
The Implementation of the Right of Access to Information Act 2017 Progress and Challenges

November 18 2018 to November 31, 2020

Foreword

It is a matter of great satisfaction that Pakistan Information Commission, in a short span of less than two years, has issued over 130 detailed judgments on contentious issues pertaining to disclosure of information. In these detailed judgments, Pakistan Information Commission has developed transparency narrative to counter the secrecy narrative through its interpretation of the Right of Access to Information Act 2017. Notwithstanding the stiff resistance by some of the federal public bodies, the commission will continue ensuring implementation of its Orders.

This commission is endeavoring to change prevailing culture where secrecy is a norm and transparency an exception. As such, information which should be proactively made available to citizens through web sites is shrouded in the cloak of secrecy.

The significance of proactive disclosure of information can hardly be exaggerated. While the commission will continue adjudicating on the appeals of the citizens to ensure their access to information in all matters of public importance, it will ensure that federal public bodies proactively publish categories of information mentioned in Section 5 of the Act.

The commission is also mindful of fact that the information should be accessible for all citizens, including the blind, low-vision, physically disabled, speech and hearing impaired and people with other disabilities. This commission will ensure that the public bodies incorporate web accessibility standards in the design of their web sites.

I would like to take this opportunity to thank UNESCO for its support in developing Appeal Management System which will help citizens in filing and tracking their appeals through the web site of the commission. I would also like to appreciate the support of civil society organizations and thank -TDEA, SSDO, CGPA, CPDI, IRADA and others-which have greatly facilitated the commission in carrying out its functions at a time when it did not have the required staff or office space.

I would also like to congratulate the staff of the commission and my fellow commissioners Mr. Fawad Malik and Mr. Zahid Abdullah for what they have been able to achieve despite all odds in such a short period of time. I would like to take this opportunity to thank Mr. Fawad Malik and deeply appreciate his assistance to the nascent commission in legal matters.

Last but not the least I highly appreciate the contribution of Mr. Zahid Abdullah in developing the content of this report and continuously preparing updates for official website of the Commission.

Mohammad Azam
Chief Information Commissioner
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List Of Abbreviations

Allama Iqbal Open University	AIOU
Civil Aviation Authority	CAA
Capital Development Authority	CDA
Centre for Governance and Public Accountability	CGPA
Computerized National Identity Card	CNIC
Centre for Peace and Development Initiatives	CPDI
Convention on Rights of Persons with Disabilities	CRPWD
Election Commission of Pakistan	ECP
Employees Old- Age Benefits Institution	EOBI
Federally Administered Tribal Areas	FATA
Federal Board of Revenue	FBR
Federal Investigation Agency	FIA
First Information Report	FIR
Federal Public Service Commission	FPSC
Intelligence Bureau	IB
International Covenant on Civil and Political Rights	ICCPR
Islamabad Capital Territory	ICT
Islamabad Electric Supply Company	IESCO
Islamabad High Court	IHC
Institute for Research and Development Advocacy	IRADA
Khyber Pakhtunkhwa	KP
Lahore Electric Supply Company	LESCO
Lahore High Court	LHC
Ministry of Foreign Affairs	MoFA
National Accountability Bureau	NAB
National Bank of Pakistan	NBP
National Transmission and Dispatch Company	NTDC
National University of Modern Languages	NUML
Pakistan Electronic Media Regulatory Authority	PEMRA
Pakistan Environmental Protection Agency	PEPA

Public Information Officer	PIO
Pakistan law Digest	PLD
Pakistan Tehreek-e-Insaf	PTI
Persons with disabilities	PWDs
State Bank of Pakistan	SBP
Sui Northern Gas Pipelines Limited	SNGPL
Sustainable Social Development Organisation	SSDO
Trading Corporation of Pakistan	TCP
Trust for Democratic Education and Accountability	TDEA
The Universal Declarations of Human Rights	UDHR
United Nations Educational, Scientific and Cultural Organization	UNESCO
Worldwide web Consortium	W3C
Web Content Accessibility Guidelines	WCAG

EXECUTIVE SUMMARY

Although Pakistan Information Commission was established on November 7, 2018, it is yet to acquire requisite staff and it got office space only in June, 2020. Despite these resource constraints, the Commission has so far received a total of 682 appeals, out of which 257 have been resolved and the requested information has been provided to the appellants to their satisfaction. The remaining appeals are at various stages of resolution as notices have been issued and hearings are being conducted on these appeals three days of every week.

The commission received highest number of appeals against the Ministry of Defence, (37), followed by Registrar Office, Supreme Court of Pakistan, (36), Cantonment Boards, (25) and Ministry of Finance, (21). Eighteen appeals were filed against the Ministry of Information and Broadcasting, seventeen against CDA while fifteen appeals were filed against FIA and fourteen against FBR. Twelve appeals were filed against the Ministry of Interior. Eleven appeals were filed against each of the ECP, SBP, NADRA, the Ministry of Law and Justice and NBP. Ten appeals were filed against each of Cabinet Division, the Ministry of Climate Change, PEMRA and National Assembly.

The analysis of the appeals filed by citizens reveals that most of the requests pertained to finalised audit paras and audit reports of public bodies, information about legislative bills laid in the Parliament, information about the publications pertaining to the asset details submitted by parliamentarians to Election Commission of Pakistan, number of FIRs filed under different provisions of Cyber law and number of convictions, certified copies of the contracts signed by public bodies to hire services of sanitary workers, total number of sanctioned and vacant posts in different public bodies and the quota for the disabled and transgender persons, information available with NADRA about total number of CNIC issued to women, and the total number of transgender persons and people with disabilities in the country, certified copies of the enquiry reports against officials, certified copies of the merit lists of candidates and recruitment criteria, details of assets of judges and officers and salaries, perks, privileges and benefits of judges, civil and military officers. These appeals suggest that, through the exercise of their right of access to information in matters of public importance, citizens aim at realising their other rights like access to justice, gainful employment on equal basis by ensuring judicious utilisation of public funds, improving governance, reducing corruption and inefficiency in public bodies through transparency and public accountability.

The commission has issued a total of 139 detailed orders on the appeals filed by citizens against federal public bodies for delaying or unlawfully denying access to information. The highest number of orders, six each, were issued against four public bodies i.e. the Ministry of Interior, ECP, NADRA and CDA, followed by four each against seven federal public bodies, i.e. against the MoFA, FIA, Cabinet Division, the Ministry of Law and Justice, Metropolitan Corporation, NBP and Cantonment Boards. Three detailed orders were issued against each of four public bodies, i.e. PEPA, PEMRA, SNGPL and Islamabad College for Boys. Two orders were issued against each of ten public bodies, i.e. EOBI, the Ministry of Climate Change, NUML, NTDC, National Assembly, LESCO, TCP, Ministry of Religious Affairs and the Ministry of Finance. The commission issued one order against each of fifty-five federal public bodies.

Each order of the commission is being vigorously pursued for implementation through show-cause notices seeking time-bound compliance reports. If a public body does not challenge order of the commission in the high court after 30 days of the issuance of the order, the commission issues show cause notice to the concerned public body to ensure the implementation of its order. So far, ECP, Office of the President, SNGPL, the Ministry of Law and Justice and NTDC have challenged orders of the commission in the High Court. Instead of implementing the Order of the commission or

challenging in Islamabad High Court, as required under the Act, Senate Secretariat sent a letter to the commission stating that “Chairman, Senate is authorized to declare any, or, all record of the Senate Secretariat as classified”. The information requested from Senate Secretariat pertained to total number of sanctioned and vacant posts, quota for the disabled etc. which the commission declared to be public information under the Right of Access to Information Act 2017.

Through its detailed orders, the commission has established following principles under the Act:

- Bodies which receive any support in cash or kind by the federal government are public bodies as in the cases of SNGPL and Islamabad Club.
- The principle of attorney-client privileged communication is not applicable when fees paid to the lawyers from public funds are involved.
- A Public Information Officer can only demand from an appellant production of CNIC when it is warranted by objective grounds, i.e. a request for information seems to have been filed from abroad.
- Public bodies have to record reasons for relying on an exemption clause and mere reference to an exemption clause does not mean that a public body has been able to establish burden of proof in accordance with the provisions of the Act.
- The Right of Access to Information Act 2017 overrides all other laws and exceptions of other laws are not applicable.
- The requested information can only be classified if the harm from disclosure outweighs public interest and it has to be established through the reasons recorded by the minister-in-charge.
- The word ‘accessible’ in Section 5 pertaining to the proactive disclosure of information through web sites means that information proactively disclosed through the web sites of the public bodies should be accessible to all citizens, including those with different disabilities and that the public bodies need to incorporate WCAG of W3C; and Noting’s on the file, minutes of the meetings and intermediary opinions are public documents if the requested information pertains to a matter about which final decision has already been made by the public body.
- Constitutional bodies also come within the purview of the definition of public body as in the cases of ECP and the Office of the President.
- The appeal seeking asset details of NAB employees, their children and spouses was dismissed as the commission held that harm to the legitimate privacy interests of NAB employees, their spouses and children far outweigh any public interest that the disclosure of the details of their assets may entail. However, NAB was directed to proactively disclose performance reports, audit reports, evaluation reports, inquiry or investigative reports and other reports pertaining to its employees that have been finalized through its web site.

Other achievements of the Commission during this period include the following:

- a)** The Commission has drafted, notified and published the Right of Access to Information Act Rules 2020 in response to the queries of the Ministry of Law and Justice which has been notified after the approval of the Federal Cabinet.
- b)** The commission developed service rules so that it could recruit staff for the commission once the commission has the budget. These service rules were shared with Establishment Division once the Ministry of Finance formally sanctions post for officers and staff for the commission.
- c)** The Commission developed and notified a Schedule of Costs for the guidance of applicants and government officers on August 23, 2019. Citizens will be no longer required to first deposit fee for filing an information request under the Schedule of Cost notified by the commission. Previously, citizens were required to deposit Rs.50 at the time of submitting an information request to a federal public body under Freedom of Information Rules 2004 which was great hindrance in the exercise of the right of access to information in matters of public importance as guaranteed by Article 19-A of the Constitution of Islamic Republic of Pakistan.
- d)** Giving primacy to proactive disclosure of information as required under Section 5 of the Act, the commission has developed 'Template for the Compliance Report-Proactive Disclosure of Information under Section 5 of the Right of Access to Information Act 2017'. The commission is ensuring through its Orders and Circulars that all federal public bodies publish information according to this template.
- e)** The commission developed 'Procedure for the Processing of Appeals' as required under Section 27 (c) of the Act.
- f)** Realising the significance of the fact that information should be accessible to all citizens, including persons with disabilities, the commission has developed checklist for all federal public bodies to ensure that information provided through web sites is made accessible to the blind, low vision people and persons with other disabilities.
- g)** Letters and circulars were issued to remind and guide public bodies as well as PIOs about their responsibilities under the Act.
- h)** The Commission developed and issued 'Guidelines for Public Information Officers and Heads of Federal Public Bodies for the Implementation of the Right of Access to Information Act 2017 which are being shared with Public Information Officers and the heads of public bodies.

On the request of the commission, TDEA developed a website of the Commission (www.rti.gov.pk). This provides significant resources for the guidance of people and government officers including PIOs. The commission has been able to establish its office after prolonged delay of One year and eight months; the commission has yet to acquire requisite staff to effectively perform its functions.

Despite the lack of requisite staff, the commission has been doing all that is possible to achieve its goals ever since its inception. The Establishment Division has not yet approved Service Rules of the commission. As such, the process of recruitment of staff above BPS 16 has not started yet. However, the commission has started process of hiring staff from BPS 1

to 15. With over 8 months of unreleased salaries of the members of the commission as well as the lack of an official working space until June, 2020, the commission has been taking significant steps towards the promotion of peoples' constitutional right of access to information and transparency in government.

After the appointment of the Chief Information Commissioner and two information commissioners, the major challenge for the Commission was to establish a functional office, which took considerable time in view of time-consuming government procedures related to approval of budget, creation of posts, opening up of account, hiring of office building, arranging staff and procurements. The commission began performing its substantive functions right after its inception in 2018 and has been doing so tirelessly without even an official working space till June 2020. All functions were performed entirely in accordance with, *inter alia*, section 19 of the Right of Access to Information Act, 2019. One of the most important functions of the Commission is to receive and decide on appeals among others, wrongful denial or delay in providing access to information.

For the first year and seven months, working from the one-room office in the Information Services Academy, the Commissioners issued notices on all 185 appeals to the federal public bodies. In the absence of staff and required equipment, at the initial stages, the appeals were processed with the help of the TDEA.

The Act also requires the Commission to take steps to create public awareness about their right to information. In the absence of budgetary support and being mindful of this responsibility and its importance, the Commission gave interviews to print and electronic media. The commission also created a Twitter handle and a Facebook page of the commission. The goal of using these social media platforms is to spread awareness about the commission, its responsibilities and the rights provided to citizens in the Act on social media. Additionally, all social media handles are linked with the official website of the commission to keep a consistent front of information and keep each channel, the website and the social media accounts, updated and in sync for coherent information.

The commission faced almost identical challenges as faced by Punjab Information Commission for more than a year and a half since its inception. The major challenge faced by the Commission involved administrative and logistical arrangements, especially in terms of setting up its office. The Commission could have performed much better if the government had managed to provide a small office space and minimal staff soon after its establishment.

Pakistan Information Commission, like the Punjab Information Commission also faced other challenges like lack of public awareness about the Act, endemic culture of secrecy and consequent resistance to provide access to information, lack of interest and initiatives on the part of administrative heads of departments in terms of owning and implementing the Act, and limited capacity at lower levels of the government for efficient disposal of information requests. This report makes suggestions about the steps necessary to address the challenges and facilitate government functionaries in the context of their responsibility of providing timely access to information.

1. INTRODUCTION

Now right to information is almost universally recognized as a human right with over 120 countries which have enacted national right to information laws to facilitate citizens in the exercise of their right of access to information held by the government. However, Sweden was the first country in the world which acknowledged access to information as a right through its Freedom of Press Act 1766. United Nation's General Assembly passed resolution 59 (1) soon after it was established in 1946 which highlighted the significance of the right of information. It says:

Freedom of information is a fundamental human right ... the touchstone of all freedoms to which the UN is consecrated.

Previous century also witnessed the significance of right to information being recognised by a range of the regional and multilateral institutions. For example, Article 19 of UDHR, 1948 states:

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

The right of information is also affirmed by Article 19 of ICCPR1966:

"1. Everyone shall have the right to hold opinions without interference.

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

Article 9 of UN CRPWD recognises barriers faced by persons with disabilities in the exercise of their fundamental rights including the right to information. The article talks about the elimination of barriers pertaining to "information, communications and other services, including electronic services and emergency services."

Article 21 Freedom of Expression and Opinion, and Access to Information:

Article 21 of UN CRPWD pertains to ensuring that persons with disabilities have freedom of expression as well as freedom of information. They should be able to receive and impart information in the manner of their choice. The states are required to ensure that information intended to be provided to the general public should be made available to persons with disabilities in formats they prefer, and in a timely manner and there should not be extra costs involved for making the information accessible. The states parties should accept and facilitate “the use of sign language, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions”.

Furthermore, not only the officialdom should be able to communicate with persons with disabilities in the manner of their choice, the state’s parties are required to encourage private entities that provide services to the general public, including through Internet, to do the same. This provision of the article aims at fostering the spirit of accepting diversity and differences as the generally accepted modes of communication are not the only ways of communication and having access to information. Many countries have framed necessary laws and operationalized standards to give equal access to information to their citizens with disabilities. In Pakistan, in the absence of web accessibility policy, almost all the official websites are inaccessible, in varying degrees, to the disabled people. This digital divide can be bridged only by framing a comprehensive web accessibility policy and enactment of relevant laws in this context. Through such a policy, the government should make it binding on all private sectors institutions and organisations to make their website accessible.

The Constitution of the Islamic Republic of Pakistan, only recognised the freedom of speech and expression as a fundamental right but the right to information was not recognised as a fundamental right. However, the superior judiciary of the country realised and documented the importance of the right to information in some of its judgments. For example, the Supreme Court of Pakistan in PLD 1993 SC 746 stated:

... the Government is the major source of information, which in a democratic setup, it is duty bound to disseminate for public awareness, to enable them to adjudge the conduct of those who are in office and the wisdom and follies of their policies.

In PLD 2008 Karachi 68, the Sindh High Court states:

... access to information is sine qua non of constitutional democracy. The public has a right to know everything that is done by the public functionaries. The responsibility of public functionaries to disclose their acts works both against corruption and oppression. [...]

Therefore, as a rule information should be disclosed and only as an exception privilege should be claimed on justifiable grounds...

The right to information movement in the country got a major boost when Article 19-A was inserted in the constitution in 2010 through 18th Amendment which is as under:

19A. Right to Information. Every citizen shall have the right to have access to information in all matters of public importance subject to regulation and reasonable restrictions imposed by law.

The enactment of the Right of Access to Information Act 2017 is an important step not just towards the implementation of Article 19-A of the Constitution but also to bring about transparency in governance. However, it is a beginning of the process of a systemic change, which is long overdue, but still may face roadblocks and resistance by the forces of status quo.

1.1 Right to Information Legislation: Local Context

Although Pakistan was the first country in South Asia to have introduced a national law of right to information in the shape of Freedom of Information Ordinance 2002, it was a largely ineffective law and all its provisions were found lacking when juxtaposed with standards of the right to information legislation. Provinces of Balochistan and Sindh enacted replicas of Freedom of Information Ordinance 2002 in the shape of Balochistan Freedom of Information 2005 and Sindh Freedom of Information Act 2006. However, provinces of Khyber Pakhtunkhwa and Punjab did not carry out legislation on right to information till 2013.

The right to information movement in the country started getting momentum when general elections were announced to be held on May 12, 2013. Civil society groups started engaging political parties on the issue of the right to information legislation the political parties were urged to include right to information legislation in their party manifestoes.

Pakistan Tehreek-e-Insaf, (PTI) made a specific commitment through its manifesto that it would carry out legislation on right to information if it came to power. The other parties also mentioned the right to information in their party manifestoes but none came closer to PTI in terms of making a specific commitment in party manifesto to legislate on this issue.

PTI included also right to information legislation in its governance reform agenda for Khyber Pakhtunkhwa province where it was leading the coalition government. Khyber Pakhtunkhwa Right to Information Ordinance 2013 that was shared on August 17, 2013, met international standards of right to information legislation.

According to the constitution, an ordinance promulgated by a Governor has a life of 90 days after which it lapses if not extended for further 90 days by the provincial assembly. KP Assembly constituted Select Committee to give its recommendations so that KP Right to Information Ordinance 2013 could be adopted as an Act of Assembly before it lapsed and the Khyber Pakhtunkhwa Assembly passed Khyber Pakhtunkhwa Right to Information Act 2013 on August 17, 2013.

The Punjab government advertised its draft right to information law in major newspapers for public comments and feedback and eventually promulgated right to information law in the shape of Punjab Transparency and Right to Information Ordinance 2013 on October 04,

2013. This ordinance was passed as an Act of Punjab Assembly on November 12, 2013, in the shape of Punjab Transparency and Right to Information Act 2013.

On **March 13, 2017**, Sindh Assembly repealed Sindh Freedom of Information Act 2006 and enacted Sindh Transparency and Right to Information Act 2016.

On **February 14, 2017**, Senate Committee on Information and Broadcasting approved the Right of Access to Information Bill 2017 which was enacted on October 16, 2017.

Implementation of the Right of Access to Information Act 2017: Progress and Challenges
The following sections explain the progress made by the Commission and the public bodies in terms of implementation of the Act as well as the challenges that have been faced so far.

2. LEGAL AND PROCEDURAL FRAMEWORK

The Article 19-A of the Constitution and the Right of Access to Information Act 2017 provide an overall legal framework for the enforcement of citizens' right to information. However, under the law, it is a responsibility of the government and the Commission to come up with sub-ordinate legislation in the form of rules and procedures to clarify any ambiguities or provide detailed mechanisms for the implementation of the right to information.

2.1 The Right of Access to Information Rules 2020

Section 26 of the Right of Access to Information Act 2017 provides that the “federal government may be notification in the official gazette and within one hundred and twenty days from commencement of this act, make rules for carrying out the purposes of this act”. The draft rules developed by the Ministry of Information and Broadcasting were not in accordance with some of the provisions of the Right of Access to Information Act 2017 as these draft rules were modelled on the Freedom of Information Ordinance Rules 2004. For example, the form developed under these rules required an applicant to state the purpose for requesting information which was in direct contravention of Section 11 (5) of the Act which states that “In no case shall an applicant be required to provide reasons for his request “. Similarly, the applicant was required to deposit a fee of Rupees 200 at the time of filing an information request which is against the spirit of the law. Therefore, in view of the importance of these rules, the Commission took the initiative to draft the rules, which were submitted to the Ministry of Law and Justice for vetting and approval. The approval of these Rules has been notified after formal approval of Federal Cabinet.

2.2 Schedule of Costs

Under section 27 (b) of the Right of Access to Information Act 2017, it was a responsibility of the Commission to develop and notify a schedule of cost for the supply of information to the applicants. The Commission fulfilled this responsibility by developing and notifying the schedule of cost on August 24, 2019. Under the notified schedule of cost, information involving copies up to 50 pages has been declared as free of any charge but, for any extra pages, a cost of Rupees 2 per page can be charged and deposited in the treasury in head "C0392925-Fee payable for obtaining information and copies of public record."

2.3 Service Rules

Under section 24 of the Right of Access to Information Act 2017, the “appointment of officers and staff in information commission from BS-16 and above shall be made through federal public service commission in line with the federal public service commission ordinance, 1977 (XLV of 1977). However, being a special institution, Pakistan Information Commission is empowered under Section 20 (g) of the Right of Access to Information Act 2017 to develop its own service rules to provide a mechanism for the transfer, posting or appointment of staff and officers. To fulfil this responsibility, the Commission drafted the service rules, which have been submitted to the government. The commission has initiated the process of recruitment up to BPS 15.

2.4 Procedure for the Processing of Appeals

As processing appeals filed by citizens is one of the core functions of the commission and also a legal obligation to develop regulations for developing a procedure for the processing of appeals under Section 27 of the Act, the commission has developed ‘Procedure for the Processing of Complaints’. An attempt has been made to develop a robust mechanism so that appeals are dealt with in a timely and professional manner.

3. RESPONSIBILITIES OF PUBLIC BODIES

Under the Act, each public body is responsible to take a range of steps to ensure smooth implementation of citizens' right to information. The Commission issued several letters/notices to remind heads of public bodies about their responsibilities. However, most public bodies have failed to fulfil their responsibilities, which is a matter of concern that requires the government's attention at the highest level. The following sub-sections explain the situation in further detail.

3.1 Designation of Public Information Officers (PIOs)

Under section 9 of the Act, each public body was required to designate and notify, within 30 days of the commencement of the Act, as many officers as public information officers in all administrative units or offices under it, as may be necessary. However, this legal requirement was not adequately understood and implemented within the prescribed timeframe. In view of this, the Commission issued letters to remind public bodies about this responsibility. Furthermore, the commission, through its detailed Orders on the appeals, has directed public bodies to notify Public Information Officers and put their names, designations, contact details on their web sites. These efforts produced some positive results and, as per the notifications submitted to the Commission, the public bodies have designated over 120 PIOs by the end of October 2020. However, public bodies need to demonstrate much more seriousness and address the following concerns in relation to this important responsibility:

Many public bodies have still not designated PIOs for each of their administrative units, as required by law. This is a clear violation of section 9 of the Act.

- a) The biggest problem observed by the Commission is that the public bodies do not publicize information about the contact details of PIOs.

3.2 Proactive Disclosure under Section 5 of the Act

Under section 5 of the Act, each public body is required to proactively disclose a maximum of the information about, among others, its rules and procedures, functions, staff and their responsibilities, decision-making process, budget and its utilization, and names, designation and other particulars of PIOs. Despite repeated reminders by the Commission, the public bodies have not taken adequate steps to ensure full implementation of this provision of the Act. Although it is encouraging that increasing number of public bodies have developed or are developing their websites but the weak aspect is that content is often not developed in the light of section 5 of the Act or on the basis of any assessment of information needs of the public at large. Realising this, the commission has started taking rigorous measures to ensure proactive disclosure of information. In this connection, the commission has developed ‘Template for the Compliance Report-Proactive Disclosure of Information under Section 5 of the Right of Access to Information’. The commission is ensuring through its Orders and Circulars that the federal public bodies publish information according to this template. The commission will continue monitoring the performance of federal public bodies on this count to ensure proactive disclosure of information. The public bodies, which remain oblivious of the importance of websites, will find it difficult to meet their obligation under section 5 of the Act. As Punjab Information Commission also noted in its first annual report, “Although information can also be proactively disclosed by traditional modes such as notice boards, it would be more efficient and forward-looking to explore technological possibilities, e.g. websites, intranets & management information systems (MIS), to promote the free flow of information and to build an enabling environment for citizens to engage with government institutions”.

‘Template for the Compliance Report-Proactive Disclosure of Information under Section 5 of the Right of Access to Information Act 2017’

Proactive Disclosure Provisions of Section 5 of the Act	Information to be Proactively Disclosed	Questions	Information (please provide requested information in this column)
Section 5 (1) (a)	Description of the public body’s organization and functions, duties,	Which of this information has	

	powers and any services it provides to the public, including a directory and any services it provides to the public, including a directory of its officers and employees, indicating their duties	been made available on the web site and which is missing? Has the public body published on its web site the directory of officers and the employees along with names, designations, Basic Pay Scales, Salaries, benefits, perks and privileges of the officers and employees?	
Section 5 (1) (b)	Statutes, statutory rules, regulations, bye-laws, orders and notifications, etc. applicable to the public body disclosing the date of their respective commencement or effect	Which of this information has been made available on the web site and which is missing?	
Section 5 (1) (c)	Substantive or procedural rules of the general application evolved or adopted by the public body, including any manual or policies by its employees	Which of this information has been made available on the web site and which is missing?	
Section 5 (1) (d)	Relevant facts and background information relating to important policies and decisions which have been adopted, along with a statement of policies adopted by the public body and the criteria, standards or guidelines upon which discretionary powers are exercised by it	Which of this information has been made available on the web site and which is missing?	
Section 5 (1) (e)	The condition upon which members of the public body can	Has the public body published	

	acquire any license, permit, consent, approval, grant, allotment or other benefits of whatsoever nature from any public body or upon which transactions, agreements and contracts, including, contracts of employment which can be entered into with the public body, along with particulars about the recipients of any concession, permit, license or authorization granted by the public body	on its web site criteria and terms and conditions for all kinds of licenses, permits, consents, approval, grants, allotments or other benefits? Has the public body published on its web site list with names and addresses of those received concession, permit, license or authorization?	
Section 5 (1) (1) (f)	A description of its decision-making processes as defined in the Federal government's secretariat instructions, 2004 and any instructions for the time being in force for the public to provide any input into or be consulted about decision	Which of this information has been made available on the web site and which is missing?	
Section 5 (1) (g)	Detailed budget of the public body; including proposed and actual expenditures, original or revised revenue targets, actual revenue, receipts, revision in the approved budget and the supplementary budget	Which of this information has been made available on the web site and which is missing?	
Section 5 (1) (h)	The methods whereby information in the possession or control of the public body may be obtained and the prescribed fee required along with the name, title and contact details of the designated officials	Has the public body put on its web site Application Form for seeking information	

		under the Act and 'Schedule of Costs'? Has the public body put the name, designation, official E-mail and contact number of the Public Information Officer on the web site?	
Section 5 (1) (h)	Reports including performance reports, audit reports, evaluation reports, inquiry or investigative reports and other reports that have been finalized	Has the public body published on its web site all such finalized reports? Which of these reports have been made available and which are missing?	
Section 5 (1) (j)	Such other matters which the principal officer of the public body deems fit to be published in the public interest	Is the public body in the custody of classified records that are more than 20 years old? Have steps been taken to declassify such records under Section 16 (1) (k) of the Act and publish under this provision of the Act?	
Section 5 (1) (l)	Camera footages at public places, wherever available, which have a bearing on a crime	Which of this information has been made available on the web site and	

		which is missing?	
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3.3 Accessibility of Web Sites and the Accessibility of 16

Pakistan has ratified UN Convention on Rights of Persons with Disabilities. Article 4: General Obligations lists obligations of the state parties in achieving the purpose of the convention as enunciated in Article 1. The states parties are expected to “adopt all appropriate legislative, administrative and other measures” to achieve the purpose of the convention and “modify or abolish existing laws, regulations, customs and practices” which run contrary to the spirit of the convention.

Article 9 of the UN Convention on Rights of Persons with Disabilities talks about the elimination of barriers pertaining to “information, communications and other services, including electronic services and emergency services.”

Article 21: Freedom of Expression and Opinion, and Access to Information aims at ensuring that persons with disabilities have freedom of expression as well as freedom of information.

They should be able to receive and impart information in the manner of their choice. The states are required to ensure that information intended to be provided to the general public should be made available to persons with disabilities in formats they prefer, and in timely manner and there should not be extra costs involved for making the information accessible. The states parties should accept and facilitate “the use of sign language, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions”. This provision of the article aims at fostering the spirit of accepting diversity and differences as the generally accepted modes of communication are not the only ways of communication and having access to information. Section 15 (5) states “The government shall ensure that all websites hosted by Pakistani website service providers are accessible for persons with disabilities”.

In Pakistan, in the absence of web accessibility policy, almost all the official websites are inaccessible, in varying degrees, to the disabled people.

The information proactively published under Section 5 of the Right of Access to Information Act 2017 should be accessible for all citizens, including the blind, low-vision, physically disabled, speech and hearing impaired and people with other disabilities. The web sites of public bodies should be accessible to level AA of Web Content Accessibility Guidelines (WCAG) 2.1 (of W3C. A quick reference guide for WCAG2.1 is available at this link: <http://www.w3.org/WAI/WCAG21/quickref/>

The commission has started ensuring the accessibility of the both the web site as well as information proactively published on the web sites. In this connection, the commission has

asked federal public bodies to conduct accessibility audit of their web sites and bring them at par with accessibility standards.

The commission has developed a checklist, as an initial resource to help IT sections of public bodies make websites accessible, for all citizens, including those with different disabilities. However, it is recommended that a website should be accessible to at least level AA of Web Content Accessibility Guidelines (WCAG) 2.1 (of W3C. A quick reference guide for WCAG2.1 is available at this link: <http://www.w3.org/WAI/WCAG21/quickref/>

Checklist for Making Web Sites Accessible

Sr. No.	Accessibility Indicator	Compliance Status (Yes / No)
1	Images, form image buttons, and image map hot spots have appropriate, equivalent alternative text.	
2	Images that do not convey content, are decorative, or contain content that is already conveyed in text are given null alt text or implemented as CSS backgrounds.	
3	All linked images have descriptive alternative text.	
4	Equivalent alternatives to complex images are provided in context or on a separate linked page.	
5	Form buttons have a descriptive value.	
6	Form inputs have associated text labels.	
7	A transcript of relevant content is provided for non-live audio-only (audio podcasts, MP3 files, etc.).	
8	A transcript or audio description of relevant content is provided for non-live video-only, unless the video is decorative.	
9	Semantic markup is used appropriately to designate headings, regions/landmarks, lists, emphasized or special text, etc.	
10	Tables are used for tabular data and data cells are associated with their headers. Data table captions, if present, are associated to data tables.	
11	Text labels are associated with form input elements. Related form elements are grouped with field set/legend. ARIA labelling may be used when standard HTML is insufficient.	
12	The reading and navigation order (determined by code order) is logical and intuitive.	
13	Instructions do not rely upon shape, size, or visual location (e.g., "Click the square icon to continue" or "Instructions are in the right-hand column").	
14	Instructions do not rely upon sound (e.g., "A beeping sound indicates you may continue.").	
15	Color is not used as the sole method of conveying content or	

	distinguishing visual elements.	
16	Color alone is not used to distinguish links from surrounding text unless the contrast ratio between the link and the surrounding text is at least 3:1 and an additional distinction (e.g., it becomes underlined) is provided when the link is hovered over and receives focus.	
17	A mechanism is provided to stop, pause, mute, or adjust volume for audio that automatically plays on a page for more than 3 seconds.	
18	If the same visual presentation can be made using text alone, an image is not used to present that text.	
19	A contrast ratio of at least 3:1 is present for differentiating graphical objects (such as icons and components of charts or graphs) and author-customized interface components (such as buttons, form controls, and focus indicators/outlines).	
20	At least 3:1 contrast must be provided in the various states (focus, hover, active, etc.) of author-customized interactive components.	
21	All page functionality is available using the keyboard, unless the functionality cannot be accomplished in any known way using a keyboard (e.g., free hand drawing).	
22	Page-specified shortcut keys and access keys (access key should typically be avoided) do not conflict with existing browser and screen reader shortcuts.	
23	Keyboard focus is never locked or trapped at one particular page element. The user can navigate to and from all navigable page elements using only a keyboard.	
24	If a keyboard shortcut uses printable character keys, then the user must be able to disable the key command, change the defined key to a non-printable key (Ctrl, Alt, etc.), or only activate the shortcut when an associated interface component or button is focused.	
25	If a page or application has a time limit, the user is given options to turn off, adjust, or extend that time limit. This is not a requirement for real-time events (e.g., an auction), where the time limit is absolutely required, or if the time limit is longer than 20 hours.	
26	Automatically moving, blinking, or scrolling content (such as carousels, marquees, or animations) that lasts longer than 5 seconds can be paused, stopped, or hidden by the user.	
27	Automatically updating content (e.g., a dynamically-updating news ticker, chat messages, etc.) can be paused, stopped, or hidden by the user or the user can manually control the timing of the updates.	
28	No page content flashes more than 3 times per second unless that flashing content is sufficiently small and the flashes are of low contrast and do not contain too much red.	
29	A link is provided to skip navigation and other page elements that are repeated across web pages.	
30	The web page has a descriptive and informative page title.	
31	The navigation order of links, form elements, etc. is logical and intuitive.	
32	The purpose of each link (or form image button or image map hotspot) can be determined from the link text alone, or from the link text and its context (e.g., surrounding text, list item, previous heading, or table headers).	

33	Links (or form image buttons) with the same text that go to different locations are readily distinguishable.	
34	If multipoint or path-based gestures (such as pinching, swiping, or dragging across the screen) are not essential to the functionality, then the functionality can also be performed with a single point activation (such as activating a button).	
35	To help avoid inadvertent activation of controls, avoid non-essential down-event (e.g., on mouse down) activation when clicking, tapping, or long pressing the screen. Use on click, on mouse up, or similar instead. If on mouse up (or similar) is used, you must provide a mechanism to abort or undo the action performed.	
36	If an interface component (link, button, etc.) presents text (or images of text), the accessible name (label, alternative text, aria-label, etc.) for that component must include the visible text.	
37	Functionality that is triggered by moving the device (such as shaking or panning a mobile device) or by user movement (such as waving to a camera) can be disabled and equivalent functionality is provided via standard controls like buttons.	
38	When a page element receives focus, it does not result in a substantial change to the page, the spawning of a pop-up window, an additional change of keyboard focus, or any other change that could confuse or disorient the user.	
39	When a user inputs information or interacts with a control, it does not result in a substantial change to the page, the spawning of a pop-up window, an additional change of keyboard focus, or any other change that could confuse or disorient the user unless the user is informed of the change ahead of time.	
40	Required form elements or form elements that require a specific format, value, or length provide this information within the element's label.	
41	Form validation errors are efficient, intuitive, and accessible. The error is clearly identified, quick access to the problematic element is provided, and the user can easily fix the error and resubmit the form.	
42	Sufficient labels, cues, and instructions for required interactive elements are provided via instructions, examples, properly positioned form labels, and/or field sets/legends.	
43	Markup is used in a way that facilitates accessibility. This includes following the HTML/XHTML specifications and using forms, form labels, frame titles, etc. appropriately.	
44	ARIA is used appropriately to enhance accessibility when HTML is not sufficient.	
45	If an important status message is presented and focus is not set to that message, the message must be announced to screen reader users, typically via an ARIA alert or live region.	

3.4 Maintenance and Indexing of Records

Section 4 of the Act makes it obligatory for the Principal Officer of each public body to ensure that record held by that body is properly maintained, so as to enable it to comply with

its obligation under this Act. It also directs that “Each public body shall bring its record management practices in line with the secretariat instruction, 2004 or any other instructions of the Federal Government”.

There is an urgent need to invest in the strengthening of record management systems by allocating adequate storage facilities and improving record management capacities. Through its circulars, the Commission has emphasized the need for automation of records, especially by developing online information management systems and bringing record management practices of public bodies in line with the secretariat instruction, 2004.

4. TRAINING OF PUBLIC INFORMATION OFFICERS

Under section 20 (1) (b) of the Act, one of the functions of the Commission is to train PIOs, so that they could efficiently perform their responsibilities. To fulfil this responsibility, the Commission has developed training material and has started imparting training to PIOs from October 12, 2020. The trainings cover the topics like the concept and principles of right to information, the Right of Access to Information Act 2017, the exceptions provided in the law, role of PIOs and procedure for handling requests, procedure of complaints and their disposal, and other duties of PIOs.

5. PUBLIC AWARENESS CAMPAIGN

One of the statutory functions of the Commission is to publicize the requirements of this Act and the rights of individuals there under. (s. 20) (1) (c). In this regard, the Commission took the following steps:

5.1 Print and Electronic Media Products

The Commission has developed material for several products meant for public awareness which can be used through brochures, posters and booklets for PIOs and the general public. The commission has developed, in partnership with CGPA a comprehensive manual titled 'Exercising the Right of Access to Information' covering topics like 'how to submit request to information', 'how to file appeal with the commission, 'Guidelines for PIOs and Public Bodies on the Implementation of the Right of Access to Information Act, 'Schedule of Costs', 'The Right of Access to Information Rules 2020 and 'the Right of Access to Information Act 2017'. This manual is being used in the training of PIOs and is also being widely distributed to citizens through printed form as well as by making it available on the web site of the commission. Furthermore, the commission has printed pocket-sized booklet the Right of Access to Information Act 2017 with the help of CGPA which is shared with public bodies, lawyers, journalists and citizens.

The commission, in collaboration with UNESCO has also developed 20 posters and AMS.

The Commission developed content for its website and then requested technical assistance from TDEA. The commission web site was launched in the first week of December 2019. It hosts a lot of useful information about, among others, the functions of the Commission, right to information, legal framework, application procedure, and complaint procedure.

During the COVID-19 lockdown phase, the Commission finalised the broad parameters for the development of AMS. The AMS to track down the status of all the appeals lodged with the commission. This Appeal Tracker has now successfully been developed and was launched on September 28, 2020.

5.3 Public Meetings and Media Appearances

The chief information commissioner and information commissioners participated in a number of public meetings organized by educational institutions and civil society, as well as in some TV programs. For example, one of the Information Commissioners had an opportunity to explain the concept of the law and procedure of information requests or complaints through a TV program on Dawn News. Other programs or events attended by the commissioners include, among others, the following:

- Chief Information Commissioner and Information Commissioners participated in a training session organised by SSDO and explained salient features of the Right of Access to Information Act 2017 to officers of district administration, Islamabad, held in DC office.
- Chief Information Commissioner and Information Commissioners addressed the audience at the launching ceremony of Pakistan Information Commission organised by SSDO.
- Chief Information Commissioner and Information Commissioners participated in the inaugural first meeting of the National Forum of Information Commission organised by CPDI in Islamabad on September 19-20, 2019.
- Information Commissioner imparted training to journalists and civil society activists of newly merged districts of erstwhile FATA region on September 18, 2019, organised by CGPA.
- Information Commissioner spoke on ‘Access Barriers: Intersectionality of the Right to Information and Right to Vote’ at the launch of disability audit of the election law by TDEA.
- Chief Information Commissioner and Information Commissioners participated in a number of functions held in Islamabad and Lahore to celebrate Universal Day of Access to Information on September 28, 2019.
- Chief Information Commissioner and Information Commissioner addressed students, lawyers and journalists in University of Punjab, LHC Bar Association and Lahore Press Club to create awareness about the Right of Access to Information Act 2017.
- Chief Information Commissioner and Information Commissioners visited Multan, Sakhar and Karachi and addressed seminars and conferences engaging students, journalists, lawyers, members of civil society in February, 2020.
- Chief Information Commissioner and Information Commissioners visited Upper Dir, Sawat and Bunair and addressed seminars and conferences engaging students, journalists, lawyers, members of civil society in September, 2020.

5.4 Media Coverage

The print and electronic media positively covered some of the orders of the Commission. The commissioners also made efforts to positively explain the challenges, especially in the face of delay in establishing the office, and highlighted the achievements of the Commission.

6. Appeals

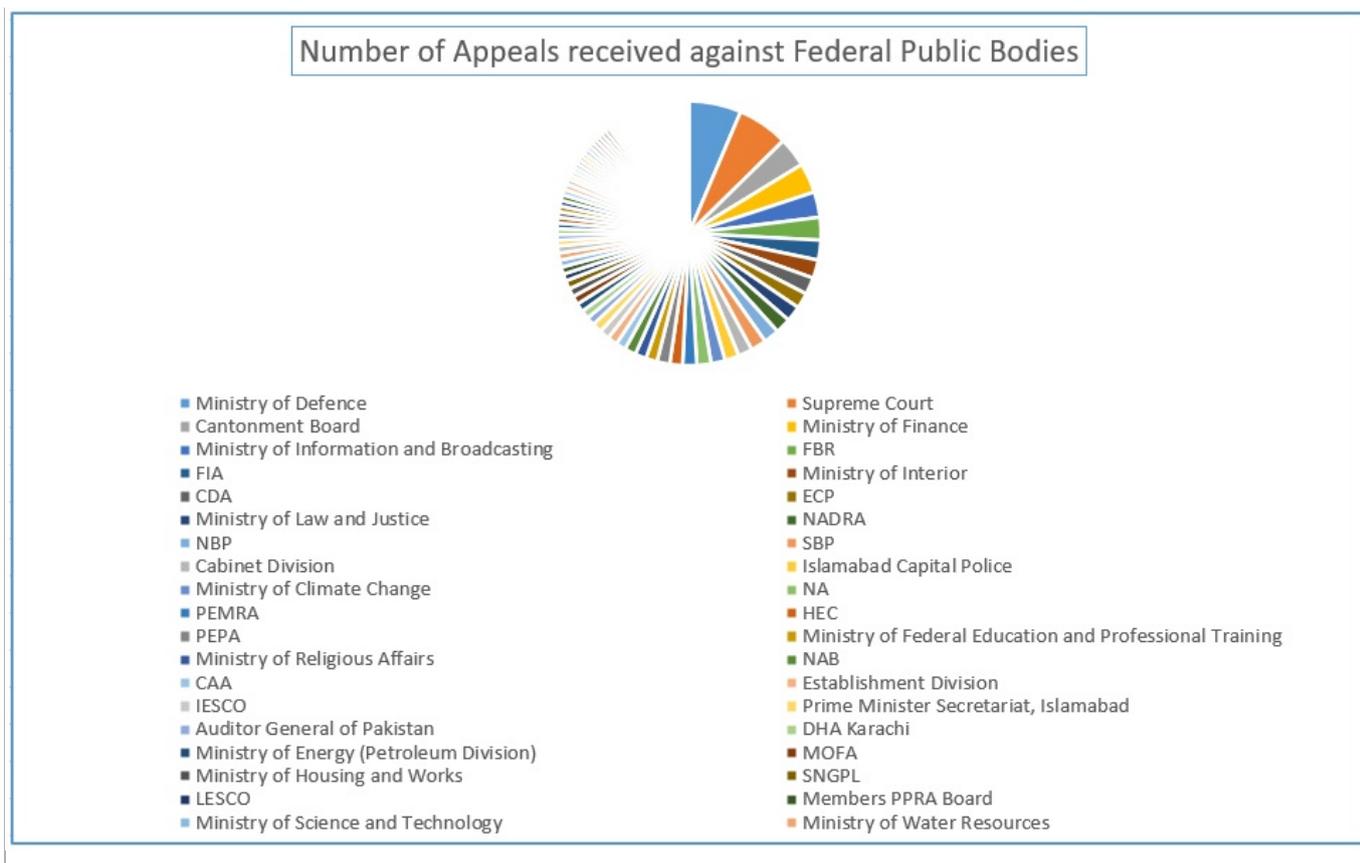
One of the most important functions of the Commission is to receive and decide complaints about, among others, wrongful denial or delay in providing access to information.

6.1 Status of Appeals

Despite these resource constraints, the Commission has so far received a total of 682 appeals, out of which 257 have been resolved and the requested information has been provided to the appellants to their satisfaction. The remaining appeals are at various stages of resolution as notices have been issued and hearing are being conducted on these appeals three days of every week.

The commission received highest number of appeals against the Ministry of Defence, (37), followed by Registrar Office, Supreme Court of Pakistan, (36), Cantonment Boards, (25) and Ministry of Finance, (21). Eighteen appeals were filed against the Ministry of Information and Broadcasting, seventeen against CDA while Fifteen appeals were filed against FIA and fourteen against FBR. Twelve appeals were filed against the Ministry of Interior. Eleven appeals were filed against each of the ECP, SBP, NADRA, the Ministry of Law and Justice and NBP. Ten appeals were filed against each of Cabinet Division, the Ministry of Climate Change, PEMRA and National Assembly. Nine appeals were filed against each of HEC and PEPA. Eight appeals were filed against each of the Ministry of Federal Education and Professional Training, NAB and the Ministry of Religious Affairs. Seven appeals were filed against each of Establishment Division, ICT Police, PM Secretariat, CAA, SNGPL and IESCO. Six appeals were filed against each of Auditor General of Pakistan, the Ministry of Energy, the Ministry of Housing and Works, Islamabad Model College for Boys, and DHA, Karachi. Five appeals were filed against each of Ministry of Science and Technology, the Ministry of Water Resources, Pakistan Railways, MoFA, LESCO and Members PPRA Board. Four appeals were filed against each of the Ministry of Railways, Metropolitan Corporation, Allama Iqbal Open University, the Ministry of Health Services, Regulation and Coordination, Federal Government Employees Housing Foundation, IB, the Ministry of Human Rights, IHC, WAPDA, SECP and Senate of Pakistan Secretariat.

The analysis of the appeals filed by citizens reveals that most of the requests pertained to finalised audit paras and audit reports of public bodies, information about legislative bills laid in the Parliament, information about the publications pertaining to the asset details submitted by parliamentarians to ECP, number of FIRs filed under different provisions of Cyber law and number of convictions, certified copies of the contracts signed by public bodies to hire services of sanitary workers, total number of sanctioned and vacant posts in different public bodies and the quota for the disabled and transgender persons, information available with NADRA about total number of CNIC issued to women, and the total number of transgender persons and people with disabilities in the country, certified copies of the enquiry reports against officials, certified copies of the merit lists of candidates and recruitment criteria, details of assets of judges and officers and salaries, perks, privileges and benefits of judges, civil and military officers. These appeals suggest that, through the exercise of their right of access to information in matters of public importance, citizens aim at realising their other rights like access to justice, gainful employment on equal basis by ensuring judicious utilisation of public funds, improving governance, reducing corruption and inefficiency in public bodies through transparency and public accountability.



6.2 Nature of Appeals

In the first year of the establishment of the commission, most of the appeals were about non-response by relevant officers or public bodies to the applications submitted by citizens for access to information. In some cases, appeals were also received about wrongful denial of the requested information or about the supply of wrong, incomplete or misleading information.

As the commission has started persistently pursuing the resolution of the appeals, the public bodies have started responding to the requests for information of the citizens. Even when the public bodies started responding to the requests for information under the Act, the tendency has been observed to refer to the exemption clauses of the Act rather than interpreting the Act to disclose the information. Owing to the detailed judgements of the commissions, the stage has come where public bodies have started understanding the provisions of the Act. However, it will take time for public bodies to understand the significance of the disclosure of information in terms of improving good governance through transparent functioning of the public bodies.

The data shows that a large number of appeals were submitted by a relatively fewer number of individuals including journalists and civil society activists. With the passage of time, however, individuals from other segments of society, such as lawyers and retired or serving government employees, have also started filing applications for Access to information and then complaints.

A careful review of available data underlines the need of massive public awareness campaigns to explain to the people the procedure, which they needed to follow to file applications for access to information request or submit a complaint to the Commission.

6.3 Response of Public Bodies to the Commission

The challenges in terms of the response of public bodies can be summed up as follows:

- In cases where the commission has held hearings against the public bodies earlier for not responding to requests for information, the public bodies have started responding but often respond rely on exemption clauses without referring to disclosure clauses of the Act. As such, there is delay by public bodies in providing access to information which should ordinarily be provided to the citizens. The Commission, on its part, may impose penalties against officers, who delay disposal of information requests beyond the prescribed timeframe, but penalties alone may be counter-productive until and unless heads of public bodies make simultaneous efforts to create an enabling environment for disclosure of information.
- Information requests and Commission's direction are seen as undue interference in the so-called "official" work. The importance of citizens' rights and involvement in governance process in a democratic society is not adequately understood.
- Earlier, most public bodies have either not designated PIOs or have not taken steps to widely share information about the contact details of designated PIOs. As a result, the applicants, as well as the Commission, have to mostly interact with heads of public bodies. In cases where public bodies have designated PIOs, direct communication with designated PIOs is helping in the more efficient management of information requests as well as appeals. However, a large number of public bodies have neither designated PIOs nor put their contact details on their web sites.
- Most designated PIOs and other officers have not received any training about the importance of the right to information, transparency or public participation in governance.

6.4 Landmark Orders of the Commission

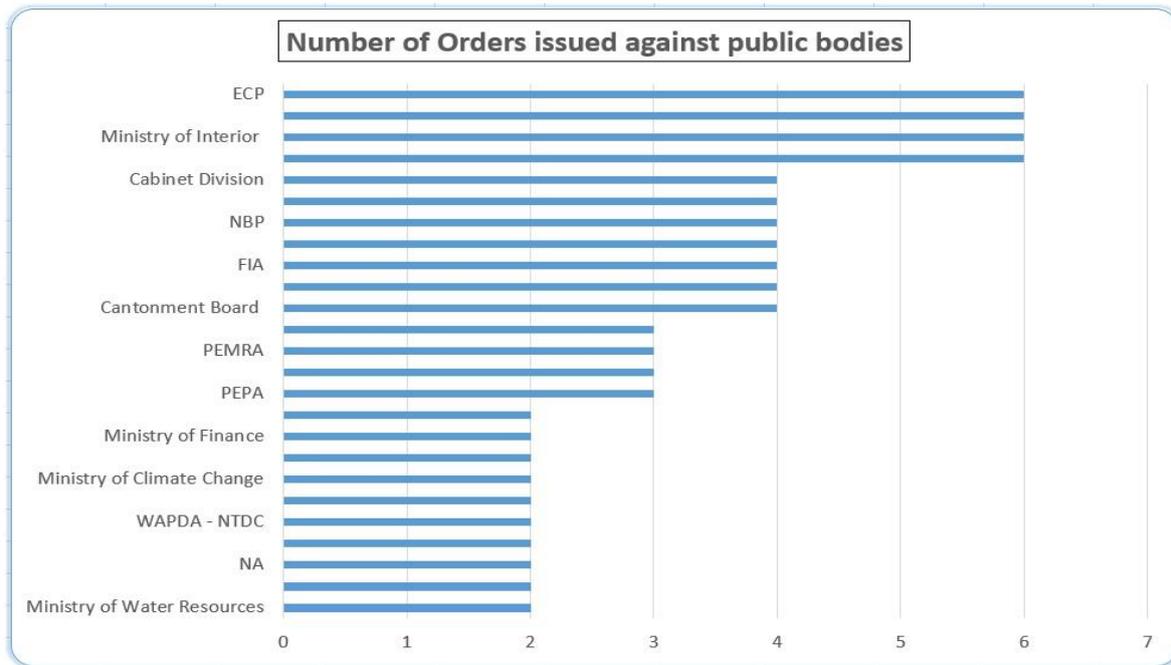
The commission has issued a total of 139 detailed orders on the appeals filed by citizens against federal public bodies for delaying or unlawfully denying access to information. The highest number of orders, six each, were issued against four public bodies i.e. the Ministry of Interior, ECP, NADRA and CDA, followed by four each against seven federal public bodies, i.e. against the MoFA, FIA, Cabinet Division, the Ministry of Law and Justice, Metropolitan Corporation, NBP and Cantonment Boards. Three detailed orders were issued against each of four public bodies, i.e. PEPA, PEMRA, SNGPL and Islamabad College for Boys. Two orders were issued against each of ten public bodies, i.e. EOBI, the Ministry of Climate Change, NUML, NTDC, National Assembly, LESCO, TCP, Ministry of Religious Affairs and the Ministry of Finance. The commission issued one order against each of fifty federal public bodies. Each order of the commission is being vigorously pursued for implementation through show-cause notices seeking time-bound compliance reports.

If a public body does not challenge order of the commission in the high court after 30 days of

the issuance of the order, the commission issues show cause notice to the concerned public body to ensure the implementation of its order. So far, ECP, Office of the President, SNGPL, the Ministry of Law and Justice and NTDC have challenged orders of the commission in the High Court. Instead of implementing the Order of the commission or challenging in IHC, as required under the Act, Senate Secretariat sent a letter to the commission stating that “Chairman, Senate is authorized to declare any, or, all record of the Senate Secretariat as classified”. The information requested from Senate Secretariat pertained to total number of sanctioned and vacant posts, quota for the disabled etc. which the commission declared to be public information under the Right of Access to Information Act 2017.

Through its detailed orders, the commission has established following principles under the Act:

- Bodies which receive any support in cash or kind by the federal government are public bodies as in the case of Islamabad Club.
- The principle of attorney-client privileged communication is not applicable when fees paid to the lawyers from public funds are involved.
- A PIO can only demand from an appellant production of CNIC when it is warranted by objective grounds, i.e. a request for information seems to have been filed from abroad.
- Public bodies have to record reasons for relying on an exemption clause and mere reference to an exemption clause does not mean that a public body has been able to establish burden of proof in accordance with the provisions of the Act;
- The Right of Access to Information Act 2017 overrides all other laws and exceptions of other laws are not applicable.
- The requested information can only be classified if the harm from disclosure outweighs public interest and it has to be established through the reasons recorded by the minister-in-charge.
- The word ‘accessible’ in Section 5 pertaining to the proactive disclosure of information through web sites means that information proactively disclosed through the web sites of the public bodies should be accessible to all citizens, including those with different disabilities and that the public bodies need to incorporate WCAG of W3C; and Noting’s on the file, minutes of the meetings and intermediary opinions are public documents if the requested information pertains to a matter about which final decision has already been made by the public body.
- The appeal seeking asset details of NAB employees, their children and spouses was dismissed as the commission held that harm to the legitimate privacy interests of NAB employees, their spouses and children far outweigh any public interest that the disclosure of the details of their assets may entail. However, NAB was directed to proactively disclose performance reports, audit reports, evaluation reports, inquiry or investigative reports and other reports pertaining to its employees that have been finalized through its web site.



7. Approval of Budget and Related Matters

When the Commission was established in November 2018, it started the process for the budget and staff for the commission. The terms and conditions of the information commissioners were not finalised at the time of their appointment. The draft summary of the terms and conditions of the Information Commissioners, budget for the commission was submitted to the Secretary Ministry of Information and Broadcasting. However, the summary was sent to the Prime Minister Office in March, after a lapse of more than 4 months. The decision on the terms and conditions of the Information Commissioners was taken by the Federal Cabinet in May 2019.

Since November 2018 to June 2019, the Information Commissioners kept on working without getting salaries. The commission also provided a list of officers and staff required for the smooth functioning of the commission to carry out its responsibilities. The Ministry of Information and Broadcasting sent the proposal of the required staff for the commission to the MS Wing of the Establishment Division in April 2019. The MS Wing approved the proposal with some amendments and the Ministry of Information and Broadcasting sent the proposal to the Ministry of Finance for the formal sanction of the posts for the commission. While the commission has started the process of hiring staff up to Grade 15, the Establishment Division has yet to approve service rules for the recruitment of the staff for Grades 16 and above through FPSC.

The Federal Government allocated Rupees 65.64 million for the commission in FY 2020-2021.

The commission has been able to establish its office in June, 2020 after prolonged delays which has helped in performing its functions.

8. Challenges

The challenges faced by the Commission, which affected its performance in terms of ensuring citizens' access to information, are summarized below:

8.1 The Non-Serious Attitude of Federal Public Bodies

Federal public bodies do not seem serious in implementing the Act which is a serious challenge. Most public bodies have failed to implement their responsibilities in terms of proactive disclosure, (sec.5), the designation of Public Information Officers, (sec.9). and maintenance, indexing and computerization of records, (sec.4). In many cases, where PIOs have been designated, people don't know of their contact details, as the public bodies have failed to disseminate the same through notice boards or websites, despite reminders by the Commission through its letter's circulars.

8.2 Lack of public awareness

There is a general lack of awareness about the existence of the Right of Access to Information Act 2017 and it explains why a fewer number of people are exercising their right to information. Even journalists have filed very few requests although utility and effectiveness of the right to information laws in getting access to certified documents from public bodies are well established for investigative reporting. In the initial phase, owing to the unavailability of resources, the Commission could not launch a public awareness campaign through print and electronic media. The awareness campaign launched by the Commission on social media received positive feedback. However, a sustained awareness-raising campaign needs to be launched involving print, electronic and social media.

8.3 Lack of Staff

The Ministry of Information and Broadcasting has provided 2 Naib Qasid, 1 Driver, 1 Assistant and 1 Steno-typist through internal arrangement but this staff is not enough to carry out roles and responsibilities of the commission.

8.4 Failure of Public Bodies in Responding to Requests for Information

In general, the public bodies have failed to decide information requests in accordance with section 14 of the Act, whereby each information request should ordinarily be decided within 10 working days. As a result, in most cases, applicants have to file an appeal to the Commission, which is a worrying trend as the Commission may not be able to cope with the workload if most information requests become Appeals.

9. RECOMMENDATIONS

For smooth implementation of the Act and to advance the cause of peoples' right to information and transparency in governance, the Commission makes the following recommendations:

9.1 The Ownership of the Act by the Federal Government

Federal Government must take cognizance of the non-serious attitude of public bodies, and direct them to ensure immediate implementation of, inter alia, provisions of sections 4, 5 and 9 of the Act. The Commission has repeatedly reminded and directed public bodies about their responsibilities but the response remains unsatisfactory and the Commission lacks adequate resources to ensure compliance.

9.2 The Designation of Public Information Officers

Heads of public bodies may be directed that they not only designate PIOs in accordance with section 9 of the Act and the guidelines issued by the Commission but also ensure that their contact details are easily accessible through notice-boards, websites and publications. The commission has made available list of designated PIOs on its web site but it is of fundamental importance that heads of public bodies become proactive in this regard and share details of designated PIOs on the web sites of the public bodies.

9.3 The Prioritizing Proactive Disclosure of Information

Public bodies may be directed to adopt maximum disclosure policies, and the modes of disclosure may include notice-boards, websites, helplines and publications like leaflets, brochures and posters. It has been observed that public officials often complain that it is time-consuming to respond to information requests filed by citizens. The proactive disclosure would help public bodies in averting the workload, which they may have to otherwise deal with in order to decide applications for access to information. As of now, most public bodies, lack useful websites and make little effort to disseminate information through notice-boards or publications.

9.4 The Ensuring Accessibility of Information

It is the responsibility of federal public bodies to ensure that not only categories of information mentioned in Section 5 of the Act are proactively shared through web sites, but all federal public bodies need to ensure that this information is accessible for all, including persons with disabilities. The government may take steps to ensure that information about official working, budget, utilization of funds, development projects and other categories as mentioned in section 5 of the Act is made accessible to citizens in the Urdu language so that maximum number of people could benefit from it.

10. Indexation and Computerization of Records

The government needs to invest in indexation, automation and online management of records for easy and prompt access and retrieval. Currently, one of the major challenges that explain delays in providing access to information is the inefficient and outdated record management system, which makes it difficult for concerned officers to promptly track the relevant file and retrieve the requested information.

10.1 Ensuring Accessibility of Web Sites for the Disabled

Web sites of the federal public bodies should comply with international benchmarks set for web accessibility in WCAG developed by the W3C. All web sites need to clearly provide the facility to change the font size of the text and options to change the background colour of the website according to the needs of visually impaired persons. As per web accessibility standards, the buttons used on the website should be clearly labelled and easily readable by screen readers. The websites should provide relatively easy navigation using the keyboard such as logical tabbing and navigation between headings and elements. The websites need to provide the search facility on all websites clearly and also readable on screen readers. The websites need to provide the images and graphs used on websites accompanied with a meaningful description that is also readable on screen reader. Similarly, the websites also need to provide audio descriptions for all important visual information through text captioning provided for audible output. Keeping in mind the needs of visually impaired persons, the websites need to provide the content in simple tabular forms. The web accessibility standards for PWDs requires content in tables be presented in a simple table (single level of row/column headers) form, and the row/column headers easily identifiable. Many websites contain electronic forms to be filled online especially filling application for scholarship, employability or registration. These forms should be carefully designed to be easily accessible and readable on-screen readers. Sharing content through social media is the need of the hour. Therefore, all pages on the website should provide clearly the social media icons that describe clearly and are easily readable;

Finally, yet importantly, the websites should provide the facility to visitors to leave comments for the rights-based and enhanced participation of visually impaired persons.

10.2 Allocation of Adequate Funds and Human Resources for the Commission

Adequate funds and support may be provided to the Commission so that it could effectively perform its statutory responsibilities in terms of public awareness and training of PIOs. The total number of public bodies is likely to be in hundreds as all federal ministries, attached department will be changed, autonomous institutions, boards, public educational institutions are to be individually treated as public bodies. Commission's performance continues to be affected due to lack of staff, office space and other facilities. It is recommended that the government should address these challenges by, inter alia, improving on providing necessary staff when required as well as catering to their functional requirements, and approving a special allowance as an

incentive for staff working at the Commission.