CRTI Specific Recommendations to Reform Punjab Draft Right to Information Law

Coalition on Right to Information (CRTI), after close scrutiny of the draft Punjab Freedom of Information bill makes specific recommendations to bring the draft law in harmony international standards of an effective right to information law.

1. It should be titled as Punjab Right to Information Act 2010. This change would make its title consistent with Article 19-A of the Constitution (inserted through 18th Amendment), which is titled as Right to Information and which has made it a fundamental right of all citizens.
2. The Preamble should refer to Article 19-A of the Constitution and say that right to access to information is a fundamental right of all citizens and that the purpose of the Act is to facilitate implementation of this fundamental right.
3. The Preamble should also state that, in a democratic country, people need to remain informed about the functioning of their government in order to participate in decision making and hold the government accountable. Democratic values and objectives must be embedded and promoted in laws being enacted by political governments both for symbolic and substantive reasons.
4. The law cannot be restricted to ‘citizens of Punjab’, as it is a fundamental right of all citizens of Pakistan. Any restriction imposed on any citizen (irrespective of where he or she lives) would be in contravention of Article 19-A of the Constitution.
5. CRTI welcomes the establishment of Punjab Information Commission. Without a strong and effective Commission, the law will not achieve its objectives, as it will fail in implementation. In our region, both India and Bangladesh have established Information Commissions for such purposes. It is suggested that Commission should consist of 2 former government servants (either the retired ones or those who left the job after at least 10 years of government service; total work experience not being less than 15 years), 2 retired judges of high court or persons who are qualified to be appointed as high court judges, and 1 person from the civil society with a distinguished record of at least 15 years of work on human rights or governance issues. This would ensure representation of diverse sectors and hence would bring to the table diverse perspectives. It will also ensure that Commission does not exclusively consist of retired persons who, while being highly experienced, may not fully appreciate latest developments related to governance, information regimes and use of appropriate technologies.
6. The provision in the draft Punjab law that excludes Notings on the file and minutes of the meetings be deleted. No such provision exists in the good laws around the world including the India RTI Act. It MUST BE DELETED as it excludes huge amount of information and records without any reasonable justification. In a democratic country, people have all the right to know how government uses the powers and resources at its disposal, which should only be used in the larger public interest. Any exclusion of documents and information relating to internal working will negate peoples’ right in this regard and, hence, will undermine their ability to oversee and make suggestions for increasing efficiency or improving performance. This is clearly an unreasonable restriction and is, therefore, in contravention of Article 19-A of the Constitution.