

State of Implementation of Right to Information Laws in Pakistan

Centre for Governance and Public Accountability (CGPA)

May 2024



Table of Contents

<i>Acronyms</i>	<i>iii</i>
<i>1. Executive Summary</i>	<i>1</i>
<i>2. Background</i>	<i>1</i>
<i>3. Purpose of the Study</i>	<i>2</i>
<i>4. Methodology</i>	<i>3</i>
<i>5. Responsiveness of Public Bodies</i>	<i>3</i>
<i>6. Effectiveness of Information Commissions in Pakistan</i>	<i>4</i>
<i>7. Cumulative Analysis of Information Requests Filed Vs Information Received</i>	<i>5</i>
<i>8. Khyber Pakhtunkhwa Province</i>	<i>6</i>
<i>9. Punjab Province</i>	<i>8</i>
<i>10. Sindh Province</i>	<i>9</i>
<i>11. Balochistan Province</i>	<i>10</i>
<i>12. Federal Public Bodies</i>	<i>11</i>
<i>13. RTI Champion Departments</i>	<i>12</i>
<i>14. Recommendations</i>	<i>12</i>
<i>Annex 1: Information Request</i>	<i>14</i>

Acronyms

AJK:	Azad Jammu and Kashmir
C&W:	Communication and Works
CGPA:	Centre for Governance and Public Accountability
EMIS:	Education Management Information System
ET&AND:	Excise, Taxation & Anti-Narcotics Department
GB:	Gilgit-Baltistan
HEC:	Higher Education Commission
HUD:	Housing, Urban Development
I&P:	Irrigation & Power Department
IT:	Information Technology
ITB:	Information Technology Board
KP:	Khyber Pakhtunkhwa
KPIC:	Khyber Pakhtunkhwa Information Commission
LG&RDD:	Local Government & Rural Development Department
MOC:	Ministry of Communications
MOF:	Ministry of Finance
MOI:	Ministry of Industries
MOI&P:	Ministry of Industries & Production
MOL&J:	Ministry of Law and Justice
MNFSR:	Ministry of National Food Security and Research
MOST:	Ministry of Science and Technology
MRA:	Ministry of Religious Affairs
NHSRC:	Ministry of National Health Services, Regulations and Coordination
PDMA:	Provincial Disaster Management Authority
PHED:	Public Health Engineering Department
PIO:	Public Information Office
P&D:	Planning and Development
PTDC:	Pakistan Tourism Development Corporation
MOI:	Ministry of Industries
NHSRC:	Ministry of National Health Services, Regulations and Coordination
MORA:	Ministry of Religious Affairs

1. Executive Summary

Center for Governance and Public Accountability filed information requests to provincial and federal public bodies to gauge the effectiveness and observance of Right to Information laws in Pakistan. Information related to the allocation and utilization of development budgets, as of December 30, 2023, was requested from the public bodies. A total of 127 information requests were filed in January 2023. Only 17.1% of public bodies provided the requested information. Complaints were filed with the respective commissions against the public bodies who didn't provide the information. Of all the complaints filed with federal and provincial information commissions, only 17% of complaints were resolved by the information commissions within the timelines specified by federal and provincial Right to Information (RTI) laws. Of all the information requests filed, only 34% of public bodies provided the information as of May 6, 2024.

Federal public bodies and the Pakistan Information Commission were found to be more effective in the provision of information and resolving complaints, respectively. 27.7% of federal public bodies responded to information requests and the Pakistan Information Commission was able to resolve 62% of complaints within the timeline. A total of 72% of public bodies provided the requested information. It was followed by Khyber Pakhtunkhwa province where 25.8% responded to information requests and 26% of complaints were resolved within the timeline. A total of 45% of public bodies provided information in Khyber Pakhtunkhwa. In Punjab province, only 18.5% of public bodies responded to information requests and the Punjab Information Commission was able to resolve only 18% of complaints within the timeline. A total of 33% of public bodies provided the information. In Sindh province, 12.5 public bodies responded to information requests, and 9.5% of complaints were resolved by the Sindh Information Commission. A total of 21% of public bodies provided the requested information from Sindh province. Public bodies from Balochistan province were found to be non-responsive to the information requests. Only one public body provided the information out of a total of 27 information requests filed to Balochistan public bodies. Information Commission in Balochistan is yet to be established under the Balochistan Right to Information Act 2021.

The study recommends the proactive role of the information commissions to make public bodies more responsive to information requests. The study also recommends a more efficient and effective mechanism for the implementation of the Right-to-Information laws by the federal and provincial information commissions.

2. Background

The Constitution of the Islamic Republic of Pakistan, under Article 19-A¹, confers upon citizens of Pakistan the right to access information on all matters of public importance, subject to reasonable restrictions. To ensure citizens' right to access information, Pakistan's federal and all four provincial legislatures have enacted laws on Right to Information (RTI). The Provincial Assembly of Khyber Pakhtunkhwa was the first in Pakistan to enact an effective Right to

Information Act in November 2013. Acting on Article 19-A of the constitution of Pakistan, Khyber Pakhtunkhwa (KP) was the first province to promulgate the Right to Information Ordinance in August 2013, followed by the enactment of the same through the KP Provincial Assembly in November 2013. It was followed by Punjab province through the enactment of the Punjab Transparency and Right to Information Act in December 2013. These two laws changed the RTI landscape in Pakistan and can truly be called the post-18th constitutional amendment effective RTI laws in Pakistan. Sindh province also enacted the Sindh Transparency and Right to Information Act, 2016 in March 2017. This was followed by the enactment of the Pakistan Right of Access to Information Act in October 2017. Balochistan was the last province in Pakistan to enact the Balochistan Right to Information Act in 2021. Gilgit Baltistan (GB) and Azad Jammu and Kashmir (AJK) have still no RTI laws.

All these laws provide an elaborate mechanism to access information held by public bodies. Each public body is required to designate a Public Information Officer (PIO) or Designated Officer to respond to information requests filed by the citizens. The timeframe for providing the information request under each law is as follows:

1: *Khyber Pakhtunkhwa Right to Information Act 2013*: Under this law public bodies are bound to respond to the information request within 10 working days to a maximum of 20 working days.

2: *Punjab Transparency and Right to Information Act 2013*: The PIO shall respond to the information request as soon as possible and in any case within 14 working days.

3: *Sindh Transparency and Right to Information Act 2016*: Public bodies shall provide information within 15 working days, in case the requested information is not available the signed official shall take another 10 working days to respond to the application.

4: *Pakistan Right of Access to Information Act 2017*: Public bodies shall provide information within 10 working days, the period stipulated may be extended by a further 10 working days where it is necessary when the request requires a search through public records.

5: *In the Balochistan Right to Information, Act 2021*: The public body shall provide the information as soon as possible in any case within 15 working days, The stipulated period may be extended by a maximum of 15 working days when this is necessary because the request requires a search through a large number of records or record located in different offices or consultation with third parties or other public bodies.

3. Purpose of the Study

The purpose of the study is to gauge the implementation status of Right to Information laws in Pakistan. All Right to Information laws in Pakistan provide an elaborate mechanism for the provision of information to citizens. The study was conducted to see if the public bodies are responsive to the information requests filed by the citizens and if not, how much the information commissions are effective to ensure that information is provided to citizens as per the provision of right to information laws.

4. Methodology

CGPA filed a total of 127 information requests in January 2024. The public bodies which provided information within the timeline, as prescribed by the federal and provincial right to information laws, were graded as 4. The public bodies that provided information with a bit of delay, without the intervention of information commissions, were awarded grade 3. The public bodies which provided information through intervention of information commissions, within the timeline for complaint disposal, were graded as 2. The public bodies which provided information after the timelines of complaints disposal (45 days in the case of Sindh RTI law and 60 days in the case of KP, Punjab, Baluchistan, and Federal laws) were graded as 1. Those departments that did not provide information even after the lapse of the timeline for resolving the complaints were graded as 0.

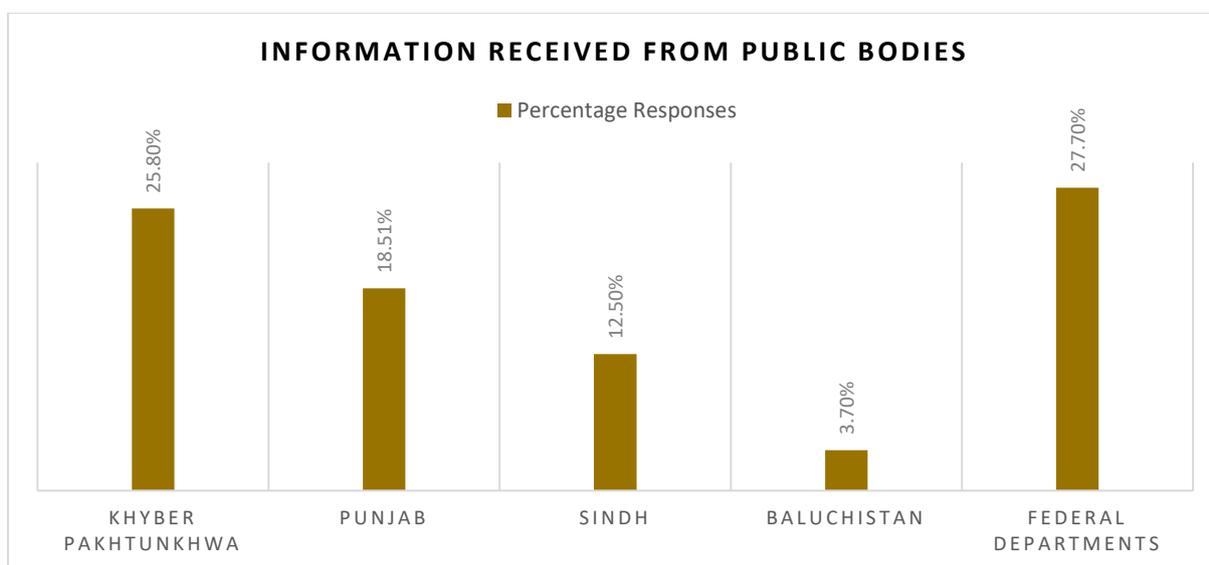
5. Responsiveness of Public Bodies

Table 1: Grading Provision of Information	
Grading Scheme	Provision of information category & efficiency
4	The public body provided the requested information within the stipulated timeline
3	The public body provided the requested information after the stipulated timeline (without complaint to the Information Commission)
2	The public body provided the requested information within the timeline of a complaint lodged with the Information Commission
1	The public body provided the requested information after the timeline of a complaint lodged with the Information Commission
0	The public body did not provide information even after 60 days of complaint with the information commissions

Out of a total of 127 information requests, only 22 (17.1%) information requests were responded by federal and provincial public bodies. This depicts a deficient level of response because such information shall be provided proactively by the public bodies. Federal public bodies have the highest response compared to all four provinces, but still, the response rate of information provision is 27.2%. Response by the public bodies in Khyber Pakhtunkhwa was second highest in percentage terms, 25.8%. Balochistan public bodies are the least responsive to the information requests; only one public body responded out of a total 27 information requests.

Table 2: Status of Information Received from Public Bodies

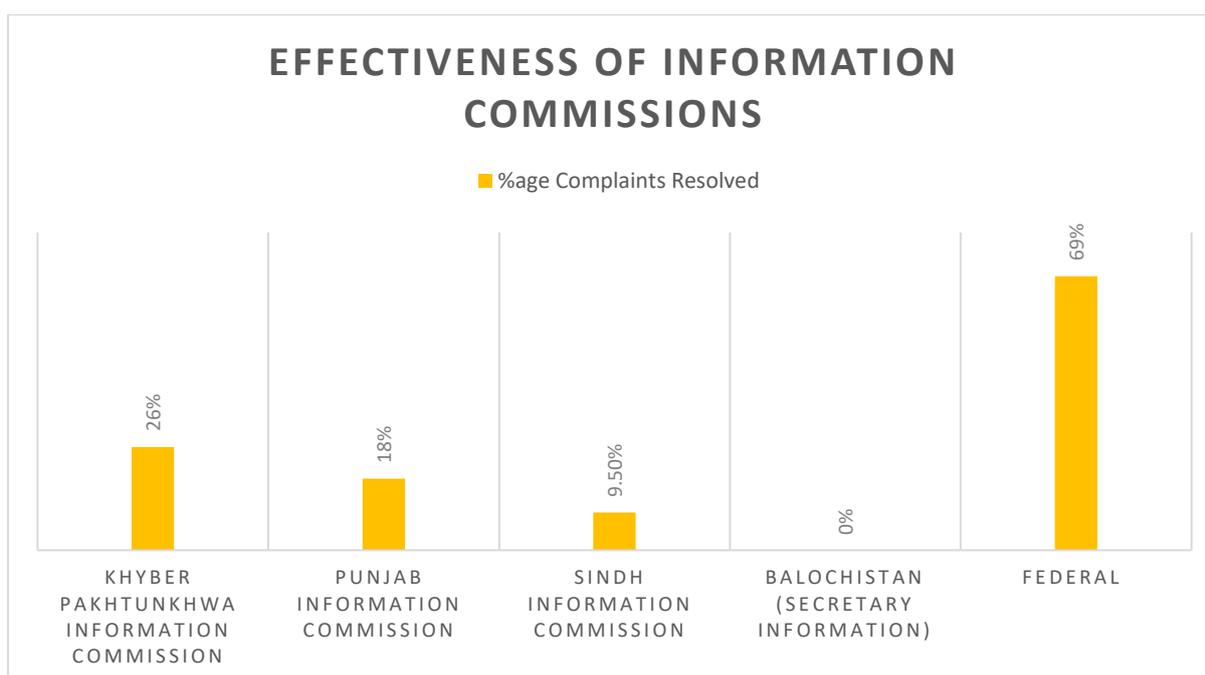
Public Bodies	Total Information Requests filed	No. of responses within the timeline	No. of Responses after the timeline	Total Responses	Percentage Responses
Khyber Pakhtunkhwa	31	6	2	8	25.8%
Punjab	27	3	2	5	18.51%
Sindh	24	3	0	3	12.5%
Baluchistan	27	0	1	1	3.7%
Federal Departments	18	4	1	5	27.7%
Total	127	16	6	22	17.1%



6. Effectiveness of Information Commissions in Pakistan

The analysis depicts that the Pakistan Information Commission is more effective in resolving complaints. Pakistan Information Commission resolved 69% of complaints followed by the Khyber Pakhtunkhwa Information Commission (KPIC) with a 26% complaint resolution rate. It is to be noted that KPIC has only one Chief Information Commissioner and two information commissioners' seats have been vacant for a long time. Punjab Information Commission resolved only 18% of the complaints and Sindh Information Commission resolved only 9.5% of the complaints within the timelines provisioned by the respective laws. Balochistan province has yet to establish an information commission, but all complaints were sent to the Secretary Information department of Balochistan province.

Table 3: Effectiveness of Information Commissions			
Information Commissions	No. of complaints lodged	No. of Complaints Resolved	%age Complaints Resolved
Khyber Pakhtunkhwa Information Commission	23	6	26%
Punjab Information Commission	22	4	18%
Sindh Information Commission	21	2	9.5%
Balochistan (Secretary Information)	26	0	0%
Pakistan Information Commission	13	9	69%
Total	106	20	18%

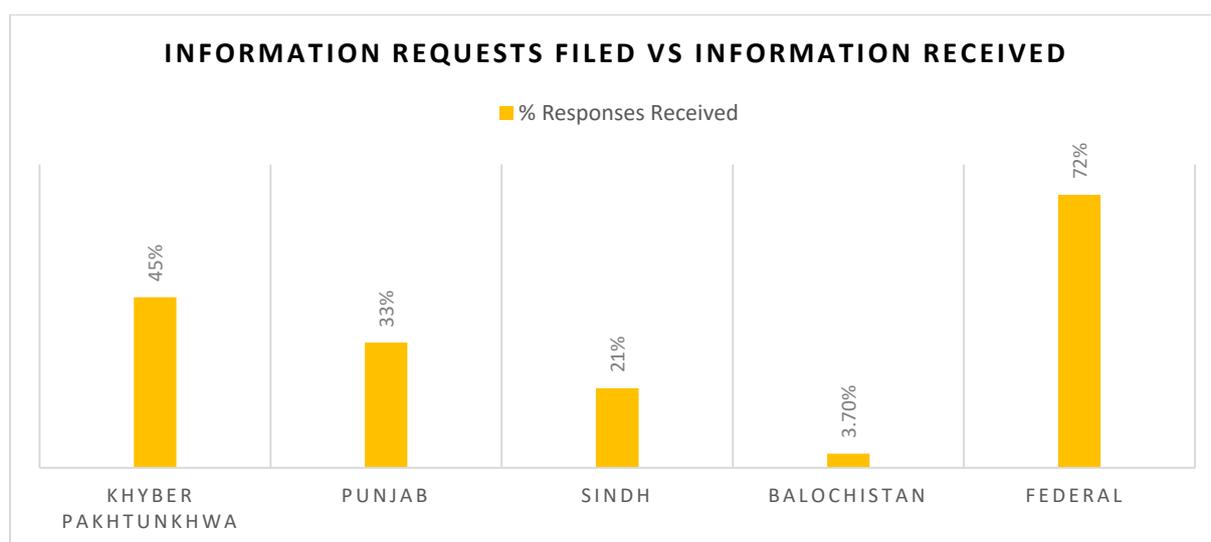


7. Cumulative Analysis of Information Requests Filed Vs Information Received

After going through the whole cycle of filing information requests and filing complaints, only 34% of the public bodies provided the requested information. Federal public bodies stood out in terms of timely provision of information and 72% of the public bodies provided the requested information, followed by Khyber Pakhtunkhwa province where 45% of the public

bodies provided the requested information. 33% of the public bodies of Punjab province and 21% of the Sindh public bodies provided the requested information. Only one public body, out of the total of 27 information requests, from Baluchistan province provided the requested information.

Table 5: Cumulative Analysis			
Government	Total Information Requests Filed	Responses Received	% Responses Received
Khyber Pakhtunkhwa	31	14	45%
Punjab	27	9	33%
Sindh	24	5	21%
Balochistan	27	1	3.7%
Federal	18	13	72%
Total	128	42	34%



8. Khyber Pakhtunkhwa Province

Six departments in Khyber Pakhtunkhwa province stood out for providing the requested information within the timelines, a maximum of 20 days, after filing the information requests. Two departments provided the requested information after the timeline for the provision of the requested information, while six departments provided the requested information after the complaints. 12 departments didn't provide the requested information within 60 days, though the information commission issued notices for the provision of the information, to the 12 departments.

It is to be noted that due to the delay in the appointment of two information commissioners, the quorum is incomplete and the KP information commission remains dysfunctional.

S/No	Provincial Departments of Khyber Pakhtunkhwa	Provision of Information Grade
1	Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department,	4
2	Law, Parliamentary Affairs and Human Rights Department	4
3	Provincial Disaster Management Authority	4
4	Housing Department	4
5	Higher Education Department	4
6	Population Welfare Department	4
7	Auqaf, Hajj, Religious & Minority Affairs	3
8	Agriculture Department	3
9	Irrigation Department	2
10	Communication and Works Department	2
11	Science & Technology and Information Technology Department	2
12	Inter-Provincial Coordination Department	2
13	P&D	2
14	Elementary & Secondary Education Department	2
15	Finance Department	0
16	Climate Change Forestry, Environment & Wildlife Department	0
17	Industries, Commerce & Technical Education Department	0
18	Minerals Development Department	0
19	Public Health Engineering Department	0
20	Tourism Department	0
21	Information Technology Board	0
22	Relief, Rehabilitation & Settlement Department	0
23	Home & Tribal Affairs	0
24	Establishment Department	0
25	Transport Department	0

26	Excise, Taxation & Narcotics Control Department	0
27	Health Department	0
28	Labour Department	0
29	Local Government & Rural Development Department	0
30	Sports, Culture, Tourism, Archaeology & Youth Affairs Department	0
31	Food Department	0

9. Punjab Province

In Punjab, three departments stood out as the most efficient in the provision of information and responding to information requests. 18 public bodies from Punjab did not provide information despite the launch of complaints with the Punjab Information Commission.

S/No	Provincial Departments of Punjab	Provision of Information Grade
1	Excise, Taxation & Narcotics Control Department	4
2	Irrigation Department	4
3	Industries, Commerce, Investment & Skills Development Department	4
4	Auqaf and Religious Affairs	3
5	Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department	3
6	Minerals Development Department	2
7	Law and Parliamentary Affairs Department	2
8	Specialized Healthcare & Medical Education Department	2
9	Population Welfare	2
10	Local Government & Rural Development Department	0
11	Schools Education Department	0
12	Housing, Urban Development	0
13	Finance Department	0
14	Forest, Wildlife & Fisheries Department	0
15	Higher Education Department	0

16	Public Health Engineering Department (PHED)	0
17	Tourism Department	0
18	Punjab Information Technology Board	0
19	Provincial Disaster Management Authority	0
20	Relief and Rescue	0
21	Home Department	0
22	The Planning and Development Department	0
23	Transport Department	0
24	Communication and Works Department	0
25	Labour & Human Resource Department	0
25	Sports, Culture, Tourism, Archaeology & Youth Affairs Department	0
27	Food Department	0

10. Sindh Province

In Sindh Province, only the Information, Science, and Technology department provided information within the provisioned timeline. 20 departments did not provide information despite the launch of complaints with the Sindh Information Commission and after the lapse of the timeline for the resolution of complaints.

S/No	Provincial Departments of Sindh	Provision of Information Grade
1	Information, Science & Technology Department	4
2	Law and Parliamentary Affairs Department	3
3	Sports, Culture and Tourism	2
4	Inter-Provincial Coordination Department	2
5	Excise, Taxation & Narcotics Control Department	2
6	School Education & Literacy Department	0
7	Finance Department	0
8	Forest & Wildlife Department	0

9	Industries & Commerce Department	0
10	Higher Education Commission	0
11	Minerals Development Department	0
12	Public Health & Engineering Department	0
13	Culture, Tourism, Antiquities & Archives Department	0
14	Agriculture Department	0
15	Rehabilitation Department	0
16	Irrigation Department	0
17	Home Department	0
18	Planning & Development Board (P&D)	0
19	Transport and Mass Transit Department	0
20	Works and Services Department	0
21	Health Department of Sindh	0
22	Labour Department	0
23	Local Government Department	0
24	Sindh Food Authority	0

11. Balochistan Province

Only the Finance department of the Baluchistan province responded to the information request. It is to be noted that the Baluchistan Information Commission is yet to be established even though the Balochistan Right to Information Act was enacted in 2021. This delay in the establishment of the Balochistan Information Commission has rendered the law ineffective.

S/No	Provincial Departments of Balochistan	Provision of Information Grade
1	Finance Department	3
2	Services and General Administration Department (S&GAD)	0
3	Education Management Information System	0
4	Forest & Wildlife Department	0
5	Industries & Commerce Department	0
6	Higher Education Commission	0
7	Inter-Provincial Coordination Department	0
8	Mines and Minerals Development Department	0

9	Public Health & Engineering Department	0
10	Tourism Department	0
11	Agriculture Department	0
12	Provincial Disaster Management Authority	0
13	Irrigation Department	0
14	Planning & Development Department	0
15	Transport Department	0
16	Communication and Works Department	0
17	Law and Parliamentary Affairs Department	0
18	Science and Information Technology Department	0
19	Excise, Taxation & Anti-Narcotics	0
20	Health Department	0
21	Labour Department	0
22	The Communication, Works, Physical Planning & Housing Department	0
23	Local Government & Rural Development Department	0
24	Culture, Tourism and Archives Department	0
25	Food Department	0
26	Urban Planning and Development Department	0
27	Sports and Youth Affairs Departmentt	0

12. Federal Public Bodies

The Federal public bodies and Pakistan Information Commission were the most efficient and effective in providing the requested information. Out of total of 18 public bodies, five departments provided information without filing a complaint with Pakistan Information Commission. The Pakistan Information Commission was able to resolve nine complaints within the timeframe provided by the federal Right of Access to Information Act.

S/No	Federal Departments	Provision of Information Grade
1	Ministry of Industries & Production	4
2	Ministry of Commerce	4
3	Ministry of Narcotics Control	4
4	Ministry of Climate Change	4

5	Higher Education Commission	3
6	Minorities, Culture, Sports, Tourism and Youth Affairs	2
7	Inter-Provincial Coordination	2
8	Ministry of Law and Justice	2
9	Ministry of Housing & Works	2
10	Pakistan Tourism Development Corporation	2
11	Ministry of National Food Security & Research	2
12	Ministry of Science & Technology	2
13	Ministry of Religious Affairs	2
14	Ministry of Finance	1
15	Ministry of Federal Education and Professional Training	0
16	Ministry of Information Technology and Telecommunication	0
17	Ministry of National Health Services, Regulations and Coordination	0
18	Pakistan Sports Board	0

13. RTI Champion Departments

The grading table above presents the overall efficiency of various Pakistani departments, highlighting the champion departments. In the Federal public bodies, the Ministry of Industries and Production stands out as the champion department for promptly providing information on January 30, 2024, immediately after the request. In Khyber Pakhtunkhwa, the Department Zakat and Ushar is on top led by providing the information on January 29, with the Law and Parliamentary department ranking second for providing information on January 30, 2024. Excise, Taxation and Narcotics Control in Punjab by providing information on 1st February 2024. In Sindh province, Information and Technology emerged as the champions for providing information on January 29, 2024. Unfortunately, Balochistan doesn't count in any of the categories as no information was received from Balochistan province within the given timeline.

14. Recommendations

The analysis depicts weak implementation of right to information laws in Pakistan. To improve the implementation of RTI laws, CGPA recommends the following:

- All public bodies, at federal and provincial levels, shall improve responsiveness to the information requests. Citizens have the constitutional right to access information held by public bodies. The public bodies shall uphold the principle of maximum transparency vis-à-vis public information. If public bodies can't provide information, their capacity to provide services become questionable.

- The budget-related information shall be proactively disclosed through departmental websites so that the citizens know where their tax money is being spent. The information request filed to the public body under this study was about budgets and such information should have been proactively disclosed. Still, only 34% of public bodies provided such information after the information request was filed. Proactive disclosure can save time and precious resources.
- The information commissions shall strengthen the implementation of their respective RTI laws. The fact that only 17% of the public bodies provided information after the complaints were filed with the information commission depicts a weak implementation mechanism.
- The analysis also depicts that the strength of law is determined by the effectiveness of the Information Commissions. While Khyber Pakhtunkhwa and Punjab RTI laws are strong compared to the Pakistan federal Right of Access to Information Act, the Pakistan Information Commission was able to exert itself more effectively.
- Baluchistan province shall have the information commission, as required under the Balochistan Right to Information Act. The public bodies in Baluchistan are the least responsive to the information requests filed under the law.

Annex 1: Information Request

20th January 2024

Public Information Officer (PIO) / Secretary
Inter-Provincial Coordination Department
Government of Khyber Pakhtunkhwa

Subject: Request for Information under Khyber Pakhtunkhwa Right to Information Act 2013

Dear Sir:

Please provide me the following information under the Khyber Pakhtunkhwa Right to Information Act 2013:

1. Total allocated budget to your department in the fiscal year 2023-24."
2. Total budget utilized by your department during the fiscal year 2023-24 as on December 31, 2023

I shall be grateful for your timely response. Please provide me with this information at the following address:

Warm regards,

Name:

CNIC:

Ph: 1234-1234567



CGPA

CENTRE FOR GOVERNANCE
AND PUBLIC ACCOUNTABILITY

www.c-gpa.org

