



The Right to Information Act, 2013 Khyber Pakhtunkhwa, Pakistan

On the 9th of January 2013, DELTA, with the collaboration of the United Nations Development Programme (UNDP), organized a consultation in Peshawar, on the Right to Information legislation newly promulgated in the province through the *Right to Information Act 2013*, an act touted as an exceptionally strong RTI Act.

However, problems prevail – as citizens remain unsure of their basic rights and its potential implications with regards to promoting democracy, good governance, accountability and transparency in the public sphere – imperative for Pakistan which ranks among some of the highest nations in terms of corruption.

Proceedings

Naazlee Sardar (President, DELTA) began the event with a brief inaugural address where she thanked the participants for attending and emphasized the importance of the Right to Information. She then called upon Ameer Gilani (Consultant, DELTA) to give a presentation on the RTI regional context, a presentation which compared RTI legislation in Pakistan, India, Bangladesh, Nepal and the USA – giving some perspective regarding strengths and weaknesses, and issues with implementation.

Following this presentation, Riffat Sardar (Legal RTI Expert) gave an in-depth presentation on the RTI Act in Khyber Pakhtunkhwa, describing its strengths and weaknesses.

Following the presentations, a panel discussion took place – which featured a diverse panel of RTI experts, political party representatives, academia, media and civil society representatives. This included Ayesha Gulalai (MNA, PTI), Akbar Hayat (MPA, PML-N), Abdul Qadoos (Senior Correspondent, APP), Zahid Abdullah (Program Manager, CPDI), Imtiaz Gilani (Acting chairman, Higher Education Commission), Mudassar Alam, (Manager governance, CRCP), Said Nazeer, member High court Bar Association, Azmat Hanif Orakzai, former Secretary Information, and Col. Khurshid Alam (former DG, National Accountability Bureau).

The panel discussion was moderated by Naazlee Sardar, who asked participants questions on the RTI. Some of the questions on the government's stance on RTI were answered by Azmat Hanif Orakzai, former Secretary Information.

Salient points emerging from the extensive panel discussion are as follow:

- The UNDP needs to focus on effective implementation through advocacy campaigns for citizens, as well as by pressurizing the Provincial Government and Political Party representatives to formulate rules and set up a functioning Information Commission, etc.
- The participants were informed that the remaining two members were nominated already and would soon be notified by the government. However the panelist Mudassar Alam and Zahid Abdullah, members of the Civil Society present at the Consultation raised an objection regarding the exclusiveness of the members of the Information Commission. They demanded that the

government include allow civil society to nominate and select members of the Commission to increase inclusiveness of citizens in public affairs.

- The RTI Act in KPK includes a clause which states that petitioners seeking information for ‘malifide’ reasons may be fined up to 50,000. A term as vague as “malifide” will surely be abused by authorities, making it a law of deterrence. Ayesha Gulalai, an MNA from PTI – committed that this clause will be changed through an amendment to the Act.
- The moderator raised a point regarding the refusal of government officials to make information regarding the attendance of lawmakers in the National Assembly to be made public. Naazlee Sardar said, considering how they claim per diem which is taxpayers money but instead of attending assembly sessions prefer to appear on talk shows, and then the Speaker of the Assembly refuses to provide data on attendance record, goes against the RTI principle but the PML N Govt insists on keeping the information secret under the Freedom of Information Act at the federal level. Arbab Akbar Hayat from the PML-N stated that it was every citizen’s right to have access to attendance records, in order to hold their elected representatives in check, and that he did not condone the speaker’s act of holding attendance record secret.
- Amendment in the RTI Act is necessary in order to expressly include the Peshawar High Court in the definition of a public body (currently lacking).

The event was a success, as it sensitized participants on the Right to Information legislation in Khyber Pakhtunkhwa, and empowered them to understand the strength of their new ability to counter corruption in the Province. It also gave participants a chance to engage with their elected representatives, in particular, Ayesha Gulalai from PTI – which happens to be the dominant political party in the Province and the promulgators of the legislation – who also assured amendments to certain questionable clauses within the Act. The former Secretary Information Azmat Hanif Orakzai, answered questions from the participants, providing them assurance that they can access information from the Govt under the RTI Act, as now it is their right to do so, and the govt was compelled to provide information to the citizenry.

Participants from the civil society, media, academia, government functionaries and legal fraternity attended the consultation. Prominent among the participants was Khalid Sahibzada, the newly appointed Information Commissioner and Atif Yousafzai, representative from the Post Conflict Needs Assessment, P & D Dept, that has been awarded a grant by the World Bank, for operationalization of the Information Commission.

Note: The Agenda for the Consultation is attached to this document as an Annexure.

Annexure: Agenda

02:30 pm	Recitation of Holy Quran
02:45pm	Setting the Regional Context: Mr. Ameer Gilani, Consultant, DELTA
03.00 pm	Setting the Provincial Context: Review and Analysis of RTI Act in KPK Dr. Riffat Sardar, RTI Legal Expert, DELTA
03.25 pm	Panel Discussion (Moderated by Ms. Naazlee Sardar) <ol style="list-style-type: none">1. Ms. Ayesha Gulalai (MNA, PTI)2. Mr. Arbab Akbar Hayat (MPA, PML-N)3. Mr. Abdul Qadoos (Senior Correspondent, APP)4. Mr. Zahid Abdullah (Program Manager, CPDI)5. Mr. Imtiaz Gilani (Acting Chairman, HEC)6. Mr. Mudassar Alam (Manager Governance, CRCP)7. Mr. Khurshid Alam (Former DG, National Accountability Bureau)8. Dr. Ijaz (International Relations Dept, Peshawar University)9. Mr. Said Nazeer, member High Court Bar Association,10. Mr. Azmat Hanif Orakzai, former Secretary Information, GoKPK
04.30 pm	Question and Answer session
04:45 pm	Address by Mr. Zahid Abdullah (Program Manager, CPDI)
05:00 pm	Vote of Thanks by DELTA followed by tea

RTI Consultation Meeting Pictures



Newspaper publication reports

<http://tribune.com.pk/story/656992/towards-transparency-govt-shortlists-two-names-for-rti-commissioners-post/>



Towards transparency: Govt shortlists two names for RTI commissioner's post

Published: January 10, 2014

PESHAWAR:

The Khyber-Pakhtunkhwa (K-P) government has nominated two individuals for the post of Right to Information (RTI) commissioner.

Sahibzada Muhammad Khalid was appointed the Chief Information Commissioner RTI on December 6 last year and official sources have revealed that the government has short listed two people for the slot of commissioner.

An official said a notification in this regard will be issued soon, adding one of the selected officials is Shahjehan Sayed, a former chairman of the Mass Communication department at the University of Peshawar. The second name was not shared with *The Express Tribune*. The official confided that the World Bank has provided Rs60 million to the K-P government to help build RTI structure in the province.

Meanwhile, during a conference on RTI on Thursday, participants said corruption in public affairs can be reduced through effective implementation and operationalisation of RTI legislation.

Participants in the consultation said corruption in public affairs can be reduced through effective implementation of RTI

Civil society activists and RTI experts were at a consultation conference organised by Development, Environment, Legal Aid, Technical Support and Advocacy Association (Delta) in collaboration with the United Nations Development Programme.

Delta President Naazlee Sardar urged participants to empower themselves and demand their right to information to “foster democracy and ensure accountability and transparency”. She said the K-P government’s newly-promulgated Right to Information Act 2013 is a bold step to allow citizens to monitor the government.

Former secretary information Hanif Orakzai highlighted the government’s efforts in drafting the act, while Dr Riffat Sardar presented an analytical review of it.

Pakistan Tehreek-e-Insaf MPA Ayesha Gulalai highlighted the ease of requesting information under the act and the protection it provides to whistleblowers.

Other participants who spoke on the occasion included Pakistan Muslim League-Nawaz leader Akbar Hayat, acting Higher Education Commission Chairman Imtiaz Hussain Gilani, former National Accountability Bureau chief Khurshid Alam and RTI chief information commissioner Sahibzada Khalid.

Published in The Express Tribune, January 10th, 2014.

<http://www.dailymashriq.com.pk/index.php?page=2&edition=Peshawar&date=2014-01-10&type=>

Daily Mashriq

Dated: 10-01-2014



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DELTA, UNDP seminar

Speakers for implementation of RTI Law

RECORDER REPORT

PESHAWAR: Speakers and activists of civil society have said that corruption in public sector bodies could be reduced through the implementation of the Right to Information (RTI) Law in the province.

They were addressing a seminar organised under the auspices of Development, Environment, Legal Aid, Technical Support and Advocacy Association (DELTA) in collaboration of the United Nations Development Programme (UNDP).

Naazlee Sardar, President DELTA said RTI legislation emboldens citizens and ensures accountability and transparency. The KP government's newly promulgated RTI Law is a bold step to allow citizens to monitor the provincial government. However, it requires effective implementation.

Former KP secretary of Information, Azmat Hanif Orakzai presented the government's efforts for implementation of RTI Law, while Dr Riffat Sardar presented analytical review of this law.

Ayesha Gulalai, PTI MNA who defended the RTI Act, highlighted the ease of requesting mechanisms. Akbar Hayat from PML-N, Abdul Qadoos, senior correspondent APP, Zahid Abdullah from CPDI, the current acting chairman of the Higher Education Commission, Imtiaz Hussain Gilani and Khurshid Alam, the former DG of the National Accountability Bureau and Sahibzada Khalid, Commissioner, Information Commission also attended the seminar.

Hashim Zaidi, a representative from UNDP urged the citizens to raise awareness and demand of their rights.



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Islamabad, Sunday, 12 January, 2014

RTI Act to help curb corruption: Experts

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OUR STAFF REPORTER
PESHAWAR

Experts and civil society activists have said that corruption in public sector bodies could be reduced through the implementation and operationalisation of the Right to Information (RTI) Act, adding that it would empower citizens and help strengthen good governance in the province.

They were addressing a consultation organised under the auspices of Development, Environment, Legal Aid, Technical Support and Advocacy Association (DELTA) in collaboration of the United Nations Development Programme (UNDP).

Naazlee Sardar, President DELTA, urged participants to empower themselves and demand their right to information to "foster democracy and ensure accountability and transparency. She said that Article 19-A inserted in the constitution under 18th Amendment to the Constitution of Pakistan, Article 19-A guarantees ac-

cess to information as a fundamental right to all citizens at both federal and provincial levels.

RTI legislation emboldens citizens and ensures accountability and transparency. The KPK government's newly promulgated Right to Information Act (RTI Act) 2013 is a bold step to allow citizens to monitor the provincial government. However, it requires effective implementation and operationalisation.

Former Secretary of Information, Khyber Pakhtunkhwa Azmat Hanif Orakzai presented the government's efforts in making the RTI Act while Dr Riffat Sardar presented analytical review of the RTI Act of Khyber Pakhtunkhwa.

The event incorporated Ayesha Gulalai (MNA) from PTI who defended the RTI Act, highlighting the ease of requesting mechanisms and protection of whistleblowers, Akbar Hayat from PML-N, Abdul Qadoos, senior correspondent APP, Zahid Abdullah from CPDI, the current acting chairman of the Higher Education

Commission, Imtiaz Hussain Gilani and Khurshid Alam, the former DG of the National Accountability Bureau and Sahibzada Khalid, Commissioner, Information Commission.

The global corruption index by Transparency International ranks Pakistan 28 (on a scale between 1-100) highlighting the levels of corruption and the need for effective RTI legislation at all levels. Participants engaged in informed debate and came up with tangible recommendations for the implementation of the RTI.

Hashim Zaidi, a representative from UNDP expressed the need to operationalise the law and urged the citizens to raise awareness and demand their rights.

DELTA, aims to improve engagement between citizens and government in order to promote good governance in Pakistan. DELTA, in collaboration with UNDP is organizing consultations in four provinces of Pakistan to demand immediate operationalisation and implementation of RTI.

INTERNATIONAL
THE NEWS

Friday, January 17, 2014

TODAYS' NEWSPAPER

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Bureau report
Friday, January 17, 2014
From Print Edition



PESHAWAR: Experts and civil society activists have said corruption in public sector bodies could be reduced through the implementation of the Right to Information Act that would empower citizens and help strengthen good governance.

They were speaking at a consultation organised under the auspices of Development, Environment, Legal Aid, Technical Support and Advocacy Association (Delta) in collaboration with the United Nations Development Program, said a press release issued here on Thursday.

Delta President Naazlee Sardar, president, urged participants to empower themselves and demand the right to information to "foster democracy and ensure accountability and transparency.

She said Article 19-A inserted in the constitution under the 18th Amendment to the Constitution, guarantees access to information as a fundamental right to all citizens

at both federal and provincial levels.