

RTI Scorecard Report Response on Information Requests by Provincial and District Public Bodies in Khyber Pakhtunkhwa

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RTI Scorecard Report

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This is CGPA’s fourth scorecard on the implementation of the Khyber Pakhtunkhwa Right to Information (RTI) Act 2013. Article 19A¹ of the Constitution of Pakistan confers upon the citizens of Pakistan the right to access information of all matters of public importance. For the implementation of this constitutional provision, provincial assemblies and parliament are obligated to legislate on the right of access to information held by public bodies.

As part of the Good Governance Legislative framework, the incumbent provincial government of Khyber Pakhtunkhwa (KP) province enacted the Khyber Pakhtunkhwa Right to Information Act, 2013. The purpose of the law was twofold; firstly to enable the citizens to exercise their constitutional right to have access to information of public importance and secondly to promote and strengthen accountability and transparency across the departments of Khyber Pakhtunkhwa government.

Spirit of the KP RTI law is to provide information proactively and ensure time bound provision of information to the citizens when requested. Under Khyber Pakhtunkhwa Right to Information Act, 2013, any citizen of Pakistan can file an information request with the public bodies in KP. These public bodies are bound to respond to an information request within 10 working days. In case of complex information, the maximum time limit for response may be extended to another 10 days making it altogether 20 working days for providing information. Under the law, each public body has designated a Public Information Officer (PIO) for providing information.

KP RTI Act provides an effective implementation mechanism whereby an independent statutory Right to Information Commission (RTIC) has been established. If a public body does not respond to an information request within the stipulated time period, the information requester may file a complaint with the Khyber Pakhtunkhwa RTIC. The KP RTIC is mandated to ensure that the complaint is resolved within 60 working days. KP RTIC also has punitive powers, and can impose penalty up-to Rs25,000.

As RTI legislation is well into its fourth year of implementation, it is imperative to test different aspects of this important piece of legislation. Towards this end, to test the responsiveness of different public bodies in terms of providing timely information upon the information requests submitted, CGPA has developed a tool of “scorecard”. The scorecard provides the vital information to rank the public bodies that are providing the information according to the defined time lines under the Act.

¹ Inserted in the Constitution of Pakistan through the 18th Constitutional Amendment on April 19, 2010

This scorecard is based on the information requests filed with public bodies by CGPA staff on the implementation of KP RTI law which includes the information seeking;

- a) How many information requests did a department receive under KP RTI Act 2013 from July 1, 2016 to June 30, 2017?
- b) How many information requests the department under KP RTI Act has responded, by providing the requested information within stipulated time defined in the law from July 1, 2016 to June 30, 2017?
- c) Have department got any request for inspection of record under KP RTI Act, 2013? If yes, how many?
- d) How many complaints have been lodged with KP Information Commission under KP RTI Act, 2013 against the department from July 1, 2016 to June 30, 2017?

A total of 117 information requests were filed with selected government departments of KP. These information requests were filed in September 2017. Out of these 117 requests, 32 information requests were filed with KP's provincial departments and the remaining 85 requests were filed with district departments. The district level public bodies included: 1) District Education Department (male); 2) District Health Department; 3) District Police Office; 4) Deputy Commissioner office and 5) District & Sessions Court, of 17 districts of KP². The detail of the information requests submitted to these departments are given in the table below:

No. of information requests sent to governmental departments at provincial and districts levels in KP and response thereto							
Department	Total information requests sent	No. of responses within 10 days	No. of responses within 20 days	No. of responses after 20 days	No. of complaints lodged	No. of responses within 60 days of complaint	No. of complaints not-responded within 60 days
District Education Officer (Male)	17	2	6	3	6	3	3
District Health Officers	17	5	4	2	6	4	2
Deputy Commissioner Office	17	4	5	0	8	3	5
District Police Officers	17	5	3	0	9	7	2
District & Sessions Courts' Judges	17	2	2	0	13	8	5
Provincial Departments	32	7	8	5	12	5	7
Total	117	25	28	10	54	30	24

² KP RTI law is not yet extended to Provincially Administered Tribal Areas (PATA). Therefore information requests were not filed to public bodies in PATA.

Ranking

All the departments selected for this study are ranked on the basis of their responsiveness and provision of information requested. The mechanism adopted to follow up on an information request is explained below.

Follow up Mechanism

Selected departments were categorised according to their efficiency regarding responding to information requests. A department replying within 10 working days of the information request was graded as the most efficient. The second category of departments was that of replying within 20 days of the information request. The third category was of the departments replying after 20 days. Furthermore, after waiting for a period of 20 days of filing information requests, complaints with the KP Right to Information (RTI) Commission were registered.

The fourth and fifth categories of public departments were those replying to information requests on the direction of RTI commission. If a department replied to an information request within 60 days of the complaint, it was included in the fourth category, and if it did not reply even after the direction of the RTI commission within 60 days of the complaint, then it was included in the fifth category of responsiveness.

Therefore for the purpose of ranking, a scheme of awarding grades to the selected departments for their responsiveness and provision of information was developed which is detailed below.

Scheme of Grades

Two variables of 'responsiveness' and 'provision of information' are measured for each department included in this Ranking. The maximum possible grade for either of the variable is 5. The minimum is -1. If a department replied to an information request within 10 days of the request, it was awarded with a score of $5+5=10$. If a department neither responded to an information request nor to the complaint/direction of RTIC, it was graded $(-1 \text{ for nonresponsiveness}) + (-1 \text{ for not providing the information}) = (-2)$. The complete scale of grades is listed below:

Responsiveness		Provision of information	
Grade awarde	Response Category & Efficiency	Grade awarded	Provision of Information Category & Efficiency
5	Responding to an information request within 10 days of the information request	5	Providing required information within 10 days of the information request
4	Responding to an information request within 20 days of the information request	4	Providing required information within 20 days of the information request
3	Responding to an information request after 20 days of the information request	3	Providing information after 20 days of the information request
2	Responding to an information request within 60 days of a complaint lodged with the KP Information Commission	2	Providing information after complaint with the KP Information Commission within 60 days of the complaint
1	Responding to an information request after 60 days of a complaint lodged with the KP Information Commission	1	Providing information after complaint with the KP Information Commission after 60 days of complaint
0	If a department has not responded to an information	0	If a department has not provided the required information

Responsiveness		Provision of information	
Grade awarded	Response Category & Efficiency	Grade awarded	Provision of Information Category & Efficiency
	request and a complaint is not lodged with the KP Information Commission		and a complaint is not lodged with the KP Information Commission
-1	If the concerned department has not responded at all even after the 60 days of complaint with the KP Information Commission	-1	Not providing information even after 60 days of complaint with the KP Information Commission

In case of a response containing the required information, the grade of responsiveness and the provision of information awarded to a department was the same. But in case of a response not containing the required information, the department was awarded grades only for responsiveness but not for the provision of information. However, if the same department provided information after complaint was lodged with the KP Information Commission, it was awarded the respective grade for provision of information as per the timescale of provision of information. For example, if a department responded to an information request within 10 days of filing the information request but the response did not contain the information requested, it was awarded grade 5 for its responsiveness but 0 for its provision of information. Furthermore, if a complaint was registered with the KP Information Commission against such a department and it provided information on the RTI Commission's direction within 60 days of complaint, it was awarded grade 2 for its provision of information under the scale developed. If it provided information after 60 days of the complaint, it was awarded grade 1 for its provision of information. If it did not provide information even after 60 days of complaint, it was awarded -1 under the provision of information scale. The aggregate of both the responsiveness and the provision of information grades was assigned to a department according to the degree of compliance with the Right To Information law.

In the scorecard the accumulative 10 is the best possible grade for a department for its observance of RTI law whereas -2 is the worst. In the following table, all provincial departments of KP are ranked according to their observance of the RTI law according to the scorecard methodology of ranking:

Provincial Departments' Ranking Regarding RTI

Provincial Department	Responsiveness Grade	Provision of Information Grade	Observance of RTI Grade
Environment / Environmental Protection Agency Department	5	5	10
Home and Tribal Affairs Department	5	5	10
Housing Department	5	5	10
Inter Provincial Coordination Department	5	5	10
Irrigation Department	5	5	10

Provincial Department	Responsiveness Grade	Provision of Information Grade	Observance of RTI Grade
Planning and Development Department	5	5	10
Science and Technology and information Technology Department	5	5	10
Administration Department	4	4	8
Auqaf, Hajj, Religious and Minority Affairs Department	4	4	8
Establishment Department	4	4	8
Food Department	4	4	8
Industries Department	4	4	8
Labor Department	4	4	8
Law Department	4	4	8
Minerals Development Department	4	4	8
Finance Department	3	3	6
Higher Education Department	3	3	6
Population Welfare Department	3	3	6
Social Welfare Department	3	3	6
Transport Department	3	3	6
C & W Department	2	2	4
Elementary and Secondary Education Department	2	2	4
Information and public Relation Department	2	2	4
Local Government Department	2	2	4
Tourism Department	2	2	4
Agriculture Department	2	-1	1
Energy and Power Department	-1	-1	-2
Excise and Taxation Department	-1	-1	-2
Health Department	-1	-1	-2
PHED	-1	-1	-2
Relief, Rehabilitation and Settlement Department	-1	-1	-2
Revenue Department	-1	-1	-2

KP Districts' Ranking Regarding RTI Law

The same scale of awarding grades for responsiveness and provision of information variables of provincial departments was used for the district level departments. As already mentioned, in almost every district, 5 departments were selected for testing the implementation status of RTI law. However, information requests were not sent to the districts falling in PATA (Bunner,Shangla, Kohistan,Upper dir,Lower Dir, Chitral, Malakand and Swat). With these exceptions, the total number of information request sent to 5 departments of 17 districts of KP totalled to 85 information requests.

Districts Battagram was ranked as the best regarding the implementation of RTI Law followed by Haripur. District Lakki Marwat ranked lowest. Other districts were ranked according to their status of implementation of the said law. In terms of individual departments, the Health department was found to be the most compliant in terms of the RTI Law, followed by the Police department. The total number of Information Requests sent to Health Department was 17. The maximum possible score to a District Department which could be awarded was 50.

Ranking of districts and departments regarding implementation of KP RTI law is given in the table below:

Ranking	District	Accumulative grades of district departments regarding responsiveness & provision of information					Aggregate district level observance of RTI Law
		Deputy Commissioner	DEO Male	Police	Health	D&S Courts	
1	Battagram	10	8	4	10	10	42
2	Haripur	8	4	4	10	10	36
3	Charsadda	4	10	8	8	4	34
4	Karak	10	4	4	10	4	32
5	Bannu	4	10	4	8	4	30
6	D I Khan	-2	8	10	8	4	28
6	Swabi	8	8	10	-2	4	28
6	Peshawar	10	-2	8	4	8	28
7	Hangu	4	8	4	6	4	26
8	Torghar	8	6	-2	4	8	24
8	Abbottabad	8	8	4	6	-2	24
9	Nowshera	-2	6	10	4	4	22
9	Mardan	10	6	-2	10	-2	22

Ranking	District	Accumulative grades of district departments regarding responsiveness & provision of information					Aggregate district level observance of RTI Law
		Deputy Commissioner	DEO Male	Police	Health	D&S Courts	
10	Tank	-2	4	10	4	4	20
10	Kohat	-2	8	8	8	-2	20
11	Mansehra	-2	-2	10	10	-2	14
12	Lakki Marwat	8	-2	4	-2	-2	6
	Aggregate departmental observance of RTI Law	82	92	98	106	58	436

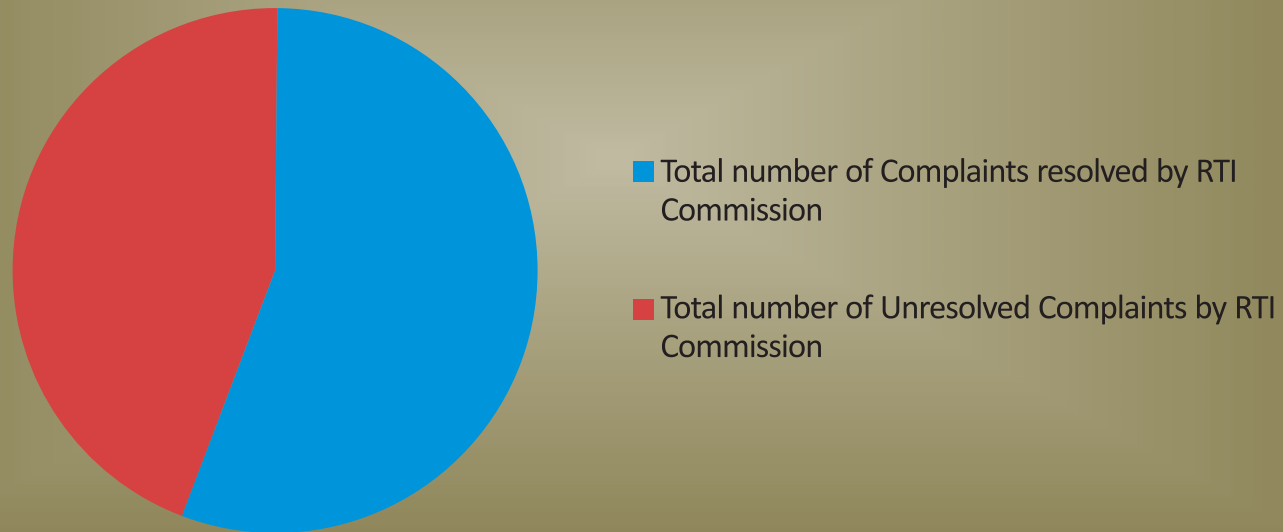
In the district department-wise ranking, the Health department got the highest score followed by the Police department, followed by Education department and Deputy Commissioner office. The District and Session Court got the lowest score in terms of the implementation of the KP RTI law.

KP Right to Information Commission Performance

Due to non provision of information by public departments, 54 complaints were lodged with the KP RTI Commission. The RTI Commission managed to resolve 30 of these complaints that makes 55.5% of total complaints lodged, where it still has to resolve the remaining 24 complaints that make up 44.5% of total complaints lodged.

Total number of Complaints registered at RTI Commission = 54
Total number of Complaints resolved by RTI Commission = 30
Total number of Unresolved Complaints by RTI Commission = 24

KP Right to Information Commission Performance

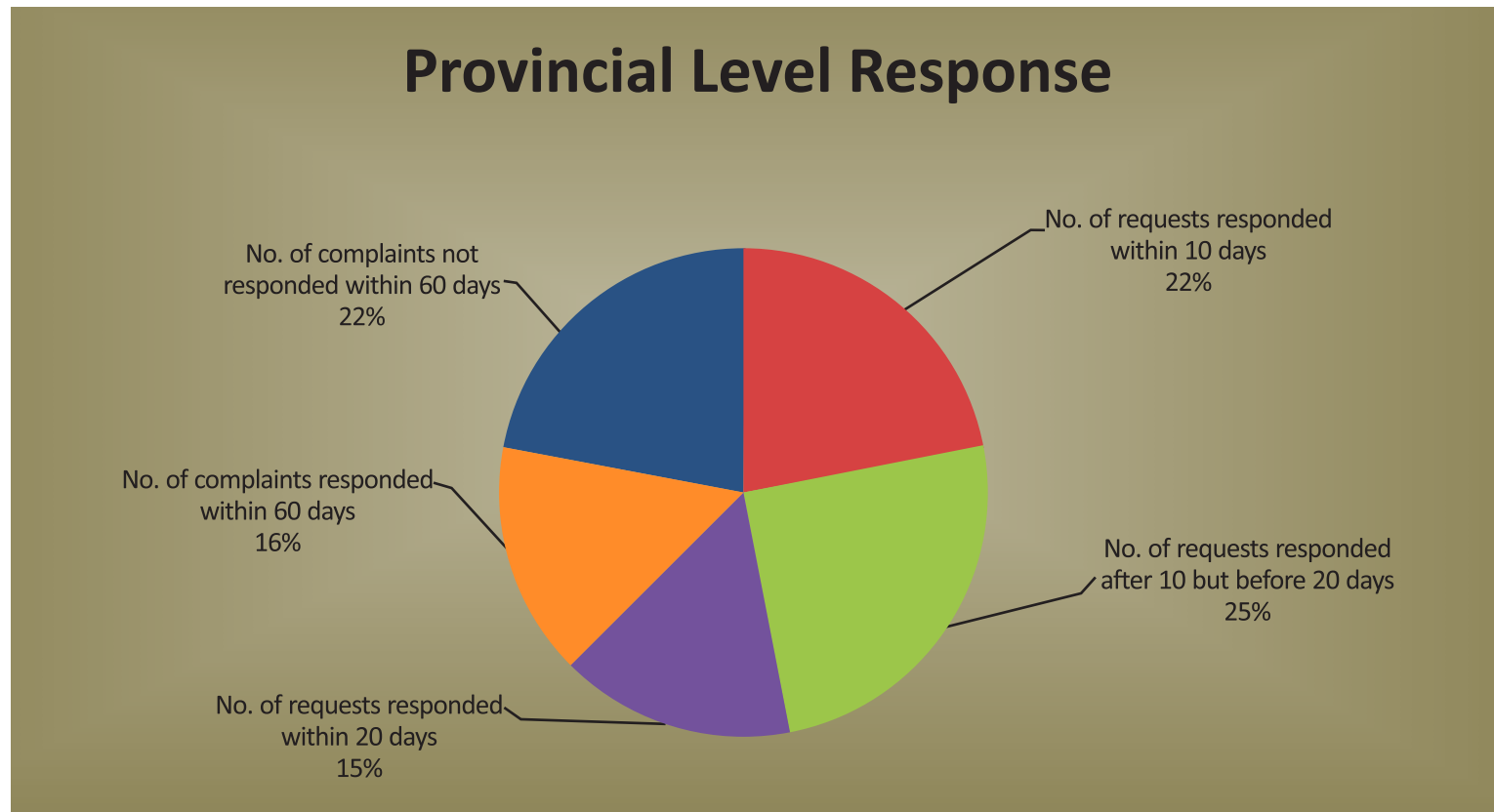


As compared to the previous score card, the number of complaints resolved by KP RTI Commission has decreased by 21.5%. Under the law, the Commission has to resolve complaints within 60 days, which is a long period and Commission can ensure 100% implementation of KP RTI law if concrete steps are taken by the commission.

Scorecards

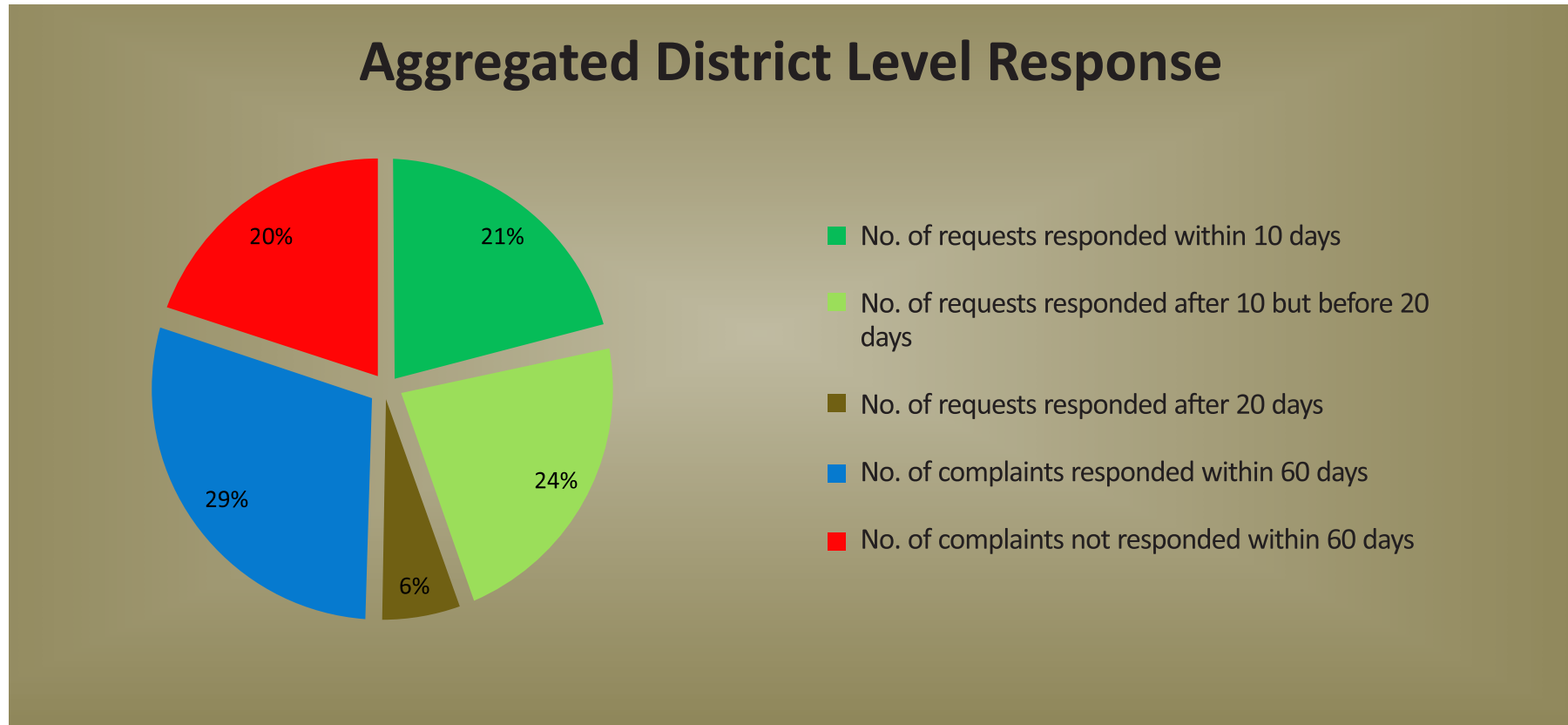
Provincial Level Response

No. of information requests sent to provincial departments	32
No. of requests responded within 10 days	7
No. of requests responded after 10 but before 20 days	8
No. of requests responded after 20 days	5
No. of complaints lodged	12
No. of complaints responded within 60 days	5
No. of complaints not responded within 60 days	7



Aggregated district Level Response

No. of information requests sent to districts' departments	85
No. of requests responded within 10 days	18
No. of requests responded after 10 but before 20 days	20
No. of requests responded after 20 days	5
No. of complaints lodged	42
No. of complaints reponded within 60 days	25
No. of complaints not responded within 60 days	17



Distribution of district level information requests by district and response category

	Total information requests sent	No. of responses within 10 days	No. of responses within 20 days	No. of responses after 20 days	No. of complaints lodged	No. of responses within 60 days of complaint	No. of complaints not-responded within 60 days
Abbottabad	5	-	2	1	2	1	1
Bannu	5	1	1	-	3	3	-
Battagram	5	3	1		1	1	-
Charsadda	5	1	2	-	2	2	-
D.I. Khan	5	1	2	-	2	1	1
Hangu	5	-	1	1	3	3	-
Haripur	5	2	1	-	2	2	-
Karak	5	2	-	-	3	3	-
Kohat	5	-	-	3	2	-	2
Lakki Marwat	5	-	1	-	4	1	3
Mansehra	5	2	-	-	3	-	3
Mardan	5	2	-	1	2	-	2
Nowshera	5	1	-	1	3	2	1
Peshawar	5	1	2	-	2	1	1
Swabi	5	1	2	-	2	1	1
Tank	5	1	-	-	4	3	1
Tor Ghar	5	-	2	1	2	1	1
Total	85	18	17	8	42	25	17

Conclusion:

Through this score card report developed by CGPA, the performance of public bodies have been evaluated and ranked on the basis of responsiveness and provision of information requested. The fourth scorecard shows a decline in the performance of the PIOs at district level but indicates significant improvement at the provincial level when compared with third score card exercise done by CGPA earlier. At district level the response of the public bodies has declined by 2.3% while at provincial level the response has been significantly improved by 31.2%.

Compared to previous scorecard, KP RTI Commission resolved 77% of the total complaints it had received, while this scorecard report shows that 55.5% of the total complaints have been resolved by the commission within 60 days.

Overall it can be observed that the status of implementation of KP RTI law has declined when compared with last scorecard exercise. This trend would have continued and would have had drastic repercussions and would have changed the whole landscape of RTI regime in KP had the amendments in KP RTI Act moved by the government in March this year, were passed by the provincial Assembly. The proposed amendments were: that a citizen has to give reason while accessing information, one has to prove that the requested information is for public importance which has to be decided by a public information officer. Furthermore, the internal communication within the Government will also be no longer available to public, as these are labelled as personal views of a public servant, a public information officer has to get the approval of in charge or head of the public body before giving an information to a citizen. Similarly, the citizens will also have to make sure, that the information is not used for 'malafide' or dishonest intentions, Moreover, amendment if passed would have empowered the public body to respond within thirty days on any request while section 11 of the existing Act provides that the public information officer has to respond within ten days on any such request.

Owing to the struggles and strong advocacy campaign of civil society the amendments could not be presented before the Provincial Assembly although were passed by the provincial cabinet. It is pertinent to mention here, that a year ago, KP Right to Information Commission proposed amendments, in Right to Information Act which, included making the Peshawar High Court as appeal court against the orders of the KP RTI commission, including all courts in the ambit of RTI law, ensuring time bound appointments of the commissioners, empowering the public information officers, penalizing supply of false information. Similarly, KP RTI Commission has to notify business rules which has not been notified yet. These proposed amendments would have strengthened the implementation of the Act in true letter and spirit but to the reasons unknown have been put in cold storage since they have been provided to the concerned quarters.

The findings of this scorecard further necessitate the need for amending Khyber Pakhtunkhwa Right to Information Act for enabling information commission to ensure transparency and accountability in the functioning of state functionaries in its true spirit. It is to be noted that RTI law is at core of the KP government good governance legislative framework and any compromise on this law will have great setback for the KP government resolve for transparency and accountability.



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