

## Sindh Freedom of Information Legislation

### Current Status

1. A Freedom of Information Ordinance was promulgated in Pakistan for the first time in 1996-97 by the Caretaker Government appointed by President Farooq Ahmad Khan Leghari. It was allowed to lapse by the incoming elected government. The law was revived through the Freedom of Information Ordinance 2002 promulgated by former President General Pervez Musharraf. Rules were notified under this Ordinance in 2004. The Government of Balochistan enacted a similar law in 2005. Sindh followed suit in 2006.
2. Article 19-A<sup>1</sup> inserted into the Constitution of the Islamic Republic of Pakistan, 1973 by the Eighteenth Amendment Act 2010 has elevated the right to information as a fundamental right guaranteed to every citizen of Pakistan. This insertion led to re-invigorated legislative efforts in Punjab and Khyber Pakhtunkhwa and resulted in broad-ranging RTI laws passed by them in 2013. Sindh is reportedly making a similar effort to update its 2006 law.
3. The contents of the draft RTI Bill prepared by the Sindh Government has not been made public as yet but an assurance has been reportedly provided that it will be shared with civil society stakeholders after finalization. It would be in the interest of the Government of Sindh to take recommendations and feedback from the public before its enactment.
4. A review of domestic and international RTI laws highlights the shortcomings and out-datedness of the Sindh Freedom of Information Act, 2006. Modern legislation on RTI pays more than lip service to greater transparency providing for, amongst other things, strict sanctions against the obstruction of access to information, independent Commissions with sufficient budgets and wide, proactive dissemination of reports of public bodies. Some go as far as to offer compensation to applicants who have suffered any loss due to denial or delay of access to information.

### Acknowledgements & Disclaimer

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*“Sunlight is the best of disinfectants...”*  
Justice Louis Brandeis

### Highlights

The Sindh Act 2006 lags behind its counterparts in Punjab and Khyber Pakhtunkhwa. The Sindh Provincial Assembly needs to consider best practices in regard to the following areas before passing any new Bill as an Act:

- i. Dedicated Information Commission
- ii. Independent Information Commissioners
- iii. Redundancy of the Ombudsman
- iv. Budgetary allocation
- v. Classification of criteria/selection of public records for disclosure
- vi. Exemptions and exceptions to exemptions
- vii. Sunset clauses to exemptions
- viii. Decisions relating to classifications
- ix. Inclusion of NGOs
- x. Budgets of public bodies to be published
- xi. Harm test/public interest test
- xii. Independent review provision
- xiii. Penalty for public officials
- xiv. Listing of offences other than destruction of record
- xv. Third party protection
- xvi. Application of the Civil Procedure Code, 1908 to proceedings
- xvii. Burden of Proof upon public authority
- xviii. Safeguards in regard to access to information about private persons
- xiv. Transfer of application
- xx. Bar of suits
- xxi. Whistleblower clauses
- xxii. Penalty for misuse of information
- xxiii. Compensation to applicant
- xxiv. Multiple means of granting access
- xxv. Severability of information from content that falls within exemption clause
- xxiv. Placing of Reports of the Information Commission before the Provincial Assembly
- xxvii. Amendable Schedule in regard to public bodies
- xxviii. Information that causes prejudice to relations between Provinces to be exempt
- xxiv. Audit activities to be exempt information
- xxx. Information regarding criminal proceedings
- xxxi. Widespread proactive dissemination of public documents
- xxxii. Indemnity to Information Commission
- xxxiii. Overriding effect of RTI law

1. 19A: “Every citizen shall have access to information in all matters of public importance subject to regulation and reasonable restrictions imposed by law”.

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### Executive Summary

The Sindh Freedom of Information Act 2006, which is near-identical to the outdated Freedom of Information (FOI) Ordinance 2002 still in effect at the Federal level, has a number of strengths and weaknesses when compared to more modern Right to Information (RTI) laws in effect within Pakistan (i.e. the Provinces of Khyber Pukhtunkhwa and Punjab) and the rest of the world, including South Asia.

It lags behind its national and regional counterparts by relying on The Provincial Ombudsman of Sindh to hear RTI-related complaints, rather than forming an independent Information Commission with dedicated Information Commissioners for this purpose. Further, the powers of the Provincial Ombudsman in hearing complaints have not been defined. The Act also fails to specify the criteria for disclosure of public records; it has a vague definition of public information, which affords wide discretionary powers in its application, and has a restrictive definition of public bodies, which do not include NGOs or private organizations substantially funded from the public exchequer. The law additionally lacks provisions clearly defining how the act is to be implemented within public bodies by designated officials known as Information Officers, including provisions defining how proactive disclosure requirements are to be met, or the duties of Information Officers in relation to the handling of information requests. Finally, it contains defined parameters for exemptions but provides no procedures for overriding these exemptions in the public interest or after the passage of a specified time-period. In terms of enforcement of RTI, the Sindh FOI Act specifies offences; however, it designates no clear penalties for offences under the Act, and it does not grant powers to the Provincial Ombudsman in imposing penalties on public officials obstructing the people's right to information. Finally, it does not override other laws governing the disclosure of information held by government, and does not require the promulgation of Rules for its implementation within a specific time period.

Despite these weaknesses, there are a number of ways in which the Act is at par with its more modern counterparts at the national, regional and international level. It acknowledges the need to provide for greater transparency and accountability through provision of access to public records as an indicator of good governance. It includes public bodies previously immune from disclosure obligations under the ambit of RTI, and imposes proactive disclosure obligations on all such public bodies with immediate effect. It specifies stringent timelines for the processing of information requests, and limits the discretionary powers of officials in deciding what kind of information is to be disclosed, by containing clearly defined exemptions.

In light of these strengths and weaknesses, there are a number of areas which legislators of Sindh must pay attention to for the overall improvement of the RTI in Sindh. These include taking into account and incorporating objections and proposals by civil society, wherever this is possible; including legal provisions mandating publicity of RTI to promote its widespread use by the public, and provisions to override other laws which govern the disclosure of information held by government. Moreover, the Provincial Assembly of Sindh must pass amendments to the outdated Freedom of Information Act 2006 or replace it altogether at the earliest with a law more in line with current international standard, and must also ensure the simultaneous framing of Rules to ensure smooth implementation of the law as soon as it is brought into effect.

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#### Strengths and Weaknesses

An RTI law is to be judged on the basis of certain central elements/indicators viz. Scope, Requesting Procedures, Exceptions and Refusals, Appeals, Sanctions and Protections and Promotional Measures.<sup>2</sup> An evaluation of the Sindh Act 2006 from the lens of the afore-stated indicators indicates that:

- I. The Act provides a comprehensive scope of access by complainants to records of courts and tribunals, any office or other body established by or under a Provincial Law, Secretariat of the Provincial Assembly and any department or attached department of Government. However, NGOs or private institutions funded wholly or partly by public money are outside the purview of the statute;
- ii. There is a provision for designated officials to be appointed to respond to requests but no timeline is prescribed within which all public bodies are to appoint public information officers/designated officials;
- iii. The Ombudsman is designated as the independent appellate body albeit with limited powers for issuing directions and no powers to penalize delinquent public officials. Modern RTI laws provide for an Information Commission to hear appeals from refusals. Some jurisdictions provide for an independent review of the initial refusal, while others provide for a Tribunal and/or a superior Court as the final appellate authority;
- iv. The Act provides an extensive but not exhaustive definition of “record” which could allow discretion in interpretation. The Act specifically excludes the internal working, policy making process and recommendations of public bodies from being made public;
- v. There are provisions for proactive maintenance and publication of public records. However, the Act does not provide for widespread dissemination of such records;
- vi. Assistance is to be provided to requesters. However, it does not say what specific steps are included in such assistance;
- vii. Responses are subject to a time restriction of twenty one days. It is of interest to note that the Act does not provide for an extension in case the public authority is not able to meet the statutory deadline. Conversely, neither is there a deeming clause whereby failure to meet the

deadline may be presumed to be a refusal, thereby triggering an appeal;

- viii. There are defined parameters for exemption. The Act, however, does not provide any 'exception to an exception' clause whereby the information if it pertains to the general administration of the public body may be made public and / or a clause whereby information otherwise disclosable may be severed from information that is exempt and the information so distinguishable may be provided to the requestor;
- ix. Much stress is laid on the form to be filled by applicants and the payment of fees;
- x. A penalty is imposed on frivolous and vexatious requests;
- xi. No penalty is imposed for misuse of information;
- xii. Indemnity is provided for acts done in good faith in pursuance of the Act or any rules made thereunder. The Act does not provide for any compensation to complainants for loss suffered as a result of wrongful refusal or inordinate delay or related offences such as exorbitant charge of fees.
- xiii. Government is empowered to make rules for smooth implementation of the provisions;
- xiv. There is a penalty for the destruction of record. However, the Act is silent on the penalties imposed for false statements, wrong refusals and unwarranted denials to access to information.

On the positive side, the Sindh Act acknowledges the need to provide for greater transparency and accountability through provision of access to public records as a step towards better governance. It puts public bodies previously immune from scrutiny into the purview of the Act and stipulates that the maintenance and indexing of their data/record is mandatory with immediate effect. The provision for denial of access to any information other than that which is exempt is couched in unambiguous and negative language, thereby narrowing the discretion of public officials. It provides for a strict timeline within which requests are to be disposed of and for the proactive participation of public officials in rendering assistance to requesters. The Act does not allow for the extension of time in this regard.

The weaknesses of the Sindh Act include too broad a discretionary power to Government to decide what distinguishes excluded information from that which is to be made public without specifying who is to be the deciding

2. 'RTI Rating Data Analysis Series: Overview of Results and Trends, 28 September 2013', CENTRE FOR LAW AND DEMOCRACY

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authority in this regard. It also leaves vague the criteria for classification of documents and does not incorporate a sunset clause whereafter information may be declassified. Stress is laid on the form rather than the substance of the request/complaint, refusal of which can be made solely on the basis of a required format not being followed or fee not being paid. The Act does not specify the mode of hearing of the complaint including critically, representation of the complainant and of an affected third party and the power, if any, to call for evidence and to summon any witnesses. The Ombudsman's powers are not sufficient to determine the legality of executive action of refusal. An Information Commission would be far more appropriate to implement its provisions.

Of equal import for effective and meaningful implementation, the Act must be given overriding effect over other laws. By virtue of its being a special law on the subject, the intention of the legislature has to be to empower citizens to hold public officer-holders accountable. It is also essential to enact the Rules within a prescribed time frame so that the impetus of the RTI mechanism in the Province is not delayed or diluted in any manner.

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#### Comparative Analysis

Given the constitutional status accorded to RTI by Article 19-A, the Sindh Act, 2006 has to expand and improve its scope particularly in the area of Appeals, Penalties, Sanctions and Promotional Measures. The inclusion of certain provisions is critical to bring the Sindh Legislation in line with modern RTI legislation like the ones of Punjab,

Khyber Pakhtunkhwa and the draft Federation's Right to Information Bill, 2014.

A comparison of the Sindh Act 2006 and the laws enacted by the Federation, Punjab, Khyber Pakhtunkhwa, Canada,<sup>3</sup> Nepal,<sup>4</sup> India,<sup>5</sup> Bangladesh,<sup>6</sup> United Kingdom<sup>7</sup> and Malta<sup>8</sup> is set out in Table 1<sup>9</sup>:

TITLE	SINDH (2006)	DOMESTIC: FEDERATION (2014), PUNJAB (2013) & KP (2013)	REGIONAL LAWS: (INDIA, BANGLADESH, NEPAL)	INTERNATIONAL LAWS
SCOPE & PREAMBLE	<p>The preamble incorporates the need to provide for transparency.</p> <p>The scope extends to public bodies. It does not include NGOs.</p>	Both the Federation's Bill and KP's Act incorporate the constitutional requirement to provide access to information in all matters of public information/bodies. Article 19-A is mentioned expressly.	<p>Nepal's Act of 2007 incorporates a comprehensive definition of 'right to information' to include a visit to the place where any construction of public importance is going on and to obtain a verified sample of any material or obtain information held in any type of machine.</p> <p>All regional laws incorporate NGOs in their definition of public body or authority and/or a private organisation or institution run by foreign aid in grant and /or any private organisation or institution run by government financing or with aid in grant from the government fund.</p>	

3. Access to Information Act, R. S. C. 1985, c. A-1, current to August 4, 2015. Published by the Minister of Justice at <http://laws-lois.justice.gc.ca>
4. Right to Information Act, 2007
5. Right to Information Act, 2005 (Act No. 22 of 2005) (As modified up to 1st February, 2011)
6. Right to Information Act, 2009 (Act. No. XX of 2009)
7. Freedom of Information Act, 2000
8. Freedom of Information Act, 2009
9. For the sake of brevity, the table records only the distinctive features of domestic, regional and international laws for the sake of comparison.

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PUBLIC BODIES	Does not include NGOs or private institutions funded by grant or by public money. This definition must be expanded and the maximum amount of public bodies brought within the ambit of the Act.	Punjab's Act includes the Provincial Assembly and NGOs in its definition of public bodies.  KP's law included Secretariat of the Provincial Assembly, along with Members of the Provincial Assembly. However, the latter have been removed through an amendment.	Regional laws include NGOs in the definition of public body. All three regional laws provide for a Schedule, amendable from time to time.	Most international laws, e.g., in the UK provide that a Schedule be appended to the Act in which a list of public bodies that fall within the purview of the Act are to be placed and the same may be amended from time to time by the Government by notification.
PERSON	A complainant/requestor or anyone on his behalf. This is vague as it is open to all categories of persons that do not even have to fulfil the criteria of being a citizen of Pakistan.	KP restricts it to a citizen. Punjab's Act provides for an applicant to be a citizen or a "legal person registered or incorporated in Pakistan"	Indian law gives the right to all citizens. Bangladesh provides for a request to be made by a "person".	Malta provides that an "eligible person" - a citizen of Malta who has been resident for at least five years or a citizen of any EU country.  Canada - citizen or permanent resident.
ACCESS TO INFORMATION AND PROMOTIONAL MEASURES	Provision for access not to be denied except when exempt and for the same to be communicated within twenty one days. Assistance is to be provided to the requester.  Provides for certain documents to be declared as public record. (S. 7).  Provides for maintaining, indexing and computersation of records of public bodies. (S. 4, 6). No timeframe is given within which this is to be completed.  Information provided is to be certified by the designated official. (S. 13(3))	S. 4 of the Punjab Act provides for proactive disclosure of documents, annual report of public bodies (S. 9).  KP's law does not provide for a transfer of the application, only a return.	India promotes proactive disclosure through "constant endeavor" (S. 4(2)). It also provides for assistance / access to be provided to the sensorily disabled – the information may be requested and provided in an alternate format. (S. 7(4)). India's law also provides that the monthly remuneration received by each of its officers and employees and the budget allocated to each of its agency including all proposed expenditure be publicly declared.  Bangladesh also provides for alternate format (S. 9(10)).	



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EXEMPTION FROM DISCLOSURE	The provisions are haphazardly organised and are unspecific thereby leaving room for abuse.			<p>Exemptions in international laws generally include national security, defence, investigations, criminal proceedings, economy management, privacy, confidentiality, third party breach of confidentiality. Some international laws, eg. UK (S. 28) and Canada provide for that information to be exempt that may cause prejudice to relations between units of the country.</p> <p>Information pertaining to tests and audits conducted are also considered as exempt information in certain international laws (S. 33 of the UK law).</p> <p>Canadian law provides specifically that information relating to the general administration of a body whose other activities may be exempt from disclosure is to be provided. (S. 18.1(2))</p>
SUNSET CLAUSE	None		India's law provides for 20 years as the maximum time applicable to holding information about any occurrence, event or matter from disclosure. (S. 8(3))	

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OVERRIDING EFFECT OF THE LAW	No provision. Provides that it will operate in addition to and not in derogation of any law for the time being in force.(S. 23)			
INDEPENDENT INFORMATION COMMISSION	The Act still refers to Mohtasib as the appellate authority. (S. 19)	Both the Punjab and KP Act - Information Commission is to be an independent statutory body. Information Commissioners must not be political/public officer holders.  KP Act provides for the Commission to be an independent, statutory body	Bangladesh law provides for a 3 member Commission, at least one of which has to be a woman.	
COMPLAINTS	To be on a certain prescribed form and along with fees, the lack of which may be one of the grounds for refusal of the complaint. (S. 13).  No provision for transfer of application.	Punjab Act provides for an application to be transferred in case the information is not available with a certain public body to one who holds the relevant record. (S. 11). Applications requiring disclosure of information about the life and liberty of a person may be made and disposed of within 48 hours.  KP's law provides that a complainant is not required to state any reason for his request for information.	India's law provides that no reason for a request is necessary to be stated by the complainant, whatsoever. This removes substantial hindrance from the path of complainants who can get stuck otherwise in justifying their requests to bureaucrats. Complaints are to be transferred within 5 days if not relevant to the Department/body applied to (S. 6(3)). Applications requiring disclosure of information about the life and liberty of a person may be made and disposed of within 24 hours.  Bangladesh provides for a time limit of complaint disposal within 20 days and a maximum of 30 days in case more than two public bodies are involved. (S. 9).	



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APPEALS	The Act still refer to Mohtasib as the appellate authority. No time frame prescribed for decision.	The Punjab Act provides for an initial independent review (S. 12') of the decision of the designated official before an appeal to the Information Commission. It provides for the Commission to place a report on its own activities before the Provincial Assembly.	India's law provides that if a request is not disposed of within 30 days it will be deemed to be refused, thereby triggering an appeal. (S. 7(2). Bangladesh also follows this practice.  In India, the first appeal lies to such officer who is senior in rank to the Central Public Information Officer or State Public Information Officer in each public authority. Second appeal lies within ninety days to the Central or State Information Commission.	Malta's Act provides for an additional appeal before the Tribunal within 20 days. (S. 39)
THIRD PARTY REPRESENTATION	None		Yes.	Yes.
SANCTIONS	None for public officials.  Only offence is destruction of the record at the time it was the subject of a request or complaint. (S. 21)	Punjab Act provides for penalty on officers. (S. 15)	Nepal's Act provides for a penalty against the requestor in case of misuse of information. It also provides for compensation to the applicant for any loss suffered due to wrongful delay or refusal.  India's law provides that the Commission may also pass directions to public bodies in terms of measures to follow for disclosing the information. Disciplinary action provided.	The UK law provides for a heavy penalty for public bodies as a whole. (S. 54(3))
COSTS	Lowest possible.		Lowest possible.	

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FUNDING	No budgetary allocation for appeals.	Punjab Act specifies that funds are to be allocated especially (S. 14), as does KP.	Separate dedicated funds provided for in the Act.	
DESIGNATED OFFICIALS	Yes	The Punjab Act provides for the appointment of public information officers. (S. 7)	Yes. Public information officers in India.	Yes.
SEVERABILITY OF INFORMATION	Information is exempt or to be provided. No provision for severing the information that may be disclosed from that which falls in the exceptions.	Punjab and KP's Act provides for severability	Yes	Yes
BURDEN OF PROOF		Burden of proof on the public body		Canada places the burden of proof on the government institution (S. 48).
PROCEDURE TO BE FOLLOWED		Punjab and KP's Act provide for the Code of Civil Procedure, 1908 (CPC) to be applicable to all proceedings before the Commission. (S. 26).	India's law provides for CPC procedure to apply. Ditto for Bangladesh.	
WHISTLEBLOWER CLAUSE	None	KP provides for a whistleblower clause. (S. 30)	Nepal's Act provides for a whistleblower to disclose information and for confidentiality to be provided to him/her. (S. 29)	
INDEMNITY	Yes		Yes	Yes

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#### International and Regional Best Practices on the Form and Implementation of RTI Legislation

1. In an earlier PILDAT publication,<sup>10</sup> the international focus on the right to information is recorded as follows: “Right to Information is an internationally protected human right under Article 19 of the Universal Declaration of Human Rights (UDHR) 1948 and under International Covenant on Civil and Political Rights (ICCPR) 1968, ratified by Pakistan and recognized in its 1973 Constitution through the 18<sup>th</sup> Amendment. Pakistan also endorses international commitments of the Commonwealth and SAARC towards openness, transparency and accountability in public bodies, which obligate every country to install effective mechanisms to guarantee this right to citizens”.
2. Under the post-2015 Global Development Agenda and UN's Sustainable Development Goals (SDGs), the UN and other intergovernmental organizations can also facilitate dialogue, share best practices and promote international cooperation for the implementation of RTI via public-private partnerships.<sup>11</sup>
3. A set of current international standards has also been developed for ideal RTI legislation under UN's Special Rapporteur on Freedom of Opinion and Expression, 1999 and a resolution of the UN Commission of Human Rights on Freedom of Expression, 2000. They have already been endorsed in a Special Report produced by the Pakistan National Assembly's Standing Committee on Information, Broadcasting and National Heritage.”<sup>12</sup>
4. The scope of RTI laws has expanded in most jurisdictions, notably more in those where democratization is in its developmental stages rather than where it is fully established. The practice of appending a Schedule to the main Act is a useful tool for express inclusion of public bodies leaving no room for discretion in this regard. Bangladesh and the United Kingdom both follow this practice. The inclusion of NGOs and private institutions funded by public money or by foreign grants have also been brought within the ambit of regional and international laws.
5. Modern RTI laws, including that of KP, have incorporated the definition of “third party” and broadened the scope of exceptions to extend to information that could result in the breach of confidentiality promised to a third party. Third parties are required to be heard by Commissions in Indian and Bangladeshi jurisdiction.
6. Reports are now required to be published by public bodies at least annually with their administrative details provided proactively and disseminated widely. India's law requires the particulars of the organisation to include the monthly remuneration of its officers and employees as the budget allocated to each of its agencies. It also sets out that this should be a constant endeavor to provide as much information *suo motu* to the public at regular intervals through various means of communications, including internet, so that the public have minimum resort to the use of this Act to obtain information.
7. The provisions of the Civil Procedure Code, 1908 have been made applicable to the proceedings before the Commission in regional as well as domestic laws. This is an exceedingly necessary and important development for the reason that the Commission cannot judge if information that is withheld has been done so for a valid reason unless it can examine the document/information for itself. In UK's law failure of a public authority to comply with a notice demanding action by the Commission is considered as a contempt of Court.
8. Information to the sensorily disabled is provided in alternate format in India, Canada and Nepal.
9. The scope of offences has been broadened from listing only destruction of record to include wrongful refusal without a reasonable cause or inordinate delay or malafide denial or knowingly giving incorrect, incomplete or misleading information. Penalties/sanctions against officials are now routinely incorporated into RTI laws. In India and Bangladesh, there is an imposition of a daily fine till the information is furnished and disciplinary action is advised by the Commission against the public information officer.
10. Whistleblower clauses are another proactive step towards taking cognizance of information that merits public disclosure but would not be within anyone's knowledge unless notified by the whistleblower.

10. PILDAT, 'Legislative Brief, Right to Information Bill, 2014'

11. “UN SDG Talks Continue; Access Clause Still There”, [freedominfo.org](http://www.freedominfo.org/2015/07/un-sdg-talks-cointine-acces-cause-still-there/), July 23, 2015 at: <http://www.freedominfo.org/2015/07/un-sdg-talks-cointine-acces-cause-still-there/>

12. PILDAT Background Paper on More Effective Right to Information Legislation and its Implementation in Pakistan: [http://www.pildat.org/publications/publication/FOI/MoreEffective Right to Information Legislation in Pakistan Background Paper.pdf](http://www.pildat.org/publications/publication/FOI/MoreEffective%20Right%20to%20Information%20Legislation%20in%20Pakistan%20Background%20Paper.pdf)

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Bangladesh, Nepal, Punjab and KP have incorporated this clause. However, these clauses also provide for blanket immunity and confidentiality to the whistleblower.

11. Jurisdictions such as Canada and the UK provide for a comprehensive public interest/harm test to determine whether information is likely to cause more harm than benefit if disclosed.
12. Exemption clauses tend to restrict RTI laws to narrow spaces wherein only such information may be disclosed as escapes the stipulated exceptions. For narrowing these exceptions, a reverse mechanism in the form of sunset clauses are incorporated so that information is not out of reach forever but is routinely declassified. Removal of paramountcy clauses is encouraged universally and instead the best practice promoted is that wherever there is conflict, access must prevail.
13. The independence of the Commission is key to freeing it to examine documents and actions of public authorities in an unbiased manner. Budgetary allocations in this regard are provided for and the Commission reports on its annual activities and progress as well as provide an audit report of its expenditures to the Provincial or National Assembly as applicable.

#### Recommendations for the Government and Members of Parliament

The Sindh Freedom of Information Act, 2006 requires to be brought up to speed with modern RTI legislation of which certain features highlighted above are necessary for effective implementation of the spirit of access laws as applied universally. In this regard, the Provincial Assembly of Sindh is advised to consider the following recommendations before passing the law:

- i. Objections/proposals by civil society stakeholders must be taken into account and incorporated where possible as the law is meant to both empower the public and to place a check on public bodies.
- ii. The Assembly must undertake the final passage of the law at the earliest. In doing so, the Assembly is advised to incorporate as many of the international/regional best practices as possible so as to achieve a high score on the RTI ranking and set a standard that other Provinces can aspire to achieve through amendments.
- iii. Efforts be undertaken to promote widespread publicity about the Act via social media, seminars and pamphlets.
- iv. Public bodies must be directed to follow model samples

of publications in order to comply with disclosure of their details.

- v. Debate on the selection of Commissioners may be encouraged within the Assembly so that the appointment of the same is not immediately challenged/suspended.
- vi. Conflicting laws may be neutralized by incorporating an overriding effect clause in the Act. It is not necessary to repeal earlier laws.
- vii. Rules must be framed simultaneously so as to ensure the smooth functioning of the Act when it is passed.

In conclusion, Justice Brandeis may be quoted again to summarise what should be the intent of access laws:

*“The most important political office is that of the private citizen.”*