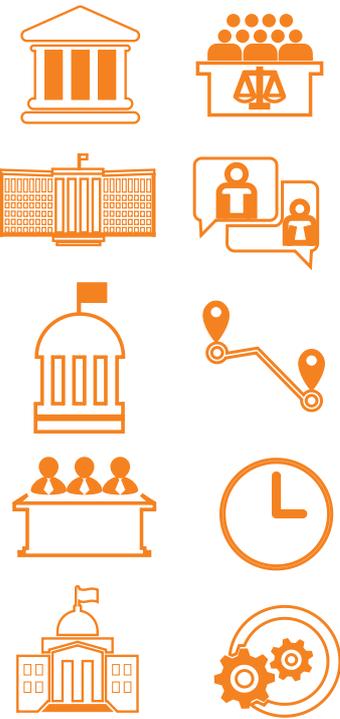


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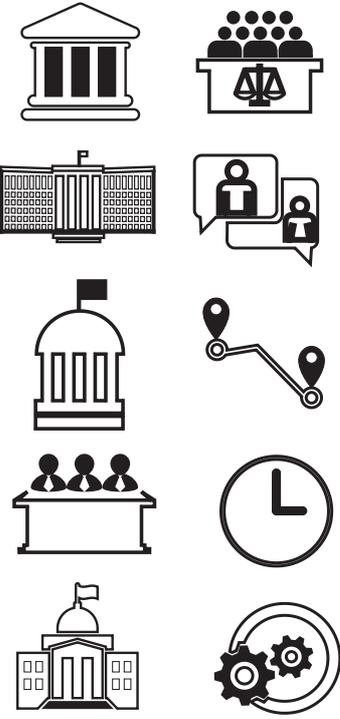
RTI Scorecard

Right to Information (RTI) Legislation and
Implementation in Pakistan at Federal and Provincial levels



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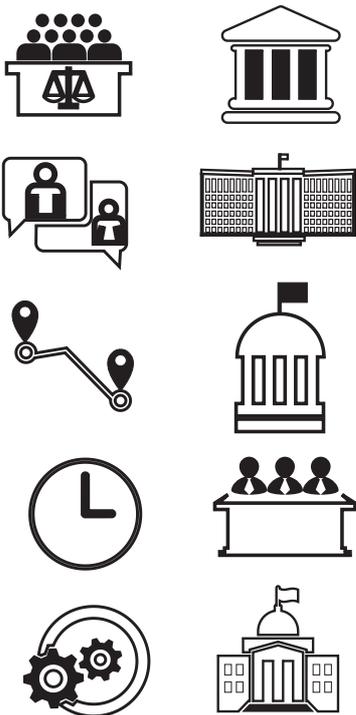
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Right to Information (RTI) Legislation and
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Abbreviations and Acronyms

Centre for Law and Democracy	CLD
Development Alternatives, Inc.	DAI
Enhanced Democratic Accountability and Civic Engagement	EDACE
Freedom of Information	FOI
Freedom of Information Act	FOIA
Freedom of Information Ordinance	FOIO
Khyber Pakhtunkhwa	KP
Public Information Officers	PIOs
Right to Information	RTI

Foreword

Pakistan became the first South Asian country to adopt the Right to Information (RTI)/Freedom of Information (FOI) legislation through passing the Freedom of Information Ordinance (FOIO), 2002. Near-identical laws were subsequently passed in Balochistan, the Freedom of Information Act (FOIA) 2005, and in Sindh, the Freedom of Information Act, 2006. However, since then Pakistan has lost its position as regional RTI leader to neighbouring India, which, in 2005, passed the world's third-best¹ RTI law. Pakistan has also fallen behind Nepal and Bangladesh, which passed progressive RTI laws in 2007 and 2009, respectively. The RTI laws in Bangladesh and Nepal have been rated as 20th and 23rd best laws in the world. In comparison, the FOIO 2002 occupies a dismal 84th position on Centre for Law and Democracy's (CLD's) Global RTI Rating.²

Fortunately, efforts to reform RTI in Pakistan have been underway since 2012, after a sub-Committee of the Senate Standing Committee on Information, Broadcasting and National Heritage drafted a new RTI law for Federal Government which the Federal Ministry of Information, Broadcasting and National Heritage agreed to adopt and present in the Parliament as an official Government Bill. This Bill, which in its current form could potentially become the best RTI law in the world, was finalized in February 2014 and has since awaited the approval of the Federal Cabinet to be tabled in the Parliament. In the same period, the Provinces of Khyber Pakhtunkhwa (KP) and Punjab passed internationally acclaimed RTI legislation in December 2013. Implementation of both laws has been underway since early 2014, spearheaded by independent statutory Information Commissions that are responsible for promoting implementation of the laws, monitoring and reviewing their implementation and enforcing the provisions of these reformed RTI laws in the hearing of complaints.

In this Comparative Scorecard, PILDAT has undertaken an assessment of the two different RTI/FOI regimes and their notified implementing agencies at the Federal and Provincial levels.

Acknowledgements

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Disclaimer

PILDAT has made every effort to ensure accuracy of the publicly available data within this Scorecard and the analysis based on it. Any omission, or error, therefore, is not deliberate. The views and analyses herein do not necessarily represent the views of the Development Alternatives Inc. (DAI).

Islamabad
January 2016

1. Ranking according to the Centre for Law and Democracy's (CLD's) Global RTI Rating, 2015.
2. Please see: <http://www.law-democracy.org/live/pakistan-aims-for-top-position-in-the-rti->

PILDAT Comparative Scorecard

*Right to Information (RTI) Legislation and Implementation
in Pakistan at Federal and Provincial levels*

Executive Summary

In this Comparative Scorecard, PILDAT has undertaken an assessment of the two different RTI/FOI regimes and their focal agencies for implementation at the Federal and Provincial levels. These parallel systems have been functioning simultaneously in Pakistan for nearly two years. However, an objective assessment of the relative strengths and weaknesses of both systems in terms of legal framework and implementation has yet to be conducted. By undertaking such an assessment, this Scorecard will highlight key features of the system that better ensures the peoples right to public information and strengthen demand for nation-wide institution of this system. In the overall Assessment Framework, which was developed in-house by PILDAT:

- i. **Khyber Pakhtunkhwa's (KP's) Right to Information Act, 2013** and the **KP Right to Information Commission** formed under it secured **1st place** with an overall score of 73%.
- ii. **Punjab's Transparency and Right to Information Act, 2013** and the **Punjab Information Commission** formed under it secured the **2nd place** with an overall score of 65%.
- iii. **Balochistan's Freedom of Information Act, 2005** and the **Provincial Government of Balochistan** received **3rd place** in overall rankings with an score of 29.3%.
- iv. **Pakistan's Freedom of Information Ordinance, 2002** and the **Federal Government of Pakistan** received **4th place** with an overall score of 25.6%.
- v. **Sindh's Freedom of Information Act, 2006** and the **Provincial Government of Sindh** was placed on the lowest rung in the overall rankings with an overall score of 24%.

Assessment Area A: Strength of the law

Punjab Province, which secured 2nd position in the overall rankings, was ranked 1st on this Assessment Area with a score of 90%. KP Province, which secured 1st position in the overall rankings, was ranked 2nd on this Assessment Area, primarily because, unlike Punjab, it provides blanket immunity to the superior judiciary, i.e. the Peshawar High Court. KP's law has not been explicitly declared the overriding law on matters of information disclosure as has been done in Punjab. Moreover, KP's law does not extend the right to file information requests and complaints to all citizens of Pakistan and legally incorporated entities as has been done in Punjab. Unlike Punjab's law, KP's law does not ensure the removal of Information Commissioners by members of a representative body of elected legislators. Further, unlike Punjab's RTI law, KP's law does not specify which official or body has final authority in overruling the application of exemptions when public interest favours information disclosure. Finally, KP's law specifies a timeframe of 60 days for decisions on complaints, compared to 30 days specified for decisions on complaints in Punjab.

The Federal, Balochistan and Sindh Governments received extremely similar scores ranging between 38% and 40% on this Assessment Area, primarily because they do not ensure comprehensive access to different categories of information; provide blanket immunity to defense institutions (with the exception of Balochistan) or derogate against other secrecy-promoting laws. These laws also place undue restrictions on the right to appeal against decisions taken on information requests, and do not adequately restrict appeals against decisions on complaints to preserve the authority of the Ombudsman in hearings, or restrict the application of exemption clauses when public interest favours disclosure. Finally, these laws do not define information requesting and complaints procedures which ensure inexpensive, timely and all-inclusive access to information

Assessment Area B:

KP Province was ranked 1st with a score of 67% compared to Punjab, which was ranked 2nd on this Assessment Area with a score of 53%. Punjab earned a lower score in this Assessment Area, in comparison to KP, because it was unable to monitor or verify the undertaking of implementation activities within public bodies under its purview as has been done in KP; unable to receive a comparable proportion of Annual Reports from public bodies under its purview; unable to effectively evaluate implementation of RTI within public bodies by taking steps such as conducting inspections or regularly updating its website with details on implementation progress, and unable to train as high a proportion of PIOs as in KP. Finally, the Punjab Information Commission was not disbursed the first installment of its FY 2014/15 Budget on time, and still has only 35 of 46 sanctioned positions vacant.

The Sindh Government was ranked last in this Assessment Area with a dismal score of 6%, primarily because it has yet to notify Rules of Implementation. The Federal and Balochistan Government's received similar scores of 11% and 12%, placing them in 4th and 3rd position on the rankings in this Assessment Area. They received such unfavourable scores

because they have yet to notify agencies dedicated to the implementation and monitoring of RTI, and because they were unable to provide data on designation of PIOs (with the exception of Balochistan). Further, these Governments were unable to verify PIOs training and initiation of public awareness campaigns. These Governments also failed to dedicate resources exclusively for implementation of FOI

Assessment Area C: Requests/Complaints Processing Output

KP Province was ranked 1st with a score of 66% compared to Punjab, which was ranked 2nd on this Assessment Area with an unfavourable score of 29%. Punjab earned a lower score than KP on this Assessment Area because it was unable to verify how many information requests were processed on time by public bodies under its purview. On the other hand, KP was able to verify the processing of 205 out of 220 requests on time. The Punjab Information Commission was able to process only 23% out of 1200 complaints it received in the prescribed time period of 14 working days. On the other hand, in KP, 72% out of 842 complaints received were processed in the prescribed time period of 10 working days. The Punjab Information Commission was also unable to maintain a comparable rate of disclosure and pendency in the processing of complaints. In KP, around 83% of all complaints led to disclosure and only around 9% of all complaints were pending after passage of the reporting period of this study. On the other hand, in Punjab, the disclosure rate of 50% was the third highest after KP and Balochistan, and the pendency rate was the highest, ahead of Sindh, Balochistan and KP.

The Balochistan Government was ranked 3rd on this Assessment Area with a score of 25%. It scored higher than the Federal and Sindh Governments on this Assessment Area, which earned similar scores of 19% and 18%, respectively. The difference in scores between these three administrative units was primarily determined by differences in disclosure and pendency rates they were able to maintain.

Assessment Area D: Timeliness and Completeness of Information Provided

None of the administrative units compared here were able to provide the information requested by PILDAT on implementation within the timeframe for disposal of information requests. KP was ranked 1st on this Assessment Area with a score of 84%, as it was able to provide 83% of the requested information in 31 working days. Punjab was ranked 2nd on this Assessment Area with a score of 70%, as it was able to provide 61% of the requested information in 32 working days. Balochistan was ranked 3rd on this Assessment Area with a score of 69%, as it was able to provide 43% of the requested information within 23 working days, which was the fastest response time among all administrative units assessed here. Sindh was ranked 4th on this Assessment Area with a score of 45%, as it was able to provide only 14% of the requested information within 27 working days. Finally, the Federal Government was ranked 5th on this Assessment Area with a score of 20%, as it was able to provide only 17% of the requested information within 40 working days, which is the longest response time among all administrative units assessed here

Recommendations for Legislators and Policymakers

KP's RTI Act was ranked 2nd in terms of Strength of the law, primarily due to its inadequate scope. The law can be strengthened by including the Peshawar High Court under its ambit, restricting the right of appeal against the RTI Commission's decisions and setting the appellate forum against decisions of the Commission to a forum above the District and Sessions Court. The KP Government should also extend RTI to all citizens and legal entities of Pakistan.

The Punjab Government must improve the performance of the Punjab Information Commission in terms of implementation, as, in this regard, it considerably lags behind its counterpart in KP. The Commission must be allocated budgeted resources in a timely manner, including funds for staff salaries, and create a strong mechanism for monitoring of implementation within government offices under its purview. The Punjab Government must also ensure that the Information Commission's sanctioned staff strength of 43 members is met.

Legislators at the Federal level and within Sindh and Balochistan must consider improving their respective FOI laws, which lack many of the features required for strong implementation. They must pay special attention to the notification, formation and authorisation of focal agencies for the implementation of each law. Without the existence of such focal agencies, these laws are likely to continue being implemented ineffectively.

Legislators and policymakers in the Federation, Balochistan, Sindh, KP and Punjab must consider dedicating more resources for monitoring and evaluation of implementation of RTI/FOI. This is primarily because none of the administrative units assessed here was able to provide data on implementation of RTI/FOI within the prescribed timeframe for processing of information requests.

PILDAT
Comparative Scorecard

*Right to Information (RTI) Legislation and Implementation
in Pakistan at Federal and Provincial levels*

Table 1: Average Scores and Rankings of the different Legislative/Administrative Units Assessed

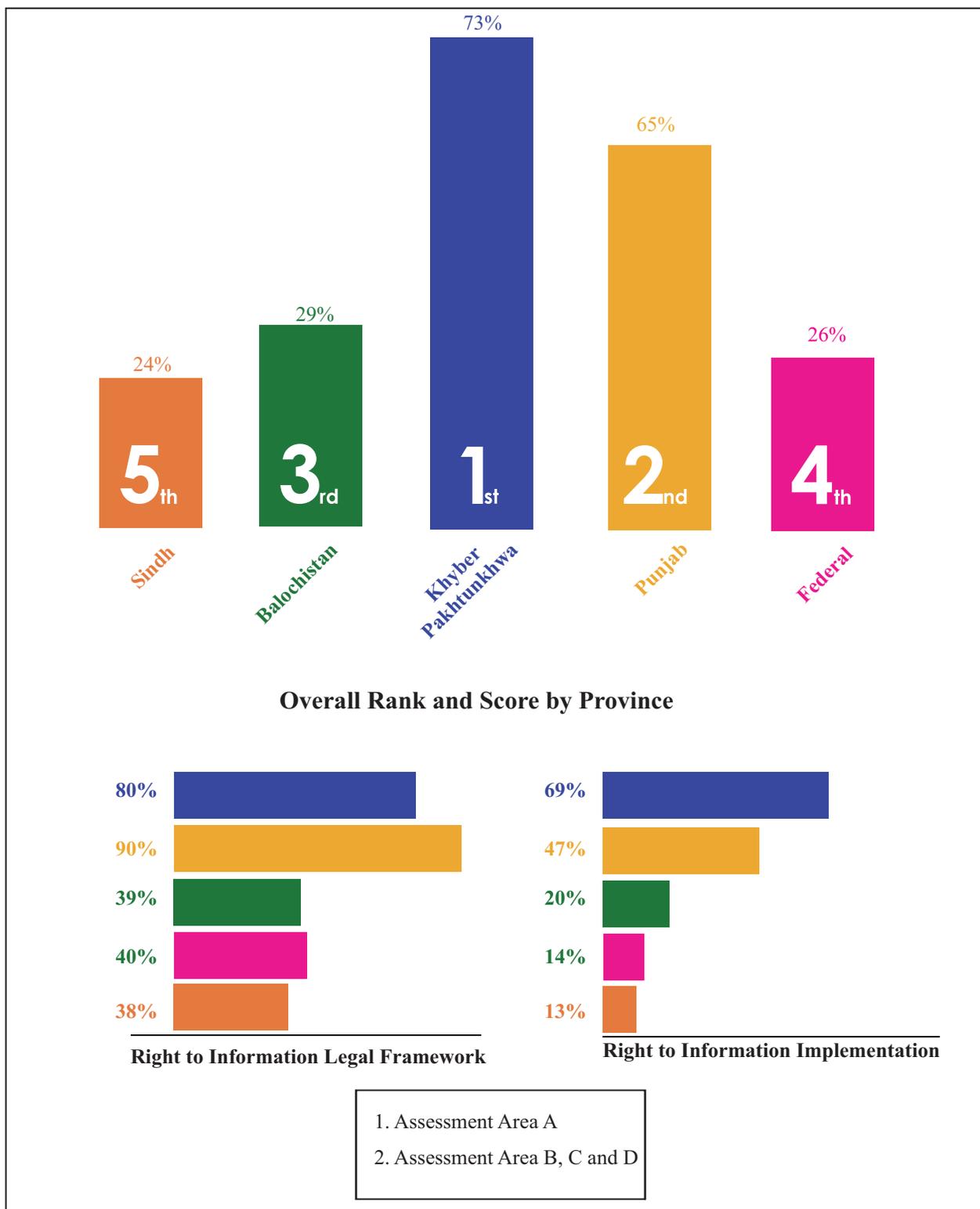
Q. No.	Assessment Area/Question (Total Points)	Federal		Balochistan		Sindh		KP		Punjab	
		%	Rank	%	Rank	%	Rank	%	Rank	%	Rank
Assessment Area A: Strength of the law (50)		40	4 th	40	4 th	38	5 th	81	2 nd	90	1 st
Q1	Scope of the law(15)	47	5 th	49	3 rd	48	4 th	80	2 nd	95	1 st
1.1	<i>Types and Forms of Access to Information(5)</i>	44	4 th	44	4 th	43	5 th	88	2 nd	92	1 st
1.2	<i>Tiers and Functions of Government Covered(5)</i>	75	5 th	80	3 rd	78	4 th	81	2 nd	98	1 st
1.3	<i>Overriding Effect(5)</i>	22	4 th	22	4 th	21	5 th	72	2 nd	94	1 st
Q2	Right of Appeal and Powers of the Appellate Forum (10)	52	3 rd	50	5 th	51	4 th	75	2 nd	90	1 st
2.1	<i>Restrictions on Right of Appeal (5)</i>	52	5 th	52	5 th	52	5 th	70	2 nd	88	1 st
2.2	<i>Autonomy and authority of the Appellate Forum(5)</i>	51	3 rd	49	5 th	50	4 th	80	2 nd	92	1 st
Q3	Exemptions and Provisions to Override them(10)	30	5 th	30	5 th	30	5 th	89	1 st	88	2 nd
3.1	<i>Restriction on Exemptions(5)</i>	40	3 rd	39	5 th	39	5 th	98	1 st	88	2 nd
3.2	<i>Provisions to Override Exemptions? (5)</i>	20	5 th	20	5 th	20	5 th	81	2 nd	91	1 st
Q4	Requesting Procedures(15)	32	3 rd	31	4 th	24	5 th	79	2 nd	85	1 st
4.1	<i>Cost-effective Access to Information(5)</i>	28	4 th	28	4 th	4	5 th	96	1 st	80	2 nd
4.2	<i>Timely Access to Information (5)</i>	32	3 rd	28	5 th	28	5 th	80	2 nd	82	1 st
4.3	<i>Inclusive Access to Information(5)</i>	37	5 th	37	5 th	41	3 rd	61	2 nd	92	1 st
Assessment Area B: Resources and Performance of Focal Agency (45)		11	4 th	12	3 rd	6	5 th	67	1 st	53	2 nd
Q5	Coordination, Monitoring and Evaluation (20)	9	4 th	14	3 rd	2	5 th	47	1 st	42	2 nd
5.1	<i>Verification of PIOs Designation(5)</i>	0	5 th	20	3 rd	0	5 th	62	2 nd	70	1 st
5.2	<i>Monitoring of PIOs implementation activities (5)</i>	0	5 th	0	5 th	0	5 th	26	1 st	8	2 nd
5.3	<i>Reporting by PIOs to Focal Agency (5)</i>	0	5 th	0	5 th	0	5 th	32	1 st	28	2 nd
5.4	<i>Action taken to Evaluate and Improve implementation (5)</i>	36	4 th	36	4 th	8	5 th	66	1 st	60	2 nd
Q6	Promotion of Implementation activities (15)	4	5 th	4	5 th	4	5 th	83	1 st	64	2 nd
6.1	<i>Publication and Distribution of Promotional Materials (5)</i>	4	5 th	4	5 th	4	5 th	76	2 nd	76	2 nd
6.2	<i>Training of PIOs and Distribution of Training Resources? (5)</i>	4	5 th	4	5 th	4	5 th	96	1 st	35	2 nd
6.3	<i>Public Messaging (5)</i>	4	5 th	4	5 th	4	5 th	78	2 nd	82	1 st
Q7	Resources Allocated to the Focal Agency (10)	18	3 rd	15	5 th	15	5 th	85	1 st	58	2 nd
7.1	<i>Adequacy of Allocated Resources (5)</i>	36	3 rd	30	5 th	30	5 th	70	2 nd	90	1 st
7.2	<i>Timeliness of Resource Distribution (5)</i>	n/a	--	n/a	--	n/a	--	100	1 st	26	2 nd

PILDAT
Comparative Scorecard

*Right to Information (RTI) Legislation and Implementation
in Pakistan at Federal and Provincial levels*

Q. No.	Assessment Area/Question (Total Points)	Federal		Balochistan		Sindh		KP		Punjab	
		%	Rank	%	Rank	%	Rank	%	Rank	%	Rank
Assessment Area C: Requests/Complaints Processing Output (20)		19	4 th	25	3 rd	18	5 th	66	1 st	29	2 nd
8.1	<i>Reported Output in the Processing of Information Requests (5)</i>	0	5 th	0	5 th	0	5 th	84	1 st	0	5 th
8.2	<i>Output of Appellate Forum in Processing of Complaints(5)</i>	n/a	--	n/a	--	n/a	--	85	1 st	54	2 nd
8.3	<i>Disclosure and Pendency Rate of Information Requests Processing (5)</i>	0	5 th	0	5 th	0	5 th	0	5 th	0	5 th
8.4	<i>Disclosure and Pendency Rate of Complaints Processing(5)</i>	58	4 th	76	2 nd	56	5 th	96	1 st	62	3 rd
Assessment Area D: Timeliness and Completeness of Information provided on Implementation (5)		20	5 th	69	3 rd	45	4 th	84	1 st	70	2 nd
Avg. Percentage Score & Overall Ranking		26	4 th	29	3 rd	24	5 th	73	1 st	65	2 nd

Figure 1: Right to Information Legislation and its Implementation in Pakistan



Scoring Exercise on RTI legislation and implementation at Federal and Provincial level

Assessment Area A: Strength of the Law

Punjab's law was ranked 1st on this Assessment Area with a score of 90% compared to KP's score of 81%. Punjab's law was ranked higher than KP's RTI Act because: i) it does not grant the superior judiciary blanket immunity from information disclosure obligations, unlike its counterpart in KP; ii) it has expressly been declared the overriding legislation on matters of information disclosure in the Province; iii) it grants both individual requesters and legally incorporated organisations the right to appeal against decisions on information requests and complaints; iii) it does not specify an appellate forum against decisions on complaints which is lower than the High Court in the judicial hierarchy; iv) it ensures removal of Information Commissioners is carried out by representative bodies of elected legislators; v) its grants the right to information within the Province to all citizens of Pakistan. FOI legislation at Federal level and in Balochistan and Sindh received similar scores between 38% and 40%, primarily because: i) they do not ensure comprehensive access to different categories of information; ii) Federal and Sindh FOI laws provide blanket exemption to defense institutions; iii) they have explicitly been declared to stand in addition to secrecy-promoting laws; iv) they impose undue restrictions on the right of appeal against decisions on information requests; v) they do not adequately restrict the right of appeal against decisions on complaints; vi) they do not require formation of dedicated appellate forums, and do not ensure operational autonomy of existing appellate forums, i.e. Ombudsman Office; vii) they do not restrict the application of exemptions in cases where public interest favours disclosure; viii) their requesting procedures do not ensure inexpensive, timely and all-inclusive access to information.

1. Scope of the law

Punjab's law was ranked 1st in this Assessment Sub-area with an extremely favourable score of 95%, compared to KP's score of 80%. Punjab's law was rated highly on this Sub-area as, unlike its counterpart in KP, it does not provide blanket exemption from disclosure to particular institutions and because it has been explicitly declared the overriding legislation on matters of information disclosure. FOI laws at Federal level and in Balochistan and Sindh received highly similar scores

of 47%, 49% and 48%, respectively, on this Assessment Sub-area, primarily due to subjective preferences of scorers. However, they scored poorly on the whole, primarily because they do not provide comprehensive access to different categories of information, they provide blanket immunity to defense institutions and because they expressly stand in addition to secrecy-promoting laws.

1.1 Types and Forms of Access to Information

Federal, Balochistan and Sindh

FOI legislation in effect within these Legislative/Administrative Units does not provide access to a comprehensive list of different categories on records and information held by public offices. Only access to 5 out of 16 categories of official records has been provided under these laws. Further, these laws only provide access to such information in 1 out of 4 possible forms. These laws received unsatisfactory scores of below 50% on this Assessment Question, and were ranked between 4th and 5th.

KP and Punjab

RTI legislation in effect within these Legislative/Administrative Units provides access to a comprehensive list of different categories of records and information held by public offices. Access to 16 out of 16 categories of official records has been provided under these laws. Further, these laws provide access to such information in 4 out of 4 possible forms. These laws received extremely favourable scores of above 85% on this Assessment Question. Subjective preferences of Scorers determined the difference between Punjab and KP's scores, which secured them 1st and 2nd place on this Assessment Question respectively.

1.2 Tiers and Functions of Government covered

Federal, Balochistan and Sindh

FOI legislation in effect within these Legislative/Administrative Units provides access to information held by public offices performing all three functions of government, i.e. legislative, judicial and executive. These laws also provide access to information held by public offices falling under all possible administrative tiers of government: i.e. Federal/Provincial and Local Government. Finally, two of these laws – the FOIO 2002 and its counterpart in Sindh – provide blanket exemptions to defense institutions. These laws received favourable scores on this Assessment Question for covering all tiers and functions of government; however, Balochistan's law received a more favourable score because it does not provide blanket immunity to defense institutions.

PILDAT
Comparative Scorecard

Right to Information (RTI) Legislation and Implementation in Pakistan at Federal and Provincial levels

Figure 2: Types of Information Accessible under the Law

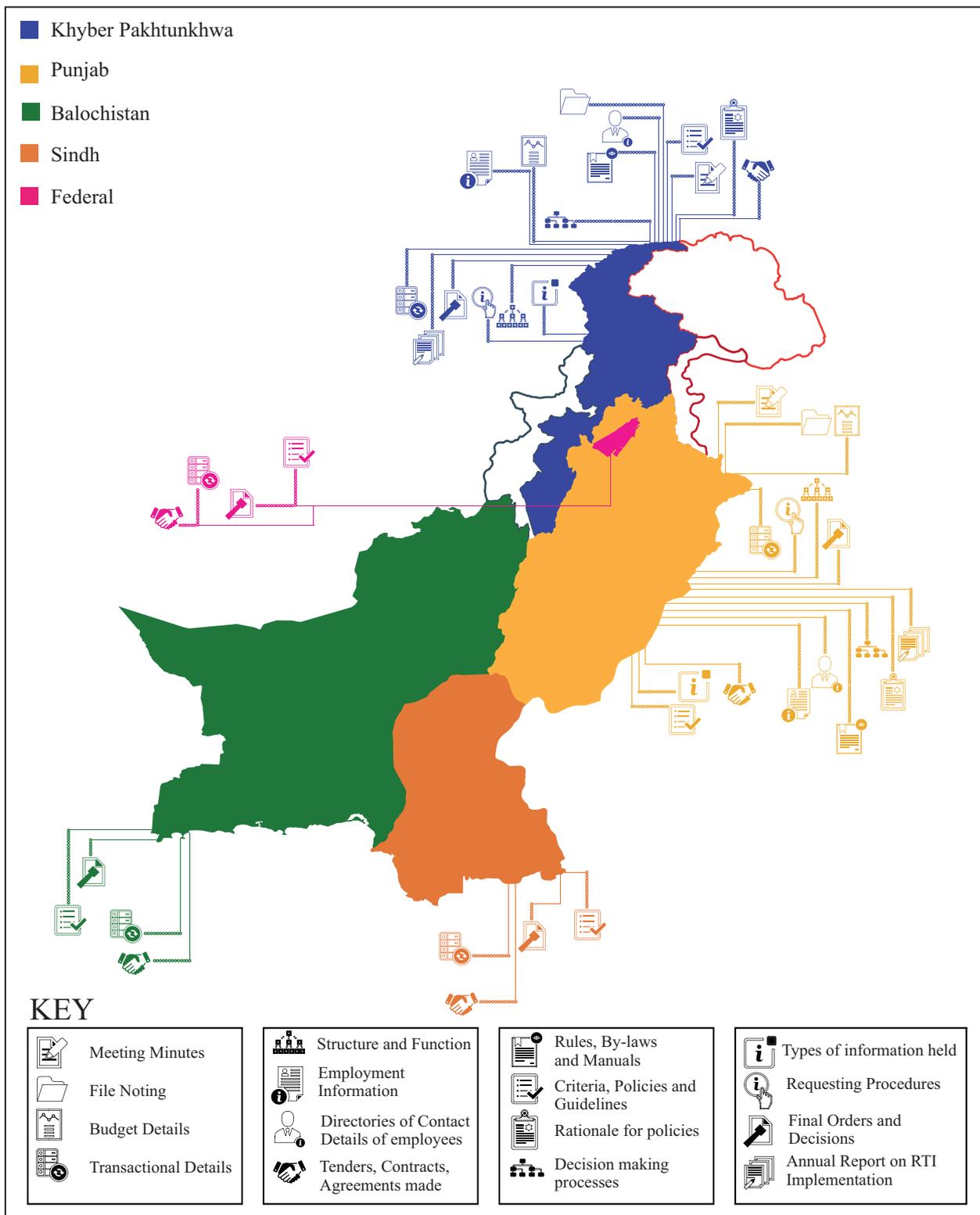
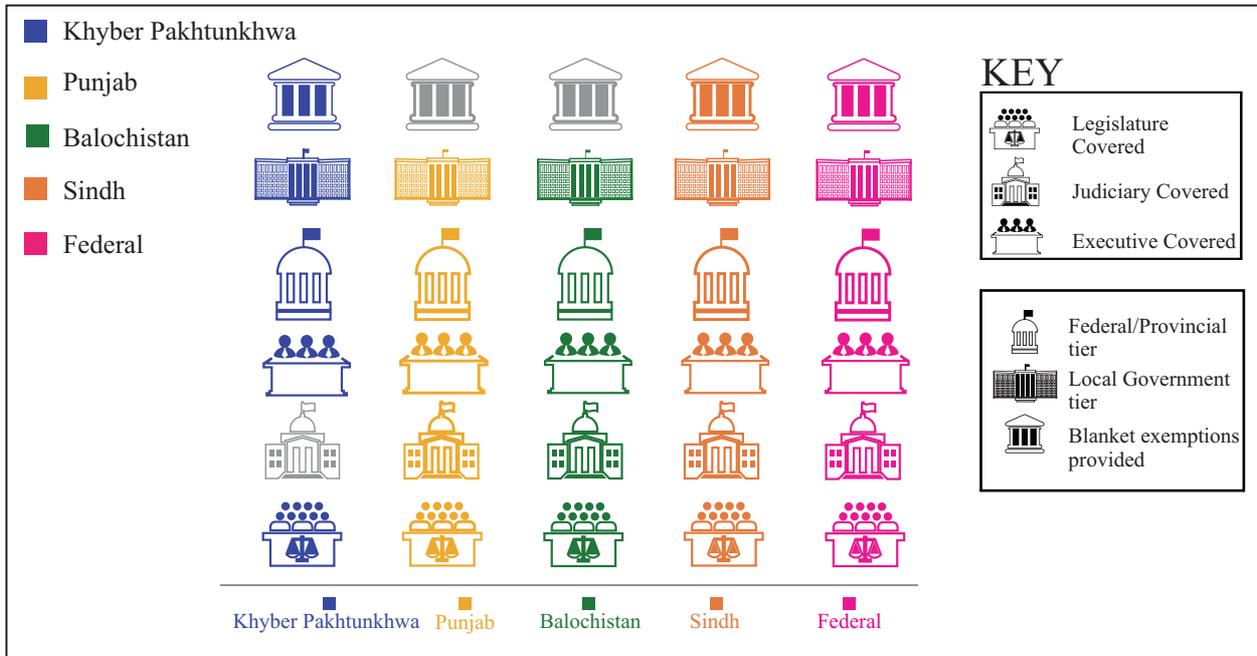


Figure 3: Tiers and Functions of Government under purview of the Law



KP and Punjab

RTI legislation in effect within these Legislative/Administrative Units provides access to information held by public offices performing all three functions of government, i.e. legislative, judicial and executive. These laws also provide access to information held by public offices falling under all possible administrative tiers of government: i.e. Federal/Provincial and Local Government. However, the RTI law in effect within KP provides blanket exemption to the Peshawar High Court. This explains why KP's law received a score of 81%, which is much lower than Punjab's near-perfect score of 98% on this Assessment Question.

1.3 Overriding Effect

Federal, Balochistan and Sindh

FOI legislation in effect within these Legislative/Administrative Units has not been declared as the overriding legislation on matters on official information. Further, these laws do not expressly repeal other laws governing the disclosure of official information; rather, they stand in addition to such laws, which include the Official Secrets Act, 1923. Due to this non-derogation clause, these laws received their lowest ever scores (between 21% and 22%) within the Assessment Sub-area measuring Strength of the law.

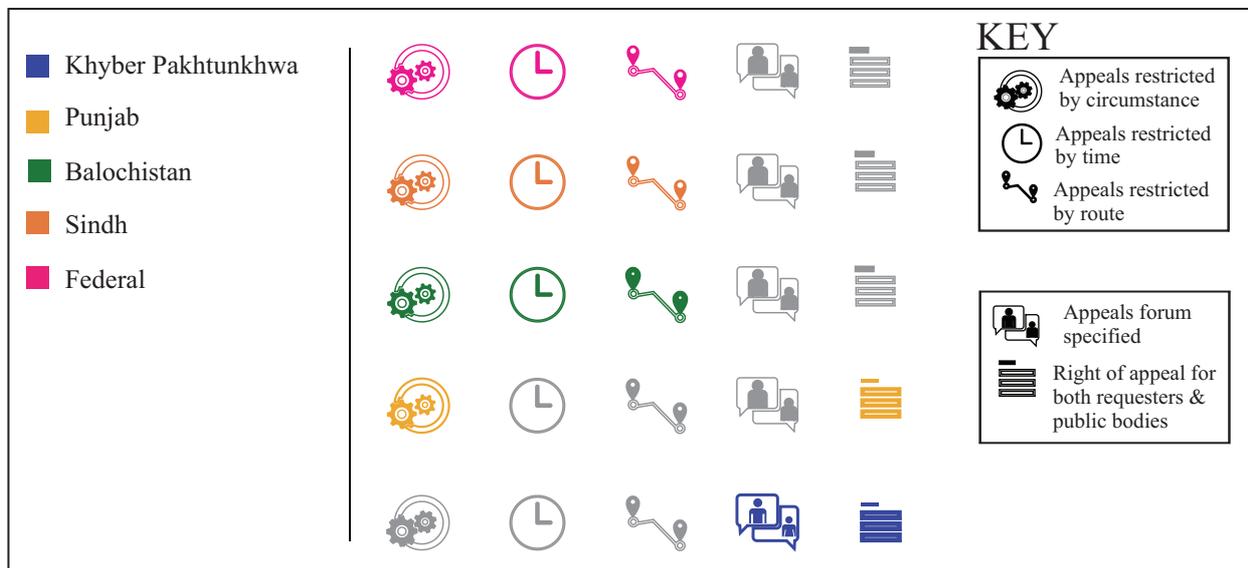
KP and Punjab

KP's RTI law has not been explicitly declared as the overriding legislation on matters pertaining to the disclosure of official information, nor does it explicitly repeal other laws or rules governing such matters. However, in practice, due to judgments passed by the KP RTI Commission and certain provisions in the law, access to information is only denied if this is justified by one of the law's exception clauses. Punjab's RTI law has been declared the overriding legislation on matters of information disclosure, however it does not explicitly repeal other laws or rules governing such matters. Both laws lost points for not explicitly repealing secrecy-promoting laws. However, Punjab's law received a much higher score of 94% on this Assessment Question, as KP's law, which received a score of 72%, has not been explicitly declared the overriding legislation on matters of information disclosure.

2. Right of Appeal and Powers of the Appellate Forum

Punjab's law was ranked 1st on this Assessment Sub-area with a score of 90% compared to KP's lower score of 75%. Unlike its counterpart in KP, Punjab's law: i) provides the right of appeal against decisions on information requests and complaints to individual

Figure 4: Right of Appeal and Restrictions



requesters and collective public bodies; ii) adequately restricts the right of appeal against decisions on complaints to preserve the Information Commission's authority; iii) ensures that removal of Information Commissioners is carried out by representative bodies of elected legislators. FOI laws at the Federal level and in Balochistan and Sindh received satisfactory scores of 52%, 50% and 51%, respectively, on this Assessment Sub-area, primarily due to subjective preferences of different scorers. However, they received lower scores than both KP and Punjab because; i) they place undue restrictions on the right of appeal against decisions on information requests; ii) they do not adequately restrict the right of appeal against decisions on complaints to preserve the Ombudsman's authority; iii) they do not establish appellate forums dedicated to the hearing of complaints, such as the KP and Punjab Information Commissions; iv) the appointment and removal of Ombudsman is not carried out by representative bodies of elected legislators.

2.1 Restrictions on Right of Appeal

Federal, Balochistan and Sindh

These laws explicitly provide individuals the right to appeal decisions made by Public Information Officers on information requests. Such appeals are to be made in front of the relevant Office of the Ombudsman, either Federal or Provincial. However, this right of appeal is unduly restricted to certain conditions, and by time and appeals route. These laws also provide individuals and public offices the right to appeal the decisions made by

the Ombudsman on FOI complaints. Such appeals are heard at a forum that is above the High Court in the judicial hierarchy. According to legislation governing the powers of the Ombudsman, at the Federal level, the President of Pakistan hears appeals, whereas at the Provincial level, the Governor of the given Province hears appeals. This right to appeal the Ombudsman's decisions is only restricted by time. No other restrictions exist within the law to preserve the authority of the Ombudsman's decisions on complaints. These laws received satisfactory scores of between 50% and 52% on this Assessment Question because: i) they explicitly identify appellate forums against decisions on requests and complaints; ii) the appellate forum against decisions on complaints is equal to or above the High Court in the judicial hierarchy. They lost points due to i) the undue restrictions they impose on applicants seeking to appeal decisions on information requests; ii) they do not adequately restrict appeals to decisions of the relevant Ombudsman.

KP

The Province's RTI Act provides individuals the right to appeal decisions taken by Public Information Officers on information requests. Such appeals are to be made in front of the KP RTI Commission, and cannot be restricted on any grounds. KP's RTI Act also explicitly mentions the forum to appeal decisions of the Commission; however, this forum – the District and Sessions Court – is lower than the High Court within the judicial hierarchy. Individual requesters may only appeal decisions of the Ombudsman; however, their

right to make such appeals is restricted by time and to certain conditions specified within the law. KP's law received a favourable score of 70% on this Assessment Question. Its score was raised by: i) the unrestricted right of appeal it provides to individual requesters against decisions on information requests; ii) restrictions on right of appeal against decisions on complaints, which effectively preserve some of the Commission's authority. However, KP's law received a lower score than its counterpart in Punjab because the appellate forum against decisions on complaints is below the High Court in the judicial hierarchy.

Punjab

The Province's RTI Act provides individuals the right to appeal decisions taken by Public Information Officers on information requests. Such appeals are to be made in front of the Punjab Information Commission; however, this right of appeal is restricted to certain conditions specified within the law. This list of conditions is, however, comprehensive and encompasses all possible violations of the Province's RTI Act. The Act provides the right to appeal decisions on information requests and complaints to both individual requesters and collective public bodies. However, the right to appeal decisions made by the Punjab Information Commission on complaints has been heavily restricted to preserve the Commission's authority. Punjab's law received an extremely favourable score of 88% on this Assessment Question because: i) it provides the right of appeal against decisions on requests and complaints to both individual requesters and public bodies; ii) the right of appeal against decisions on complaints is relatively unrestricted; iii) the right of appeal against decisions on complaints is adequately restricted to preserve the Commission's authority in deciding complaints.

2.2 Autonomy and authority of the appellate forum

Federal, Balochistan and Sindh

These laws empower the Federal/Provincial Ombudsman to enforce the law through the hearing of complaints or through suo moto action. However, the Ombudsman is not dedicated to hearing complaints made under FOI legislation, as it hears other kinds of complaints as well. Legislation covering the powers of the Ombudsman at Federal and Provincial level grant it the power to order records and files, and summon witnesses and officials while hearing complaints. The Ombudsman is also authorised to conduct inspections of public offices, order release of information to the public, make recommendations and order their implementation, and advise disciplinary action against officials violating the law's provisions. The

The Punjab RTI Act provides individuals the right to appeal decisions taken by Public Information Officers on information requests. Such appeals are to be made in front of the Punjab Information Commission; however, this right of appeal is restricted to certain conditions specified within the law

Ombudsman is also authorised to impose sanctions on officials who obstruct its orders for the disclosure of information, and prosecute officials who obstruct its proceedings for contempt of court. Finally, the Ombudsman is not appointed or removed by a representative body of elected legislators. The President/Governor of the given Province makes appointments and the Supreme Judicial Council can order removal of the Ombudsman on grounds of misconduct or physical and mental incapacity. These laws received satisfactory scores of between 49% and 51% on this Assessment Question They earned points for: i) granting the relevant Ombudsman considerable powers in investigating and taking action on complaints, and sanctioning officials for violations; ii) declaring violations of the Ombudsman's decisions as contempt of court. However, they lost points because these laws do not establish dedicated appellate forums, such as the Information Commission's established in KP and Punjab, and because the appointment and removal of the Ombudsman is not carried out by representative bodies of elected legislators.

KP and Punjab

These laws empower the respective Provincial Information Commissions to enforce the law through the hearing of complaints or through suo moto action. These Commissions are dedicated to hearing RTI-related complaints. The Commissions have been granted powers to order records and files, and summon witnesses and officials while hearing complaints. They are also authorised to conduct inspections of public offices, order release of information to the public, make recommendations and order their implementation, and advise disciplinary action against officials violating the law's provisions. The Commissions are also authorised to impose sanctions on officials who obstruct their

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orders for the disclosure of information, and prosecute officials who obstruct its proceedings for contempt of court. However, in both KP and Punjab, Information Commissioners are not appointed by a representative body of elected legislators. In KP, the Provincial Government is authorised to appoint Information Commissioners, while removal of Commissioners may be ordered by unanimous vote of all other Commissioners on grounds of misconduct or physical and mental incapacity. In Punjab, on the other hand, a multi-party committee of provincial legislators may only remove, but not appoint Information Commissioners on grounds of misconduct or physical and mental incapacity. KP's law received a favourable score of 80% compared to Punjab's score of 92% on this Assessment Question. Punjab's law received a higher score because a multi-party committee of the Punjab Assembly can only remove Information Commissioners, once appointed. On the other hand, in KP, such representative bodies are not authorised to appoint or remove Information Commissioners.

3. Exceptions within the law and Provisions to Override them

KP's law was ranked in 1st place on this Assessment Sub-area with a score of 89%, which is slightly higher than Punjab's score of 88%. While there were many similarities between both laws within this Sub-area, KP's law earned a slightly higher score because: i) all of its exemption clauses are clearly defined, unlike the list of exemptions in Punjab's law, which leaves the crucial exemption on national security relatively unclear; ii) it specifies certain conditions under which application of the harm-test, a procedure for overriding exemptions, is favoured. FOI legislation at Federal level and in Balochistan and Sindh received unsatisfactory scores of 30%, 29% and 29%, respectively. The difference in their scores was mainly determined by subjective preferences of different raters, as these laws lost points primarily for the same reasons, including: i) the existence of exemptions based on type rather than content; ii) they grant relevant Governments considerable discretionary powers in notifying or defining additional exemptions; iii) they do not adequately restrict the application of exemptions in cases where public interest favours information disclosure.

3.1 Restriction on Exemptions

Federal, Balochistan and Sindh

These laws do not ensure access, in principle, to all possible categories of information held by public

offices. Some of the exceptions within these laws are based on content, whereas others are based on type. The list of exceptions/protected interests within the law is minimal and clearly defined. However, the respective Federal/Provincial Government has been considerable discretionary powers in defining and notifying additional interests protected under the law. These powers are minimally restricted to declaring certain kinds of records as exempt; therefore, all records held by a particular office may not be restricted through notification. These laws have received unsatisfactory scores of between 39% and 40% on this Assessment Question. They lost points because: i) some exemption clauses are based on type rather than content; ii) they grant the relevant Governments considerable discretion in notifying or defining additional exemption clauses.

KP and Punjab

These laws ensure access, in principle, to all possible categories of information held by public offices. All exceptions within these laws are based on content rather than type. Information may only be withheld if it falls under one among a list of protected interests in the law. These interests are minimal and have been clearly defined. No official or public office, including the respective Provincial Information Commission, has been granted the power to define or notify additional protected interests. KP's law was ranked in 1st place on this Assessment Question with a score of 98%, compared to Punjab's score of 88%. While both laws scored highly because they contain exemptions based on content rather than type, and only allow information to be withheld on account of a minimal and clearly defined list of exemptions; Punjab's law scored lower than KP's because it does not clearly define the exemption on national security and public order.

3.2 Provisions to Override Exemptions

Federal, Balochistan and Sindh

These laws do not allow for the disclosure of information protected under certain interests/exemption clauses within the law. These laws also grant particular officials of the respective Federal/Provincial Government wide discretion in notifying further categories of information that are exempt from disclosure. Declaration of such exemptions must be premised on public interest; however, this term has not been defined within the law, nor have conditions/procedures been specified for justifying non-disclosure in public interest. These laws received extremely unfavourable scores on this Assessment Question because: i) they do not adequately restrict the application of exemptions; ii)

they afford particular officials considerable discretion in justifying which information may be withheld and why.

KP and Punjab

These laws allow for the disclosure of information protected under certain interests/exemption clauses within the law. Disclosure of exempted information is allowed after the passage of a prescribed time period, or through application of the principle of severability. No particular official or public office has been granted absolute discretion in prescribing or extending the time period after which protected information may be disclosed. These laws also allow for the disclosure of protected information on the balance of public interest. They specify a harm-test for deciding when public interest favours disclosure over and above the possible harms of disclosure. These laws also specify the procedures for applying the harm-test. However, the law in KP also specifies conditions where application of the harm-test is favoured, whereas the law in Punjab does not. However, unlike its counterpart in KP, the RTI Act in Punjab explicitly states that the Information Commission has final authority in applying or making a decision based on the harm-test, due to which it

received a much higher score of 91%, compared to KP's score of 81% on this Assessment Question.

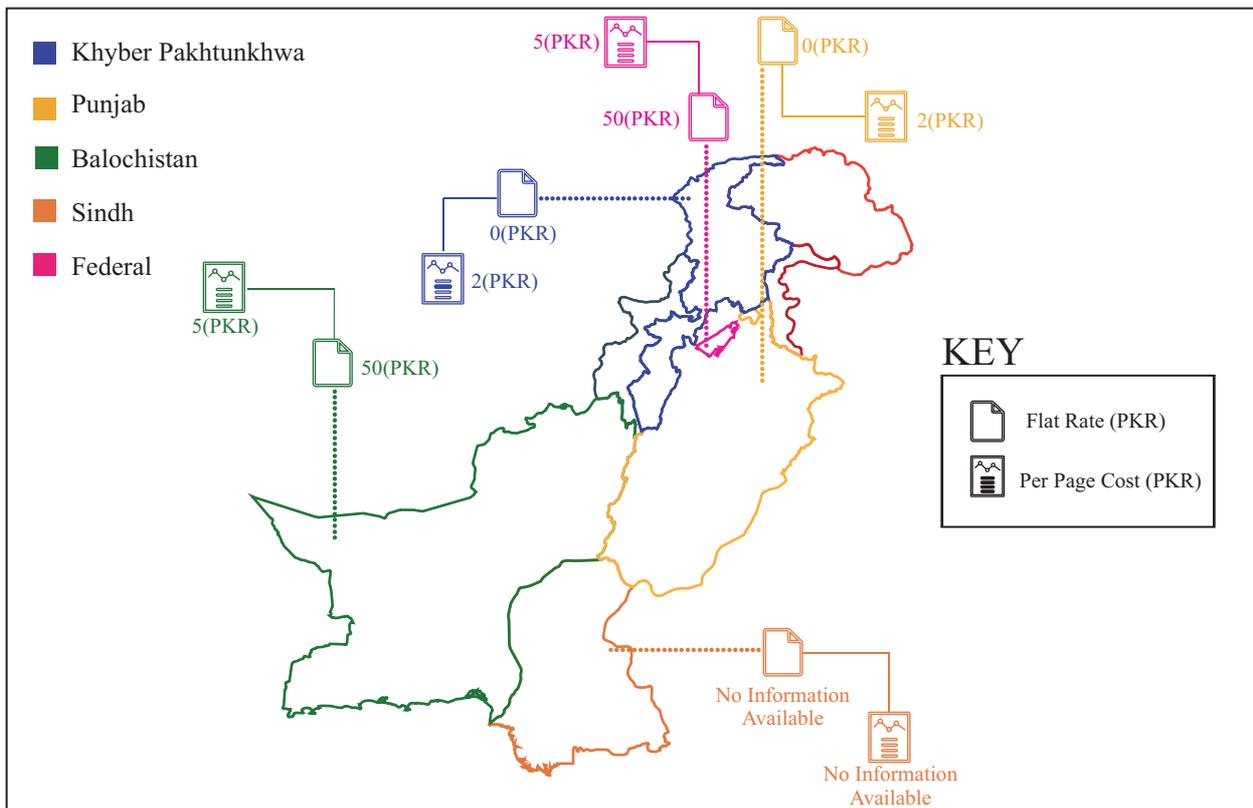
4. Requesting Procedures

4.1 Cost-effective Access to Information

Federal, Balochistan and Sindh

Since no Rules of implementation or Schedule of Costs have been notified under the Sindh Freedom of Information Act, 2006, this law cannot be assessed on this measure. FOI legislation in effect at the Centre and within Balochistan specifies prohibitive Schedule of Costs under which information is provided to the applicant. They impose a flat fee for submission of each request, regardless of length, in addition to per page charge that is considerably higher than the average copying and reproduction costs within both Federal territories and Balochistan. Further, these laws do not impose additional fees for the filing of complaints. They also do not contain provisions for reimbursement of travel and legal costs borne by complainants in case their appeals are upheld. Sindh received an extremely unfavourable score of 4% on this Assessment Question as it has yet to notify a Schedule of Costs. FOI laws at

Figure 5: Cost of Requesting Information



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Federal level and in Balochistan also received unfavourable scores of 28% each because their Schedule of Costs deters applicants from submission of requests, and because they do not ensure reimbursement of costs incurred on complaints in case the applicant's position is vindicated during hearing.

KP and Punjab

RTI legislation in effect within these Legislative/Administrative Units specifies non-prohibitive Schedule of Costs under which information is provided to the applicant. They do not impose a flat fee for submission of each request, and all documents less than 20 pages are provided free-of-cost, with a minimal per page fee charged on all documents exceeding this length. This per page fee is, however, not higher than the average copying and reproduction costs within both Provinces. Further, these laws do not impose additional fees for the filing of complaints. The law in KP was ranked 1st on this Assessment Question with a score of 96%, compared to Punjab's score of 80%. KP's law earned a much higher score than Punjab's because: i) unlike its counterpart in Punjab, it contains provisions for waiving all fees if applicants fall below the poverty line; and ii) because, unlike its counterpart in Punjab, KP's law contains provisions for reimbursement of travel and legal costs borne by complainants in case their appeals are upheld.

4.2 Timely Access to Information

Federal, Balochistan and Sindh

These laws do not specify a timeframe for written acknowledgement of an information request, even though their provisions require such acknowledgement. Public Information Officers (PIOs) designated to process information requests within public offices are required to decide information requests and communicate their decisions on them within a period of 21 days. Further, these laws do not require expeditious disposal of requests or complaints in case the life or liberty of the applicant is at stake. These laws provide two appeal routes for applicants after their information requests have been processed. If a complaint is filed with the Head of Department or other public office, the case must be decided and the decision on it communicated within 30 days. At the Federal level, if a complaint is filed with the Federal Ombudsman, the case must be decided within 60 days of the commencement of the hearing, however investigations and case preparation is not time-limited and may take a few months. However, in Balochistan and Sindh, if a complaint is filed with the relevant Provincial Ombudsman, there is no timeframe within which the case must be decided. These laws earned

unfavourable scores of between 28% and 32% on this Assessment Question, primarily because: i) they do not specify a timeframe for written acknowledgement of requests; ii) they require expeditious disposal of applications in case the life or liberty of an applicant is at stake; iii) they do not specify timeframes for investigation and hearing of Second Appeals, i.e. those complaints filed in front of the relevant Ombudsman.

KP

The law requires PIOs to acknowledge information requests in writing and communicate their decisions on them within 10 working days from date of receipt [extendable by another 10 days, if necessary]. The law specifies one appeal route against decisions of PIOs: complaint to the KP RTI Commission. The Commission is required to decide and communicate decisions on complaints within 60 days. The law also requires requests and complaints pertaining to the life and liberty of an applicant to be closed within 2 working days. KP's law received a slightly lower score of 80% compared to Punjab's score of 82% on this Assessment Question because the timeframe for deciding complaints is 60 days in KP and only 30 days in Punjab.

Punjab

The law requires PIOs to acknowledge information requests in writing and communicate their decisions on them within 14 working days from date of receipt [extendable by another 14 days, if necessary]. The law provides two appeal routes for applicants after their information requests have been processed. If a complaint is filed with the Head of Department or other public office, the case must be decided and the decision on it communicated within 14 working days. If a complaint is filed with the Punjab Information Commission, the case must be decided and the decision on it communicated within 30 working days [extendable by another 30 days, for reasons to be recorded in writing]. The law also requires requests and complaints pertaining to the life and liberty of an applicant to be closed within 2 working days.

4.3 Inclusive Access to Information

Federal, Balochistan and Sindh

These laws grant citizens of Pakistan, but not legal entities, the right to make applications for information held by government and submit complaints relating to the disposal of such applications. At the Federal level and in Balochistan, applications for information must be submitted using a special form, which requires applicants to disclose details additional to what is required for disposal of the request, including purpose

for which the information is sought, NIC No. and photocopy, and Father's Name. A request is not considered valid at the Federal level or in Balochistan if these details are not provided. In Sindh information requests must also be submitted using a special form, however since no Rules under the Sindh FOI Act have been promulgated, the details that must be provided on this form have not been specified. Finally, the FOI laws in all three Legislative/Administrative Units require PIOs to assist information requesters; however, exactly how they must do so has not been defined within these laws. These laws have received relatively similar scores between on this Assessment Question. Sindh's law has received a slightly higher score of 41%, whereas FOI laws at Federal level and in Balochistan received a score of 37% each, because it does not require disclosure of personal details for the submission of information requests due to the Sindh Government's failure to pass Rules.

KP

The KP RTI Act only grants citizens of the Province, but not legal entities, the right to make applications for information held by government and submit complaints relating to the disposal of such applications. Applications need not be submitted on a special form; however, an optional form may be provided within public offices to assist requesters. Such forms do not require applicants to disclose why they have requested the given information; however, upon directive of the KP RTI Commission, requests and complaints are submitted alongside a photocopy of the applicants NIC to ensure he/she is a resident of KP. The law requires PIOs to assist requesters in submitting applications and provides a clear description of their responsibilities in assisting requesters.

KP's Commission received a higher a score because it was able to initiate monitoring of RTI implementation within public bodies under its purview, due to which it received a higher percentage of Annual Report from these bodies and because it was able to train a higher proportion of PIOs in public bodies under its purview

Punjab

Punjab's RTI law provides all citizens of Pakistan and legal entities the right to make applications for information held by government and submit complaints relating to the disposal of such applications. Applications need not be submitted on a special form, and applicants are not required to disclose why they are requesting the given information, or any other personal details additional to what is required for disposal of the request. The law requires PIOs to assist requesters in submitting applications and provides a clear description of their responsibilities in assisting requesters. Punjab's law received a considerably higher score of 92% compared with KP's score of 61% on this Assessment Question, primarily because: i) unlike its counterpart in KP, it grants all citizens and legal entities of Pakistan the right to file requests and complaints for access of public information; ii) it does not require the disclosure of personal information such as NIC No. during the submission of requests.

Assessment Area B: Resources and Performance of Implementing Agency

The KP RTI Commission secured 1st position on this Assessment Area with a score of 67% compared with second-placed score of 53% earned by the Punjab Information Commission. KP's Commission received a higher a score because: i) it was able to initiate monitoring of RTI implementation within public bodies under its purview, due to which it received a higher percentage of Annual Report from these bodies; ii) it was able to train a higher proportion of PIOs in public bodies under its purview; iii) it received the first installment of its Budget on time. The Balochistan Government came in 3rd position on this Assessment Area with a score of 12%, closely followed by the Federal Government, which came in 4th position, with a score of 11%. Balochistan was ranked above its counterparts with FOI legislation because it was able to provide data on the designation of PIOs. The Sindh Government came in last position with a score of only 6% on this Assessment Area, because, unlike its counterparts at the Federal level and in Balochistan, the Sindh Government has still not been able to notify Rules of Implementation.

5. Coordination, Monitoring and Evaluation

The KP RTI Commission was ranked in 1st position in this Assessment Sub-area, with an unsatisfactory score of 47%. Its score was slightly higher Punjab's score of

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42% on the same Sub-area, primarily because: i) the KP RTI Commission was able to take some initial steps for monitoring of RTI implementation within public bodies under its purview; ii) KP's Commission was able to receive a higher percentage of Annual Reports from public bodies under its purview; iii) KP's Commission was able to conduct inspections of public bodies and ensure proactive online disclosure of its implementation activities on a more regular basis. Out of the administrative units with FOI legislation, Balochistan earned the highest ranking with a dismal score of 14%. Its score was higher than other administrative units with FOI legislation because it was able to provide data on the designation of PIOs. The Federal Government was rated higher than the Sindh Government on this Assessment Sub-area as the latter has yet to notify Rules of Implementation.

5.1 Verification of PIOs designation

Federal, Balochistan and Sindh

At the Federal level and in Sindh, the relevant Governments could not verify the designation of PIOs. For this reason, PILDAT did not make independent calculations for the number of public offices under the purview of FOI laws at the Centre and in Sindh. In Balochistan, the Information Department was able to verify the designation of 34 PIOs. According to independent calculations carried out by PILDAT, a total of 993 public offices fall under the purview of

Balochistan's FOI Act and must have PIOs designated within them. Thus, the ratio of designated PIOs to number of public offices where their designation is required is: 3.4%. The Federation and Sindh received a score of 0 on this Assessment Question as no data on verification of PIOs designation was provided by relevant agencies that were approached for information on implementation of FOI within these administrative units. While the Balochistan Information Department was able to provide information on PIOs designation, it still received an extremely unfavourable score of 14% as the ratio of designated PIOs to the estimated number of public bodies in the Province was extremely low, i.e. PIOs were designated in only 3.4% of public bodies.

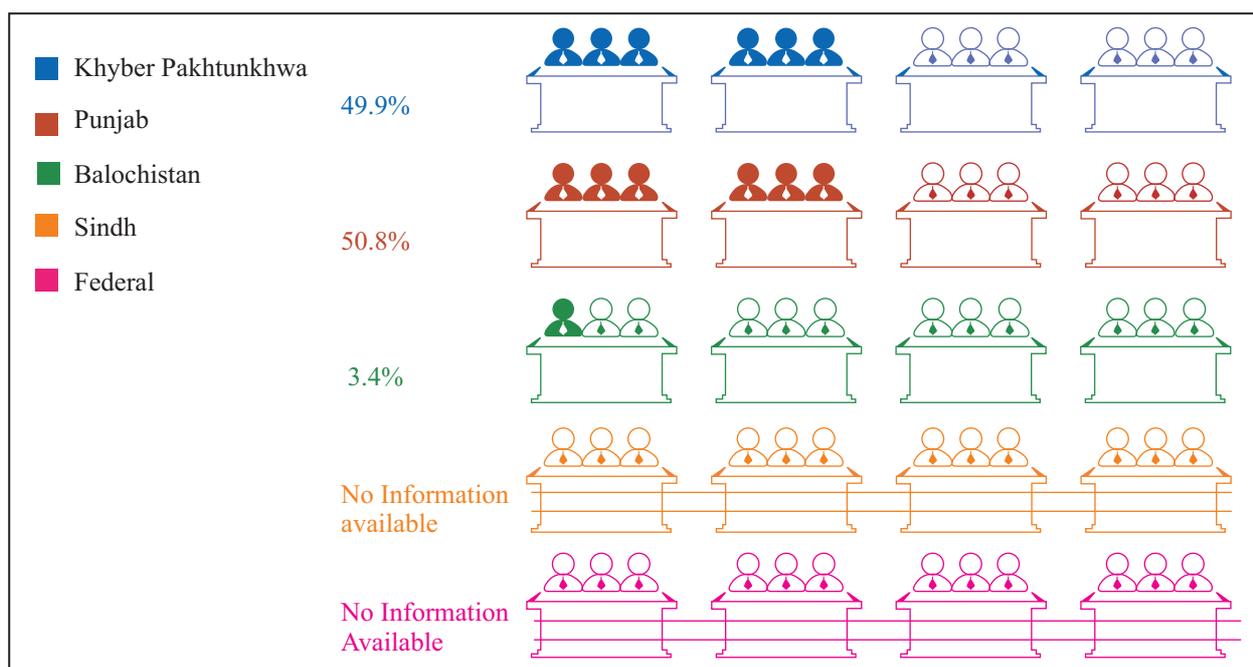
KP

The KP RTI Commission was able to verify the designation of 575 PIOs within various public bodies. According to independent calculations carried out by PILDAT, a total of 1151 public offices fall under the purview of KP's RTI Act and must have PIOs designated within them. Thus, the ratio of designated PIOs to number of public offices where their designation is required is: 49.9%.

Punjab

The Punjab Information Commission was able to verify the designation of 1000 PIOs within various public bodies. According to independent calculations carried out by PILDAT, a total of 1151 public offices

Figure 6: Number of PIOs designated by Public Body



fall under the purview of Punjab's RTI Act and must have PIOs designated within them. Thus, the ratio of designated PIOs to number of public offices where their designation is required is: 50.8%. Since PIOs were designated in 50.8% of public bodies in Punjab, compared to only 49.9% of public bodies in KP, Punjab received a higher score than the latter on this Assessment Question.

5.2 Monitoring of PIOs implementation activities

Federal, Balochistan and Sindh

Federal, Balochistan and Sindh Government's were not able to verify whether PIOs have been undertaking any activities that would strengthen FOI implementation within public offices where their designation has been verified. Such activities include:

- i) Handling information requests (including providing written acknowledgement within specified time period and initiating transfer of requests where required);
- ii) Maintaining minimum standards for management of public records;
- iii) Maintaining a register of information requests received; and
- iv) Ensuring proactive disclosure of prescribed categories of information.

Because the Federal, Balochistan and Sindh Governments were not able to verify the undertaking of these activities within public bodies under their purview, they each received a score of 0 on this Assessment Question.

KP

Out of the above-listed activities, the KP RTI Commission has been able to verify that PIOs have been handling information requests (including providing written acknowledgement within specified time period and initiating transfer of requests where required). The Commission was not able to verify whether any of the other activities listed above had been carried by PIOs within offices where their designation was verified. Despite this, the KP RTI Commission was ranked 1st on this Assessment Question, as it was the only agency able to verify and provide date on the handling of information requests within public bodies under its purview.

Punjab

The Punjab Information Commission was not able to verify whether any of the activities listed above had been carried by PIOs within offices where their

designation was verified.

5.3 Reporting by PIOs to implementing agency

Federal, Balochistan and Sindh

The Federal, Balochistan and Sindh Government's were not able to verify whether PIOs have been undertaking any reporting activities that would aid the assessment of FOI implementation within public offices where designation of PIOs was verified. These reporting activities include:

- i) Record the reasons for denial of information requests and applications for internal review
- ii) Report on violations and offences under the law within their respective offices
- iii) Submission of Annual Reports to the relevant agency tasked with monitoring implementation

Because the Federal, Balochistan and Sindh Governments were not able to verify the undertaking of these activities within public bodies under their purview, they each received a score of 0 on this Assessment Question.

KP

The Province's RTI Commission has been able to verify that 8% of all designated PIOs have submitted Annual Reports to Information Commissioners. PIOs of 23 public offices submitted Annual Reports to the Commission within the prescribed time period, while PIOs of a further 23 public bodies submitted their Annual Reports to the Commission after passage of the prescribed time period. The Commission has not been able to verify whether PIOs have been undertaking any of the other above-listed reporting activities within public offices where their designation has been verified.

Punjab

The Province's Information Commission has been able to verify that 6.5% of all designated PIOs have submitted Annual Reports to Information Commissioners. PIOs of 35 public offices submitted Annual Reports to the Commission within the prescribed time period, while PIOs of a further 35 public bodies submitted their Annual Reports to the Commission after passage of the prescribed time period. The Commission has not been able to verify whether PIOs have been undertaking any of the other above-listed reporting activities within public offices where their designation has been verified. Since the KP RTI Commission, compared to its counterpart in Punjab, received a higher percentage of Annual Reports from public bodies under its purview, it

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received a higher score of 32% and was ranked in 1st place on this Assessment Question. The Punjab Information Commission received a slightly lower score of 28% and was ranked in 2nd place.

5.4 Action taken for Improvement of Implementation

Federal, Balochistan and Sindh

The Federal and Balochistan Government's were only able to notify Rules and Schedule of Costs for the streamlining and improvement of implementation; a step which the Sindh Government has still not taken. This is why both Governments received a higher score of 36% in comparison to Sindh's score of 8% on this Assessment Question. However, the Federal, Balochistan and Sindh Governments were not able to undertake any other activities that would aid in improving FOI implementation within public offices where designation of PIOs was verified. These activities include:

- i) Physical inspection of public offices
- ii) Issuance of circulars/notifications on implementation, including Rules
- iii) Orders/notifications for removal of difficulties
- iv) Recommendations to relevant legislature for improving implementation (especially within Annual Report)
- v) Proactive Disclosure through website of Focal Agency

KP

The KP RTI Commission has undertaken inspection of 2 public offices. It has issued notifications for designation of PIOs, Schedule of Costs, and standards of proactive disclosure and public record management to various public offices and Provincial Government Departments. However, it has not yet notified Rules of implementation under the RTI Act. The Commission has also yet to present an Annual Report within the Provincial Assembly with recommendations for improvement of RTI implementation. It has also not been able to issue notifications for the removal of difficulties in implementation. However, the Commission has been updating its website on a weekly basis with details on RTI implementation.

Punjab

The Punjab Information Commission has not been able to undertake inspection of any public offices. It has issued notifications for designation of PIOs, Schedule of Costs, and standards of proactive disclosure and public record management to various public offices and Provincial Government Departments. It has also

notified Rules of implementation under the RTI Act. The Commission was also able to present its first Annual Report to the Provincial Assembly with recommendations for improvement of RTI implementation. It has also not been able to issue notifications for the removal of difficulties in implementation. However, the Commission has been updating its website on an irregular basis with details on RTI implementation. Even though the Punjab Information Commission was able to notify Rules and publish its Annual Report, unlike its counterpart in KP, it still received a slightly lower score of 60% compared to KP's score of 66% on this Assessment Question. This is because the KP RTI Commission was able to conduct inspections of some public bodies, and undertake proactive disclosure of its activities on a regular basis. The Punjab Information Commission, on the other hand, was not able to conduct inspections or regularly update its website with details of its activities for RTI implementation in the Province.

6. Promotion of Implementation activities

The KP RTI Commission secured 1st position on this Assessment Sub-area with a score of 83% compared to the Punjab Information Commissions score of 64%. It received a higher score than its counterpart in Punjab because: i) it was able to train a considerably higher proportion of PIOs in public bodies under its purview. The Federal, Balochistan and Sindh Governments earned identical scores of 4% each on this Assessment Sub-area as they were either unable to undertake any promotional activities, or they were unable to verify whether any such activities had been undertaken.

6.1 Publication and Distribution of Promotional Materials

Federal, Balochistan and Sindh

The Federal, Balochistan and Sindh Government's were not able to physically publish or verify physical dissemination of materials that promote public use of the law and better application of RTI provisions within public offices. These materials include:

- i) Procedures and requirements of submitting information requests and complaints
- ii) A Schedule of Departments/Officers under the purview of RTI/FOI
- iii) A Directory of PIOs, including designation and contact details

Online dissemination of these materials was also not undertaken by relevant implementing agencies. This

explains the extremely unfavourable scores of 4% earned by each administrative unit on this Assessment Question.

KP and Punjab

The KP RTI Commission and Punjab Information Commission were not able to physically publish or verify physical dissemination of materials that promote public use of the law and better application of RTI provisions within public offices. However, materials such as procedures and requirements of submitting information requests and filing complaints have been published online. Promotional materials like Directory of PIOs and Schedule of Departments have also been published online. However, both Commissions were not able to undertake online dissemination of these materials. Since the performance of both Commissions was identical on this Assessment Question, they were tied in 2nd place with a score of 76% each.

6.2 Training of PIOs and Distribution of Training Resources

Federal, Balochistan and Sindh

The Federal, Balochistan and Sindh Government's were not able to verify the training of PIOs to enhance the capacity of their assigned offices for FOI implementation. No PIOs were provided training

materials either. This explains the extremely unfavourable scores of 4% earned by each administrative unit on this Assessment Question.

KP and Punjab

In KP, the ratio of trained PIOs to number of public offices in which such training is required under law is: 86.8%. All trained PIOs were provided training materials during these trainings. In Punjab, the ratio of trained PIOs to number of public offices in which such training is required under law is: 17.9%. All trained PIOs were provided training materials during these trainings. KP's higher proportion of trained PIOs earned it 1st position on this Assessment Question, with a score of 96% compared to Punjab's unfavourable score of 35%.

6.3 Public Messaging and Awareness

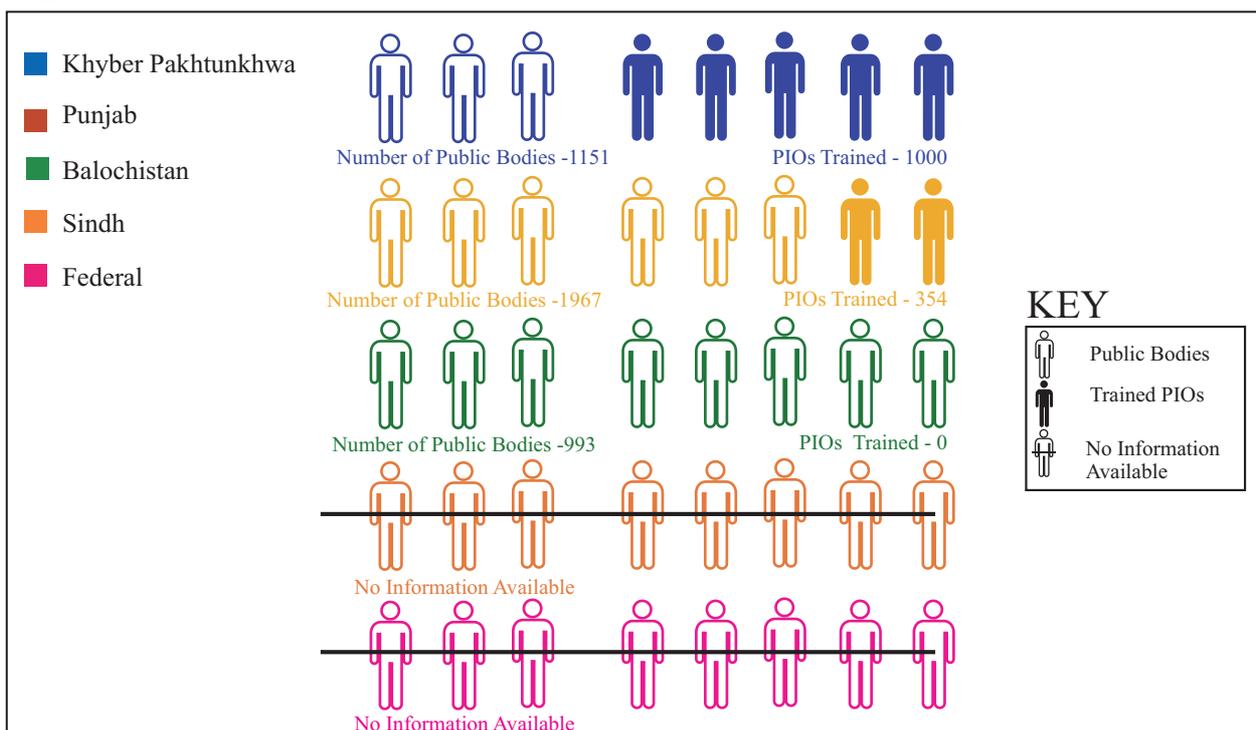
Federal, Balochistan and Sindh

No public awareness campaigns or messaging was undertaken through the media in these Legislative/Administrative Units. This explains the extremely unfavourable scores of 4% earned by each administrative unit on this Assessment Question.

KP and Punjab

The KP RTI Commission initiated public awareness

Figure 7: Number of PIOs trained by Public Body



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campaigns on the possible benefits and uses of RTI and the procedures of exercising this right. Key messages of this campaign were disseminated through print, television and radio advertisements. The Punjab Information Commission also initiated public awareness campaigns on the possible benefits and uses of RTI and the procedures of exercising this right. Key messages of this campaign were disseminated through social media and through print, television and radio advertisements. The Punjab Information Commission received a slightly higher score of 82% compared to the KP RTI Commission's score of 78% on this Assessment Question, as it was able to initiate a more wide-ranging public awareness campaign, which also spanned the social media.

7. Resources Allocated to the Implementing Agency

7.1 Adequacy of Allocated Resources

Federal, Balochistan and Sindh

The relevant Offices of the Federal and Provincial Ombudsman's have been allocated funds for annual expenditures, physical infrastructure and staff. These authorities have not been allocated funds for database management. Resources allocated to these agencies are not dedicated to the implementation of RTI. This explains the unfavourable scores of 30% earned by each administrative unit on this Assessment Question.

KP and Punjab

First installment of the KP RTI Commission's Budget for 2014/15 was released within 2 months of the passage of the relevant RTI law, and the Commission currently has full no vacancies against its 45 sanctioned positions. First installment of the Punjab Information Commission's Budget for 2014/15 was released within 11 months of the passage of the law, and it currently has 5 officers and 6 support staff against 46 sanctioned positions. Since the KP RTI Commission was allocated budgeted funds and human resource in a more timely manner, it was ranked 1st on this Assessment Question with a perfect score of 100% compared to the Punjab Information Commission's unfavourable score of 26%.

7.2 Timeliness of Resource Distribution

Federal, Balochistan and Sindh

Not applicable, as no resources have been dedicated to the implementation of FOI. This explains why these administrative units were not scored on this Assessment Question.

KP and Punjab

First installment of the KP RTI Commission's Budget for 2014/15 was released within 2 months of the passage of the relevant RTI law. First installment of the

The KP RTI Commission was ranked higher than its counterpart because: i) it was able to verify how many information requests were disposed of in time by public bodies under its purview; ii) it was able to dispose of a larger proportion of information complaints on time

Punjab Information Commission's Budget for 2014/15 was released within 11 months of the passage of the relevant RTI law. Since the KP RTI Commission's Budget was released in a more timely manner, it was ranked 1st on this Assessment Question with a perfect score of 100% compared to the Punjab Information Commission's unfavourable score of 26%.

Assessment Area C: Combined Output in Requests and Complaints Processing

The KP RTI Commission was ranked 1st in this Assessment Area with a satisfactory score of 66% compared to the second-placed Punjab Information Commission, which earned an unfavourable score of only 29%. The KP RTI Commission was ranked higher than its counterpart because: i) it was able to verify how many information requests were disposed of in time by public bodies under its purview; ii) it was able to dispose of a larger proportion of information complaints on time; iii) it was able to maintain a higher rate of disclosure and lower rate of pendency in the processing of complaints.

8.1 Reported Output in Processing of Information Requests

Federal, Balochistan, Sindh and Punjab

No data was provided on this measure by the relevant implementing agencies. This explains the score of 0 earned by each administrative unit on this Assessment Question, tying them in joint last place.

KP

Within the reporting period, the KP RTI Commission was able to verify the receipt of 220 information requests by designated PIOs. Of these requests, 205 led to decisions being communicated to requesters within

the prescribed time period, i.e. 93% of all received requests. No data was provided on the number of requests acknowledged in writing before the passage of the prescribed time period. This explains why the KP RTI Commission secured 1st position on this Assessment Question with a score of 84%.

8.2 Output of Implementing Agency in the Processing of Complaints

Federal, Balochistan and Sindh

Not applicable as the relevant Ombudsman's are not bound by law to process complaints within a given time. This explains why these administrative units were not scored on this Assessment Question.

KP and Punjab

Within the reporting period, the KP RTI Commission received a total of 842 complaints, of which 610 led to communication of decisions within the prescribed time period. Thus, 72% of all complaints received within the reporting period were decided and decisions on them communicated within the prescribed time period. Within the reporting period, the Punjab Information Commission received a total of 1200 complaints, of which 280 led to communication of decisions within the prescribed time period. Thus, 23% of all complaints received within the reporting period were decided and decisions on them communicated within the prescribed time period. Since the KP RTI Commission was able to process a larger proportion of complaints on time, it was ranked first on this Assessment Question with a score of 85% compared to the Punjab Information Commission's score of 54%.

8.3 Disclosure and Pendency Rate of Information Request

Federal, Balochistan, Sindh, KP and Punjab

No data provided on this measure by the relevant agencies. This explains why all off these administrative units earned a score of 0 on this Assessment Question.

8.4 Disclosure and Pendency Rate of Complaints Processing

Federal, Balochistan and Sindh

Disclosure rate in processing of requests by the Federal Ombudsman: 59.8%. Accurate data was not provided for calculation of the pendency rate by the Federal Ombudsman. Since the Federal Ombudsman maintained the second-highest disclosure rate, but was not able to provide accurate data for calculating the pendency rate, it was ranked 4th on this Assessment Question with a score of 58%.

Disclosure rate in processing of requests by the Balochistan Ombudsman: 59.8%. Pendency rate in

processing of requests by the Balochistan Ombudsman: 25%. The Balochistan Ombudsman was ranked 2nd on this Assessment Question with a score of 76% as it was able to maintain the second-highest disclosure rate and the third-lowest pendency rate in the processing of complaints.

Disclosure rate in processing of requests by the Sindh Ombudsman: 44.6%. Pendency rate in processing of requests by the Federal Ombudsman: 45.1%. The Sindh Ombudsman was ranked last on this Assessment Question with a score of 56% as it had the lowest rate of disclosure and the second-highest rate of pendency in the processing of complaints.

KP and Punjab

Disclosure rate in processing of requests by the KP RTI Commission: 83.3%. Pendency rate in processing of requests by the KP RTI Commission: 8.6%.

The KP RTI Commission was ranked 1st on this Assessment Question with a score of 96% as it was able to maintain the highest disclosure rate and the lowest pendency rate in the processing of requests.

Disclosure rate in processing of requests by the Punjab Information Commission: 50%. Pendency rate in processing of requests by the Punjab Information Commission: 50%. The Punjab Information Commission was ranked 3rd on this Assessment Question, as it had the third-highest disclosure rate and the highest pendency rate in the processing of complaints.

9. Timeliness and Completeness of Information provided on Implementation

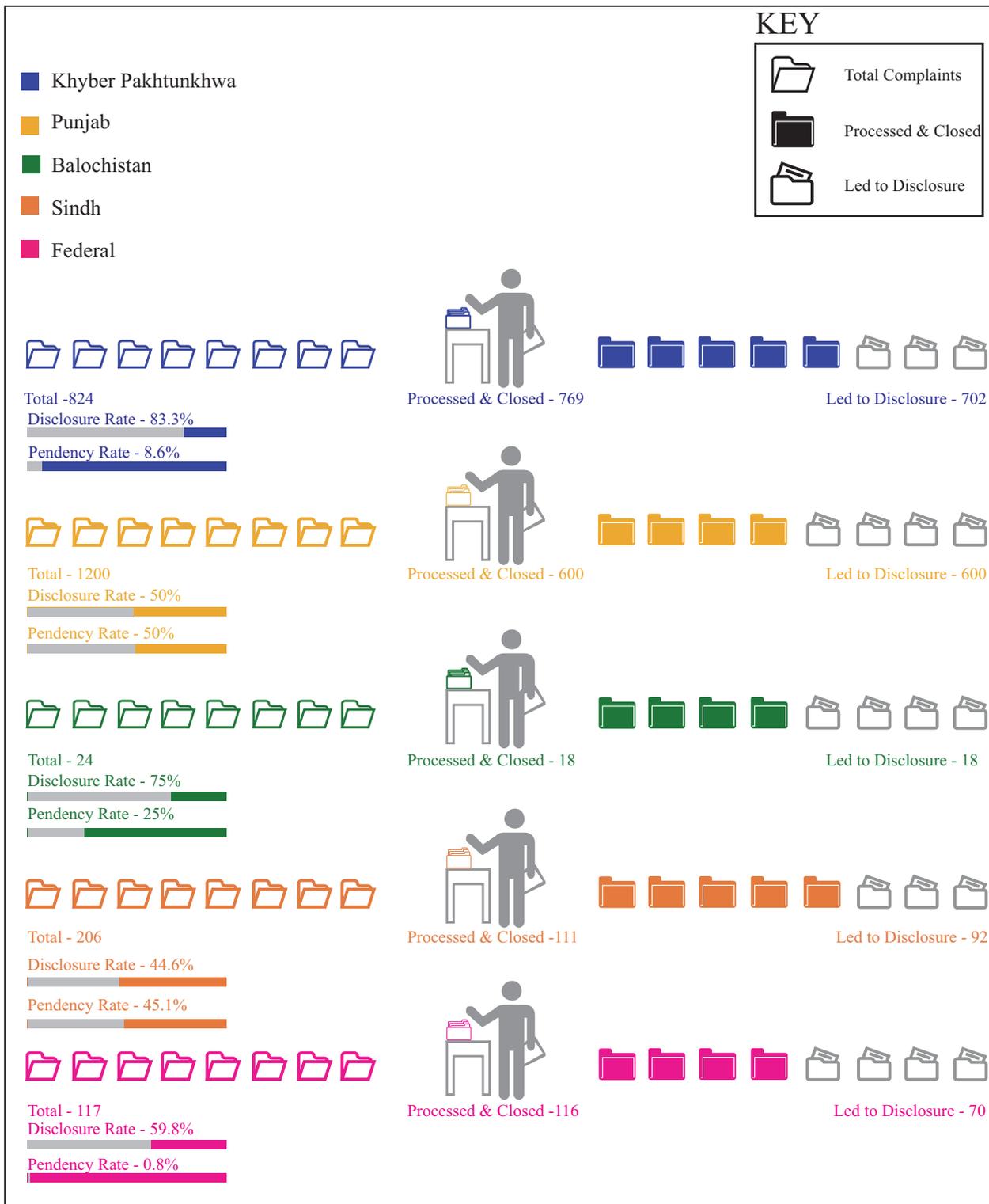
This Assessment Sub-area gauges the extent to which the information and data requested in this study was provided in an accurate, complete and timely manner.

With a favourable score of 84.4%, the KP RTI Commission has been ranked in 1st place on this Assessment Sub-area. The Commission provided 83% of the information and data requested on RTI implementation within a period of 32 working days. With a favourable score of 70%, the Punjab Information Commission has been ranked in 2nd place on this Assessment Sub-area. The Commission provided 61% of the information and data requested on RTI implementation within a period of 31 working days. With an unfavourable score of 20%, The Federal Government has been ranked last, i.e. in 5th place on this Assessment Sub-area, as it was able to provide only 13% of the information and data requested on RTI implementation within a period of 40 working days.

PILDAT
Comparative Scorecard

Right to Information (RTI) Legislation and Implementation in Pakistan at Federal and Provincial levels

Figure 8: Complaints heard by Appellate Forum



Appendices

PILDAT
Comparative Scorecard

*Right to Information (RTI) Legislation and Implementation
in Pakistan at Federal and Provincial levels*

Appendix A: Assessment Framework and Methodology

RTI/FOI legislation and their associated implementing agencies have been compared and assessed in this Scorecard. This comparative assessment was carried out within four broad areas:

- A) Strength of the Law
- B) Resources and Performance of the Implementing Agency
- C) Combined Output in Requests and Complaints Processing
- D) Timeliness and Completeness of Information provided on Implementation

To ensure accuracy and sensitivity of this Scoring Framework, these Assessment Areas were divided into a number of Assessment Sub-areas. Each Sub-area was further divided into a number of Assessment Questions, with each Question having equal weightage in the overall Scoring Framework. Assessment Questions were formulated by PILDAT on the basis on international standards on the form and implementation of RTI legislation currently in use. There were a total of 24 Assessment Questions, each of equal weightage in the overall Scoring framework. These have been outlined in Table 2.

Table 2 Assessment Framework for Scoring Exercise

Sr. No.	Assessment Area	Assessment Sub-area	Assessment Question
A	Strength of the law	1. Scope of the law	1.1 To what extent does the law provide access to different types of information [e.g. file notings, budgets, meeting minutes etc.] in a variety of forms [inspection, hard copy, electronic copy]?
			1.2 To what extent does the law provide access to information held within public bodies falling under different administrative tiers [either Federal & Local, or Provincial & Local] and functions of government [i.e. legislative, judicial, executive]?
			1.3 To what extent does the law take precedence over other laws pertaining to information disclosure and information management?
		2. Right of Appeal and Powers of the Appellate Forum	2.1 To what extent does the law ensure broad and unrestricted right of appeal to both individuals and public bodies on matters of information disclosure?
			2.2 To what extent is the Information Commission/Ombudsman operationally autonomous and authorized to ensure compliance within its prescribed jurisdiction?
		3. Exemptions within the law and Provisions to Override them	3.1 To what extent are exemptions listed in the law minimal, time-bound and clearly defined?
			3.2 To what extent does the law favor the disclosure of exempted information in public interest?
		4. Requesting Procedures	4.1 To what extent does the law and notifications [i.e. Rules of Business, Schedule of Costs etc.] issued under it facilitate cost-effective public access to information?
			4.2 To what extent does the law and notifications issued under it [i.e. Rules of Business, Schedule of Costs etc.] facilitate timely public access to information?
			4.3 To what extent does the law and notifications issued under it [i.e. Rules of Business, Schedule of Costs etc.] facilitate inclusive public access to information?

Sr. No.	Assessment Area	Assessment Sub-area	Assessment Question
B	Resources and Performance of the Implementing Agency	5. Coordination, Monitoring and Evaluation	5.1 To what extent has the Information Commission/Department been able to verify designation of officials as Public Information Officers in all public bodies under the law's purview?
			5.2 To what extent has the Information Commission/Department verified that PIOs are undertaking their prescribed responsibilities within their assigned offices?
			5.3 To what extent has the Information Commission/Department been able to verify that PIOs are holistically and without-delay reporting on implementation of the within their assigned offices?
			5.4 To what extent has the Information Commission/Department taken steps to improve implementation of the law within public bodies under its purview?
		6. Promotion of Implementation activities	6.1 To what extent has the Information Commission/Department promoted implementation of the law by publishing relevant information on RTI law and its requesting procedures?
			6.2 To what extent has the Information Commission/Department promoted implementation of the law by training PIOs and providing training resources within all public bodies under its purview?
			6.3 To what extent has the Information Commission/Department promoted implementation of the law by initiating mass awareness campaigns on the public's right to know and the procedures involved in exercising this right?
		7. Resources Allocated to the Implementing Agency	7.1 To what extent has the Information Commission/Department been allocated adequate resources to meet its physical infrastructure [budget, furniture, premises], virtual infrastructure [website, database management system] and human resource requirements?
			7.2 To what extent has the disbursement of allocated resources to Information Commission/Department been timely?
		C	Combined Output in Requests and Complaints Processing
8.2 To what extent has the Information Commission/Ombudsman been able to process information complaints received in its given jurisdiction within the prescribed time-period?			
8.3 To what extent have PIOs been able to ensure maximum disclosure (a high disclosure rate) while processing information requests submitted to their assigned offices?			
8.4 To what extent has the Information Commission/Department been able to ensure maximum disclosure (a high disclosure rate) while processing the complaints submitted to it within its prescribed jurisdiction?			
D	Timeliness and Completeness of Information provided on Implementation	9. Timeliness and Completeness of Information requested on Implementation	n/a

All existing RTI/FOI legislation and their focal agencies for implementation were comparatively assessed within this Scorecard. These agencies, including the agencies who were approached for information on implementation, have been outlined in Table 3.

PILDAT
Comparative Scorecard

*Right to Information (RTI) Legislation and Implementation
in Pakistan at Federal and Provincial levels*

Table 3 Laws and Focal Agencies assessed in the Scoring Exercise

Sr. No.	Legislative/ Administrative Unit	Law(s) Assessed	Focal Agency for Implementation	Focal Agency for Information on Implementation
1	Federal Government of Pakistan	Freedom of Information Ordinance, 2002 The Establishment of the Office of the Wafaqi Mohtasib (Ombudsman) Order, 1983 The Federal Ombudsman Institutional Reforms Ordinance, 2013	i) The Federal Government of Pakistan ii) The Office of the Federal Ombudsman of Pakistan	i) Cabinet Division & Ministry of Information, Broadcasting and National Heritage ii) The Office of the Federal Ombudsman of Pakistan
2	Provincial Government of Balochistan	Freedom of Information Act, 2005 The Establishment of the Office of Ombudsman for the Province of Balochistan Ordinance, 2001	i) The Provincial Government of Balochistan ii) The Office of the Provincial Ombudsman of Balochistan	i) Balochistan Information Department ii) The Office of the Provincial Ombudsman of Balochistan
3	Provincial Government of Sindh	Freedom of Information Act, 2006 The Establishment of the Office of Ombudsman for the Province of Sindh Act, 1991	i) Provincial Government of Sindh ii) The Office of the Provincial Ombudsman of Sindh	i) Sindh Information and Archives Department ii) The Office of the Provincial Ombudsman of Sindh
4	Provincial Government of Khyber Pakhtunkhwa	Right to Information Act, 2013	i) Khyber Pakhtunkhwa Right to Information Commission	i) Khyber Pakhtunkhwa Right to Information Commission
5	Provincial Government of Punjab	Transparency and Right to Information Act, 2013	i) Punjab Information Commission	i) Punjab Information Commission

Data and information on each Assessment Question was collected and compiled in a Data Report. Aside from conducting a review of each law based on secondary sources, the Assessment exercise involved the collection of primary data on various measures of the law's implementation and the performance of relevant implementing agencies. In the phase of primary data collection, data forms were sent to each of the implementing agencies identified above. Data was requested under Article 19-A of the Constitution and the relevant RTI/FOI law in effect. Data was requested for a period between January 01, 2014 and July 31, 2015. An Evaluation Group from within PILDAT was tasked with assessing information within the Data Report on the basis of pre-defined Scoring Guidelines, which were prepared after consultations with the Punjab Information Commission and the Khyber Pakhtunkhwa Right to Information Commission. Each Scorer in the Evaluation Group assigned a value between 1 and 5 (with 5 being the highest) on each Assessment Question for each Legislative/Administrative Unit being assessed. The Average Score awarded to each Legislative/Administrative Unit on each Assessment Question was calculated and recorded.

The number of public offices under the purview of RTI/FOI was a key item of information which none of the relevant focal agencies approached were able to provide. PILDAT calculated the number of public offices under RTI/FOI purview, where required, while making the following assumptions: i) One PIO/designated official should be designated in a public body regardless of size; ii) Number of Districts = Number of Assistant Commissioner Offices and also District Coordination Offices; iii) Number of Tehsils = Number of Tehsil Municipal Administrations (regardless of functionality); iii) NGOs not considered as public bodies; iv) All Offices of autonomous bodies like development authorities were considered as public bodies; v) Basic Health Units, Rural Health Clinics, Primary Schools and Thanas were considered separate public bodies as they are unlikely to have an officer above BPS-17 permanently posted.



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