provision of access to information to citizens regarding the functions and operations of public institutes. Access to information enables people to meaningfully participate in the affairs of public policies. Proactively disclosed information helps in enabling the citizens for informed decisions making, this provision asserts specific significance in terms of information access to citizens.

A brief comparative analysis of the RTI Law of KP and Punjab presents that the state of proactively disclosed information and institutional measures for its implementation. In this respect, the implementation state of proactive disclosure of information by public bodies in Punjab is comparatively better. The role of nodal agencies is somehow not so active in implementing RTI laws. However, in both provinces the Information commissions are more strongly active in ensuring the implementation of RTI law through public bodies. They continuously involve in making awareness through seminars, print and electronic media. Both of information commissions publish annual reports about the implementation of RTI laws but with some irregularities. In the perspective of institutional measures, the list of PIOs are not updated neither all public bodies have RTI implementation plan in both provinces. Non-availability of up-to-date annual reports and proactive disclosure of information regarding RTI

on websites does not in accordance with best practices of the global arena and ultimately violate the constitutional rights of citizens.

In order to have good governance, the first requirement is stability and peace in the country through which it can furnish its development. Without a peaceful environment, there will be disorder and chaos which leads a corrupt and mismanaged environment. As a result, there will be bad governance. Hence, it is necessary for developing countries such as Pakistan must have progressive RTI laws in order to produce an accountable, open and transparent government. As the right to information regime set the way for open, accountable and transparent governance, hence more focus is required for making RTI laws more and more effective in terms of its implementation. Role of nodal agencies can serve in a better way to equip RTI Commissions in terms of resources and institutional capabilities. For successful implementation of this law public institutions require to be more responsive and responsible. Although public officials are accountable for providing information but there is strong need for identifying the impediments to establish effective RTI laws. Moreover, largely need to increase the responsibilities on the part of citizens and media for enhancing the information demand among the people. Information Commissions have to play a proactive role in the implementation of this legislation. It has to build strong liaisons with public authorities for monitoring and promoting the provisions of RTI legislation.

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Note:

¹Inserted in the Constitution of Pakistan through the 18th Constitutional Amendment on April 19, 2010
