

The Rickety Ride to Information

In 2016, the Swedish and Finnish governments celebrated the 250th anniversary of the world's first Freedom of Information (FOI) law that was passed in Sweden in 1766. It was an indigenous law, accomplished without receiving foreign funding worth millions of dollars or without conducting hundreds of seminars in 5 star hotels.

Nudged by an Asian Development Bank's precondition, Pakistan made its first FOI law in 2002. Between the Federation and the four Provinces, Pakistan today has five independent Right to Information (RTI) Acts / Ordinances. While gaining political brownie points appeared to be the primary motive, the composers of these hurriedly put-together documents had little interest in their content or functionality. No wonder that these five RTI Acts could collectively inspire no more than a few hundred RTI requests in the last 15 years. Compare this to our neighbouring country India which received 976 thousand RTI requests only in the year 2016.

RTI in Pakistan may best be explained by the story of the 'Emperor's new clothes' - where no one wished to say that the Emperor was in fact wearing nothing. We too have a hugely over-rated and under-performing RTI system. The state is quite happy to keep it like this forever. There is no debate for a serious re-assessment of the entire RTI system, the faulty laws, the bureaucratic hurdles and the citizens' indifference.

The new Sindh RTI Act was passed in 2016. It specifies that an Information Commission shall be established within 100 days of the commencement of the RTI Act. So far, the Government of Sindh has failed to comply with this requirement. The RTI Act also requires formulation of Rules. No Rules have been made so far to operationalise the RTI Act. The appointment of 'Designated Officers' in each public body within 45 days of the commencement of the Act has not taken place in more than 90% Public bodies.

Punjab passed its RTI Act in 2013. The Government however became uncomfortable when the Information Commissioners began taking actions against the non-compliant government officials. It was therefore considered prudent to neutralise the Information Commission by neither appointing any further Information Commissioners nor allocating funds necessary to operate the Commission. The Commission responsible to oversee the RTI function was thus made comprehensively inoperative.

The 2005 Balochistan FOI Act is conspicuous by its under-utilisation. It is loaded with bureaucratic compulsions like using a specific format for application, giving reasons for seeking information and attaching a bank challan which calls for knowing impossible numbers such as Major Head C0, Minor Head C038 and Detailed Head C03885.

In August 2017, Pakistan's Parliament finally passed a new RTI Bill to replace the outdated FOI Ordinance 2002. The new bill gives wide powers to Ministers to deny disclosure of information. This single clause defeats the very essence of the RTI. One can only hope that the Lower House before passing the bill into an Act will remember to remove the vague and the niggardly characteristics of the current bill. The missing definition of the word 'information' could lead to additional possibilities for misuse.

The Khyber Pakhtunkhwa is the only province that has an operational Information Commission and where RTI requests are dealt with due respect. Regretfully, despite the passage of RTI Act some 4 years back, its Rules have still not been finalised.

Pakistan has made three fundamental mistakes in the context of the RTI. It tried to make five RTI Acts instead of opting for the Indian model of a single RTI Act for the whole country. Next it did not invest in building its semi-functional or completely dysfunctional RTI Commissions. Except for KPK, there is no functional RTI Commission in any other province. Lastly the state has shown no interest in giving awareness, training or motivation to ordinary citizens on the use of RTI. In a few cases the donor agencies assumed this role as if they had a greater interest in Pakistan's RTI than our own government.

It calls for courage and truthfulness to admit that we have a quasi-functional RTI system that will not get better without a major restructuring. Article 19A of the Constitution will continue to remain a pipeline dream as long as the state is unwilling to reconstruct the three primary pillars of RTI. These are: developing a single RTI Act, ensuring separate but effective RTI Commissions for Centre and each province and conducting an on-going nationwide RTI awareness program.