



KHYBER PAKHTUNKHWA INFORMATION COMMISSION
GOVERNMENT OF KHYBER PAKHTUNKHWA

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Acronyms

CPDI	Center for Peace and Development Initiatives
CGPA	Center for Governance and Public Accountability
ERTI	Electronic Right to Information
FATA	Federally Administrated Tribal Areas
FOI	Freedom of Information
GIZ	Gessellschaft Fur InternationaleZusammenerbelt
GPP	Governance Policy Project
NGO	Non-government Organization
KPK	Khyber Pakhtunkhwa
KPRTIC	Khyber Pakhtunkhwa Information Commission
KPG	Khyber Pakhtunkhwa Governance Project
PIO	Public Information Officer
PATA	Provincially Administrated Tribal Areas
PCNA	Post Crisis Need Assessment
RTIC	Right to Information Commission
SDG	Sustainable Development Goals
UN	United Nations

Foreword

Right to information (RTI) is an important pre-requisite for the functioning of a democratic order and good governance. It empowers citizens to ask critical questions, learn about the way the government functionaries perform and hold them accountable for any lapses or transgressions. In a nutshell, the right to information has a pivotal role to play in bridging the gap between the citizens and the state by recognizing in the practice that citizens own the state and have the right as well as the responsibility to ask questions and perform public accountability function.



The report under review is a synopsis of the activities undertaken by the Khyber Pakhtunkhwa Information Commission during the year 2018-19. Over the past five years, thousands of citizens exercised their constitutional right of accessing the information of public importance through the RTI Law. The Commission has taken consistent steps for the implementation of RTI Law and to make government bodies truly accountable to the citizens.

Keeping in view the importance of this sunshine Law, the KP Government extended the Right of Access to Information law to the citizens of erstwhile FATA and PATA in April 2019, granting citizens complete access to the record of public authorities. The line departments of the merged districts notified the PIOs, who are the focal persons responsible for ensuring provision of Information to the needy. Thus law now exists, all that needs to be done is to spread awareness among the masses at grass root level being their constitutional right. Apart from using social, electronic and print media platforms to increase awareness among public regarding the usage of this fundamental right, information about RTI can also be included in educational curricula. Effective educational measures can help in seeking the attention of the general public as a whole, and the youth in particular, in how the usage of RTI can lead to survival, sustenance and security of life.

I hope all the Information Commissions will help in building state citizen trust, which is also a mindful of the sustainable Development Goal (16.10) which envisages public access to information in accordance with provincial legislation and international agreements.

A handwritten signature in blue ink, consisting of a stylized 'A' followed by a horizontal line.

Azmat Hanif Orakzai
Chief Information Commissioner

1. Introduction

The right to access information held by public bodies, known as the Right to Information (RTI) was internationally recognized as a human right in 1948 by the United Nations. However, the first ever RTI Law was enacted well before the UN's birth by the Swedish Parliament in 1766. Pakistan remained the first country in South Asian countries to promulgate the Freedom of Information (FOI) Ordinance in 2002 . The FOI was a weak law applicable only to the public bodies in the ambit of Federal Government. It took another fifteen years to transform the Ordinance into Right of Access to Information law in the country.

Prior to this law, there was plethora of laws such as Official Secret Act, Press and Publication Ordinance etc. that were obstructing citizen's access to information. The enactment of Right of Access to Information Act, 2017 at the federal level opened the doors of transparency and accountability.

The eighteen amendment to the Constitution of Pakistan changed the legislative landscape in the country when it comes to the promulgation of RTI laws in the country. The insertion of Article 19-A made it a prerequisite for the federal government and provinces to enact effective RTI Laws. As a result the province of Khyber Pakhtunkhwa and Punjab enacted the RTI Laws in 2013. Sindh repealed its Sindh Freedom of Information Act 2006 and enacted Sindh Transparency and Right to Information Act in March 2017, while Baluchistan still has an ineffective Freedom of Information Act 2005.

The government of Khyber Pakhtunkhwa, when came to the power after 2013 general elections framed a Good Governance Legislative Framework and RTI Act was part of the said framework. The law was enacted with a spirit to promote transparency and accountability in the province in the delivery of public services. The public bodies have legally been bound to both pro actively and relatively disclose public information.

The RTI Law has provided an opportunity to the citizens to get integrated into system of governance through seeking information in all matters of public importance and re-using the information for personal and public benefit. It is a sort of social contract between the state and citizens which helps empower the citizens and the same can be used as a tool to prevent or expose abuses, improve service delivery and even protect public health and welfare.



2. Implementation Mechanism

The RTI laws ensure transparency and accountability and the principles of underpinning RTI legislation include maximum disclosure, a process to facilitate access to information, limited scope of exemption, no deterrence from costs for citizens seeking information, and protection to whistle-blowers. Under the KP RTI law, Information commission is committed to ensuring that these principles are fully upheld. The KPRTIC is mindful of its extremely important responsibility and is committed to take all the necessary steps to ensure implementation of citizens right to information. The KPRTIC stands committed in terms of not just deciding complaints but also to facilitate and support public bodies in the discharge of their responsibilities regarding implementation of Right to Information.

a. Nomination and notification of PIOs

In accordance with the Section 6 of the KP RTI Act 2013, every public body in the province is required to designate and notify an officer or officers to act as Public Information Officer with whom request for information under the Act is lodged. In short a PIO is the first point of contact between citizens and public bodies.

The government and public bodies are facilitating PIOs in proactive disclosure of information as much as possible. Traditional record-keeping by public bodies is going to be replaced by introduction of significant reforms and modernized mechanisms by Khyber

Pakhtunkhwa Governance Project (KPG) and Center for Governance & Public Accountability (CGPA). As public records are digitized, public bodies will be able to provide information in a timely fashion.

Furthermore, the PIOs have been empowered to share information, yet the system compels to seek permission from the heads of public bodies, before disclosing information. The PIOs are not bound by such restrictions and any departmental rule, which binds them; have been amended to the maximum.

The number of information requests under the RTI laws have been increased manifold as citizens have become aware of these laws. Thus, the most important aspect of KP RTI law remains to be the proactive



*Newly nominated PIOs being trained on RTI Law by
Chief Information Commissioner
at Local Governance School Hayatabad Peshawar*

2. Implementation Mechanism

disclosure. The Public bodies are required to disclose as much information as possible pro actively, using digital means. It has already reduced the number of information requests and lessen the burden on PIOs.

b) Training of Public Information Officers (PIOs)

Capacity building and proper training of the PIOs is essential for provision and proactive disclosure of information. The KPRTIC has thus far imparted trainings to more than 600 PIOs across the province. It has enabled them to provide information to over 15084 requesters. Till date around 635 PIOs stands notified in KP who are entertaining information requests of citizens. These figures do not include the PIOs of the newly merged districts. The lists of PIOs of the newly merged districts are yet to be provided by the respective Deputy Commissioners.

As a large number of citizens were persistently demanding information from the selected local councils in the province, therefore 2482 Secretaries of Village Councils (VCs)/ Neighborhood Councils (NCs) were notified as PIOs. The number of PIOs has now reached to 3052.



c) KPRTIC overseeing RTI Law implementation

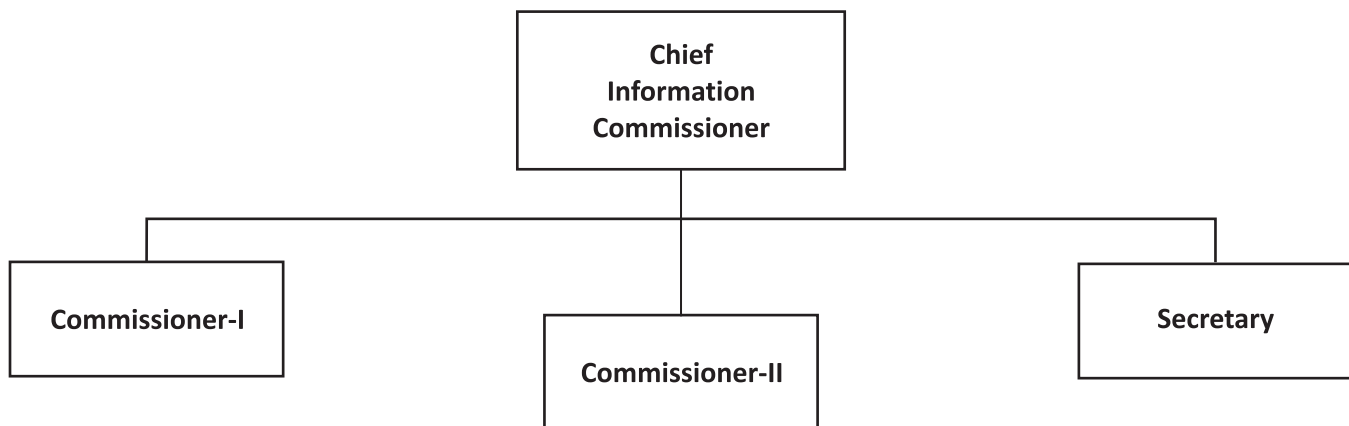
As provided in the KPRTI Act the Provincial Government has established the Information Commission in 2013 to oversee enforcement of the RTI Law in the province.

The Commission has not only been able to dispose of 6010 complaints of the citizens, but simultaneously monitored the disposal of RTI requests by the public bodies. The KPIC with the support of the Chief Secretary was able to improve the weak areas of proactive disclosure as required in the Section 5 of the KP RTI Act.

2. Implementation Mechanism

d. Organogram

An organogram of the Information Commission given below clarifies the structure of its staff.



Strength

- Officers	: 05
- Supporting Staff	: 31
- Total	: 36

e. Powers/Functions of the Commission

- I. To decide complaints of citizens who are denied information by the public bodies (PIOs).
- II. To create awareness about the RTI Law.
- III. To take all other measures which are necessary for implementation of the Law.

To discharge these function, the Commission has been entrusted with powers of a Civil Court under the Civil Procedure Code (CPC), 1908, while deciding complaints, the Commission shall have the powers to impose penalties on any official for willfully obstructing the receipt of information by a citizen.

3. Progress



In the report under review, the citizens continued to file complaints against the public bodies who refused to provide information. The Commission took action against the defaulting public bodies by imposing fines or issuing show cause notices with an aim to impress upon the PIOs the need for effective implementation of the RTI Law.

For evaluating the usage of RTI Law by citizens, it will be appropriate to present before the readers a consolidated report with regard to submission of information requests lodged by the citizens with different public bodies and status of their disposal.

During the report under review, (1st July 2018 to 30th June 2019), a total of 2329 requests were filed by the citizens with different departments excluding Malakand Division where the Law has been extended in April 2019. In 53% cases, the requests were entertained at PIO level within the stipulated time, while those, who was not provided information by the PIOs filed complaints before the Commission.

a) RTI Requests

Department-wise information requests filed by citizens in 17 districts of the province during the year are as tabled below.

RTI Requests Statistics 2018-19

No.	Public Bodies/Departments	Total RTI Requests	RTI Requests		
			Addressed	In-Process	Converted to Complaints
1.	Agriculture, Livestock & Co-Operation Department	72	46	26	26
2.	Auqaf, Hajj, Religious & Minority Affairs Department	6	4	2	2
3.	Autonomous Bodies/Authorities	217	79	138	138
4.	Chief Minister's Secretariat	17	11	6	6
5.	Communication & Works Department (C&W)	31	8	23	23

3. Progress



No.	Public Bodies/Departments	Total RTI Requests	RTI Requests		
			Addressed	In-Process	Converted to Complaints
6.	Culture, Sports, Tourism, Archaeology & Youth Affairs Department	23	11	12	12
7.	Deputy Commissioner Offices	49	49	0	0
8.	District & Session Courts	11	0	11	11
9.	Elementary & Secondary Education Department	285	145	140	129
10.	Establishment Department	167	140	27	27
11.	Excise & Taxation Department	8	1	7	7
12.	Energy & Power Department	12	7	5	5
13.	Finance Department	40	11	29	29
14.	Food Department	6	6	0	0
15.	Forestry, Environment & Wildlife Department	43	30	13	13
16.	Governor's Secretariat	2	0	2	2
17.	Health Department	215	76	139	139
18.	Higher Edu, Archives & Libraries Department	405	202	203	171
19.	Home & Tribal Affairs Department	142	109	33	33
20.	Housing Department	11	10	1	1
21.	Industries, Commerce and Technical Education Department	38	24	14	14
22.	Information, Public Relation & Culture Department	20	15	5	5
23.	Inter Provincial Coordination KP	1	0	1	1
24.	Irrigation Department	56	44	12	12
25.	Labour Department	6	4	2	2

3. Progress

No.	Public Bodies/Departments	Total RTI Requests	RTI Requests		
			Addressed	In-Process	Converted to Complaints
26.	Law, Parliamentary Affairs & Human Rights Department	4	4	0	0
27.	Local Government & Rural Development (LG &RD) Department	169	59	110	110
28.	Mines & Minerals Department	15	10	5	5
29.	Planning & Development (P&D) Department	12	9	3	3
30.	Population Welfare Department	19	19	0	0
31.	Provincial Assembly	70	53	17	17
32.	Public Health Engineering Department (PHED)	39	18	21	21
33.	Relief Rehabilitation & Settlement Department	13	3	10	10
34.	Revenue & Estate Department	47	8	39	39
35.	Science & Tech & Info Tech (ST&IT)	8	8	0	0
36.	Transport & Mass Transit	5	2	3	3



PIOs of Distt. Peshawar being trained on ERTI at Media Center of the Information & Public Relations Department KP



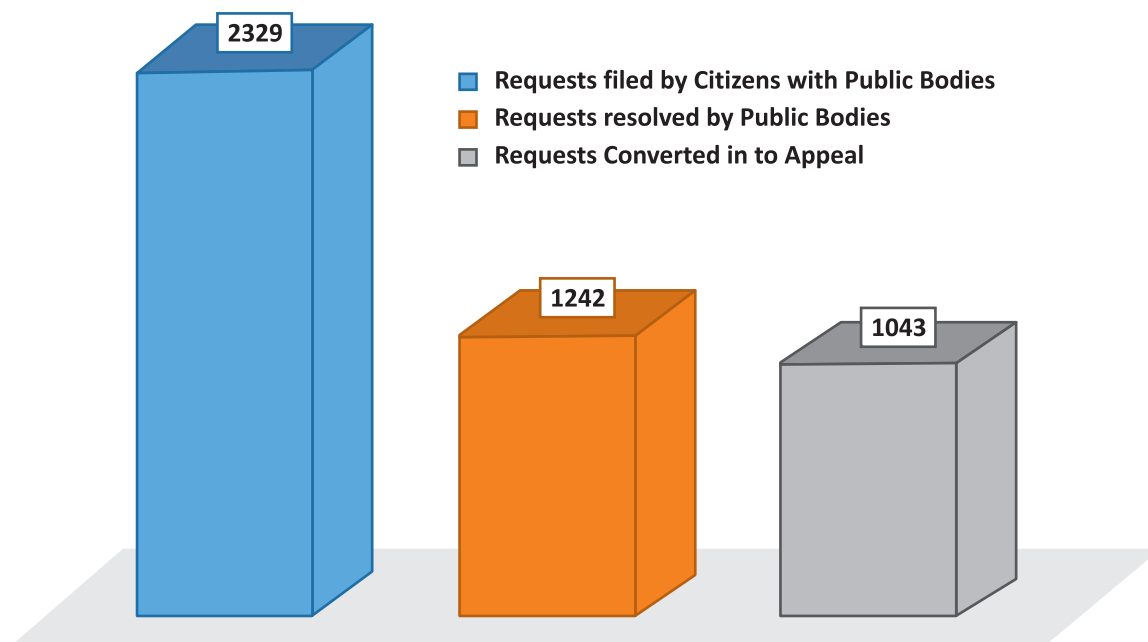
Seminar on RTI Law at Abdul Wali Khan University Mardan

3. Progress

No.	Public Bodies/Departments	Total RTI Requests	RTI Requests		
			Addressed	In-Process	Converted to Complaints
37.	Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department	25	17	8	7
38.	Beyond Jursidiction	20	0	20	20
G. Total		2329	1242	1087	1043

RTI Requests Statistics 2018-19

Total No. of RTI Requests (2018-19)		
	No.	%age
Total No. of Requests filed by Citizens to Public Bodies	2329	
Total No. of Requests resolved by Public Bodies	1242	53 %
Total No. of Requests Converted to Appeal	1043	45 %



3. Progress



Complaints filed with the Commission against Public Bodies

3. Progress

b) RTI Complaints

Department wise details of complaints filed by citizens against public bodies:-

RTI Complaints Statistics 2018-19				
No.	Public Bodies/Departments	RTI Complaints		
		Total	Closed	Open
1.	Agriculture, Livestock & Co-Operation Department	26	22	4
2.	Auqaf, Hajj, Religious & Minority Affairs Department	2	2	0
3.	Autonomous Bodies/Authorities	138	125	13
4.	Chief Minister's Secretariat	6	6	0
5.	Communication & Works Department (C&W)	23	19	4
6.	Culture, Sports, Tourism, Archaeology & Youth Affairs Department	12	10	2
7.	Deputy Commissioner Offices	0	0	0
8.	District & Session Courts	11	11	0
9.	Elementary & Secondary Education Department	129	117	12
10.	Establishment Department	27	24	3
11.	Excise & Taxation Department	7	6	1
12.	Energy & Power Department	5	4	1
13.	Finance Department	29	28	1
14.	Forestry, Environment & Wildlife Department	13	6	7
15.	Governor's Secretariat	2	2	0
16.	Health Department	139	120	19
17.	Higher Edu, Archives & Libraries Department	171	149	22

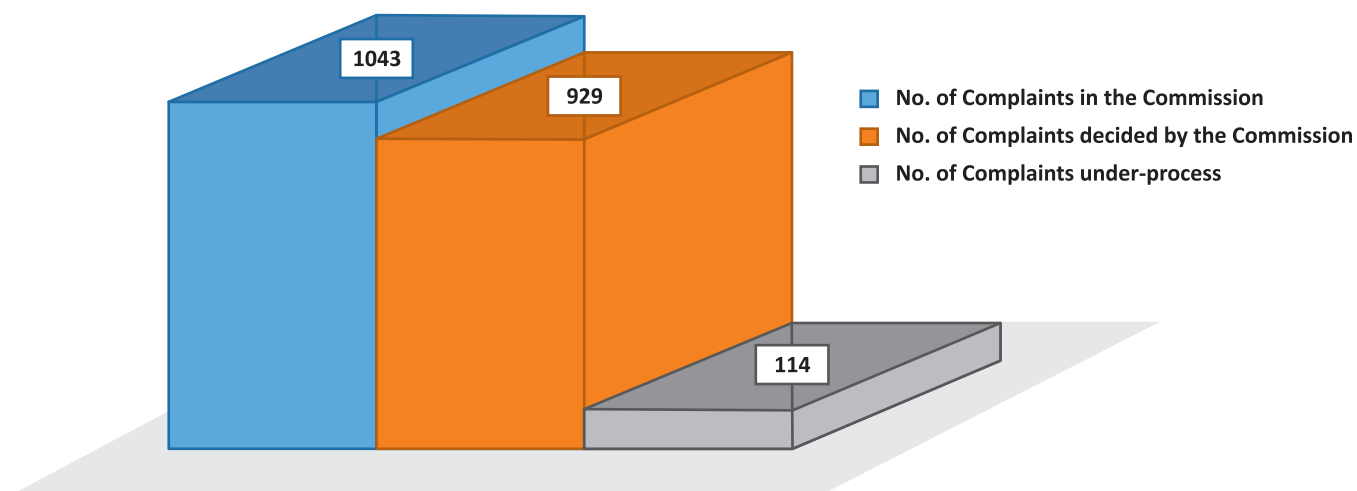
3. Progress

No.	Public Bodies/Departments	RTI Complaints		
		Total	Closed	Open
18.	Home & Tribal Affairs Department	33	32	1
19.	Housing Department	1	1	0
20.	Industries, Commerce and Technical Education Department	14	14	0
21.	Information, Public Relation & Culture Department	5	5	0
22.	Inter Provincial Coordination KP	1	1	0
23.	Irrigation Department	12	10	2
24.	Labour Department	2	2	0
25.	Law ,Parliamentary Affairs & Human Rights Department	0	0	0
26.	Local Government & Rural Development (LG &RD) Department	110	94	16
27.	Mines & Minerals Department	5	5	0
28.	Planning & Development (P&D) Department	3	3	0
29.	Population Welfare Department	0	0	0
30.	Provincial Assembly	17	17	0
31.	Public Health Engineering Department (PHED)	21	20	1
32.	Relief Rehabilitation & Settlement Department	10	10	0
33.	Revenue & Estate Department	39	34	5
34.	Science & Tech & Info Tech (ST&IT)	0	0	0
35.	Transport & Mass Transit	3	3	0
36.	Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department	7	7	0
37.	Beyond Jursidiction	20	20	0
G.Total		1043	929	114

3. Progress

RTI Complaints Statistics 2018-19

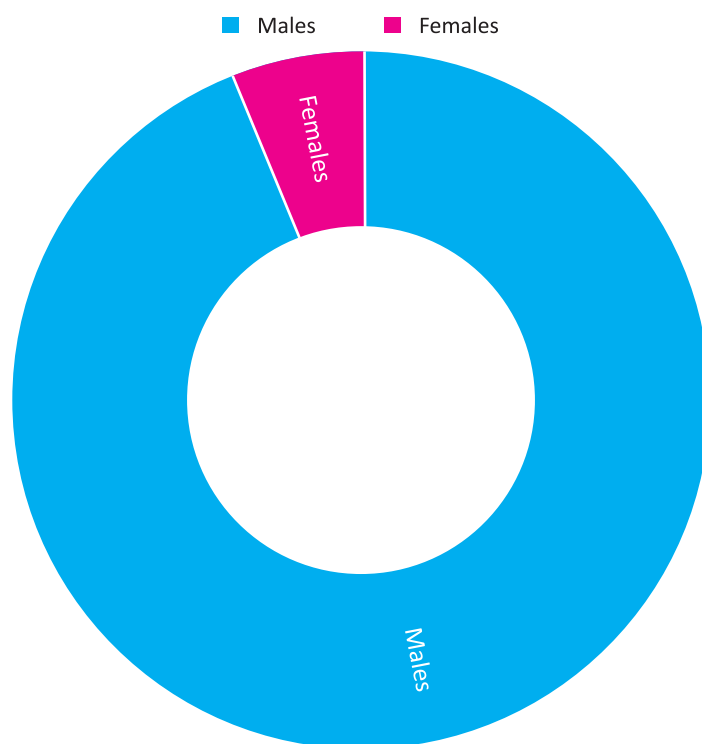
Total No. of Complaints (2018-19)		
	No.	%age
Total No. of Complaints in the Commission	1043	
Total No. of Complaints decided by the Commission	929	89 %
Total No. of Complaints Under-Process	114	11 %



3. Progress

c. Gender Segregation

Gender Segregation of RTI Requests (2018-19)		
	No.	%age
Total No. of Requests by Females	92	4 %
Total No. of Requests by Males	2237	96 %



4. Development of manual for implementation of indexation of record & proactive disclosure of information

Under Section 4 of the KP RTI Act 2013, the KPRTIC is mandated to ensure the public bodies to maintain and index the public record in an up-to-date fashion for easy retrieval of information. Interaction of the KPRTIC with the public bodies revealed that majority of the record holders were not aware of the provision of this section of RTI Law. Efforts were made to index the record as per specifications of the RTI Law.

In the same vein, proper implementation of section 5 of the KPRTI Act aims at ensuring disclosure of information including over the internet so that the citizens can access the same online. This was, however, not been done by majority of public bodies. With the support of Chief Secretary KP, this area was improved and more than 35 departments have now uploaded certain categories of information on their respective websites.

In this regard, the KPRTIC prepared a manual for guidance of the public bodies regarding proactive disclosure of information and indexation of public record. The manual has been distributed amongst all the PIOs for their guidance.



5. The Community Social Audit of Health and Water/Sanitation Sectors

KP RTI Law has been in its 7th year of enactment. During the time it has come up with a number of achievements that benefitted the public in many ways. Mostly the law has been used individually to address different personal issues like seeking selection criteria for jobs, seniority lists, posting and transfers etc. and a limited number of requester tended to seek information regarding the matter of public importance. As the social audit concept relates to the collective approach of public issues at large, the KPRTIC in collaboration with Center for Governance & Public Accountability (CGPA) carried out social audit in district Karak and Lakki Marwat to assess the role of RTI in the delivery of services by Health and Public Health Engineering were selected for the purpose.

The objective of the exercise was to improve public service delivery and increase trust between the state and society. The citizens by this exercise can hold the public bodies accountable for their responsibilities which creates a healthy environment for democratic process. The government cannot deliver much without engaging citizens at all stages of policy formulation and implementation, which the citizens can also not benefit from the government policies unless they are provided space and tools to hold their elected representatives and service providers accountable.



Different segments of societies being trained on social audit of public bodies of KP

6. Launch of the Right to Information Implementation Methodology

The KPRTIC in collaboration with GIZ and Center for Law and Democracy (CLD), Canadian NGO developed a methodology to assess the implementation of RTI Law. The methodology was prepared in February 2019. The methodology is a sophisticated tool for assessing the quality of implementation of right to information (RTI) laws. The CLD has been working over a period of about one and one-half year in close collaboration with the stakeholders including KPRTIC.

The Methodology has been developed in the context of Pakistan, but it is easily adaptable to other countries. The CLD plans to develop a global version of the methodology soon and then to apply it in other countries as well. The Methodology has been developed with the technical support of the German Development Cooperation and the Swiss Agency for Development and Cooperation.



**PIOs of District Peshawar
being trained on ERTI**



**Dialogue on RTI Methodology with all
Information Commissions and Stakeholders at Islamabad**



**On-Boarding Workshop for
New RTI Training Manuals in Collaboration with Giz**



**CM, KPK Addressing the Disabled persons on RTI Law at Nishtar
Hall Peshawar to Commemorate the International Disabled Day**

7. Paris Peace Forum choose KP to present RTI implementation

The second Paris Peace Forum is going to be the biggest event this year displaying best practices in multilateral governance and will bring together organizations, governments and NGO's from all around the world (<https://parispeaceforum.org/about/>). The government of Khyber Pakhtunkhwa is honored to present the methodology for evaluating the RTI law implementation to a worldwide audience and several heads of states.

The Methodology has been selected to be showcased at the Paris Peace Forum, from 11 to 13 November 2019. For its second edition of Paris Peace Forum, the Call for Projects received more than 700 applications from 115 countries. These projects presented concrete and innovative solutions that tackle global challenges in 6 major themes: Peace & Security, Development, Environment, New technologies, Inclusive Economy, and Culture & Education.

The Pakistan's Methodology developed to evaluate SDG 16-10(2) is considered even beyond the requirements presented by UNESCO, the official custodian of SDG 16.10.2. It assesses both individual public authorities and the oversight body i.e. KPRTIC. It uses a wide range of approaches to evaluate proactive disclosure, central measures, institutional measures, and reactive disclosure. The Methodology looks at implementation of RTI laws in four areas, namely central measures, focusing on Information Commissions, Institutional Measures, focusing on structural measures by individual Public Authorities (like nomination of Public Information Officer), Proactive Disclosure and Reactive Disclosure.

The methodology reflects a three years journey and remained to be a great success story that shows that state authorities in close cooperation with development agencies, civil society and NGOs can achieve massive change for the benefit of citizens.

In 2018 more than 6000 visitors, 65 heads of state and government participated in the 1st Paris Peace forum to exchange and discuss concrete global governance solutions.



خیبر پختونخوا کے قانون کا پیرس میں فورم میں معلومات تک رسائی قانون کو رکھا جائے گا
پشاور (مشرق نیوز) جس میں فورم نے نوبر پاکستانیوں کو معلومات تک رسائی کے قانون "کو کھلے
2019 میں فرانس کے دارالحکومت پیرس میں "پیرس" کیلئے شروع کی ایکٹ (بقیہ 56 صفحہ 10)

58 خیبر پختونخوا کے قانون کا پیرس میں فورم میں

پشاور (مشرق نیوز) جس میں فورم نے نوبر پاکستانیوں کو معلومات تک رسائی کے قانون "کو کھلے
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پیرس میں فورم 11 نوبر کو منعقد ہوگا خیبر پختونخوا رائٹ ٹو انفارمیشن کیشن چانکر ہر پورٹ پیرس کرپٹا

پشاور (مشرق نیوز) جس میں فورم نے نوبر پاکستانیوں کو معلومات تک رسائی کے قانون "کو کھلے
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8. Creating Awareness about the RTI Law

The statutory function of the KPRTIC is to dispose of complaints and carry out awareness campaigns to publicize provisions and requirements of the KPRTI law and the rights of individuals under it and take measures to facilitate its implementation. The Commission in this regard kicked off media/awareness campaign to include the following:-

a. Print and Electronic Media Products

The Commission drafted several products meant for public awareness including brochures and wall calendars. Efforts were made to aware the general public regarding the RTI Law and the same were ensured to be posted on the Commission's official website. Short documentaries and success stories have also been developed explaining the importance and process of RTI and all this publication products are available on the website of the Commission at: <http://www.kprti.gov.pk>

The following major activities under the work plan 2019 were undertaken by the Commission during the period under review:-

- Printing and distribution of 1000 table and wall calendars.
- Printing and distribution of 1000 copies of RTI Act.
- Printing and distribution of 3000 pamphlets relating to RTI Act.
- Aired of (programs) on extension of RTI Law to erstwhile FATA and PATA on Pakhtunkhwa Radio FM 92.2 in Pase Manzar program dated 22-1-2019 and 29-1-2019 respectively.



8. Creating Awareness about the RTI Law

- e) Talk shows were held on Mashriq TV and AVT Khyber from time to time regarding the benefits of the RTI Law and its extension to Malakand Division. Chief Commissioner participated in these sessions. (It is pertinent to mention that all the Radio and TV shows were aired free of cost.)

b. Website and Social Media Pages

The Commission has developed contents for its website and then requested the KP IT Directorate for development and completion and hosting of the same.

It hosts a lot of information about, among others, the functions of the Commission, application procedure, success stories, publications and complaint procedure.

Social media pages are regularly maintained on Facebook and Twitter which can be accessed through <http://www.facebook.com/kprti> and https://twitter.com/KP_RTI respectively.

Similarly the Commission not only maintains and updates the lists of PIOs but also liaises with PIOs to have an updated status of requests on regular basis.



c. Public Meetings and Media Appearances

The Commission participated in a number of public meetings organized at the universities, colleges, press clubs, bar associations, civil society organizations and at local government school, besides participation in TV and radio programs.

Seminars were organized at University of Peshawar, Abdul Wali Khan University Mardan, Kohat University of Science and Technology and University of Swabi besides holding of awareness sessions for elected

8. Creating Awareness about the RTI Law

representatives and VC/NC secretaries of Charsadda, Haripur, Battagram, Kohat, Mardan and Swat.

Awareness session on RTI law was also arranged for the lawyers of the Peshawar High Court Bar Association on 30-1-2019 at Peshawar High Court.

In addition to this, advertisements were published from time to time in various leading newspapers carrying messages of the RTI, besides publication of advertisement on extension of RTI Law to erstwhile FATA and PATA in local dailies of Malakand Division. During the period under review, the Communication Section efficiently maintained effective presence in media by issuing press releases to various media houses.



Chief Commissioner, KPK RTIC briefing the Participants in Awareness Seminar for the Disabled Persons on RTI Law at Nishtar Hall Peshawar to Commemorate the International Disabled Day

d. Education Expos

As part of its awareness campaign to reach out the educated segment of the society at large, KPIC regularly participated in education expos. These expos provided the KPIC to interact directly with students preparing to start their professional career and afford them the opportunity to be educated on the RTI Law and its importance in ensuring transparency.

The KPIC participated in two such education expos Science and Journalism expo at Peshawar University Teachers Association Hall dated 14-3-2019 and "Live Your Life" passion exploration conference & education expo, 2019, at Nishtar Hall on March 18, 2019. Besides this, held awareness



RTI Commission's participation in Science and Journalism Expo at University of Peshawar

8. Creating Awareness about the RTI Law

session for the special students at Nishtar Hall on Dec 3, 2018 in connection with World Disable Day in which CM Khyber Pakhtunkhwa participated as Chief Guest.

e. Installation of Billboards

After the extension of the KPK RTI Act to Malakand Division and merged tribal districts of Khyber Pakhtunkhwa, the KPIC installed a bill board (Size 60x20) near the Peshawar Motorway Toll Plaza for 1 Month for awareness of public particularly the people of the merged districts about RTI law and working of the KPIC.



Thousands of commuters entering Peshawar from different cities provinces on daily basis via Motorway had a look at the Billboard which helped in sensitising the masses the RTI. It has been planned to install such type of billboards at Dir Lower, Dir Upper, Chitral, Malakand and Buner in the near future.

f. Extension of (RTI) Act to tribal districts.....The real main streaming:

The provincial government of Khyber Pakhtunkhwa, in line with its good governance strategy has formally approved the implementation of the KP RTI Law to the former Federally Administered Tribal Areas (FATA) & Provincially Administered Tribal Areas (PATA). This is a true manifestation of its commitment to the concept of open government and grant of basic human rights to the people. The right to have access to information of public importance will prove to be the harbinger of a real change in the lives of the people of these areas, who had hitherto been denied the fundamental right as to enshrined in Article 19-A of the Constitution.

The law will empower them to seek information about important matters such as allocation and utilization of public funds, recruitments in public bodies, grant of contracts etc. It will thus promote

8. Creating Awareness about the RTI Law

transparency and accountability in the functioning of all public bodies in these districts as the holders of public offices will be under public watch. It will resultantly help achieve the indicators set in the Sustainable Development Goal No: 16-10(2) envisaging peaceful and inclusive societies for sustainable development and building accountable and inclusive institutions at all levels.

The Commission has already initiated action for ensuring implementation of the RTI Law in these districts by way of directing all public bodies to designate PIOs with immediate effect.

A comprehensive communication plan is also being prepared for mass awareness on the RTI law through seminars, talk shows on TV Channels and FM stations and publicity material etc.



9. Devising new Training Manual for the PIOs

Mr. Toby Mendel, Executive Director, Center for Law and Democracy a CLD, Canadian NGO working for the freedom of expression and RTI visited the KPIC in March 2018. Mr. Toby's visit focused on the preparation of new RTI Training Manual for PIOs and others concerned in collaboration with GIZ for developing the methodology to measure RTI Implementation. In this regard, Mr. Toby had interactive sessions with selected PIOs, journalists, academia, members of the civil society and the RTI Commission. The training manual will help the PIOs in timely disposal of RTI requests at public body level.



10. Study tour of a delegation from the project “Support to Local Governance” to the Federal Republic of Germany

The Result Area State-Citizen Dialogue of the GIZ “Support to Local Governance” (LoGo) programme in partnership with the KP Information Commission (KPIC) and Punjab Information Commission (PIC), supports the implementation of the Right to Information (RTI) Laws in both the provinces. In this framework, the GIZ intervention focuses on the development of SOPs for RTI to strengthen the role of PIOs in public bodies and the development of a methodology to measure the implementation of RTI laws in Pakistan.

A one week study tour of a delegation from the project "Support to Local Governance "led by Mr. Azmat Hanif Orakzai, Chief Information Commissioner, KPIC, to the Federal Republic of Germany, on behalf of the Federal Ministry For Economic Cooperation and Development (BMZ) Bonn was arranged from 28th April to 5th May 2019.

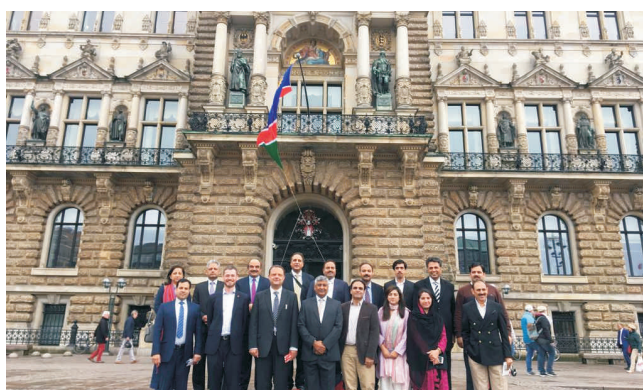
The purpose of the study trip was to share knowledge and best practices in relation to the implementation of RTI laws in Hamburg which has the most comprehensive transparency laws in Germany.



Briefing by Hamburg Commission for Data Protection & Freedom of Information (May 2019)



Presentation on KP RTI law at the Ministry of Justice, Hamburg (May 2019)



Group Photograph of the delegation outside the Hamburg Municipality Building (May 2019)



Briefing at the Wall Museum Berlin (May 2019)

11. Complaint Management & Tracking System

The Commission in collaboration with CGPA has developed "Citizen's Complaint Tracking System" which is operational in the legal wing on trial bases. The system will assist both the citizens and the Commission to track complaints in a best possible way.

It has replaced the conventional system of record keeping. It will rather bring about paperless record management system enabling the legal section to effectively dispose of complaints and report on real time data.




[RTI](#) [RIGHT TO INFORMATION](#)

[Home](#)


Search Complaint

Type your NIC to search the status of complaints you have registered.


Type your NIC without dashes(-) e.g. 161010000001




**Right to Information
Commission**
Khyber Pakhtoonkhwa



Access from anywhere



Proactive disclosure



Request online

12. Challenges

Generally speaking, the RTI is meant to promote transparency and accountability that leads to good governance in government departments and ensure public participation in an informed decision-making process. More importantly, it provides an enabling environment for effective role of citizens and civil society in service delivery. During the past five years, the Commission made much progress in implementing the RTI law. Sustained efforts of CSOs, media, academia, RTI law practitioners and concerned political leadership have made possible the enactment of "excellent" RTI law in KP.

However few hardships/bottleneckshave also been observed which were removed by taking precautionary measures. Some of these challenges are discussed below:-

a. Missing Ownership

The real challenge lies in the attitude of the PIO or government employee who is the custodian of the information and record. Extensive trainings have been imparted to PIOs that also included dedicated training on E-RTI, but still much needs to be done especially for changing the attitude of the bureaucracy at all levels.

b. Lack of awareness about the Law particularly in the rural areas of KPK

It is next to impossible to achieve 100% success in carrying out awareness campaigns as there will always be a segment of society which is ignorant about the challenging dynamics of how the public bodies function? However, the KPIC put in great efforts to ensure that maximum number of people could know about the benefits of the RTI Law. In this regard, the KPIC adopted the strategy to hold awareness sessions for local bodies' representative so that the message could reach grass-root level. Although the Commission has succeeded in this regard, still there is a need to carry out consistent awareness campaigns to take on board the citizens regarding the benefits of the RTI law.

c. Updating of websites by Public Bodies

It has been expressively stated in Section 5 of the KPRTI Act that all the public bodies have to disclose certain categories of information in an updated fashion which are best accessible to the citizens. Many

12. Challenges

public bodies have updated websites, displaying their mandate, rules and regulations, roles and responsibilities of their officer's budgets, projects, salaries, perks and privileges etc. The KPIC through the Office of the Chief Secretary Khyber Pakhtunkhwa, have improved of proactive disclosure of information by departments as per required by the RTI law provisions.

However, still one of the major problems in achieving this goal is the non-availability of technical staff and facilities in a number of public bodies, who usually hire services of Directorate of Information Technology to launch or update their websites.

d. **Limited Use of Information Technology**

Another challenge in provision of information online is that a sizable number of PIOs are neither computer literate nor have access to this facility to entertain request through ERTI that slows down processing of requests at the primary level. The issue was taken up with the GIZ and CGPA, so that the PIOs of all the public bodies of KP are imparted trainings for which a work plan has been chalked out which shall be executed in the near future.

e. **Merger of FATA and PATA in KP**

The areas along the border with Afghanistan that hitherto were part of the erstwhile FATA remained the gateway to the plains of the subcontinent through seven passes: Bajaur, Dir, Khyber, Mohmand, Peiwar Kotal in Kurram Agency, the Bolan Pass and Gomal in South Waziristan. The long-awaited mainstreaming of the tribal areas have been initiated and the tribal people have already got representation in the KP Assembly.

The RTI Act now stands extended to the former PATA and FATA. However, the KPIC has no presence in these areas which makes it unable to properly perform its functions with its meager human resource and budgetary allocations. The Commission is in dire need of both manpower and finances to meet the awareness and capacity building requirements VIS-a-VIS the implementation of the RTI Law and provision of information under it.

13. Conclusion

The KPRTIC is undoubtedly tasked to ensure proper implementation of the RTI law to achieve the overarching objective of good governance through transparency and accountability.

In December 2013, the KPRTIC became functional and starting receiving complaints. Since then the Commission has come across a number of challenges including adjudication of complaints in absence of rules of procedure and other procedural tools was not less than a huge challenge. The shortcomings found were raised with the Law Department for rectification. These were thoroughly discussed with the Information and Public Relations Department as well which is the point of interface for the Commission. The concerned authorities paid timely attention to these shortcomings and helped the Commission in its functioning. During the period under review, the Commission successfully provided information to the complainants and achieved 92% progress. Besides, paying regular monitoring visits to public bodies for inspection of records, the Commission has not only paid attention to the disposal of complaints but also gave equal weightage to the coordination and establishment of links between the line departments of the district government.

The KPIC is also mandated to build capacity of the PIOs to dispose of requests, ensure pro active disclosure of information and maintain the public records through proper indexation. For this purpose the KPRTIC has imparted several trainings to the PIOs of various districts. However, it has been repeatedly observed, that most of the public bodies do not maintain proper record keeping in line with Section 4 of the KP RTI Act.

Similarly there is no concept of proper disclosure of information on websites at district level. To overcome this problem, the KPRTIC in collaboration with Khyber Pakhtunkhwa Governance Project (KPG) has hired services of CG PA (consultants) for proper implementation of Section 4 and 5 of the RTI Act.

After implementing these sections, there will certainly be a marked decrease in information requests as sufficient information and data will be available on website(s) and the record so indexed will help in timely provision of specific information to the requesters.

14. Photo Gallery



Seminar on RTI law at University of Peshawar



RTI Walk on Right to Know Day with the Chief Information Commissioner KP at Islamabad - 28th Sep 2018



Students of University of Peshawar at RTI Stall at Science and Journalism Expo 2018-19



Launching of Social Audit Report of DHQ Karak



Awareness Session on RTI Law for the Tribal Students at Nishtar Hall Peshawar



Awareness Session on RTI Law for the Tribal Students at Nishtar Hall Peshawar

14. Photo Gallery



1st RTI All Pakistan Open Table Tennis Championship 2018 at Pakistan Sports Board Qayyum Stadium, Peshawar



Training on ERTI for the PIOs of District Peshawar for Timely Provision of Information



Training on ERTI for the PIOs of District Peshawar for Timely Provision of Information

14. Photo Gallery



Chief Minister KP participates in Awareness Session on RTI Law for the Persons with Disabilities at Nishtar Hall Peshawar



Group Photo of Students of Ayub Medical College after attending a Seminar about RTI Law at Abbottabad



RTI Stall at Life Coaching Academy Expo at Nishtar Hall Peshawar, April 2019



Awareness Session on RTI at Gomal University D.I.Khan



One Day Awareness Session on RTI Law at District Council Hall for the Elected Representative of District Charsadda



One Day Awareness Session on RTI Law at District Council Hall for the Elected Representative of District Charsadda

15. Audit Report



RIGHT TO INFORMATION GOVT. OF KHYBER PAKHTUNKHWA
FINANCIAL STATEMENTS
FOR THE YEAR ENDED JUNE 30, 2019

RSM Awaiz Hyder Liaquat Nauman

Suit # 6, Block -A, 2nd Floor
Cantonment Plaza, Fakhir-e-Alam Road
Peshawar Cantt, Pakistan

T: +92(91) 527 7205, 527 8310
F: +92 (91) 526 0085

peshawar@rsm-pakistan.pk
www.rsm-pakistan.pk

INDEPENDENT AUDITOR'S REPORT

Opinion

We have audited the financial statements of Right to Information Commission Government of Khyber Pakhtunkhwa (the Commission) which comprise balance sheet as at June 30, 2019, statement of receipts and expenditure and cash flow statement (here-in- after referred to as the financial statements) for the year then ended, and notes to the financial statements, including a summary of significant accounting policies.

In our opinion, the accompanying financial statements of the Commission are prepared, in all material respects, in accordance with the statement of receipts and expenditure basis of accounting described in note 2 to the financial statements.

Basis for Opinion

We conducted our audit in accordance with the International Standards on Auditing (ISAs) as applicable in Pakistan. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are independent of the Commission in accordance with the International Ethics Standards Board for Accountants' Code of Ethics for Professional Accountants as adopted by the Institute of Chartered Accountants of Pakistan (the Code) and we have fulfilled our other ethical responsibilities in accordance with the Code. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

The financial statements have been prepared on the receipt and expenditure basis, as described in note 2 to the financial statements, which is comprehensive basis of accounting.

Other Information

The financial statements of the Commission for the prior year were audited by another firm of chartered accountants who have expressed unqualified opinion in their report dated September 01, 2018.

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Responsibilities of Management and Those Charged with Governance for the Financial Statements

The management is responsible for the preparation of the financial statements in accordance with receipts and expenditure basis of accounting described in note 2 to the financial statements, and for such internal control as the Management determines is necessary to enable the preparation of the financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the management is responsible for assessing the Commission's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the Management either intends to liquidate the Commission or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the Commission's financial reporting process.

Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISAs as applicable in Pakistan will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

As part of an audit in accordance with ISAs as applicable in Pakistan, we exercise professional judgment and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial statement, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.

Rsm

- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Commission's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of the management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Commission's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the Commission to cease to continue as a going concern.

We communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

RSM

Place: Peshawar

Date : Aug. 28, 2019



RSM Avais Hyder Liaquat Nauman
RSM Avais Hyder Liaquat Nauman
Chartered Accountants

Engagement Partner: Muhammad Arif Saeed

RIGHT TO INFORMATION COMMISSION GOVT. OF KHYBER PAKHTUNKHWA
BALANCE SHEET
AS AT JUNE 30, 2019

	NOTE	2019 RUPEES	2018 RUPEES
CURRENT ASSETS			
Advances to employees		225,346	44,890
Bank balance - Current account		14,621,381	19,924,270
		<u>14,846,727</u>	<u>19,969,160</u>
CURRENT LIABILITIES			
Accrued and other payables	4	(167,326)	(168,894)
		<u>14,679,401</u>	<u>19,800,266</u>
NET- CURRENT ASSETS			
		<u>14,679,401</u>	<u>19,800,266</u>
FUNDS AND SURPLUS			
Opening balance		19,800,266	15,581,503
(Deficit)/ surplus for the year		(5,120,865)	4,218,763
		<u>14,679,401</u>	<u>19,800,266</u>

The annexed notes form an integral part of these financial statements.


B & A OFFICER


CHIEF INFORMATION COMMISSIONER


SECRETARY

RIGHT TO INFORMATION COMMISSION GOVT. OF KHYBER PAKHTUNKHWA
STATEMENT OF RECEIPTS AND EXPENDITURE
FOR THE YEAR ENDED JUNE 30, 2019

	NOTE	2019 RUPEES	2018 RUPEES
RECEIPTS			
Grant in aid		24,750,000	33,000,000
Other receipts	5	12,154	112,142
		<u>24,762,154</u>	<u>33,112,142</u>
EXPENDITURE			
Salaries and allowances	6	21,273,383	19,966,641
Purchase of assets	7	282,710	406,340
Repair and maintenance	8	498,505	579,945
Rent, rates and taxes		2,337,228	2,291,400
Conveyance charges		41,100	34,310
T.D/D.A charges		120,002	106,288
Medical expenses reimbursed		2,954	14,042
News paper, books and periodicals		92,696	69,429
Payment for other services		1,517,419	1,743,075
Printing and stationery		420,490	570,523
Telephone charges		261,915	280,179
Internet service charges		222,633	617,426
Postage and courier charges		203,862	165,757
Legal an professional charges		355,000	225,000
Utilities		481,643	404,790
Purchase of consumables		111,900	55,690
Training, seminars and workshop		769,210	152,400
Fuel charges		521,987	632,668
Entertainment		53,631	57,247
Advertisement expenses		158,000	392,885
Audit fee		85,000	65,000
Bank charges		2,750	1,750
Miscellaneous expenses		69,001	60,594
		<u>29,883,019</u>	<u>28,893,379</u>
(Deficit)/ surplus for the year		<u>(5,120,865)</u>	<u>4,218,763</u>

The annexed notes form an integral part of these financial statements.


B & A OFFICER


CHIEF INFORMATION COMMISSIONER


SECRETARY

RIGHT TO INFORMATION COMMISSION GOVT. OF KHYBER PAKHTUNKHWA
CASH FLOW STATEMENT
YEAR ENDED JUNE 30,2019

	2019 RUPEES	2018 RUPEES
CASH FLOW FROM OPERATING ACTIVITIES		
(Deficit)/ surplus for the year	(5,120,865)	4,218,763
Operating surplus before working capital changes	<u>(5,120,865)</u>	<u>4,218,763</u>
Increase / decrease Working Capital Changes		
Accrued and other payables	(1,568)	(2,994)
Advance to employees	(180,456)	(44,890)
	<u>(182,024)</u>	<u>(47,884)</u>
Cash Generated from operations	<u>(5,302,889)</u>	<u>4,170,879</u>
Net increase in cash and cash equivalents	<u>(5,302,889)</u>	<u>4,170,879</u>
Cash and cash equivalents at the beginning of the year	19,924,270	15,753,391
Cash and cash equivalents at end of the year	<u><u>14,621,381</u></u>	<u><u>19,924,270</u></u>

The annexed notes form an integral part of these financial statements.



B & A OFFICER



CHIEF INFORMATION COMMISSIONER



SECRETARY

1 THE COMMISSION AND ITS OPERATIONS

The Right to Information Commission of Govt of KP (the Commission) was established through an Act of the Provincial Assembly of Khyber Pakhtunkhwa in November 2013. Under section 24 (2) of the Act, the Commission is an Independent Statutory body enjoying operational and administrative autonomy from any other person or entity, including Government and any of its agencies, except as specifically provided for by law. This Commission is headed by the Chief Information Commissioner. The primary responsibility of the Commission is to receive and decide the complaints of the citizen, if not providing information by a particular department.

2 BASIS OF PREPARATION

2.1 Statement of Compliance

The receipt and expenditure has been prepared in accordance with approved accounting standards as applicable in Pakistan. Approved accounting standards comprised on the Modified Cash Accounting Model and Accounting Policies and Procedure Model. Under the Modified Cash and Accounting Model all payment relating to acquisition, construction and improvement of fixed assets are recognized on cash basis.

2.2 Functional and presentation currency

The receipt and expenditure account is presented in Pakistan Rupees, which is also the Commission's functional currency.

3 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES:

Following accounting policies are applied in the preparation of this account:

3.1 Property, Plant and Equipments

Property, plant & equipment purchased during the year are charged to expenditure account at cost of purchase. Repair and maintenance to property, plant and equipment are charged to statement of receipts and expenditure.

3.2 Revenue recognition

Grant and other receipts are accounted for on receipts basis.

3.3 Expenses recognition

All expenses are recognized when outflow of resource is confirmed.

3.4 Accrued and other Liabilities

Accrued and other liabilities are stated at cost which is fair value of the consideration to be paid in future.

3.5 Cash and cash equivalents

Cash and cash equivalents are carried in the balance sheet at cost. For the purposes of cash flow statement, cash and cash equivalent comprises of cash in hand, balance with banks and short term investments realizable within three months.

Remind

	2019 RUPEES	2018 RUPEES
4 ACCRUED AND OTHER LIABILITIES		
Income tax	94,071	114,006
Sale tax	23,255	4,888
House rent	50,000	50,000
	167,326	168,894
5 OTHER RECEIPTS		
Copying fee	3,992	960
Recovery of POL charges	4,162	-
Petty cash account receipts	-	14,248
Miscellaneous receipts	4,000	96,934
	12,154	112,142
6 SALARIES AND ALLOWANCES		
Pay of officers	7,468,300	9,630,300
Pay of staff (Basic)	5,638,045	5,019,967
House Rent	1,291,259	824,174
Housing Subsidy	556,572	296,710
Conveyance Allowance	1,386,680	1,279,631
Washing Allowance	16,200	15,126
Adhoc Relief 2013	177,251	166,431
Adhoc Relief 2015	120,857	113,092
Adhoc Relief 2016	617,555	576,089
Adhoc Relief 2017	770,634	694,995
Adhoc Relief 2018	770,634	-
Medical Allowance	751,959	602,735
Dress Allowance	7,200	7,176
Integrated Allowance	43,200	42,750
Computer Allowance	115,768	36,000
Special Allowance@20%	1,541,269	661,465
	21,273,383	19,966,641
7 PURCHASE OF ASSETS		
Furniture and fixtures	32,950	132,200
Computer equipments	24,360	70,600
Machinery and equipments	225,400	203,540
	282,710	406,340
8 REPAIR AND MAINTENANCE		
Vehicles	391,405	441,873
Furniture and fixtures	-	15,500
Machinery and equipment	107,100	120,700
Miscellaneous	-	1,872
	498,505	579,945
9 DATE OF AUTHORIZATION FOR ISSUE		
9.1 This account has been authorized for issuance on <u>28-08-2019</u> by the management.		
9.2 Figures have been rounded off to the nearest rupee.		

B & A OFFICER

CHIEF INFORMATION COMMISSIONER

SECRETARY

Head Office : Avais Chambers, 1-C/5 Sikander Ali Malhi Road, Canal Park, Gulberg II, Lahore, Pakistan
Lahore T: +92(42) 3587 2731-3 F: +92(42) 3587 2734 lahore@rsmpakistan.pk

Karachi : Suite No. 407, Progressive Plaza, Beaumot Road, Karachi, Pakistan
T: +92(21) 3565 5975/6 F: +92(21) 3565 5997 karachi@rsmpakistan.pk

Faisalabad : 478-D, Peoples Colony No. 1, Faisalabad, Pakistan
T: +92(41) 854 1165, 854 1965 F: +92(41) 854 2765 faisalabad@rsmpakistan.pk

Islamabad : Suite F-10, 1st Floor, AKLASC Plaza, G-10 Markaz, Islamabad, Pakistan
T: +92(51) 235 6041-2 F: +92(51) 235 6040 islamabad@rsmpakistan.pk

Quetta : 2nd Floor, Office No. 8, Shaheen View Plaza, Model Town, Quetta, Pakistan
T: +92(81) 282 9809 quetta@rsmpakistan.pk

Peshawar : Suite # 6, Block-A, 2nd Floor, Cantonment Plaza, Fakhir-e-Alam Road, Peshawar Cantt., Pakistan
T: +92(91) 527 7205, 527 8310 F: +92(91) 526 0085 peshawar@rsmpakistan.pk

Kabul : Street # 1, Lane 3, Karte 4, Kabul, Afghanistan,
T: +93 777 058 155 / 799 058 155 C: +92 333 523 3353 kabul@rsmpakistan.pk

