

The fragile right to information

'Right to Information' (RTI) is a swanky subject. A perfect candidate for foreign-funded seminars suitably lubricated by 'high-teas' in five star hotels. Pakistan has a plethora of RTI laws. Do they actually perform their function or simply serve as a façade of our 'soft image'. There are at least five major RTI Acts and Ordinances to support the citizens' right to information in Pakistan. Ironically only two of them (The KPK and the Punjab RTI Acts) actually work while the other three have continued to stay comatose since their inception.

The Sindh, Balochistan and the Federal Government RTI Acts exist largely on paper only. In most cases a request for information under these laws would draw surprise, silence, concealment, taking refuge behind exemptions or indulgence in blatant falsehood. While scores of earlier requests under these three laws yielded dismal results, the latest request, designed to assess the functioning of Federal RTI law, broke all previous records of concealment as well as falsehood.

On 15th of February 2016, a citizen of Pakistan requested the Foreign Ministry to provide some basic information regarding issuance of Houbara Bustard hunting permits. The applicant sought information on the number of permits / licenses that were issued by the Foreign Ministry to any individual or organization, Pakistani or foreign, for hunting of Houbara Bustards in any territory of Pakistan from 1st June 2012 to 15th February 2016. The applicant also requested for records that showed the dates, names, designations and nationality of individuals who were issued these permits along with the number of birds authorized (bag size) against each hunting permit.

Not given to balance or restraint, the Foreign Ministry had earlier proclaimed how its diplomacy was primarily 'dependent' on the slaughter of Houbara Bustards. The Ministry now took a quantum leap forward and crossed all legal and ethical limits by providing a blatantly inaccurate answer. In its formal reply, the Foreign Ministry stated, "It is informed that the Ministry of Foreign Affairs has not issued any permit/license to any Pakistani or non-Pakistani individual or organization for hunting of Houbara Bustard between 01 June 2012 and 15 February 2016." It conveniently forgot that it had been issuing illegal permits over the past many years. A matter that has been extensively reported in the press and eloquently addressed in a Supreme Court judgment.

Coming from the highest echelons of Pakistani government, the blatantly inaccurate response exposes the real face of the 'Right to Information' law in Pakistan. The bureaucrats clearly look down upon RTI with contempt and the state appears perfectly comfortable in denying its citizens their fundamental right to seek information.

To test the system further, the matter of incorrect information provided by the Foreign Ministry was referred to the Federal Ombudsman. A complaint was registered and the Foreign Ministry asked to explain its point of view. This time the response or the explanation of the foreign ministry was yet more ludicrous and irrational. It stated that the Foreign Ministry had sent a timely response to the applicant. From this, one gathers that in the opinion of the Foreign Ministry, the RTI is limited to the promptness of a response and not necessarily to the correctness of its contents.

The Foreign Ministry also took refuge behind a pending decision of the Supreme Court that relates to the issuance of Houbara hunting permits. The request for information by the applicant was however completely independent and unrelated to any other legal proceedings that the Foreign Ministry may have been engaged in. All that the applicant was requesting was information about the number of hunting permits issued by the Foreign Ministry. Denying access to this information amounted to violation of the FOI Ordinance and Article 19A of the constitution.

Ironically, the Federal Ombudsman also felt appropriate to side with the Foreign Ministry and closed any further investigation at this point. Why is Pakistan becoming so uniquely convoluted? Who does a citizen go to when the state prefers to protect its own right of providing no information or wrong information. Clearly what is written in the law and in the constitution appears only to promote yet more gobbledygook, wrapped in glossy reports, discussed over high-tea seminars and of course funded by the donor agencies.

The News 2 May 2016

