

Jan 2023 -
June 2023



BI-ANNUAL REPORT

PAKISTAN INFORMATION COMMISSION
GOVERNMENT OF PAKISTAN



Quaid-e-Azam Muhammad Ali Jinnah
The great founder of our beloved country.



Contents

Foreword	Page #
Pakistan Information Commission	
Functions of Pakistan Information Commission	
Funds and Audit	
Powers of Pakistan Information Commission	
Information Requests and Appeals	
Appeal Statistics	
Landmark Orders	
Public Awareness Campaigns	
Responsibilities of Public bodies	
Press Coverage	
The International Conference of Information Commissioners	
Recommendations	
Challenges	

FOREWORD

The Constitution of the Islamic Republic of Pakistan, 1973 was adopted and enacted by the people of Pakistan through their representatives in the National Assembly of Pakistan. Article 19-A of the Constitution provides that every citizen shall have the right to access to information in all matters of public importance subject to regulations and reasonable restrictions imposed by law. Accordingly, in deference to this provision the Right of Access to Information Act, 2017 was passed as an Act of Majlis-e-Shura (Parliament) which received the assent of the President on 12 Oct 2017. This Act provides for the right of access to information in a transparent and effective manner and reflects the belief of the Government in transparency and right of people to have access to information relating to records held by public authorities. The Act aims at promoting the purpose of making the Government more accountable to its people and improving their participation in public affairs. This leads to dividends relating to national interest by reducing corruption, inefficiency, promoting sound economic growth, good governance and respect for human rights.

The Act vide its Section 19(2) (c) obligates the Pakistan Information Commission to compile a comprehensive bi-annual report containing necessary details regarding the implementation of the Act. This report is required to be laid before the Parliament.

The report in hand contains details of activities and efforts made to meet the requirements as enshrined in the preamble of the Act. This report will also include efforts made to empower citizens by meeting their right of access to information. The report contains details about information requests, public bodies, appeals filed before the commission and their disposal.

The job is not easy but with firm determination and commitment, we are moving forward to meet the objectives of the law framers. We are not constrained by constraints and undertake to keep moving for promoting better governance, accountability, and transparency leading to a vibrant and stronger Pakistan.

COMMISSIONERS AT PRESENT



Shoaib Ahmad Siddiqui
Chief Information Commissioner



Ijaz Hassan Awan
Information Commissioner



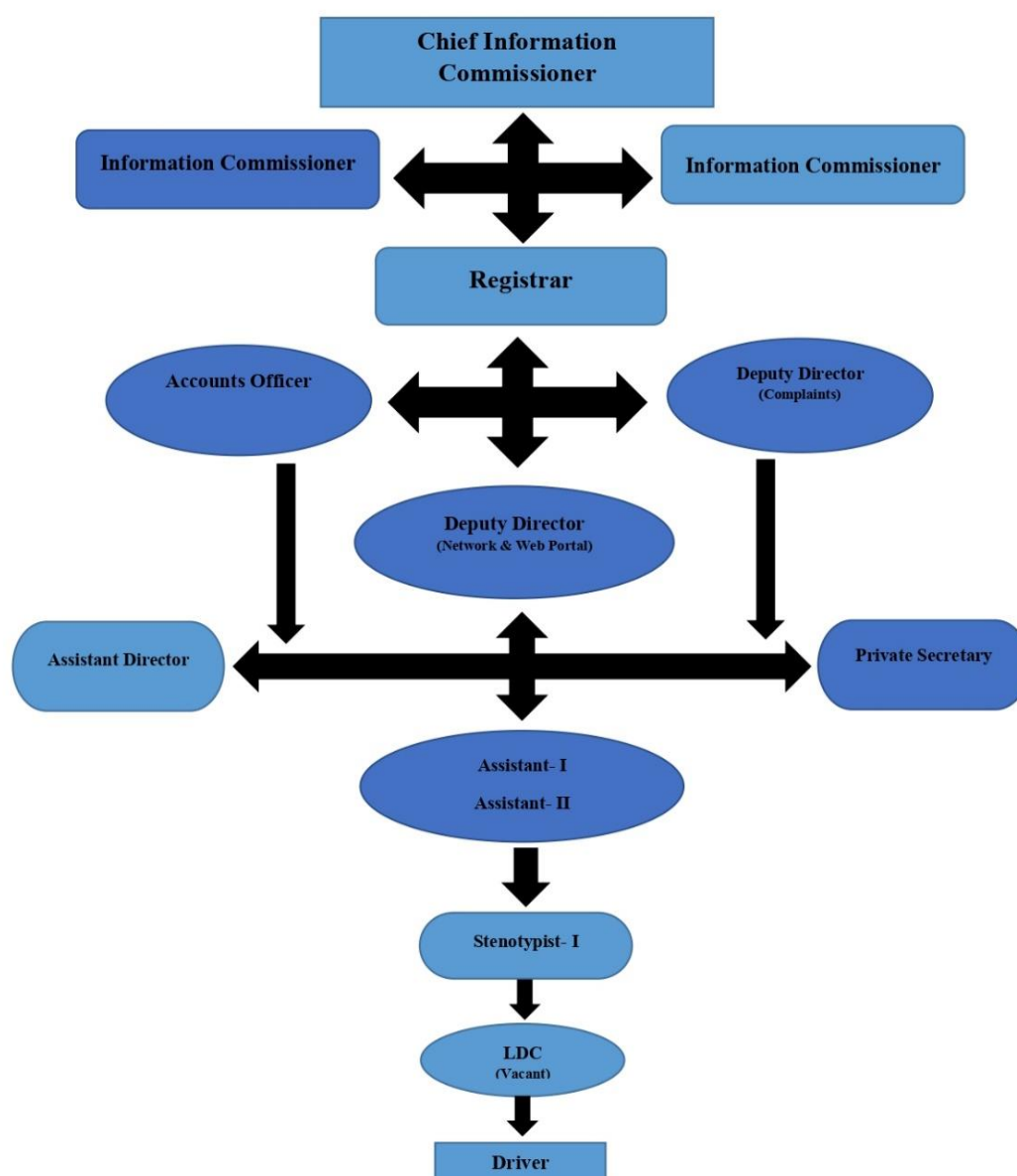
Huzaifa Rehman
Information Commissioner

PAKISTAN INFORMATION COMMISSION

The Pakistan Information Commission was established under section 18 of the Right of Access to Information Act, 2017. It comprises three Commissioners who are appointed by the Prime Minister for a term of four years. The Commission is headed by the Chief Information Commissioner who is appointed by the Prime Minister from amongst the commissioners.

The first Commission was established on November 8, 2018. The present Commission has assumed office during the first half of the current calendar year and is performing its obligations under the Act.

ORGANOGRAM



FUNCTIONS OF THE PAKISTAN INFORMATION COMMISSION

Section 19 of the Act, lays down the functions of the Pakistan Information Commission as under;

- * To receive and decide on appeals.
- * Compile a user friendly handbook in Urdu and English.
- * Audit of its accounts on annual basis
- * Compile a comprehensive bi-annual report both describing its own activities, including an overview of the audited accounts and providing an overview of the activities undertaken by all public bodies to implement this Act. This report shall be laid before the Parliament;
- * Ensure that all the information under the Act is made public.
- * Ensure implementation of this Act and the record to be made public under this Act.

FUNDS AND AUDIT

The Federal Government shall make annual budgetary allocation for the Information Commission to discharge its functions under the Act. An amount of Rs. 49,779,000/- has been allocated to the Commission during the Financial Year 2022-23.

The expenditure made by the Commission is pre-audited by the Accountant General of Pakistan. Auditor General is required to carry out post audit.

POWERS OF THE PAKISTAN INFORMATION COMMISSION

Section 20 of the Act, lays down the powers of the Pakistan Information Commission as under;

- The information Commission shall have all the powers, direct or incidental, as are necessary to perform its functions and the power to acquire, hold and dispose of property.
- Monitor and report on the compliance by public bodies with their obligation under this Act;
- Undertake training activities for public officials on the right of access to information and effective implementation of this Act;
- Publicize the requirements of this Act and the rights of individuals there under;
- Conduct inquiries in relation to an appeal and for this purpose shall have the powers of a Civil Court in following matters:
 - i. Summoning and enforcing the attendance of witnesses and compelling them to give oral or written evidence on oath; and
 - ii. Requiring public bodies to produce records pertaining to the appeal;
- Order a public body to disclose information to an applicant.
- Impose on the official a fine equivalent to his salary for one day, for a maximum of a hundred days, who has acted willfully to obstruct any activity which is required to be undertaken by this Act; including preventing or delaying the disclosure of information to an applicant;
- The information commission after determination of willful destruction of record shall refer such matters to the relevant agencies
- Non-compliance of a decision of the Information Commissioner may, if it has not been appealed against within thirty days, be dealt with in the same way as contempt of court.

III. INFORMATION REQUESTS AND APPEALS

Any citizen may file an information request before a public body through its designated official regarding any matter relating to public record under the Act. The public body would be obliged to provide the information without asking for reasons for the request from the citizen. The response will be provided by the public body within 10 working days of the receipt of request regarding acceptance or rejection stating reasons relating to incorrectness or exemptions as provided under the Act.

The period of ten days may be extended by 10 more working days at the most. Fee may be charged for the cost of reproducing information and sending it to the appellant.

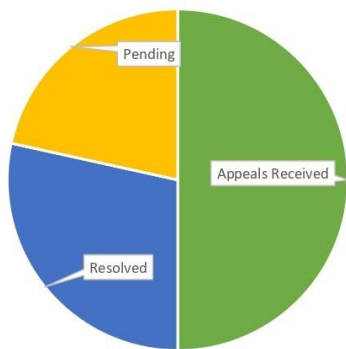
An applicant who is not satisfied by the decision of the designated official or where no decision has been communicated to him within the time fixed for such decision, may, within a period not exceeding thirty days after either receiving a decision or after the time-limit for such a decision has passed, prefer an appeal to the Commission through email or a plain paper through post; personal attendance is not needed.

The commission may schedule hearing and allow the appellant and the concerned public body to present their stance. The presence of the appellant is not mandatory unless deemed essential by the Commission in the interest of making sound decisions. The Commission evaluates the arguments and evidence in the light of the law and arrives at a decision with judicious application of mind keeping in view the spirit of the Act for proactive disclosure and access to information. An appeal shall be free of charge. The appeal is required to be decided within a period of sixty days.

APPEAL STATISTICS

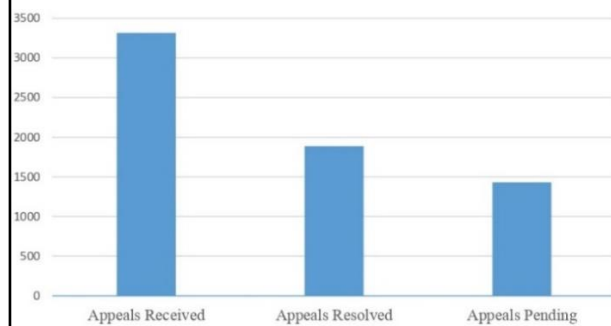
(From Jan 2023 – Jun 2023)

- Number of Appeals Received: [492]
- Number of Appeals Resolved: [239]
- Number of Appeals Pending: [253]



(From 2018 – 2023)

- Number of Appeals Received: [3317]
- Number of Appeals Resolved: [1887]
- Number of Appeals Pending: [1430]



- Reporting Year: 2023
- Reporting Period: January 2023 to June 2023

Pakistan Information Commission has received total **3317** appeals since 2018. **381** appeals were received through online appeal management system and **2936** appeals were received via post. **492** appeals have been received from January 2023 to June 2023.

PUBLIC BODIES - APPEAL STATISTICS

Public Bodies	No. of Appeals
Capital Development Authority- CDA	66
Ministry of Finance	59
National Database and Registration Authority- NADRA	58
Federal Board of Revenue- FBR	57
Federal Investigation Agency- FIA	57
Election Commission of Pakistan- ECP	56
Ministry of Defence	55
Cantonment Boards	50
Ministry of Law and Justice	50
Establishment Division	49
Higher Education Commission- HEC	47
Ministry of Information and Broadcasting	47
Cabinet Division	45
Ministry of Foreign Affairs- MOFA	45
National Accountability Bureau - NAB	45
Ministry of Interior	42
Ministry of Energy	39
Supreme Court of Pakistan	39
Federal Public Service Commission- FPSC	38
Islamabad Electric Supply Company- IESCO	37
Ministry of National Health Services, Regulations & Coordination	30
National Assembly of Pakistan	29
Prime Minister Office	29
Senate of Pakistan	29
Allama Iqbal Open University- AIU	28
Employees Old Age Benefit Institute- EOBI	28
Ministry of Climate Change	28
Ministry of Federal Education and Professional Training	28
State Bank of Pakistan- SBP	28
Multan Electric Power Company- MEPCO	27
Sui Northern Gas Pipeline Ltd- SNGPL	27
Defence Housing Authority	26
National Bank of Pakistan - NBP	26
Ministry of Housing and Works	25
Pakistan Railways	25
Water and Power Development Authority- WAPDA	24
Gujranwala Electric Power Company- GEPCO	23
National Transmission & Dispatch Company- NTDC	23
Oil and Gas Development Company Limited- OGDCL	23
Pakistan Public Works Department- PWD	22
Ministry of Railways	21
Ministry of Religious Affairs and Interfaith Harmony	20
Comsats University	18
Federal Ombudsman (Wafaqi Mohtasib)	18
Ministry of Human Rights	18
Securities and Exchange Commission of Pakistan- SECP	18

Pakistan Electronic Media Regulatory Authority- PEMRA	17
Lahore Electric Supply Company (LESCO)	16
National Engineering Service of Pakistan (Pvt) Limited- NESPAK	16
Civil Aviation Authority- CAA	15
Ministry of Water Resources	15
Ministry of Science and Technology	14
Faisalabad Electric Power Company- FESCO	13
Federal Government Employees Housing Society Foundation	13
Ministry of Industries and Productions	13
Pakistan Telecommunication Authority- PTA	13
Accountant General Pakistan Revenues- AGPR	12
Auditor General of Pakistan	12
Benazir Income Support Programme- BISP	12
National Highway Authority- NHA	12
Pakistan Medical Commission- PMC	12
Zarai Taraqati Bank Limited- ZTBL	12
Inspector General of Police	11
Islamabad Model College for Boys, Islamabad	11
Oil and Gas Regulatory Authority - OGRA	11
Pakistan Engineering Council- PEC	11
Ministry of Parliamentary Affairs	10
National Electric Power Regulatory Authority- NEPRA	10
Peshawar Electric Supply Company- PESCO	10
Commissionerate for Afghan Refugees	9
Federal Insurance Ombudsman	9
Islamabad Police	9
Pakistan Bureau of Statistics- PBS	9
Pakistan Council of Scientific and Industrial Research- PCSIR	9
Pakistan Environment Protection Agency- PEPA	9
Pakistan International Airline- PIA	9
Pakistan Post	9
Pakistan State Oil- PSO	9
State Life Insurance Corporation of Pakistan	9
Banking Mohtasib of Pakistan	8
Deputy Commissioner Islamabad	8
Directorate General Civil Defence	8
Drug Regulatory Authority of Pakistan- DRAP	8
Federal Directorate of Education	8
Federal Employees Cooperative Housing Society	8
Islamabad High Court	8
K-Electric	8
Sui Southern Gas Company Ltd- SSGPL	8
Survey of Pakistan	8

SOME SIGNIFICANT ORDERS

Here is a summary of some of the landmark orders passed by the Pakistan Information Commission from January to June 2023:

- **Khushdil Khan Malik Vs Election Commission of Pakistan**

The appellant had requested for the following information;

- i. Candidature of Mr. Ahmed Nawaz Sukhera for the office of caretaker Chief Minister of Punjab.
- ii. Minutes of Meeting of Parliamentary Committee of Punjab Assembly and recommendations, thereof.
- iii. Minutes of Meeting of Election Commission of Pakistan regarding appointment of caretaker Chief Minister, Punjab

The Election Commission of Pakistan informed that the certified copies of documents mentioned at serial No. i & ii cannot be provided. It was contended that these documents are classified and are exempted from disclosure as provided in section 7(b) (g) and (h) of the Right of Access to Information Act, 2017.

This commission maintains that as far as the Minutes of Meeting of ECP regarding the appointment of the caretaker Chief Minister of Punjab are concerned although exemption has been sought from disclosure of said documents by the ECP under Section 7(b) (g) and (h) of Right of Access to Information Act, 2017, which is not allowed. Under section 7(b) Minutes of Meeting are exempted subject to the final decision by the public body. The decision about the appointment of Caretaker Chief Minister of Punjab, has since been finalized, so said Minutes of Meeting do not enjoy exemption from disclosure. As far as section 7(g) and (h) of the Right of Access to Information Act, 2017 is concerned under said provision “record relating to the personal privacy of any individual; and record of the private document furnished to a public body are exempted from disclosure and said documents do not fall in this category.

Complete order is available on PIC website at <https://rti.gov.pk/order-on-appeal-no-2591-03-2023-khushdil-khan-malik-vs-election-commission-of-pakistan/>

- **Nisar Ahmed Vs Federal Investigation Agency**

In the instant appeal, a citizen Nisar Ahmed has sought certified copy of an inquiry conducted by FIA against him, along with certified copy of the forensic report of his mobile phone.

This Commission holds that information is to be proactively published by the public body as required under section 5 of the Right of Access to Information Act, 2017. It has never been excluded from disclosure under the Act, and the appellant being citizen of Pakistan has the fundamental right to have the information from the public body. Therefore, the appeal is allowed, and the public body is directed to share, the inquiry report and forensic report after deleting any sensitive part related to any women involved in this matter with the appellant.

Complete order is available on the PIC website at <https://rti.gov.pk/order-on-appeal-no-2579-03-23-nisar-ahmed-vs-fia/>

- **Saddia Mazhar Vs Ministry of Communication**

In this appeal the appellant has requested information about tax collection by the Motorway authorities, copy of the lease/contract agreement with the contractor if the lease is granted for collection of tax, and the amount spent on maintenance of motorways from the year 2018 year wise.

Said information is to be proactively published by the public body as required under section 5 of the Right of Access to Information Act, 2017. The appellant being a citizen of Pakistan has the fundamental right to have the information from the public body. Therefore, the appeal is allowed, and the public body is directed to share all the requested information with the appellant.

This order is also available on Pakistan Information Commission's website at <https://rti.gov.pk/order-on-appeal-no-2574-03-23-saddia-mazhar-vs-ministry-of-communication/>

- **Kaleem Ahmed Vs Pharmacy Council of Pakistan**

The appellant has made a request that he required certified copies of approved minutes of Pharmacy Council of Pakistan's meeting dated 15-05-2008 and 01-10-2010 vide which penalty was imposed on account of over and above enrollment without considering the record and approved minutes and payments of requisite fees to the Pharmacy Council of Pakistan.

This Commission maintains that the documents required by the appellant in his appeal have been found to be public record and its disclosure is not exempted under any provision of the Act.

Complete order is available at <https://rti.gov.pk/appeal-no-2509-02-23-kaleem-ahmed-vs-pharmacy-council-of-pakistan/>

PUBLIC AWARENESS CAMPAIGNS

Public awareness is a key to effective implementation of the Right to Information Act. Following actions have been taken in this regard,

- Writing time and again to heads of public bodies for proactive disclosures of information and loading on the website.
- Awareness sessions with Journalists at Karachi Press Club.
- Interaction with the Associated Press of Pakistan (APP) and launching a video for public knowledge about facts and procedures of the RTI Act.
- Interaction with NGOs and Civil Society to make the process inclusive.
- Holding a Seminar “Open Discussion on RTI” in collaboration with the Centre for Peace and Development Initiatives (CPDI)
- Interaction with Provincial Information Commissions for better understanding and coordination.
- Placement of awareness standees at Airport Lounges in collaboration with the Civil Aviation Authority.
- Airing of Public Awareness and Public service messages through PEMRA.
- Hearings at provincial capitals to provide ease of information access to citizens and facilitate the public bodies located there and give an image of a National Commission.



PRESS COVERAGE OF AWARENESS ACTIVITIES



Efforts being made to implement right to information law

Tahir Siddiqui | Published February 20, 2023

KARACHI: Chief Information Commissioner of the Pakistan Information Commission Shoaib Ahmed Siddiqui has underlined the need for awareness regarding the law of right to information (RTI).

Delivering an awareness lecture organised by the Karachi Press Club on its premises, he said that easy access to the information in citizens' life largely contributed to good governance.

He said that the efforts were being made for the implementation of law to activate the mechanism of transparency and accountability in the country.

He said that retrieving information from a public office had been made easy for citizens who could apply for the information from a public body. "The information has to be given to the applicant within 10 days," adding that 10 additional days might be taken by the authority concerned depending on the nature of the information.

رائٹ ٹو انفارمیشن ایکٹ کا مقصد اسلوب حکمرانی کو بہتر بنانا
اور تمام سرکاری اداروں میں معلومات تک عوام کی رسائی کو
آسان بنانا ہے۔، چیف انفارمیشن کمشنر

Mon, 29 May 2023, 3:53 PM



اسلام آباد۔ 29 مئی (اے پی پی) چیف انفارمیشن کمشنر آف پاکستان شعیب احمد صدیقی نے کہا ہے کہ رائٹ ٹو انفارمیشن ایکٹ کا مقصد اسلوب حکمرانی کو بہتر بنانا، کرپشن کو کم کرنا اور تمام سرکاری اداروں تک عوام کی رسائی کو ممکن اور آسان بنانا ہے۔ یہ قانون ہر شہری کو سرکاری دفاتر اور اداروں میں ہونے والے کام کے بارے میں سوال اٹھانے کا حق دیتا ہے، اچھی حکمرانی سے ملک ترقی کرے گا اور نتیجتاً عوام ترقی کریں گے۔



Chief Information Commissioner Mr. Shoaib Ahmad Siddiqui, Information Commissioner Mr. Ijaz Hassan Awan, and esteemed members of the Karachi Press Club come together for a group photo.



Chief Information Commissioner Mr. Shoaib Ahmad Siddiqui and Information Commissioner Mr. Ijaz Hassan Awan join participants of an enlightening awareness session with journalists at the Karachi Press Club, fostering engagement and knowledge-sharing on access to information and transparency.



Chief Information Commissioner, Mr. Shoaib Ahmad Siddiqui addressing participants of “Open Discussion on RTI” Seminar held in Islamabad.



A captivating glimpse from the interview of Chief Information Commissioner, Mr. Shoaib Ahmad Siddiqui, with the Associated Press of Pakistan, shedding light on vital topics surrounding information access, transparency, and the pivotal role of the Commission in promoting accountability and good governance.

INTERNATIONAL CONFERENCE OF INFORMATION COMMISSIONERS (ICIC)

Pakistan Information Commission is a member of The International Conference of Information Commissioners (ICIC). Chief Information Commissioner attended the conference via zoom.

The International Conference of Information Commissioners (ICIC) is a global forum that brings together information commissioners involved in promoting transparency and access to information. The ICIC provides a platform for sharing experiences, best practices, and challenges in the field of information governance.

The conference typically features panel discussions, workshops, and presentations on various topics of interest to Information Commissioners. These may include discussions on emerging trends and challenges in information governance, technological advancements and their impact on access to information, data protection and privacy regulations, international cooperation in information management and strategies for promoting transparency and accountability in government.

The ICIC aims to foster international cooperation and strengthen the role of Information Commissioners in promoting open and transparent governance. It serves as a valuable platform for knowledge exchange, networking, and development of common standards and guidelines in the field of access to information.



Figure: Chief Information Commissioner addressing The International Conference of Information Commissioners ICIC held in Manila, Philippines on June 19, 2023 via video link.

KEY LEARNINGS AND RECOMMENDATIONS FOR IMPROVEMENT

The Pakistan Information Commission (PIC) is a crucial institution responsible for promoting transparency and ensuring the right of access to information.

Further improvement can be achieved by:

- Strengthening the Legal Framework
- Capacity Building of the staff
- More efficiency in the disposal of cases.
- Outreach and Awareness
- Proactive disclosure by the public bodies.
- Collaboration with stakeholders
- Technology Integration
- Monitoring and Evaluating Performance
- Independence and Autonomy
- International Cooperation and collaboration

CHALLENGES

There are several challenges that the Pakistan Information Commission faces in effectively carrying out its mandate. Some of these include:

- Lack of Awareness
- Limited Resources
- Limited Enforcement Mechanisms
- Privacy and Data Protection
- Pace of Digitalization
