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**PILDAT**  
**Media Brief**

**Right to Information (RTI) and  
the News Media**

**PILdAT**  
Pakistan Institute of  
Legislative Development  
And Transparency

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**Media Brief**

**Right to Information (RTI) and  
the News Media**

PILDAT is an independent, non-partisan and not-for-profit indigenous research and training institution with the mission to strengthen democracy and democratic institutions in Pakistan.

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## **Abbreviations and Acronyms**

Centre for Law and Democracy	CLD
Development Alternatives Inc.	DAI
Election Commission of Pakistan	ECP
Enhanced Democratic Accountability and Civic Participation	EDACE
Federal Board of Revenue	FBR
International Covenant on Civil and Political Rights	ICCPR
Khyber Pukhtunkhwa	KP
Public Information Officer	PIO
Punjab Education Sector Reforms Programme	PERSP
Punjab Information Commission	PIC
Right to Information	RTI
Universal Declaration of Human Rights	UDHR



## Foreword

Pakistan was the first country in South Asia to pass legislation guaranteeing the Right to Information (RTI) in the South Asian Region through the Freedom of Information Ordinance 2002. Public awareness and use of this right in Pakistan, however, has not been as widespread as in the rest of South Asia.

As part of its ongoing efforts to enrich the RTI reform agenda in Pakistan, PILDAT has prepared and published this Media Brief on **Right to Information and the News Media**.

### Acknowledgements

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### Disclaimer

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

Islamabad  
September 2015





## **RTI in Pakistan and the World**

The Right to Information (RTI) is an internationally protected right that is enshrined in the United Nations' Universal Declaration of Human Rights (UDHR) 1948 and the International Covenant on Civil and Political Rights (ICCPR) 1968. The Commonwealth Secretariat has also endorsed this right in March 1999 and in a Commonwealth Heads of Government Meeting in November of the same year.

Before 1989, there were only 13 countries which have adopted RTI in the world, most of them in Western Europe. However, since 1995 this number has increased to 103, with 90 new countries adopting RTI legislation or enacting constitutional guarantees for this right. Now that a majority of the 193 UN Member States have recognized and ensured RTI, the nature of official information management and citizen-state relations has been transformed irreversibly: transparency and accountability are gradually becoming the norm rather than the exception.

In Pakistan, a few early yet unsuccessful efforts to enact RTI legislation – the Private Members Bill introduced in the Senate in the early 1990s and subsequent efforts in Benazir Bhutto's first government – were all premised on the need to ensure transparency and accountability in government.

Later, in 2002, Pakistan became the first country to pass RTI legislation in South Asia with the enactment of the Freedom of Information Ordinance. Near-identical laws were passed within Balochistan and Sindh, in 2005 and 2006 respectively. These laws are outdated – even by the international standards on RTI in vogue when they were passed – and their implementation has generally been weak.

Encouragingly, on April 09, 2013, passage of the 18<sup>th</sup> Constitutional Amendment enshrined RTI as a fundamental right under Article 19A. Later in the same year, Khyber Pukhtunkhwa (KP) and Punjab passed progressive RTI laws, on November 04, 2013, and December 14, 2013, respectively. If it were in the mandate of the Global RTI Rating to evaluate subnational laws, then the RTI law in KP would have been the best in the world at the time of its passage, scoring a total of 137 out of 150 points, whereas Punjab's law would also have been placed highly in the world with 123 points.

However, on June 23, 2015, the Provincial Assembly of KP passed damaging amendments to the Province's

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otherwise progressive RTI law, removing itself from the law's purview and considerably reducing the powers of the KP RTI Commission – the body responsible for implementing and enforcing the law in government departments. After much public outcry, the first of these amendments were rolled back – on September 10, 2015 – however, the Information Commission's powers have yet to be restored.

While the Punjab Information Commission (PIC) has issued landmark judgments pertaining to the release of expenditure-related information from the Punjab Governor House and the Chief Minister's Secretariat, implementation of RTI in the Province has encountered another set of obstacles – not only was the budget of the Commission released 6 months late, but many government departments, including those involved in the Punjab Education Sector Reforms Programme (PESRP), have been failing to disclose key categories of information related to their functioning, as required by law.

More recently, however, some encouraging RTI-related developments have taken place. On August 19, 2015, Sindh Information Minister Mr. Nisar Ahmed Khuhru, assured early passage of the draft RTI law under consideration by the Sindh Cabinet. On September 03, 2015, Chief Minister of Balochistan, Mr. Abdul Malik Baloch, also assured that his Government was working towards the passage of a new RTI law.

Aside from advocating for effective implementation of the progressive RTI laws in Punjab and KP, the RTI reforms movement in Pakistan must urgently focus on the updating of the ineffectual and outdated RTI laws in

effect at the Federal level and within Sindh and Balochistan. A progressive RTI Bill has already been finalized at the Centre since July 2014, after having been drafted by the Senate Standing Committee on Information, Broadcasting and National Heritage and vetted by the Law Division and the Cabinet Division. However, it has yet to be approved by the Federal Cabinet, a prerequisite for being tabled in Parliament as an Official Government Bill, in over 14 consecutive meetings, the most recent being held on August 24, 2015.

Pakistan, with its current outdated FoI Ordinance 2002, is placed at 83<sup>rd</sup> position out of 102 countries according to Canada-based Centre for Law and Democracy's (CLD's) Global RTI Rating. However, Pakistan's new draft RTI law could obtain the highest score on the same ranking,<sup>1</sup> as the best legal framework on the right to information in the world, projected to be 11 points ahead of the best rated law of Serbia at present, if Parliament passes this draft Bill in its current form.

Given this situation, it is necessary for the media and civil society to rally around the RTI movement in Pakistan. Isolated pressure movements, such as the one in KP which successfully ensured repeal of some of the controversial amendments to the Province's RTI Act, have claimed some limited successes. But so far, neither the media nor civil society have been able to sustain the pressure on government necessary for nationwide RTI reforms. If these stakeholders were to be more engaged in the RTI movement as they have been in India, the Federal Government would be more likely to pass its internationally acclaimed RTI Bill. This would galvanize demands for stronger RTI legislation and more effective implementation throughout Pakistan, and could potentially earn Pakistan the distinction of becoming the foremost proponent of RTI in the world.

1. The Centre for Law and Democracy: Note on the draft Right to Information Act of Pakistan, at: [http://www.law-democracy.org/live/wp-content/uploads/2015/07/Pakistan.RTI\\_Note\\_Jul151.pdf](http://www.law-democracy.org/live/wp-content/uploads/2015/07/Pakistan.RTI_Note_Jul151.pdf)

## What is RTI and Why it is Important

RTI refers to the fundamental right of citizens to access the information held by government, documenting its actions, functions, expenditures, etc. This right is exercised when citizens put in a request for official information or file a complaint against official refusal to honor such requests. In modern democracies, this right extends in principle to all types of official records, stored in all manner of forms and falling under all administrative tiers – local, provincial, and federal – and functions – legislative, judicial, and executive – of state. Only the protection of a minimal and clearly-defined list of interests, such as privacy, economic and international relations, and national security, among others, justifies the non-disclosure of official information. And even so, by current international standards, such exemptions must cease to apply after a stipulated time-period or if the public benefit of disclosure outweighs its harms.

Governments are also bound to ensure that their offices are properly staffed, funded, trained and equipped to facilitate citizens' access to official information. They must ensure that all departments and offices voluntarily disclose key categories related to their funding, expenditure, and overall functioning. Public offices must also designate officials, or Public Information Officers (PIOs), responsible for processing and responding to RTI-requests and conducting internal review of First Appeals. These officials must be adequately trained and empowered to undertake their duties effectively. Public offices must also voluntarily provide information, both physically and electronically, necessary for the public to understand what information is held by it and how this can be accessed. Adequate resources must be devoted to the electronic storage and retrieval of such information,

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and the maintenance of a register of all received and closed information requests. Finally, governments must authorize an independent statutory body to oversee and assess the implementation of these prescribed measures, and ensure compliance with them under law. This includes the powers to hear Second Appeals against the non-disclosure of requested information, and reporting to Parliament annually on the implementation progress achieved with respect to RTI.

Modern RTI legislation also incorporates provisions ensuring quick, inexpensive and all-inclusive access to official information. These include defined time-limits for response to an information request and the release of requested information; minimal costs for filing information requests and non-disclosure related complaints; and provisions for the assistance of the differently abled in accessing official information.

Provided that all the above measures and procedures are enshrined in law and implemented in letter and spirit, RTI has the potential to yield many benefits for both governments and citizens alike. In the hands of citizens, RTI law is a powerful tool for participating in the democratic process, understanding and assessing government performance, addressing issues in the access of social services, accessing personal information and documents, and combating corruption and abuse of power within government. Whereas for governments, RTI shores up key indicators of good governance, including public approval and trust, improved institutional memory, enhanced operational efficiency, and stronger rule of law.

Over the past two decades in which it has spread across the globe rapidly, RTI has not only transformed the ways in which governments manage and disseminate information; it has also empowered citizens, even the most marginalized, to tilt the balance of citizen-state relations in their own favour. In countries such as India, for example, the passage of RTI has allowed the exposure of official corruption and mismanagement on a scale unheard of before – with over 4 million RTI requests being filed every year and the exposure of an unprecedented number of corruption cases in recent years.

The success of RTI in the Indian context has encouraged more and more countries and intergovernmental organizations to include RTI within their policies and development plans. For the first time, this year, RTI has been included in United Nations' Sustainable Development Goals Talks, currently underway in New York, which will define the post-2015 Global Development Agenda and consequently the future direction of international development assistance for many years to come.

## How the Media Can Use RTI

Media persons require accurate and up-to-date information to undertake their responsibility of reporting on issues of public interest and the performance of the legislature, judiciary and executive. Modern RTI legislation grants both print and electronic media an unprecedented level of access into the inner workings of government. This empowers the media to produce up-to-date fact-based reports on issues that were either previously off-limits or about which verifiable information is not readily available. The following examples illustrate the many ways in which RTI can help the media in carrying out their jobs.

### Investigative Journalism

RTI is a powerful tool in the hands of an investigative journalist, both seasoned and inexperienced. While traditionally journalists have relied on 'sources' to produce investigative reports about the inner workings of government, the information they thus obtain may often, depending on the source, vary greatly in terms of quality and accuracy. This reliance on 'sources' especially disadvantages new entrants in the field of journalism who have not had the time to develop well-placed sources unlike their senior colleagues.

Journalists are empowered under the RTI to produce fact-based reports on government performance and issues of public interest. The example of a citizen journalist and activist, Mr. Naem Sadiq, is important in this regard. Mr. Sadiq was a wildlife and conservation activist who was concerned about the annual hunting trips of Saudi princes to Sindh in pursuit of Houbara Bustards, an endangered bird for which hunting licenses are in other cases strictly not granted. Mr. Sadiq filed an RTI request under the Sindh Freedom of Information Ordinance 2006 and Article 19A of the Constitution, which was initially denied. He later filed an appeal in the High Court on January 23, 2014, which subsequently upheld his request, and ordered release of the information he requested. This revealed the gross misconduct on part of forestry department by first granting a permit that should otherwise have been denied, and then allowing its limit of 100 birds in ten days to be blatantly violated by over 2000 birds in the same time period.

Mr. Sadiq proceeded to file RTI requests on a host of different issues including issue of illegal gun licenses in Sindh, ghost schools in Sindh and the nationality status of Members of the Parliament, issues on which he produced impactful and well-publicized reports. Even more experienced journalists such as Mr. Ansar Abbasi

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(example quoted below) have benefitted from the use of RTI legislation in their reporting. Rather than exclusively relying on sources, journalists are provided an alternative means of obtaining and verifying information. They are also provided a means of producing accurate and factual long-form reports on various issues of public interest, and gauge the impact of their reporting, for example, by submitting periodic information requests to a particular department to track issues over time.

### Understanding Government Performance

An investigative reporter, used the Freedom of Information Ordinance 2002 to investigate the income tax returns filed by Parliamentarians to the Federal Board of Revenue (FBR) in September 2011. He submitted requests to both the FBR and the Election Commission of Pakistan (ECP) but received no response. He eventually produced a report based mostly on informal sources, however the denial of his requests by multiple government bodies suggested the malafide intentions on part of government. Proactive disclosure of tax records by the FBR under the RTI also helped the Reporter in producing a report that received nationwide coverage.

More recently, as part of its ongoing efforts to assess the quality of democracy in Pakistan, PILDAT successfully used RTI legislation at the Federal level to obtain attendance records of Members of the Parliament. After initially submitting a request to the National Assembly Secretariat in March 2013, PILDAT later filed an appeal to the Federal Ombudsman when its request was denied. In October 2013, the Ombudsman upheld PILDAT's request and

ordered release of MNA attendance records. An appeal against this decision was filed by the National Assembly Secretariat to the President of Pakistan, where the issue remained pending until July 2015, when President Mamnoon Hussain ruled in PILDAT's favour and ordered the release of the requested records. As a result, MNA attendance records have begun to be published online the National Assembly of Pakistan website since June 05, 2015. The Senate of Pakistan, following suit, has also begun to share attendance records of Senators both in the plenary and in committees.

While the eventual release of MNAs' attendance records took much longer than originally anticipated, it bears noting that under a more progressive RTI law, such as the internationally-acclaimed Federal RTI Bill under consideration by the Cabinet, the release of these records would have been ordered in a much more timely fashion.

#### **Reporting on Irregularities and Issues of Public Interest**

In May 2008, Mr. Ansar Abbasi, a nationally-renowned reporter for *The News* and *Daily Jang*, obtained details about the lawyers hired and fees paid to each lawyer in defence of President Pervez Musharraf's Presidential candidacy within the Supreme Court. It was subsequently revealed that the fees were paid by the Ministry of Law and Justice from the national exchequer, even though the Federal Government was not a party to the case. On July 14, 2008, Mr. Abbasi published reports in English and Urdu revealing his findings. Both reports attained nationwide coverage.

In March 2014, the Pakistan Press Foundation submitted a total of 60 RTI requests at the Federal level and within all four Provinces on the status of police investigations into the murder of journalists between the years 2002-2013. This request was submitted after many years of extensive attacks on journalists. While it bears mentioning that the requests on status of investigations into journalists' murders did not yield the desired information, the submission of these requests formed the basis for subsequent reporting and advocacy on the issue.

## **How can Media Contribute to the RTI Movement**

As the proverbial 'Fourth Estate', Pakistani media has an important stake in the proper functioning of democracy. The media performs the vital function of reporting on government performance and issues of public interest, and of informing the public about their rights and responsibilities under law. This enables citizens to make informed political choices and become more aware of their roles in society. Thus, a powerful media contributes to the strengthening of democracy.

However, a powerful media also requires substantial freedoms in accessing and imparting information about government performance and public interest issues, a right that is only guaranteed within a fully functioning democracy. Given that RTI is so crucial to the effective functioning of democracy, the media must take a more active role in the ongoing RTI reforms movement in Pakistan.

One of the reasons RTI legislation in Pakistan is so under-utilized is a lack of public awareness and media interest in the issue. By comparison, the Indian media has been much more active in the country's RTI movement – collaborating with civil society and RTI activists, training staff on RTI and setting up RTI cells at bureau offices responsible for submitting and tracking RTI requests. Pakistani media may follow this example and contribute to the RTI movement in the following ways:

### **Reporting on the Movement**

Even in India, which now has a burgeoning RTI movement, the media was initially reluctant to take ownership of RTI legislation. The traditional reliance on sources was difficult to see past by many in the media. Eventually, however, after the consolidation of various grassroots RTI movements under the National Campaign for Peoples' Right to Information in 1996, the media took up the issue of RTI in a more meaningful way, generating the pressure necessary for the eventual passage of India's historic Right to Information Act 2005. Continued reporting by the Indian media on RTI-related issues has greatly impacted levels of public awareness of RTI, which has in turn spurred the exponential growth of RTI applications in India every year.

Closer to home, media coverage given to the passage of Pakistan's first modern RTI law by the Provincial Government of KP also encouraged the Provincial Government of Punjab to expedite the passage of its

own RTI law.

### **Advocating for Better Laws and More Effective Implementation**

On June 23, 2015, the KP Assembly passed controversial amendments to the RTI Act 2013, which was the first and, at the time, most progressive RTI law in Pakistan. The amendments excluded the KP Assembly from RTI Act ambit and reduced the powers of the KP RTI Information Commission. The Amendments were criticized heavily within the media and by PILDAT. As a result, on September 10, 2015 another amendment was passed, this time bringing the KP Assembly under the purview of the RTI Act once again. However, the crippling amendments in the powers of the KP RTI Commission have still yet to be reversed.

Media advocacy on the issue has already been profoundly helpful in rolling back one of the controversial clauses within the KP RTI (Amendment) Act 2015. This issue must now be pursued by the media in the future to ensure that the Information Commission is restored to its previous status, a without an empowered and independent Information Commission, overall implementation of RTI is likely to suffer within the Province of KP.

## **Recommendations to the Media**

### **Reporting in Favour of a Progressive RTI Laws at the Federal Level:**

1. The traditional requirements of journalistic neutrality do not apply in proactive demand by the media for urgent introduction and promulgation of the progressive RTI law at the Federal level
2. Make Demands in Media for more progressive RTI laws and better implementation of existing laws across the provinces
3. Fostering healthy partnerships with civil society groups carrying the RTI movement forward to obtain accurate and up-to-date information about the movement
4. Forming RTI Cells which are responsible for tracking the progress of demands for progressive RTI laws and their implementation and sustaining relationships with prominent activists on RTI

### **Regular Reporting**

The media can use RTI laws for reporting on public interest issues and government performance by:

1. Giving precedence to public interest reporting on the broadsheet
2. Gradually moving the emphasis of reporting from day-to-day reporting on immediate issues to long-form stories detailing long-term government performance in a particular area
3. Forming citizens-media collaborations using RTI as a tool for reporting on issues of public interest
4. Supplementing and verifying the information obtained from journalistic sources with facts and data access through RTI requests
5. Training staff members within dedicated RTI cells on how to submit RTI requests and how to use the information obtained through such requests for impactful public interest reporting
6. Following up on well-publicized public interest stories with RTI requests to ascertain the impact of such reports on government functioning and decision-making

### **Advocating for Effective RTI legislation and Stronger Implementation**

The media can advocate for stronger RTI laws and their more effective implementation by:

1. Publicly disseminating information on the provisions of RTI laws, the procedures for exercising this right, and key developments within the RTI movement through multiple channels

2. Taking ownership of the RTI movement as its success is essential to the larger cause of ensuring greater media freedom

Reporting on the gaps in RTI legislation and its implementation within their jurisdictions and thus creating pressure on government for reform of outdated laws and more effective implementation of existing laws



## Recommended Reading

1. PILDAT Background Paper on More Effective Right to Information Legislation and its Implementation in Pakistan.  
Online in English at:  
[http://www.pildat.org/Publications/publication/FOI/MoreEffectiveRighttoInformationLegislationinPakistan\\_BackgroundPaper.pdf](http://www.pildat.org/Publications/publication/FOI/MoreEffectiveRighttoInformationLegislationinPakistan_BackgroundPaper.pdf)  
In Urdu at:  
[http://www.pildat.org/Publications/publication/FOI/MoreEffectiveRighttoInformationLegislationinPakistan\\_BackgroundPaper\\_Urdu.pdf](http://www.pildat.org/Publications/publication/FOI/MoreEffectiveRighttoInformationLegislationinPakistan_BackgroundPaper_Urdu.pdf)  
In Sindhi at:  
[http://www.pildat.org/Publications/publication/FOI/MoreEffectiveRighttoInformationLegislationinPakistan\\_BackgroundPaper\\_Sindhi.pdf](http://www.pildat.org/Publications/publication/FOI/MoreEffectiveRighttoInformationLegislationinPakistan_BackgroundPaper_Sindhi.pdf)
2. For analysis on the RTI law currently in effect at the Federal Level please read PILDAT Briefing Paper for Pakistani Parliamentarians: Freedom of Information. Online in English at:  
<http://www.pildat.org/Publications/publication/FOI/FreedomofInformation.pdf>  
And in Urdu at:  
<http://www.pildat.org/Publications/publication/FOI/FreedomofInformation-urdu.pdf>  
Also read PILDAT Proceedings Report: Briefing Session for Parliamentarians and Parliamentary Staff.  
Online at: [http://www.pildat.org/Publications/publication/FOI/FreedomofInformationProceeding\\_07\\_2004.pdf](http://www.pildat.org/Publications/publication/FOI/FreedomofInformationProceeding_07_2004.pdf)
3. For analysis on the RTI law under consideration at the Federal Level please read PILDAT Legislative Brief: Right to Information Bill, 2014. Online at:  
[http://www.pildat.org/Publications/publication/FOI/LB\\_TheRighttoInformationBill2014.pdf](http://www.pildat.org/Publications/publication/FOI/LB_TheRighttoInformationBill2014.pdf)
4. To follow periodic developments on the RTI in Pakistan please follow PILDAT's monitor on the The State of Right to Information on Pakistan issued monthly online on [www.pildat.org](http://www.pildat.org).
5. For analysis of the Indian experience of involving the media in RTI please read PILDAT Media Brief: Activating the Right to Information in South Asia. Online at:  
[http://www.pildat.org/Publications/publication/FOI/ActivatingtheRighttoInformationinSouthAsia\\_PILDATMediaBrief.pdf](http://www.pildat.org/Publications/publication/FOI/ActivatingtheRighttoInformationinSouthAsia_PILDATMediaBrief.pdf)

## Links to Previous Monitors:

- PILDAT Monitor: The State of Right to Information in Pakistan; August 2015. Online in English at:  
[http://www.pildat.org/Publications/publication/FOI/RTIMonitor\\_Aug15\\_Eng.pdf](http://www.pildat.org/Publications/publication/FOI/RTIMonitor_Aug15_Eng.pdf)  
In Urdu at: [http://www.pildat.org/Publications/publication/FOI/RTIMonitor\\_Aug15\\_Urdu.pdf](http://www.pildat.org/Publications/publication/FOI/RTIMonitor_Aug15_Urdu.pdf)  
In Sindhi at: [http://www.pildat.org/Publications/publication/FOI/RTIMonitor\\_Aug15\\_Sindhi.pdf](http://www.pildat.org/Publications/publication/FOI/RTIMonitor_Aug15_Sindhi.pdf)
- PILDAT Monitor: The State of Right to Information in Pakistan; July 2015. Online in English at:  
[http://www.pildat.org/Publications/publication/FOI/PILDATMonitorontheStateofRighttoInformationLegislationinPakistan\\_July2015.pdf](http://www.pildat.org/Publications/publication/FOI/PILDATMonitorontheStateofRighttoInformationLegislationinPakistan_July2015.pdf)  
In Urdu at: [http://www.pildat.org/Publications/publication/FOI/RTIMonitor\\_July15\\_Urdu.pdf](http://www.pildat.org/Publications/publication/FOI/RTIMonitor_July15_Urdu.pdf)  
In Sindhi at:  
[http://www.pildat.org/Publications/publication/FOI/RTIMonitor\\_July15\\_Sindhi.pdf](http://www.pildat.org/Publications/publication/FOI/RTIMonitor_July15_Sindhi.pdf)



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