



Training Manual

Two day Workshop on District Education Budget Advocacy and Accountability For Civil Society Organizations & Journalists, Bar Councils

2015

Centre for Governance and Public Accountability (CGPA)
www.c-gpa.org

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Training Schedule

Day 1

Registration		8:45-9:00
Session 1	<p>Introductory Session</p> <p>Objectives of the Training/ Program of Training Workshop</p> <p>Setting the context (Education Budgets advocacy, lobbying, district governments under KP LGA 2013, RTI, budget tracking, pro poor service delivery etc).</p>	9:00-10:20
Tea Break		10:20-10:30
Session 2	Presentation on Fiscal Federalism in Pakistan	10:30-11:00
	<p>Fiscal Transfers</p> <ul style="list-style-type: none"> • Federal to provincial • Provincial to Local 	11:00-13:00
Launch Break		13:00-14:00
Session 3	Budget Basic: Case study of Kumranistan	14:00-15:00
	Group Work	15:00-15:45
	Presentation	15:45-17:00
End of Day 1st		

Day 2

Re-cape of Day 1 st		9:00-09:10
Session 4	<p>KP Local Government Act 2013: Salient Features and Processes</p> <p>Jurisdiction/ functions: (District, Tehsil/ town, village)</p> <p>Powers and responsibilities of:</p> <ul style="list-style-type: none"> • Executive/ departments • Local elected representatives/ councils • Coordination between district, tehsil/town and Village/neighborhood • Nature of interface/ relationship with provincial and federal governments • Provisions for public participation, transparency and right to information • Devolution and education 	9:10-11:30
Tea Break		11:30-11:40
Session 5 Continues	<p>Way and Means of Effectively Engaging District Governments</p> <p>e.g:</p>	11:40-13:40

	<ul style="list-style-type: none"> • Ways of influencing the political process through public awareness and government monitoring • Using RTI for accessing budget related information • Ways of influencing the executive authorities • Ways of influencing the district governments through the provincial government, where applicable <p>[Pro-poor service delivery, gender, access to education, transparency, equity, role of civil society will be the cross cutting themes]</p>	
Lunch & Prayers break		13:40-14:40
Session 6	<p>Using Khyber Pakhtunkhwa Right to Information Act for the attainment of Fundamental Right</p> <ul style="list-style-type: none"> • KP Right to Information Act 2013 • Process to file information • How to use the information received under the RTI for public interest 	14:40-16:30
Filling up of evaluation forms		16:30-17:00

Introduction to the Manual

This training manual aims at enabling civil society members to better advocate for education budgets advocacy and accountability. This manual is produced under the project titled ‘Improving Primary Education Governance in Khyber Pukhtunkhwa’ funded by DDCF/SNG.

How to Use this Manual

This manual can be used by concerned citizens, civil society activists and journalists in the following three ways.

- Used as a guide for trainers running courses for civil society organizations on budget advocacy
- Can be used by civil society activists as learning tool.
- It can be used by civil society activists as a reference material on education budgets advocacy who have already gone through a training course on education budgets advocacy

Objectives of the training

At the end of two-day training workshop based on this manual, participants should have achieved a number of specific learning objectives. They should be able to:

- Explain the meaning and value of budget advocacy
- Understand budget making process, and downward flow of money from centre to provinces and from provinces to local government entities
- Can demystify budget books through various budget analysis tools
- Can devise their own strategies for education budgets advocacy and budget analysis
- Would be able to write information request to get information from Public bodies;
- Generate discussion on issues around education budgets, quality vs quantity and accountability of service providers at different level;
- What to report and how to report on education related issues in the districts;

The Content of the Manual

The content of the manual provides for six sessions. The first chapter is introductory session, the second chapter is about how fiscal federalism has transformed due to 18th amendment in the constitution of Pakistan. In this chapter, Article 19-A is also explained which is related to KP Right to Information Act 2013. Third chapter is about ‘Budgets Basics’ where participants are introduced to the budgets making process through a dummy case study. Fourth chapter is about federal budget making process. Fifth chapter is about Local Government Act 2013, provincial finance commission, and how resources are distributed through provincial divisible pool. The last chapter is about devising budget advocacy strategies at the district level in KP. Theme regarding education budgets runs throughout the manual.

Broad categories of workshop participants:

- Representatives of NGO’CSO’s working on education
- Representatives of selected district education offices
- Representative of district press clubs
- Ex-councilors and Nazimeen;
- Selected PTC’s (male/female)

Commented [SR1]: This list may be tailored according to the full application proposal with clear break up for male and female participants

- Retired educationists and teachers
- Representatives of District Bar Councils
- Any other please specify:

Session specific plans are provided in the start of each session, which provides details of each sessions, subject to be covered, methodology, and related handouts.

Pre-training Evaluation Form

Name: _____ Date: _____

Organization: _____

1. Budget making process at provincial level is done by provincial finance commission
(True _____ False _____)
2. There are _____ legislative list/s in the constitution of Pakistan
a) 1 b) 2 c) 5 d) 10
3. What is NFC award? _____
4. Allocation for education budget is more than 3% in Pakistan.
(True _____ False _____)
5. Civil society organization has no role to play in education budget making process (True
(True _____ False _____)
6. What is PFC award? _____
(True _____ False _____)
7. Who is KP education minister? _____
8. Education is the biggest department in terms of human resources and budgets in KP
(True _____ False _____)
9. Education is devolved subject under KP Local Government Act 2013
(True _____ False _____)
10. All kind of services provided by governments can be divided into _____
categories
a) 1 b) 3 c) 5 d) 7
11. Gross Domestic Product (GDP) of a country, for any particular year, gives the monetary
value of the sum total of final _____ produced within the territory of
the country in that year.
12. Khyber Pakhtunkhwa Right to Information Act 2013 enacted in December 2013
(True _____ False _____)
13. Khyber Pakhtunkhwa Right to Information Commission consisted of three members
(True _____ False _____)
14. Freedom of information legislation should not be guided by the principle of maximum
disclosure
(True _____ False _____)

15 What is the name of the department/office where the CSO/NGO get themselves registered?

1) DC Office 2) NADRA office 3) District Officer Social Welfare

Session 1: Introductory Session

Total Time: 70 min

Objectives of the Session

Participants will introduce themselves. It would be a good opportunity to know each other and nature of work each organization is doing in their respective district.

The session will also test the background knowledge of the participants.

Sr. No.	Training Method/Process	Training Materials	Hand	Time
1.	Facilitator welcomes the participants on behalf of CGPA			5 Min
2.	Facilitator asks each participant to introduce him/herself and provide the following information: <ol style="list-style-type: none"> 1. Name 2. Organization 3. Designation 4. Nature of Work of organization 5. Any experience to budget related work 			20 Min
3.	Facilitator shares the objectives of the workshop with participants by reading out the Objectives Chart.	Flip Chart, Marker Masking Tape	H1	10 Min
4.	Facilitator obtains participants' consent on the workshop norms. <i>Note:</i> Facilitator will prepare the relevant chart with the help of one participant	Flip Chart, Marker Masking Tape		5 Min
5.	Facilitator gives the following instructions distributing Pre-Training Test Forms among the participants; <ol style="list-style-type: none"> 1. Please write your names and organization on 2. the test form; 3. Only use [tick] for the right answer(s) 4. You can mark more than one boxes 5. Please return the form to the facilitator 6. 15 minutes time is available for the test 			5 Min
6.	Participants attempt the Pre-Training Test.	Pre-Training Test		20 Min
7.	Facilitator collects all Forms and seals them in the assigned envelope.			5 Min

Session 2: Fiscal Federalism in Pakistan

Total Time: 120 min

Objectives of the Session

After the end of this session, participant will be able to:

- Understand the federal and parliamentary structure of the state of Pakistan, fiscal federalism
- Post 18th amendment scenario and provinces role and responsibility in welfare budgets
- 7th NFC award and vertical and horizontal distribution of federal consolidated fund

Sr. No.	Training Method/Process	Training Materials	Handout	Time
1.	Facilitator will ask participants to write on flash card their understanding of 18 th amendment and 7 th NFC award	Flash cards, markers		5 Minutes
2.	Facilitator will collect the flash card and will read out few cards.			10 Minutes
3.	Facilitator will explain about constitution, 18 th constitutional amendment and its impact on social service delivery in provinces, through interactive discussion.	Handout: 18 th constitutional amendment	H2	60 Minutes
4.	Facilitator will explain 7 th NFC award, and its impact on provinces resources and will ask participant to read it for 30 minutes and discuss it in groups	Handout 7 th NFC Award	H3 ¹	15 Minutes
5.	Groups discussions on 7 th NFC award	Flip Chart, Markers, Masking Tape		15 Minutes
6.	The facilitator will ask the participants what they understand 18 th constitutional amendment, 7 th NFC award. How 18 th constitutional amendment has impacted social service delivery at provincial level? How does the provincial authority over education subject including curriculum pose an opportunity for civil society to advocate at provincial level for education accountability?	Handout		15 Minutes

¹ Available on

<http://www.financekpp.gov.pk/FD/attachments/article/154/7th%20NFC%20AWARD%202010.pdf>

(Handout 2)

18th Constitutional Amendment and Fiscal Federalism in Pakistan

INTRODUCTION

The Constitution (Eighteenth Amendment) Act, 2010 (referred to as the 18th Amendment) which introduced about a hundred changes to the 1973 Constitution, was passed in April, 2010. Despite a lapse of more than a year, the Amendment's contents and aims remain a mystery for a majority of the people of Pakistan, leading to some serious misconceptions.

Some sections of the society remain under the impression that the passage of the amendment was aimed at securing the ruling parties' hold over power. They also seem to believe that the Amendment will achieve nothing more than advancing a few individuals' political career. References in this regard have often been made in the media to the elimination of constitutional restriction on anyone becoming prime minister for the third time as well as removal of the constitutional requirement of intra-party elections. While it won't be wrong to assume that these specific changes may go to the benefit of two or three political personalities directly and immediately, but to think of the 18th Amendment only in terms of these exceptions will be grossly unfair.

The fact is that the 18th Amendment introduces to the Constitution such changes that are indeed a paradigm shift in the centre-province² relations. Consequently, a major transfer of powers and resources towards the provinces is about to occur. Then there are changes with far reaching impact on the standards of governance and/or the nature of institutional balances.³

In the absence of a purposeful debate on the issue, a vast majority of the people either does not understand the intent of the 18th Amendment and its implications, or is simply indifferent. No doubt, it is a failure of the government as well as other state institutions; but, it is as much a failure of members of civil society, especially non-government organisations devoted to promotion of democracy. That the paradigm shift under the 18th Amendment will make Pakistan a better and stronger federation seems not to have registered with a broad segment of the civil society. This can lead to serious consequences for the state and the polity.

Civil society members, who have contributed to the revival of the on-going democratic process and are now working for the promotion of democracy, stand to lose if a broad-based national⁴ debate on the 18th Amendment is not supported and taken forward. What follows is an attempt to unveil the salient features of the 18th Amendment.

² In this text, word 'centre' is used to signify federal government with its seat at Islamabad vis-a-vis the provincial government(s) and the Parliament vis-à-vis provincial assembly(ies). 'Central government' and 'federal government' are used interchangeably.

³ For reference to controversies around the 18th Amendment see I. A. Rehman, 'Afraid of devolution' Dawn, 21 April, 2011 at <http://www.dawn.com/2011/04/21/afraid-of-devolution.html>

⁴ Word 'national' is used to signify country-wide rather than its meaning rooted in the concept of nation.

BACKGROUND

Federal Character of Pakistani state

The Constitution of Pakistan, 1973 was adopted with consensus by the political forces of the time and indicated a desire for a high degree of provincial autonomy.⁵ It envisages the state of Pakistan as a Federal Republic (Article 1) i.e. a democratically constituted federation. It further states that the federation comprises the provinces of Balochistan, Khyber Pakhtunkhwa,⁶ Punjab and Sindh, the Islamabad Capital Territory, Federally Administered Tribal Areas (FATA).

It would be useful for the reader to understand the concept of a federal state or federation. A federation or a federal state is usually described as a type of independent state, consisting of partially self-governing states or regions howsoever they may be known, united by a central (federal) government. It means that some of the many powers to run the state affairs are with the constituent units, while the others are vested with the government at the centre. It is important to point out that the word *partially* or the idea of partial self-governance may be characterised by different degrees i.e. federal states constituting two or more units may grant different degrees of autonomy to its constituent units depending on the agreement between the units. Such an agreement is typically part of a written constitution.

The 18th Amendment has introduced a paradigm shift to the nature of the Federation of Pakistan in as much as a whole lot of powers that were previously exercised by the Central/Federal Government will now be enjoyed by the provinces. Greater powers have been given to the provinces for collecting taxes and making decisions and policies and also to legislate in areas like health, social welfare and education etc. Among other amendments made to the Constitution under the 18th Amendment, there are also provisions which correct the imbalance of powers between the President, on the one hand, and Prime Minister and the Parliament, on the other.

International experience teaches us that states with greater powers granted to the local levels make stronger and happier states. The federating units enjoying greater decision making powers, especially regarding financial matters, feel they have a stake in the system. In some federal systems — like Australia, Germany, India, Malaysia, Nigeria, Russia, Spain and South Africa — the federal influence on federating units is strong. In Brazil, Canada, Switzerland and the US, it is weak. In the latter set of states, the federating units have more flexibility to raise taxes and appropriate income than in the federations given in the first set. The happiest and most stable federations are those in which the federating units have maximum fiscal autonomy.⁷

⁵ The Constitution of 1973 was adopted with a broad consensus. It requires a minimum of two-thirds of each of the two houses of the Parliament to vote for an amendment. The earlier two constitutions were adopted in 1956 and 1962.

⁶ Khyber Pakhtunkhwa is the new name for North West Frontier Province (NWFP) as substituted by the 18th Amendment.

⁷ Fiscal Federalism is concerned with economic decision making in the federal system of government in which public sector decisions are taken at various levels of government. For reference see *A Global Dialogue on Federalism* (volume 4) by Anwar Shah ed. (2010), as quoted by Dr. Tariq Rehman "Ethno-Linguistic Provinces", The Express Tribune, 25 June 2011: <http://tribune.com.pk/story/196193/ethno-linguistic-provinces/>

Power sharing between Centre and provinces in Pakistan

During the movement for independence till the mid 1940s in the Indian subcontinent, the Indian National Congress and the Muslim League both favoured a centre with three subjects — finance, foreign affairs and communications — and constituent units with most of the powers. However, after Maulana Abul Kalam Azad relinquished the president's office and Nehru took over the Congress leadership, it began arguing for a strong centre and centralised planning. The Muslim League favoured provincial autonomy mainly because its leaders believed that would ensure them majority in three or four provinces as otherwise, on account of the majority of non-Muslims at the centre, they would not have much of a say in national affairs. In the 1940 Lahore Resolution it was resolved that Muslim majority areas would be demarcated as states in which *the units would be independent and sovereign*.⁸

However, after Pakistan came into being, the government became increasingly centralised on the pretext that the problems confronting the state were grave. It was stated by way of reason that, first, the centre was short of financial resources, therefore, initially it demanded the right to charge some taxes (including sales tax) that were to be levied by the provinces. Later, the change was made permanent.⁹ Secondly, while tackling the problems encountered in constitution making, the rights of the units making up the federation were ignored. Quite contrary to the pre-independence position of the Muslim League, the 1956 Constitution was essentially a copy of the Government of India Act of 1935, especially with reference to power-sharing between the provinces and the centre. That caused strains in the province-centre relations and eventually led to the events which forced Bengalis out of Pakistan.¹⁰

The previous parliament, for the first time, paid attention to this problem. The Parliamentary Committee for Constitutional Reforms (PCCR) was constituted in 2009 and proposed a set of amendments in the form of Constitution (Eighteenth Amendment) Act, 2010. The set of amendments may not necessarily be the most appropriate and ideal but can be described as the best possible political compromise on some of the issues confronting Pakistan today.

The Constitution of Pakistan 1973 prescribes a parliamentary form of government in which the elected government comprising the Cabinet led by the Prime Minister at the centre is accountable to the Parliament. The office of the president is occupied by an indirectly elected ceremonial head of the state. A similar structure is prescribed for the provinces with the Chief Minister heading the government accountable to the provincial assembly.

After East Bengal's separation from Pakistan, the ruling elite had apparently realized that a failure to address the concerns of provincial entities could again jeopardise the country's integrity. That is why that the 1973 Constitution seemed to have given concessions to the federating units when compared to the earlier two constitutions of 1956 and 1962.

⁸ Human Rights Commission of Pakistan, "Federalism and Provincial Rights" (2011) at page 3

⁹ The Constituent Assembly took away the right of levying sales tax on goods from provinces in 1948.

¹⁰ Human Rights Commission of Pakistan, "Federalism and Provincial Rights" (2011)

The Two Legislative Lists

The contours of centre-province relations are described in Part-V of the 1973 Constitution. Prior to the 18th Amendment, Part V prescribed two legislative lists, namely, Federal Legislative List and Concurrent Legislative List. The former listed the subjects which were under the control of the Central/Federal Government in the centre and the federal/national Parliament could legislate for those subjects without any limitation. The Concurrent Legislative List, on the other hand, included subjects which were under the concurrent domain of the governments at the centre and provinces. The subjects not mentioned in any of the lists fell within the provincial jurisdiction and are referred to as residuary powers.

It may be mentioned here that over a period of time, the Federal Government legislated or made policies on many other subjects not mentioned in the Federal Legislative List and literally took over the subjects mentioned in the Concurrent List. These included food and agriculture, livestock and dairy development, industries, local government and rural development, police, sports, textile, women's development, youth, petroleum and natural resources.

The Federal Legislative List had, and still has, two parts. Part I comprised subjects which were under the exclusive control of federal/central government for policy-making and regulation purposes and the Parliament for legislation, whereas Part II included subjects which were supposed to be supervised by a body representing all the provinces and the federal government, namely, Council of Common Interests (CCI). However, with the passage of time, the role of provinces and the CCI was reduced to minimal.

The distribution of resources between the federal government and the provinces is carried out by the National Finance Commission (NFC) constituted under the Part VI of the Constitution.

Changes introduced under the 18th Amendment

The changes that the 18th Amendment introduces to the Constitution can be broadly categorised and described as follows:

(i) Changes related to relations between the centre and the provinces: The most important changes introduced under the 18th Amendment alter the nature and direction of centre-province relations. The 18th Amendment abolishes the Concurrent Legislative List and enlarges the Federal Legislative List, Part II.

All subjects in the Concurrent List, except 'boiler'¹¹ (which stands shifted to Federal Legislative List-I) and electricity (which is shifted to Federal Legislative List-II), three subjects from the Federal list including state lotteries, duties in respect of succession of property, and estate duty on property, has gone to the provinces by June 30, 2011.

A number of subjects previously under the centre's control are now constitutionally devolved to the provinces e.g. social sectors like education in its entirety including curriculum, social welfare, women's development, Zakat, Auqaf, environment, culture and tourism, labour, health and medicine etc. as well as subjects such as wills, intestacy and succession, bankruptcy and insolvency, arbitration, contracts, including partnership, agency, contracts of carriage, and other special forms of contracts relating to agricultural land.

¹¹ Boiler is an enclosed vessel in which water is heated and circulated, either as hot water or as steam, for heating or to generate power. It is widely used for various industrial purposes including nuclear reactors.

- ❑ substantial increase in the quantum of provincial autonomy; and
- ❑ enhanced role of the provinces in the decision-making of the Federation.

Other changes to the centre-province relations

National Finance Commission

Two new clauses have been added in Article 160 relating to the National Finance Commission (NFC)¹² to make the Provincial share in the vertical distribution¹³ of resources irreversible and the implementation of the NFC awards subject to regular monitoring. The meetings of the NFC can be summoned by the chairman or on a requisition made by one-half of the membership. But meeting at least twice a year is mandatory.

Federal excise on mineral oil

Before the 18th Amendment, the federal excise on natural gas was paid to the province of origin but not on oil. Article 161 (1) has been amended to include oil.

Ownership of mineral oil

Article 172 has been amended to allow the Provinces 50 per cent of the ownership of mineral oil and natural gas within the Province or the territorial waters without prejudice to the existing commitments.

Other natural resources

Exclusive right to other natural resources within the territorial waters of provinces has been recognised. It means that the fish stock in territorial waters belongs exclusively to the Provinces.

Sales tax, international loans etc.

The amendment also empowers the provinces to

- ❖ levy and collect sales tax on services;
- ❖ seek national and international loans and issue guarantees;
- ❖ exercise joint control with the federal government over 18 subjects including some key subjects like sea ports, all regulatory authorities, national planning and national economic coordination, supervision and management of public debt, census and natural resources.

Water and power

Subjects of water and power are also impacted upon by the 18th Amendment. Article 155 previously protected interests in water affected prejudicially by the supply from a natural source only. It now covers “reservoirs” as well such as dams etc.

Article 157 (1) permits Federal Government to construct power stations anywhere in Pakistan. The 18th Amendment has introduced an obligation upon the federal government to consult the host Province.

Composition of CCI changed

¹² NFC is the body charged with the task of distribution of resources pooled together by the federal government

¹³ This means that the total resources allocated to the provinces will not be less than the previous allocation. Allocation to provinces (i.e. horizontal allocation) may vary from year to year depending on the multiple criteria selected for such allocations.

The composition of the Council of Common Interests (CCI) has been changed to give equal representation to the provinces and the federal government.

(ii) Changes related to the powers of elected institutions i.e. the Parliament and the provincial assemblies: Such changes include the removal of president's discretionary powers, empowerment of the Senate, enhancement of the role of the opposition parties, and the ones to make the government more responsible and accountable to the Parliament as well as to make the elected representatives to work harder.

The President can no longer dissolve the assemblies and the governments. The President will now act on the advice of the Prime Minister.

The Senate has been empowered as the Prime Minister will now be answerable to it in addition to the National Assembly.

Consultation with the leader of the opposition is now mandatory for the appointment of the Chief Election Commissioner. Role of the opposition has been sanctioned for the approval of names of judges proposed by the Judicial Commission (discussed below).

Presidential power to refer a question to a Referendum has also been removed (Now the power to hold a referendum lies with a joint sitting of the Parliament).

The President can no more impose Emergency in a province without approval from the provincial assembly. In case, the President acts on his own approval from the Parliament will have to be obtained.

Time limit has been fixed for the President to act on the advice of the Prime Minister

The requirement of prior Presidential sanction for changing laws that were listed in the Sixth Schedule to the Constitution is no longer there as the said schedule is omitted under the 18th Amendment. Similarly, ordinary laws which could be amended or repealed with simple majority were placed in Seventh Schedule by General Musharraf. The schedule is now omitted from the Constitution. The Parliament can now freely act on its own.

(iii) Changes concerning the working, composition and nature of certain constitutional institutions: The 18th Amendment has also changed the way superior judicial institutions were constituted.

An important change is related to legislation, the main task of elected institutions. The 18th Amendment prescribes that

- The President cannot promulgate an ordinance while the Senate is in session. Previously this limitation was application to the extent of the National Assembly only.
- One-time extension to an ordinance can be given only by a resolution of the National Assembly or the Senate.

As a result of this change the Parliament will have to work more to legislate and the government will not be able to abuse its authority to use ordinances as the mainstay of legislation.

A more independent Election Commission of Pakistan

The 18th Amendment also seeks to make the Election Commission of Pakistan more independent by enhancing the tenure period of the Chief Election Commission and by assigning a role to the leader of the Opposition and other members of the opposition in the selection process.

The Election Commission of Pakistan will now be able to operate independently as the Chief Election Commissioner will be nominated in consultation between the Prime Minister and the Leader of the Opposition in the National Assembly. A Parliamentary Committee (12 members, half from the treasury and half from the opposition) will approve the nomination. The term of the Chief Election Commissioner has been increased from three to five years.

Appointments to superior courts

Appointments to superior courts have been a matter of great concern to the civil society as they have for so long been a closed door affair. With the introduction of a new mechanism, it is hoped that appointments will happen in a more transparent manner. The new mechanism provides for the setting up of a Judicial Commission of Pakistan and a Parliamentary Committee. The Judicial Commission will propose nominees and the Parliamentary Committee comprising members from the government and the opposition benches will confirm them. This mechanism provides for broader participation from judiciary, lawyers bodies, and parliamentary representatives as well as enhances the role of provincial stake holders and the possibility of transparency in appointments. Previously, the opinion of the Chief Justice of Pakistan was the last word for new appointments.

(iv) Changes directly linked to civil rights of the people of Pakistan: The 18th Amendment inserts express provisions for some civil rights generally recognized.

(A) For example, the Amendment introduces the following new fundamental rights:

- a. Right to fair trial and due process (Article 10-A);
- b. Right to information (Article 19-A); and
- c. Right to education (6-16 years of age)

Election for Local Governments: now an obligation upon the state

Newly inserted Article 140-A makes it binding upon each Province to establish by law a local government system and devolve political, administrative and financial responsibility and authority to the elected representatives of the local governments. Further, elections for local governments are also placed under the authority of the Election Commission of Pakistan to avoid conflict of interest which may occur due to the involvement of provincial governments.

(v) Other changes: The 18th Amendment removes the restriction on third time election to the office of PM. Four seats (one from each province) for religious minorities have been added in the Senate, raising its strength to 104 from 100. Anti-defection clause stands amended to empower the heads of political parties to decide the fate of MPs acting independent of the party line. A new condition has been introduced that non-Muslims will not run for the office of Prime Minister. Similarly, respecting the desire of the majority of what was previously called NWFP, the province is renamed as Khyber Pakhtunkhwa.

Similarly, the governor of a province will now onwards have to be from the same province with his name compulsorily on the voters' list of the province.

Four seats for religious minorities' representation in the Senate have been added.

The number of the working days for the Senate has been increased from 90 to 100. Also, the number of days for the Senate to make recommendations on the money bill has been increased from 7 to 14.

The Objectives Resolution which originally constituted the Preamble to the Constitution was made substantive part by General Zia-ul-Haq by insertion of Article 2-A through the 8th Amendment. However, in doing so the General had got dropped the word *freely*, where the Resolution in its original text had granted religious minorities the right to *freely* profess and practice their religion. Though more of a cosmetic nature, it is still a welcome development. However, on the other hand, the ruling coalition has given in to the demand of the Islamist parties to make it necessary for a candidate of prime minister's office to be Muslim. This is clearly discriminatory and in violation of the Article 25. But this is the kind of political compromise our representatives could come up with in given circumstances. Indeed, it throws up a challenge to the civil society.

Challenges and opportunities

The 18th Amendment does two things, simultaneously. It provides greater opportunities for the civil society; and it brings up new challenges, too.

There are now clearly more express provisions recognizing the citizens' rights. There is also clearly an emphasis on broader participation in the changes made to the Constitution under the 18th Amendment.

The Provinces now have more subjects to deal with than before. They now fully control the social sectors. Their role in the economic sectors is also enhanced. Along with these additional responsibilities to spend, the Amendment gives ownership of some sources of revenue to the Provinces. This will strengthen the federation.

Consequently, the civil society can make a greater input. For example, in order to realize the right to education, the civil society will have to urge upon provincial governments and elected representatives to allocate more funds for education sector and conduct their affairs more responsibly. In order to achieve that, the civil society can make use of the right to information, now expressly provided in the Constitution. But before they make use of the new constitutional right to information, they must get enabling legislation passed. Therefore KP Right to Information Act 2013 is a very welcoming step. International experience teaches that if exercised well, the right to information can lead to remarkably transparent and responsible governance.

In order to fully realize the potential of provincial autonomy the civil society, including businessmen, will have to engage in far greater activity and engagement with the state institutions. This engagement will have the potential to change the state institutions to conduct themselves in public interest. The devolution of health and other sectors has greater potential to mobilize businesses for healthier competition as there will be more than one venue to compete for prices and quality. Again, it brings up greater challenges as well. With the devolution of health sector the provinces will have to deal with all aspects of production and sale of medicines. Consequently, the same company may have to unnecessarily go through the same process for registration of medicines in all the provinces and get entangled in red tape. Alternatively, they'll have to convince the provinces to opt for a viable and sensible option in order to turn this paradox into yet another opportunity for the provinces to coordinate, formulate common policies and come up with legislation which is pro-business and in the public interest.

Devolution of labor is another area which has caused anxiety among the stakeholders. However, with greater resources and powers being granted to provinces, there is no point in keeping such subjects with the centre. The fact is that in federations with longer past

experience, sectors like labor are organized as federations. What the stakeholders in labor have to do is to reorganize themselves in a more democratic and decentralized manner to let the marginalized segments be heard. This will only strengthen the movement for labor rights across the board.

Similarly, other segments of civil society will also have to act and share responsibility. For example, the role of the lawyers' bodies is enhanced so far as appointments of judges are concerned. This necessitates a more responsible lawyers' community which takes its internal affairs more seriously. The 18th Amendment envisages enhanced role for elected members in the running of state institutions for which they must make up before any further delay.

Indeed, the 18th Amendment presents mixed opportunities and challenges for all segments of Pakistan's civil society which needs to get its act together and work harder to meet the expectations raised by the Amendment.

Session 3: Budget Basics

Total Time: 240 min

Objectives:

- To understand the concept of expenditure and receipts in a budget
- To be able to analyze and discuss general, social, economic sector allocations by going through budget summary To be able to differentiate in tax revenue and non-tax revenue
- Participants will be able to understand the concept of revenue budget and capital budget
- Participants will be able to prepare and understand technical summary of the budget

Sr. No	Training Method/Process	Training Materials	Handout	Time
1.	Facilitator will ask participants to write on flash card definition of budget as they understand.	Flash cards, markers		5 Minutes
2.	Facilitator will collect the flash card and will read out few cards.			10 Minutes
3.	Facilitator will start discussion about the budget with the concept of household budgeting. He will explain that budget has 2 parts i.e. Expenditure and revenue			20 Minutes
4.	Facilitator will distribute hand out among participants and will tell them that expenditure budget look like this. He will go through different sector allocation of Kumranistan budget and will explain difficult terms to the participants. After this initial explanation, facilitator will ask the participants to calculate and fill the summary table at the end of the handout. Facilitator will ask the participants whether they are comfortable with the concept of percentage. If they are not, facilitator will explain them how to calculate percentage Facilitator will ask the participants to comment on the percentage share of each type of taxes. He will then introduce the concept of progressive and regressive tax.	Handout Calculator Multimedia	H3	30 Minutes
5.	Facilitator will then ask the participants to give their opinion on various sector allocations. He	Flip Chart, Markers,		10 Minutes

	will ask them which sector is getting less money and which sector is getting more money; and how it is possible to increase the allocation for a sector	Masking Tape		
6.	The facilitator will then introduce handout on Receipts. He will ask the participants what they understand with different terms in the receipt budget handout. He will also explain any term that participants find difficult to understand. Facilitator will then ask to calculate and fill the summary at the end of the handout. Facilitator will ask the participants to park the term “capital receipts” for a while.	Handout	H3	45 Minutes
1.	Facilitator will ask the participants what they understand by the term liability and asset. After this he will ask (or explain) the participants that what kind of asset and liabilities a government can have? At this point he will introduce the concept of capital budget that it is usually meant for increasing the government’s assets or reducing its liabilities. He will also ask the participants that what kind of capital expenditures a government can have? The term revenue budget along with examples will also be explained. Facilitator will also explain the terms debt, deficit, deficit budget, revenue deficit etc and would ask the participants to calculate these for Kumranistan on handout H3	Handout, White board/multimedia	H3	40 min
2.	After comprehending these concepts, Facilitator will distribute -technical summary. He will ask the groups to fill the form by taking figures from previous handouts. After filling out the	Group work, handouts, discussion	H3	40 min

	technical summary, facilitator will ask the participants randomly the answer for different heads. He will ask the other participants/groups to compare this result with what they have calculated.			
3.	Facilitator will tell participants that why we cannot compare the budget figures of one country with other country (different currency, size of the economy) and why the concept of GDP is required. After that facilitator will explain the concept of GDP in simplest possible form and will ask the participants to calculate what percentage of Kumranistan expenditure and revenue is to its GDP. Facilitator will also show the slide list of countries by Tax revenue as percentage of GDP and Education spending of countries by percentage of GDP.	Handouts, brain storming	H3	40 min

Handout: 3

Source: This chapter includes some parts from *Let's Talk about budget*, Subrat Das, Centre for Budget and Governance Accountability, New Delhi, India, 2007 (www.cbgaindia.org). Some terms are localized, and figures are updated for better understanding

THE BUDGET OF “KUMRANISTAN”

KUMRANISTAN!

Kumranistan is a very small country. But rich with forests, mountains, rivers, lakes, and a reasonably long seacoast, it has enviable natural beauty. Its diversity of flora and fauna is matched by abundance of mineral resources. The people, in general, are hospitable and jovial. Though material affluence has been elusive for a large section of them, they take pride in their rich cultural heritage.

GOVERNMENT OF KUMRANISTAN

The Government of Kumranistan deals with almost all spheres of the economy and society. It performs diverse functions ranging from defence of the country and maintenance of law and order in the country to promoting economic development and delivering social services like education and healthcare. Clearly, the Government needs a significant amount of financial resources for delivering all these services. It mobilizes these funds from Kumranistan's resources mainly through taxes, fees/ service charges and borrowings. But can the Government collect these funds or spend it the way it likes? It cannot, because, first of all, the country's resources are limited. Besides, the way in which the Government mobilizes its funds and the way it spends both affect the economy and people of the country significantly. Hence, both resource mobilizations of the Government as well as its spending have to be well thought out.

Moreover, Kumranistan has a Parliamentary system of Government and it follows a Constitution. The Constitution of the country has made the Government answerable to the Parliament for its actions relating to resource mobilization and spending. Therefore, the Government of Kumranistan prepares a Budget every year. This Budget is quite different from that of a company or a household. It is not meant to be an exercise for balancing the account books for a year. It has far-reaching consequences for the people of the country and the economic activities being carried out in the country. All citizens have a stake in the Budget of Kumranistan Government; and the Constitution of the country has, therefore, made the Government answerable to citizens' representatives (in the Parliament) for the Budget.

THE BUDGET OF KUMRANISTAN GOVERNMENT

The Government prepares a Budget for every financial year/ fiscal year, which in Kumranistan runs from July 1 of a calendar year to June 30 of the next calendar year. Thus, the one-year time period from July 1 of 2013 to June 30 of 2014 is referred to as fiscal year 2013-2014, or 2014-15 in short.

This Budget is prepared in advance, i.e. Budget for a fiscal year is prepared before the start of that fiscal year. What this implies is: Budget for the fiscal year 2014-15 would be prepared before July 1 in 2014. In fact, the Government is required to present it before the Parliament and get the Budget for 2014-15 approved before July 1, 2014.

Every Budget broadly consists of two parts, viz. (i) Expenditure Budget and (ii) Receipts Budget. The Expenditure Budget presents the information on how much the Government intends to spend and on what, in the next fiscal year. The currency in circulation in Kumranistan is called Rupees. So the amounts of intended expenditure by the Government are expressed in Rupees in the Expenditure Budget. On the other hand, the Receipts Budget presents the information on how much the Government intends to collect as its financial resources for meeting its expenditure requirements and from which sources, in the next fiscal year. The amounts of projected receipts of the Government are also expressed in Rupees.

Let us now consider Kumranistan Government's Budget for the fiscal year 2014-15, which was presented to the Parliament and approved by the latter before April 1, 2007. Let us first consider the Expenditure Budget for 2014-15.

The Expenditure Budget for 2014-15 shows the amounts of money which Kumranistan Government intends to spend on its various functions/ services in the fiscal year 2014-15. There are 20 different functions/ services on which the Government would be spending money and the total spending is projected to be 1000 Rupees. Since this is the Expenditure Budget, which has been approved by the Parliament of Kumranistan for 2014-15, the Government cannot spend amounts greater than what is shown in this Budget either in aggregate or on any individual function.

Most of the functions/ services mentioned in this Expenditure Budget are easy to understand, e.g. Defence, Law & Order, Pensions, Agriculture, Irrigation, Education, and Health & Family Welfare etc. All these refer to the various sectors in which

Commented [SR2]: I understand that since this whole budget process is focused around the district education budget, therefore I suggest that instead of taking example of a country, it will be more relevant to take a district as a model, where the local NGOs could easily related themselves to the different priorities.

EXPENDITURE BUDGET of Kumranistan for 2014-15

Sl. No.	Government Services/Functions	Amount to be spent in	
		2014-15	
		(in Rupees)	
1	Interest Payments		150
2	Repayment of Debt (taken in the past)		100
3	Defence		125
4	Law and Order (Police)		50
5	Running of Different Organs of the State		15
6	Pensions		35
7	Agriculture		75
8	Irrigation		05
9	Industry and Minerals		15
10	Employment Generation Programmes		10
11	Transport		25
12	Communications		15
13	Energy (Power)		30
14	Education		175
15	Health & Family Welfare		60
16	Water Supply & Sanitation		30
17	Welfare of Marginalised Sections		20
18	Welfare of Handicapped and Destitute People		10
19	Youth Affairs & Sports		05
20	Grants to Sub-national Governments		50
	Total Expenditure		1000

Government is performing certain functions. However, some of the functions/ services mentioned in the Expenditure Budget need to be explained. These are as given below:

Repayment of Debt– We have a debt when we owe somebody money. When we have a debt we are also charged an interest. Repayment of debt, as mentioned in the Expenditure Budget above, needs to be distinguished from interest payments. Repayment of debt refers to repayment of the principal amount of the borrowing. Usually, a Government would have to pay the interest charges every year. But it need not repay the principal amount of the debt (either the whole amount or a part of it) every year. Hence, in a Government Budget, repayment of debt is distinguished from interest payment.

Interest Payments– As mentioned above, interest is an extra charge on the original debt. Typically, a Government having a debt would make interest payments from its Budget every year.

Grants to Sub-national Governments– The national government delivers many of its services, like, Maintenance of Law & Order, Agriculture, Irrigation, Employment Generation, Education, Health & Family Welfare, etc. through sub-national governments in different regions of the country. In these sectors, the funds meant for expenditure are transferred from the national government to the sub-national governments before the actual expenditure is incurred. But while incurring the actual expenditure, the sub-national governments have to

follow the purposes/ guidelines/ conditions laid down by the national government for each of these sectors. What this implies is: if the sub-national governments need to incur any expenditure independent of the purposes/ guidelines/ conditions laid down by the national government, they would not be able to do so. This restriction on the sub-national governments is not at all desirable, as they are in closer contact with the citizens than the national government; hence, they not only need to be able to respond to the unforeseen problems but they should also have the scope for setting up their own priorities for public spending in different sectors. Taking this need into account, the national government provides a certain amount of money to the sub-national governments every year, which the latter can spend at their own discretion. The last item in Expenditure Budget of Kumranistan, Grants to Sub-national Governments, refers to the total amount of such kind of unconditional funds transferred to the sub-national governments.

LET'S DEAL WITH SOME JARGON ON EXPENDITURE BUDGET!

We can see in the Expenditure Budget (on the previous page) that there are four different compartments in which the 20 different functions/ services have been organized. This compartmentalization has some significance. Typically, all kind of services provided by the government can be divided into three different categories, viz. General Services, Economic Services and Social Services, depending on the main purpose of the services being delivered.

General Services: The first six items in the Expenditure Budget of Kumranistan, i.e. Interest Payments; Repayment of Debt; Defence; Law and Order (Police); Running of Different Organs of the State; and Pensions constitute the General Services delivered by the Kumranistan Government. The term General is meant to distinguish these services from the other two kinds of services, i.e. Economic and Social.

Economic Services: In the Expenditure Budget of Kumranistan, the items numbered 7 to 13, i.e. Agriculture; Irrigation; Industry and Minerals; Employment Generation Programmes; Transport; Communications; and Energy, constitute the Economic Services delivered by the Government. These services usually lead to income generating activities for the people and promote the expansion of economic activities in the country.

Social Services: In the Expenditure Budget of Kumranistan, the items numbered 14 to 19, i.e. Education; Health & Family Welfare; Water Supply & Sanitation; Welfare of Marginalised Sections; Welfare of Handicapped and Destitute People; and Youth Affairs & Sports, constitute the Social Services delivered by the Government. The interventions by the Government in these sectors are expected to promote social development. Although better outcomes in the social sector, like better education and better health, also contribute towards economic development, this effect would be indirect and take more time to be realized.

A Summary of Kumranistan's Expenditure Budget for 2014-15

Government Services	Amount to be spent in 2014-15 (in Rupees)	Share in Total Expenditure
General Services	475	47.5 per cent
Economic Services	175	17.5 per cent
Social Services	300	30 per cent
Grants to Sub-national Govts	50	5 per cent
Total Expenditure	1000	

Now, how would a development policy analyst interpret the Expenditure Budget of Kumranistan Government for 2014-15? Let's suppose, she is of the opinion that government interventions in the Economic Services need to be much stronger and wider in order to reduce poverty in Kumranistan and raise the standard of living of its people. But due to inadequate fund support, the government interventions in this sector have been weak and unable to give desired results. Hence, she would assess the 'priority' accorded by the Government to Economic Services in its Budget! As a first step, she may compare the resources allocated for Economic Services with those for other sectors. She might be disappointed to find that funds allocated for Economic Services account for only 17.5 per cent of the total Kumranistan Budget, while that for General Services account for as much as 47.5 per cent of the total

Budget.

The analyst may then examine the funds allocated for Agriculture (75 Rupees), Irrigation (5 Rupees) and Employment Generation Programmes (10 Rupees), which together account for 9 per cent of the total Budget. But the funds allocated for Defence (125 Rupees) account for 12.5 per cent of the Budget. Hence, she may opine that the Government of Kumranistan should have allocated smaller amount of funds to Defence and more funds to Agriculture, Irrigation and Employment Generation Programmes. Thus, she may suggest that the 'priority' for Agriculture, Irrigation and Employment Generation Programmes should have been higher in the Budget.

Nonetheless, the Government of Kumranistan could have allocated higher amounts of funds for any one or more sectors if it could collect a greater amount of funds through its receipts! Let us now consider the country's Receipts Budget for 2014-15.

The Receipts Budget for 2014-15 shows the amounts of money which Kumranistan Government has projected as its collections of funds through various kinds of receipts in the fiscal year 2014-15. There are 13 different sources through which the Government would be collecting its funds and the total receipt is projected to be 1000 Rupees. We must note here that the total receipts have to be at least as much as the total expenditure which the Government intends to incur in 2014-15. For, otherwise, the Government cannot meet its expenditure requirements in 2014-15. However, these total receipts (i.e. 1000 Rupees) also include the new borrowing (worth 250 Rupees) which the Government would be required to make in 2014-15. We will discuss this aspect in detail a little later.

S. No.	Source of Government's Receipts	Amount to be collected in 2014-15 (in Rupees)
1	Corporation Tax	150
2	Personal Income Tax	89
3	Wealth Tax	01
4	Customs Duties	95
5	Excise Duties	125
6	Sales Tax	110
7	Service Tax	30
8	Interest receipts	25
9	Fees/ User Charges	35
10	Dividend & Profits from Government Enterprises	40
11	Recoveries of Loans	40
12	Earnings from the sale of Govt. Enterprises	10
13	Debt	250
	Total Receipts	1000

RECEIPTS BUDGET for 2014-15

The first seven items in the Receipts Budget are the different types of taxes levied by the Kumranistan Government. Tax refers to the money collected by the government through payments imposed by legislation. Since the Parliament of Kumranistan has approved the Budget, it has also approved the rates of taxation proposed by the Government for 2014-15. What this means is: the Government has levied the rates of different types of taxes for 2014-15 by enactment of the legislation relating to the tax rates.

However, we need to understand what the different sources in the Receipts Budget refer to. This is attempted in the following:

Corporation Tax– It is a tax which is levied on the incomes of registered companies and corporations in the country, whether national or foreign.

Personal Income Tax– It is a tax which is levied on the incomes of private individuals. In India, this Personal Income tax is paid to the Central Government.

Wealth Tax– Wealth tax is levied on the benefits derived from ownership of property. This tax is supposed to be paid year after year on the same property on its market value, whether or not such property yields any income. However, wealth tax has been virtually abolished in India. Productive assets are free from wealth tax without any limit. Productive assets like shares, debentures, bank deposits and investments in mutual funds are exempt from wealth tax. The non-productive assets include jewellery, bullion, motorcars, aircraft, urban land, etc. Foreign nationals are exempt from wealth tax on non-Indian assets.

Customs Duties– It is a type of tax levied on goods imported into the country as well as on goods exported from the country. In this case, the taxable event is import into or export from the country. Here, import of goods means bringing goods into the country from a place outside the country. And, export of goods means taking goods out of the country to a place outside the country.

Excise Duties– Excise duty is a type of tax levied on those goods which are manufactured in the country and are meant for home consumption. In this case, the taxable event is 'manufacture' and the charge of excise duty arises as soon as the goods are manufactured. It is a tax on manufacturing, which is paid by the manufacturer. But the manufacturer passes this tax burden on to the customers. Excise duties are often levied at higher rates on goods whose consumption is believed to have adverse effect on public health or the environment etc. (e.g. excise duties on alcoholic drinks, tobacco, and petrol).

Sales Tax– It is levied on the sale of a commodity, which is produced/ imported and sold for the first time. If the product is sold subsequently without being processed further, it is exempt from sales tax. In India, Sales Tax used to be levied under the authority of both Central Legislation (Central Sales Tax) and State Governments' Legislations (Sales Tax) before the introduction of Value Added Tax (VAT). We shall discuss the concept of Value Added Tax (VAT) in one of the subsequent sections.

Service Tax– It is a tax levied on services provided by a person and the responsibility of payment of the tax is cast on the service provider. However, this tax can be recovered by the service provider from the service receiver in course of his/ her business transactions.

Interest receipts– Interest charges received on Loans given by the Government, which have not been repaid by the borrowers yet.

Fees/ User Charges– Payments collected for some of the services delivered by the Government Departments.

Dividend & Profits from Government Enterprises– This refers to the monetary gains (of the Government) on the investments made by Government in various public sector companies. This means that for every share owned by the Government, it is paid a portion of the company's earnings.

Recoveries of Loans– This refers to the Principal amounts of the debts repaid (either in full or in part) by those who had borrowed from Government earlier.

Earnings from Disinvestment– Disinvestment involves the sale of either whole or a part of the Government's stakes in a public sector company. The government, and not the public sector company, receives money from this disinvestment.

Debt– Debt in the Receipts Budget for 2014-15 refers to the new Debt (or new borrowing) which is to be incurred by the Government in the fiscal year 2014-15. In case of the Receipts Budget of Kumranistan for 2014-15, all other receipts (i.e. items 1 to 12) taken together provide less than 1000 Rupees; hence, the Kumranistan Government has no choice but to incur a debt for meeting its estimated total expenditure requirement of 1000 Rupees in 2014-15.

LET'S DEAL WITH SOME JARGON ON RECEIPTS!

Tax Revenue and Non-Tax Revenue: The receipts of the Government through different types of taxes are collectively referred to as Tax Revenue. In the Receipts Budget for 2014-15, total amount to be collected from items 1 through 7 (the taxes) is 600 Rupees, hence the total Tax Revenue of Kumranistan Government in 2014-15 is projected to be 600 Rupees. On the other hand, the items 8 through 10 (i.e. Interest receipts, Fees/ User Charges, and Dividend & Profits from Government Enterprises) together constitute the Non-Tax Revenue of the Government (which is projected to be 100 Rupees in 2014-15). However, the remaining three items (i.e. Recoveries of Loans, Earnings from Disinvestment, and Debt) are distinguished from Revenue receipts and are referred to as Capital receipts. We shall discuss why, in a little while.

Direct Taxes: Those taxes for which the tax-burden cannot be shifted or passed on are called Direct Taxes. What this means is: any person, who directly pays this kind of a tax to the Government, bears the burden of that particular tax. Examples of Direct Taxes in the Receipts Budget for 2014-15 are:

- Corporation Tax
- Personal Income tax
- Wealth Tax

Indirect Taxes: Those taxes for which the tax-burden can be shifted or passed on are called Indirect Taxes. What this implies is: any person, who directly pays this kind of a tax to the Government, need not bear the burden of that particular tax; he/she can ultimately shift the tax-burden to other persons later through business transactions of goods/ services. Examples of Indirect Taxes in the Receipts Budget for 2014-15 are:

- Customs Duties
- Excise Duties
- Sales Tax
- Service Tax

Indirect tax on any good or service affects the rich and the poor alike! Unlike indirect taxes, direct taxes (i.e. Corporation Tax, Personal Income Tax, Wealth Tax, etc.) are linked to the tax-payee's ability to pay and hence are considered to be progressive.

Receipts from Taxes in 2014-15

Sl. No.	Government's Receipts from Taxes	Amount to be collected in 2014-15 (in Rupees)
	Direct Taxes	
1	Corporation Tax	150
2	Personal Income Tax	89
3	Wealth Tax	01
	Direct Taxes (Total)	240
	Indirect Taxes	
4	Customs Duties	95
5	Excise Duties	125
6	Sales Tax	110
7	Service Tax	30
	Indirect Taxes (Total)	360
	TOTAL RECEIPTS FROM TAXES	600

Let us consider some possible reactions of our development policy analyst to the Receipts Budget of Kumranistan Government for 2014-15! She might first of all point out that Direct Taxes would contribute only 240 Rupees (40 per cent of total Tax Revenue) while Indirect Taxes would contribute 360 Rupees (60 per cent of total Tax Revenue). Hence, she may very well say that the system of taxation imposed by the Government is not progressive. Then she may go deeper into the rates of taxation as well as the legislation with regard to all kinds of taxes. The Kumranistan Government gives various kinds of tax exemptions/ concessions in all of its taxes to different persons (and, companies/ service providers/ manufacturers/ importers/ exporters) based on some rationale. For example, the Kumranistan Government has exempted the companies in some types of industries from paying Corporation Tax in order to promote the expansion of such industries. However, the analyst believes that those industries have enjoyed such tax exemptions for long and now it is high time the Government starts taxing their incomes! Thus, the analyst may strongly argue that the Government should have reduced the tax exemptions/ concessions in order to collect a greater amount of Receipts, which in turn would have enabled the Government to allocate greater resources for crucial sectors like Agriculture, Irrigation and Employment Generation Programmes.

Well, that's not all in the Receipts Budget which may disappoint the analyst! She may have gathered that Government Hospitals in Kumranistan are imposing very high Fees/ User Charges even on poor people; hence, in 2014-15, the Government should have acted towards abolishing/ reducing the high User Charges in Government Hospitals. Moreover, the proposal of the Government to sell one of its public sector companies to private players (from which the Government intends to collect 10 Rupees in 2014-15) might have negative implications for the hundreds of workers who are dependent on that public sector company. Hence, the analyst would scrutinize the Receipts Budget as seriously as she would examine the Expenditure Budget of Kumranistan Government.

LET'S DEAL WITH SOME MORE JARGON ON THE BUDGET!

The entire Expenditure Budget can be divided into two distinct categories called:

Revenue Expenditure and Capital Expenditure. Before we discuss this further, let us first comprehend the terms assets and liabilities of a government.

A government's assets could be financial (e.g. investments, loans/ advances given, equities) or physical (factories, bridges, school buildings, hospital buildings). Almost all financial assets provide future monetary benefits, while some of the physical assets may also provide monetary benefits in future. On the other hand, a government's liabilities are by nature financial and they are amounts owed to other parties (e.g. borrowings and advances received by the government).

Capital Expenditure is usually meant for increasing the government's assets or reducing its liabilities.

- It is, however, not necessary that the assets created should be productive or they should even be revenue generating.
- Once the government decides to spend for the creation of an asset, Capital Expenditure bears all charges for the first construction of the asset, while Revenue Expenditure bears all subsequent charges for its maintenance and all working expenses.

Capital Expenditure of any type is usually not incurred regularly from every Budget. Hence, most kinds of Capital Expenditures are seen as non-recurring expenditures.

- Some examples of Capital Expenditure:
- Government spends for building a new Factory (increase in assets)
- Government acquires 10 per cent shares of a company (increase in assets)
- Government gives a Loan to someone (increase in assets)
- Government repays the Principal amount of a debt it had taken from someone (reduction of a liability)

Revenue Expenditure generally does not have anything to do with creation of assets or reduction of liabilities of the government. Most kinds of Revenue Expenditures are seen as recurring expenditures, since the government incurs those expenditures periodically from every Budget.

Some examples of Revenue Expenditure:

- Government pays the Interest charges due on a loan from International Monetary Fund (no effect on the size of the original liability of Government)
- Government expenditure on Food Subsidy (no effect on assets/ liabilities)
- Government spending on Salary of its employees
- Government spending on procurement of medicines for its hospitals
- Government of Kumranistan gives Grants to a sub-national government, which spends it to build Schools (This would not be reported as a Capital Expenditure in the Budget of the national Government as the national Government would not own the Schools built!)

In the Expenditure Budget for 2014-15, the last item was 'Grants to Sub-national Governments'. The sub-national governments may use a part of these Grants to build Schools/ Hospitals, etc. But still, those expenditures would not be reported as Capital Expenditure for the national Government since the national Government is not going to own the Schools/ Hospitals built (by the sub-national governments with the Grants).

The entire Receipts Budget can be divided into two distinct categories called:

Revenue Receipts and Capital Receipts

Capital Receipts: Capital Receipts of the government lead to a reduction in the assets or an increase in the liabilities of the government. Capital Receipts for government need not come periodically in every Budget.

- Capital Receipts that lead to a reduction in assets are Recoveries of Loans given by the government in the past, and Earnings from Disinvestment in government owned enterprises.
- Capital Receipts through Debt lead to an increase in government's liabilities.

Revenue Receipts: With this kind of receipts, there is no change in the asset-liability position of the government, i.e. a Revenue Receipt neither reduces the assets of the government nor increases its liabilities. Revenue Receipts consist of proceeds of total Tax and Non-Tax Revenues of the government.

Some examples of Revenue Receipts:

- Interest receipts for government from loans it had given earlier (no effect on the size of the original asset of government)
- Receipts from Fees/ User Charges imposed by government
- Dividend & Profits from government owned enterprises (no effect on the size of the original asset of government)
- Revenue earned from the various types of Taxes

Now, we have seen that a Debt is a kind of receipt that necessarily leads to an increase of the government's liabilities. Then, why does a government incur a Debt at all? As mentioned earlier, in case of the Receipts Budget of Kumranistan for 2014-15, all other receipts (i.e. items 1 to 12) taken together provide less than 1000 Rupees; hence, the Kumranistan Government had no choice but to incur a Debt for meeting its estimated total expenditure requirement of 1000

Rupees in 2014-15. Thus, government incurs a Debt only for meeting a gap in its expenditure and receipts. How is this gap seen by the budget makers/ economists/ analysts? This gap is named Deficit. Thus, Deficit is a Gap and government takes a Debt to cover that gap.

Economists and policy analysts have coined different names for different types of deficits, which is as explained below:

Fiscal Deficit: Fiscal Deficit of the government is the gap between its “Total Expenditure (including Loans net of Repayments)” and its “Total Receipts (excluding new Debt to be taken)”. Thus, Fiscal Deficit indicates the borrowing to be made by the government in a particular year for which the Budget is meant.

In case of Kumranistan Budget for 2014-15,

$$\begin{aligned}\text{Fiscal Deficit} &= \text{Total Expenditure} - \text{Total Receipts (excluding new Debt)} \\ &= 1000 - 750 \\ &= 250 \text{ (in Rupees)}\end{aligned}$$

If Total Receipts (excluding new Debt) exceed Total Expenditure of the government, then there would be a Surplus for the government, and hence, no need for borrowing.

Revenue Deficit: The gap between “Total Revenue Expenditure” of the government and its “Total Revenue Receipts” is called the Revenue Deficit. If Revenue Receipts are higher than total Revenue Expenditure, then the government would have a Revenue Surplus.

In our example of Kumranistan Budget for 2014-15,

$$\text{Total Revenue Expenditure} = 800$$

$$\text{Total Revenue Receipts} = \text{Tax Revenue} + \text{Non-Tax Revenue} = 700$$

$$\text{Revenue Deficit} = 800 - 700 = 100 \text{ (in Rupees)}$$

Using all these concepts of Revenue Expenditure, Capital Expenditure, Revenue Receipts, Capital Receipts, Deficit and Debt, a technical summary of Kumranistan Budget for 2014-15 can be prepared.

A Technical Summary of the Kumranistan Budget for 2014-15

(Figures are in Rupees)

<p>1.Expenditure Budget</p> <p>Revenue Expenditure of which</p> <p>-Interest payment</p> <p>-Other revenue expenditure</p> <p>Capital Expenditure of which</p> <p>-Repayment of debt (taken in)</p> <p>-Other capital expenditure</p> <p>Total Expenditure</p> <p>3.Deficit/ Surplus</p> <p>Fiscal Deficit</p> <p>Revenue deficit</p> <p>Primary deficit= Fiscal deficit-interest payment</p>	<p>2. Receipt Budget (excluding debt incurred in 2014-15)</p> <p>Revenue receipts of which</p> <p>-Tax revenue</p> <p>-Non-tax revenue</p> <p>Capital receipts of which</p> <p>-Recoveries of loans</p> <p>-Other capital receipts</p> <p>Total receipts</p> <p>4.Financing of Fiscal Deficit</p> <p>a. Total borrowing from do sources of which</p> <p>i.Borrowing from domestic ba systems</p> <p>ii.Borrowing from public</p> <p>b. Total External Borrowing Debt to be incurred in 2007-8 Printing of money for financi fiscal deficit (monetization of fiscal deficit)</p>
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As shown in the technical summary of Kumranistan Budget for 2014-15, there are mainly four blocks in the Budget. The first block, i.e. the first set of figures, presents the information relating to the Government's intended expenditures in 2014-15. The second block presents the information on the Government's projected receipts from all sources excluding debt. These two blocks of figures give us the gap or the Fiscal Deficit in 2014-15. The third block presents the figures for different types of Deficits.

But what is most important here is the Fiscal Deficit, since it shows the total amount of money which the Kumranistan Government will need to borrow in 2014-15. Then, the fourth block shows how the Kumranistan Government intends to borrow this amount in 2014-15. In this case, the Government intends to borrow 200 Rupees from the domestic sources and remaining 50 Rupees from external sources.

HOW DOES KUMRANISTAN BUDGET COMPARE WITH BUDGETS OF OTHER COUNTRIES?

It would be interesting to see how the Budget of Kumranistan compares with the Budgets of other countries. However, we should first note that other countries present their Budgets in their own currencies, and not in Rupees. Secondly, before we start comparing the expenditures or receipts of Kumranistan Government with those of other countries, we should also note that the size of Kumranistan's economy could play a major role in deciding the limits to Kumranistan Government's receipts and hence its expenditures. But still, an international comparison is very important. Hence, we need to find a way out! It would be possible to make an international comparison if we present the Expenditure and Receipts of Kumranistan Government as proportions of the total size of Kumranistan economy and do the same for other countries as well. But, then, how do we measure the size of Kumranistan's economy? We do that by referring to a figure called Gross Domestic Product or GDP of Kumranistan.

KUMRANISTAN'S GDP

The Gross Domestic Product (GDP) of a country indicates the size of the country's economy. Usually, GDP of a country for any particular year is expressed as a comparison with its value for the previous year. For instance, if we read somewhere that the GDP in 2014-15 will grow by 5 per cent, what it means is the economy will be 5 per cent larger than what it was last year. In other words, if all economic activities being carried out in the country are measured, these measurements give some monetary values, and then the aggregate monetary value for all economic activities is found out, we would get a monetary value for the size of the whole economy. A growth of 5 per cent of the economy over previous year would then imply that the monetary value for the whole economy has increased to 105 Rupees if it was 100 Rupees last year.

Measuring GDP is complicated, and we need not bother much about it. But in its most simple form, the computation of GDP for a year can be done by adding up what everyone in the country spent that year. To add just one complication to this not so simple explanation: only the expenditures on final goods and services (and not inputs/ intermediate goods and services which are used for the final goods and services) are considered in this computation of GDP, in order to avoid double counting. For instance, suppose a certain farmer sells the entire amount of Wheat produced by him to a factory which makes Bread. Then, in calculation of the GDP, if output of the Bread-making factory has been included, the Wheat produced by the farmer has to be kept outside the GDP figure.

Now, for those who are keen to learn more about the technicalities of GDP:

Gross Domestic Product (GDP) of a country, for any particular year, gives the monetary value of the sum total of final goods and services produced within the territory of the country in that year.

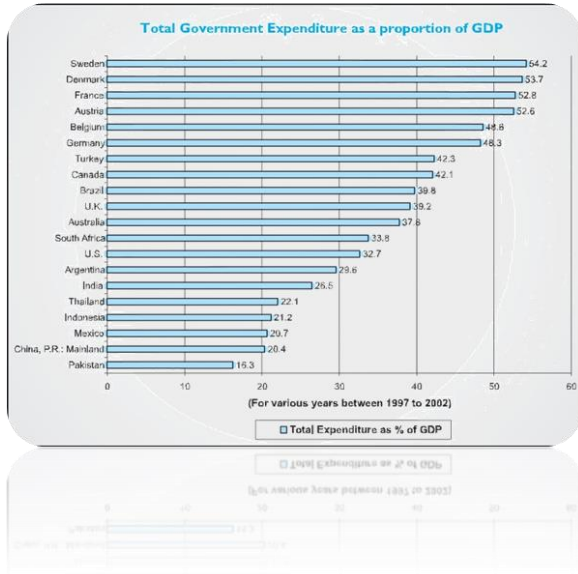
It measures the value of economic activity within the country since it is the sum of the market values, or prices, of all final goods and services produced in the economy during a period of time.

Some of the important aspects of the measurement of GDP are that:

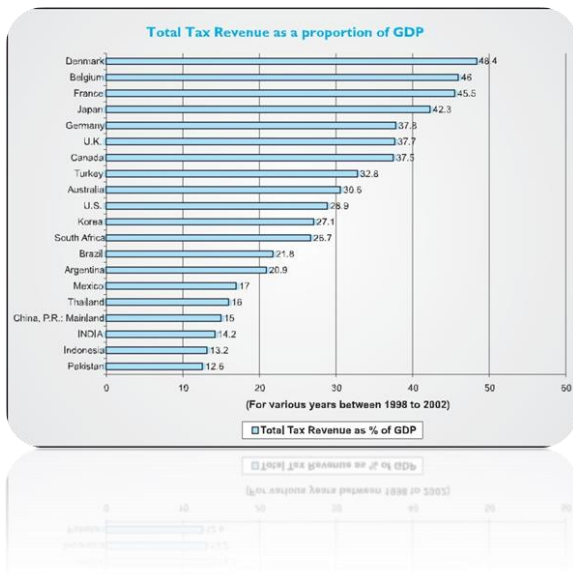
1. GDP expresses the worth of the output of a country in local currency.
2. GDP tries to capture all final goods and services produced within the country.
3. GDP is calculated for a specific period of time, usually a year or a quarter of a year.

These aspects provide a standard basis for comparison of GDP across time as well as different national economies.

Let us come back to the GDP of Kumranistan, which for the fiscal year 2014-15 has been estimated to be 5000 Rupees. So, we can now compare the Expenditure and Receipts of Kumranistan Government for 2014-15 with the GDP of Kumranistan for 2014-15. We find that Total Expenditure by Kumranistan Government (i.e. 1000 Rupees) amounts to 20 per cent of the country's GDP. But this figure would be much higher for many other countries. The Governments of most of the developed countries as well as many developing countries spend a much higher amount of money in comparison to their countries' GDP.



Likewise, the Total Tax Revenue of Kumranistan Government in 2014-15 (i.e. 600 Rupees) amounts only to 12 per cent of the country’s GDP in 2014-15. Now, the total tax revenue in many countries would be much higher than this figure in comparison to their countries’ GDP.



Public Spending on Education as Compare to GDP

Rank	Country	(% of GDP)	Date of Information
119	<u>Iran</u>	3.70	2012
134	<u>India</u>	3.20	2011
161	<u>Bangladesh</u>	2.20	2009
164	<u>Pakistan</u>	2.10	2012
168	<u>Sri Lanka</u>	1.70	2012

Commented [SR3]: For straight comparison, can't we take same year for all the counties in the given chart. For example Bangladesh is quoted for year 2009 and rest for year 2012.

Source; The world factbook <https://www.cia.gov/library/publications/the-world-factbook/rankorder/2206rank.html>

Thus, if we compare the Total Tax Revenue and Total Expenditure of Kumranistan Government with those of Governments of other countries, we would find that the scope of interventions by Kumranistan Government is much smaller in comparison to many other countries. This might have serious repercussions for the process of socio-economic development in Kumranistan. For instance, in Kumranistan, government spending on Education (175 Rupees in 2014-15) amounts only to 3.5 per cent of the country's GDP, while that on Health & Family Welfare (60 Rupees in 2014-15) amounts to a meager 1.2 per cent of the country's GDP. But these figures are significantly higher not only in the developed countries, but also in many developing countries. These low levels of government spending on Education and Health in Kumranistan might have resulted in weak and ineffective government interventions in these important sectors, which in turn could have resulted in low levels of development in the country. Below charts budget allocation present spending on education by different countries.

Session 4: Understanding KP Local Government Act 2013

Total Time: 105 min

Objectives of the Session

- Participants will be able to understand the budget making process at district level
- Participants will be able to know different sources of revenue for district, tehsil and union council

Commented [SR4]: Under the LGA 2013, there is no tier of Union Councils rather it is Village and Neighborhood Councils. The existing Union Councils (continued under the LGA 2012) will cease to exist as soon as LB elections are announced.

Sr. No.	Training Method/Process	Training Materials	Handout	Time
1.	Participants will be introduced to the KP Local Government Act 2013, its main features and how does it affect education accountability and transparency at: District Level Tehsil/TMA Village/Neighbourhood council	Presentation, on Local Government Act 2013		60 min
2	Functions and powers of different tiers of local governments under the LGA 2013			
3.	Sources of Revenues Participants will be asked to go through the sources of revenue for all 3 tiers of district government. After that participants will be divided into three groups. These groups will be named as District, Tehsil and Village/Neighbourhood. Facilitator will spread flash cards on a table. Different source of revenues for district, tehsil and union council would be written on it. Each group will be asked to pick its relevant card and past on a chart.	Flash cards, charts, markers, masking tape		15+20+15 = 45 min

Understanding District Budget Making Process

The annual budget year for district government is from July 1 through June 30. The time lines for budget formulation are as follow:

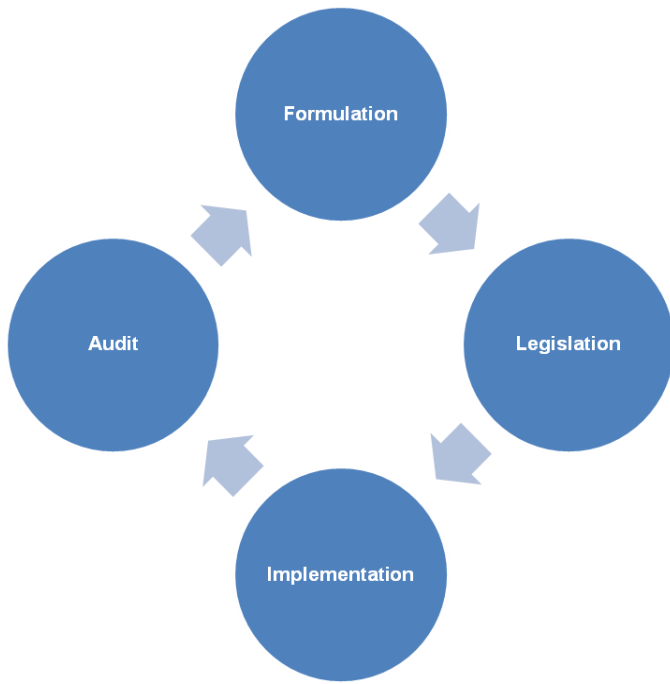
Commented [SR5]: I hope this is in line with the budget call circular (BCC) circulated by the provincial government to all the departments including the districts?

Annual Budget Cycle of District Government

Timeline	Activity
July-September	Consultation with stakeholders and priorities identified by the Council
September	Budget call letter issued
October	Forms for estimation of receipts and expenditures also issued with call letter
September-February	Guidelines identifying priority areas issued by DO/ F& P
February	Consolidation of estimates of revenue and expenditure.
December	Identification of development project and preparation of project outline
March 1	Project Proposal submitted
March	All the estimates, development project outline and proposals submitted to Budget and Development Committee
March	Finalization by Budget and Development Committee (including estimates for the current year)
April 1	Approval of Annual Development Program by budget and development committee
April	Draft budget submitted to council
April	Review of draft budget by the council including taxation proposals
May 1	Public opinion sought on taxation proposals
June 1	Public opinion and government vetting received
May-June	Revision by changes by Head of Offices and finalization by budget and development committee
June	Submission of final budget to the Council
Before June 30	Approval of final budget by the Council

Source: Derived from Local Government Budget Rules, 2002 (New rules under KP Local Government Act 2013 are yet to be framed)

Four Stages in Budget Cycle



Session 5: District Budget Analysis

Total Time: 120 min

Objectives of the Session

- Participants will be able to analyze current and development budget of a district
- Participants will be able to design an advocacy campaign on the basis of their budget analysis

Commented [SR6]: The district budget analysis should give a clear picture of the district budget allocations, last 3 years trends, major head of expenditures, break up of development and non-development budgets, budget allocated to PTC's, funds lapsed or surrendered due to non-utilization and the issues around, low allocations, low utilization or misappropriation with a view what is important about all these points for the reps of the CSO's and Media.

Sr. No.	Training Method/Process	Training Materials	Handout	Time
1.	Facilitator will share the budget of Elementary & Secondary Education department FY 2014-15	Presentation , manual		30 min
2.	Facilitator will discuss the key ingredients of budget advocacy strategy. He will explain the link between budget analysis and budget advocacy	Presentation , manual		10 min
3.	Facilitator will explain different aspects and techniques of budget analysis	Presentation		10 min
4.	Facilitator will divide the participants in 3/4 groups and will give them handout to solve simple analytical problems. This would be prelude to detailed and through budget analysis. After groups are through with the group work, he will ask participants randomly to tell the answer of the question and explain the method of solving it.	Handout		20 min
5.	The groups then will be given a copy of current budget and will be asked to analyze it with different aspects that have been discussed above. Facilitator will ask the participants beforehand their education sector priorities and interest. He will also ask them that which aspect they want to analyze i.e. overall current budget, non-salary budget to girls primary schools, etc. Before assigning them, facilitator will spent about 10 minutes separately with each group to explain the methodology of analysis. After the analysis, groups will present their finding	Copy of budget, computer/calculator		20 min
6.	The groups then will be given a copy of development budget and will be asked to analyze it with different aspects that have been discussed above. Facilitator will ask the participants beforehand their education sector priorities and interest. After the analysis, groups will present their analysis	Copy of budget, computer/calculator		20 min
7.	The facilitator will then explain basic steps in advocacy and lobbying campaign based on budget analysis. He will then ask the groups to design their advocacy campaign with district authorities on the bases of their budget analysis. Groups will present their advocacy campaign	Presentation , chart, markers		10 min

KHYBER PAKHTUNKHWA - ELEMENTARY AND SECONDARY EDUCATION

Budget Review FY 2014 - 15

Elementary & Secondary Education is the biggest department of provincial government in terms of human resource, infrastructure network and budgetary allocations. The total Budget Estimates of the Elementary & Secondary Education for the current financial year 2013-2014 were Rs. 60,552.937 million, which have been revised to Rs. 64,594.426 million. For the year 2014-15 the current budget for Elementary & Secondary Education has been estimated at Rs. 73,684.438 million which makes up about 28.83% of total current revenue expenditure. The Budget Estimates 2014-2015 at both Provincial & District level are tabulated as under:-

(Rs. In Million)

Classification	Budget Estimates 2014-15		
	Salary	Non-Salary	Total
091102-Govt. Primary Schools (M&F) in Khyber Pakhtunkhwa.	29,809.025	3,600.771	33,409.796
091103-Administration. Sub Divisional Education Officers (M&F) in Khyber Pakhtunkhwa	536.174	84.896	621.070
091120-Others. (Regional institutes for Teachers Education in Khyber Pakhtunkhwa).	255.246	5.301	260.547
092101-Secondary Education. (Middle, High/ Higher Secondary Schools in Khyber Pakhtunkhwa).	3,4047.451	1,870.621	35,918.072
092102-Administration.(District Education Officers (M&F) in Khyber Pakhtunkhwa	909.077	838.196	1,747.273
093102-Proff. /Tech./Colleges/ Institutes in Khyber Pakhtunkhwa.	118.206	959.077	1,077.283
096101-Secretary Elementary & Secondary Education Department.	95.492	554.905	650.397
Total	65,770.671	7,913.767	73,684.438

Provincial Government considers education its top priority. The total allocation for 2014-15 shows an overall increase of 14% over current financial year. The non-salary budget alone has been increased by 132% with the following salient features:

S.No	Object	Allocation
1	Purchase of Classrooms consumables and Petty Repairs (Parent Teacher Council)	809.748
2	Purchase of Jute Tats	79.840
3	Provision for Missing Facilities- Conditional Grant. (DFID Assisted)	2000.000
4	Improving the activities of Elementary Education Foundation	180.000
5	Provision for Model High/Higher Schools	950.000
6	Provision for Enrollment campaign	10.626
7	Purchase of IT Equipment	607.045
8	Purchase of Transport	222.475
9	Purchase of Furniture & Fixture	40.000
10	Repair of the offices of District Education Officers	70.000

Commented [SR7]: The table should have its self-contained caption/heading

Commented [SR8]: I hope this is in million and in PKRS

During the course of current financial year 2013-14, a total of 1,643 posts were created on the proposal of the Elementary & Secondary Education Department, as per the detailed breakup given below:

Commented [SR9]: This is not the current Financial year... its FY 2014-15

S.No	Schools	Number of Schools /Colleges	Posts Created
1	Establishment of new Govt. Primary Schools (M&F)	117	341
2	Up Gradation of Primary Schools (M&F) to Middle Status.	62	552
3	Establishment of Government High Schools.	1	16
4	Up gradation of Govt. Middle Schools (M&F) to High status.	54	432
5	Up gradation of Govt. High Schools to Higher Secondary level.	16	272
7	Establishment of Cluster Hostel.	1	3
9	Creation of posts for offices of the Sub Divisional Education Officers (M&F) Tehsil Allai District Battagram.	2	16
10	Creation of additional Posts for Elementary & Secondary Education Department.	--	11

Total	1,643
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In addition to the above, following 30 posts are proposed to be created in the SNE (Fresh) for the financial year 2014-15.

S.No	Schools	Posts Created
1	Creation of post of Driver for the office of Sub Divisional Education Officer (M) Tehsil Takht-e- Nasrati District Karak.	1
2	Creation of 01 Post of Sweeper for Government Middle School Darul Uloom Drosh and 01 post of N/Qasid for Government Middle School Darul Uloom Chitral District Chitral.	2
3	Creation of posts for up gradation of Govt. Girls Primary School Panam Dheri to Middle Level in District Peshawar.	8
4	Creation of post of Senior English Teacher (Science) for Government High School Kula Dher District Charsadda.	1
5	Creation of additional post of Chowkidar for Government High School Sonoghor District Chitral.	1
6	Creation of posts for up gradation of GGMS Shoghore to High level District Chitral.	8
7	Creation of posts for establishment of GGMS Pagorai District Shangla.	9
	Total	30

Commented [SR10]: It will be more important to highlight how much posts of different categories were sanctioned in a district, how many filled and how many vacant with segregated statistics on male and female teachers and what is its effect on boys and girls education?

Total sanctioned strength of Elementary & Secondary Education Department is as under:-

Year	Provincial	District	Total
2014-15	1,073	186,722	187,795

Commented [SR11]: Do you mean total employees of E&SE department ?

The budget of Elementary & Secondary Education has been consistently increased as per the priorities of the present and previous provincial governments. The trend is presented in the table below:

Year	Budget Estimates	% Increase
2011-12	37,230.278	12
2012-13	46,601.669	25
2013-14	60,552.937	30

Commented [SR12]: Is this in million and PKR?

Commented [SR13]: Is this % increase over the previous year estimate if so ti means it has decreased in the year 2014-15 as it is 22% as compared to BE 2013-14....

2014-15	73,684.438	22
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Grants, amounting to Rs. 376.219 have also been released to the following Autonomous/Semi-Autonomous Institutions during the current financial year.

S.No	NAME OF INSTITUTION	Rs in Million
1	Akram Khan Durrani Public School & College Bannu	123.539
2	Abbotabbad Public school & College Abbotabbad	81.890
3	Elementary Education Foundation	150.000
4	Cadet College Swat	20.790
	Total	376.219

Commented [SR14]: None of these schools is relevant to our SNG focus districts and therefore we should focus on most relevant information where the participants could relate themselves with.

KHYBER PAKHTUNKHWA DEVELOPMENTAL PROGRAM FOR EDUCATION

Vision

A progressive Khyber Pakhtunkhwa with equal access to education for all

Policy

- Accelerate achievement of Millennium Development Goals by 2015
- Standardizing Primary Education across the Province
- Encouraging the completion of full primary schooling by all children
- Addressing gender disparity by promoting gender equality, affirmative action and the empowerment of women
- Enhancing the quality of education infrastructure, facilities and services
- Removing gender and ethnic disparities by promoting universal access to education
- Enabling tertiary educational institutions to be autonomous and accountable in terms of finance, administration and academics
- Reforming college level education through the development of career placement and other linkages with the job market

Education plays pivotal role in the progress of nations. Pakistan in general and Khyber Pakhtunkhwa in particular lags behind in the field of education from many countries of the region. The overall literacy rate in Pakistan is 58% (70 % male & 47 % Female) whereas, in Khyber Pakhtunkhwa, the literacy rate is 52% (72% Male & 35 % Female). Keeping in view the above, education sector has become the top priority of the Provincial Government. The main focus of new projects is to promote education at the primary level, create a gender balance, and fulfil the infrastructural requirements of existing institutions including staff, equipment, furniture, teachers training and essential repairs.

The government is committed to provide free and quality education to all up to higher secondary level. Besides, up gradation of different levels of schools in the development programme, the

higher education sector has also planned to establish new degree colleges in the province. Moreover, new blocks & hostels will be constructed and computer equipment will be provided in various colleges for imparting education in information technology and other sciences. An allocation of **Rs.14312.000** Million has been made for total of **112** projects out of which **68** are ongoing with allocation of **Rs.8820.832** Million and **44** are new with allocation of **Rs.5491.168** Million. The following major targets will be achieved in this sector:-

- Establishment of 60 Primary Schools (Boys & Girls) on need basis.
- Up-gradation of 40 Primary schools to Middle level in deficient Union councils.
- Up-gradation of 35 Middle schools to High level in deficient Union councils.
- Up-gradation of 15 High schools to Higher Secondary level in deficient Union Councils
- Establishment of 170 IT laboratories in existing Government High and Higher Secondary Schools in Khyber Pakhtunkhwa
- Construction of 25 examination halls in Government High and Higher Secondary Schools in Khyber Pakhtunkhwa
- Construction of 500 Early Child Care Education (ECCE) rooms in Government Schools in Khyber Pakhtunkhwa
- Construction of 500 additional classrooms in Government Schools in Khyber Pakhtunkhwa through PTCs.
- Provision of furniture in 2300 High/Higher Secondary Schools.
- Provision of sports facilities in 2400 High Schools.
- Rs. 80.000 Million has been allocated for 97 Talented and Poor students of the Province.
- An endowment fund has been introduced with an initial grant-in-aid amounting to Rs. 51.890 Million for talented and poor students of the Province.
- Rs. 800.000 Million allocated for training purposes for which previously no attention was given.
- Construction of auditorium at Public Library at Haripur.
- Establishment of Project Management Unit for Re-organization of Higher Education.
- Establishment of Government Colleges (Male/Female) in Khyber Pakhtunkhwa.
- Strengthening of Directorate of Colleges of Higher Education Department.

Budget Analysis Strategy

1. To succeed in Budget Advocacy Campaign, following points should be kept in mind:

- i. Accuracy, accessibility, timeliness – three pillars of good budget analysis
- ii. Effective budget work requires analysis AND advocacy
- iii. Some budget changes require long-term engagement
- iv. Focus on whole budget process / cycle – there is work to do in every stage
- v. Need for flexible political and organizational strategy
- vi. Dedicated organization capacity & investing in staff

To be SMART in Budget work, your objectives should be:

S = Specific

M = Measurable
A = Attainable
R = Realistic
T = Timely

	Meaning	Example
Specific	What would you like the govt. to do? Specify an action – the solution that you w	introduce a social security program unemployed / unorganised sector worl
Measurable	'measurement' refers to the AMOUNT you govt. to raise or spend differently	We want Rs. 25 crore to be spe transport for girl children, not 'govt. s put in place transport for girls'
Attainable	Goals you set which are too far out of reac and your partners probably won't com doing	"Remove poverty" is not attainable in term
Realistic	Propose a plan or a way of getting there makes the goal realistic	Increase budget allocation for health by 2 percent
Timely	Be realistic, but set a timeframe for the go	For the financial year 2010-11

Major Challenges in Budget Analysis

- i. Analytical & advocacy skills
- ii. Budget transparency & participation in the budget process
- iii. Working with the executive
- iv. Legislature
- v. Understanding & ensuring IMPACT on accountability and policy

Let's Ask Some Questions

It is important that we ask relevant question during our budget analysis and advocacy campaign. Some examples of the questions are

S. No.	Question	Explanation/Meaning
1	What is the 'priority' for Education Budget?	What is the share of Education sector in expenditure from the Budget?
2	What is the 'priority' for other sectors Budget?	What is the share of Health sector in expenditure from the Budget?
3	How does the budgetary expenditure Education in our district compare with in other districts?	Calculating percentage of health/ budget allocation with total budget
4	What is the unit cost in budgeting Education?	<ul style="list-style-type: none">• Allocation per capita• Allocation per school• Allocation per student etc,
5	What are the implications of different of taxes on women? (e.g. Direct Tax Indirect Taxes)	Analysis of taxes with gender lens
6	What is the 'priority' for women in the expenditure from the budget?	How much of the expenditure from the budget 'earmarked' for women?
	What is the 'priority' for children in the expenditure from the budget?	How much of the expenditure from the budget 'earmarked' for children?

Some Aspects of Budget Analysis

There are many angles and perspective that can be used while analyzing a budget. Some of them are mentioned below:

1.Rural-Urban Analysis

The technique will give us insight about which geographical area is being given preference and which is being ignored.

2.Comparing 2 or More Tehsil/ Towns in a District

This will identify that which tehsil is being given preference within a district and which is being ignored.

3.Comparing 2 or More Districts

Compare social sector allocation of 2 or more district in percentage term

4. Gender Analysis

Compare whether boys schools are getting more allocation or both boys and girls schools are being treated fairly

Let's Start Budget Analysis

Following key points should be kept in mind while initiating a Budget Analysis

Become familiar with finding information in budgets

Learn to calculate:

- Percentage of total budget
- Share of total increasing or decreasing
- Real and nominal amounts
- Real growth rate
- growth rate and average growth rate

Become familiar with different levels of disaggregation in budgets

- Practice!

Some Techniques of Budget Analysis

Technique 1

Calculate the share of the total budget.

We use percentages to measure how much government prioritizes a certain item in the budget

We use percentage to express

Share of one department in total budget

Share of one program in total budget of the department

One sub-program as share of total program

Some practice examples:

How much of the district total budget is spent on education?

- What share of the education budget goes to personnel?
- What percentage of HIV program budget goes to awareness raising?

Technique 2

Determine if the share is increasing or decreasing

Whether the share of one sector in total budget increases or decreases can tell us more about government's priorities are shifting.

Example

Share of Education in district budget in year 2010-11=???

Share of Education in district budget in year 2009-10=???

Technique 3

Converting an Allocation from Nominal to Real Term

- Inflation reduces purchasing power of a Rupee over time, i.e. Rs. 100 last year buys less than Rs.100 this year, because everything has become more expensive. This makes the comparison of amounts between different years invalid. We convert nominal amounts in amounts to adjust for inflation.
- Nominal: This amount is given
- Real: Adjusted for inflation

Technique 4

Calculate Real Growth Rate

$$\text{Real Growth Rate} = \frac{(\text{Year 2} - \text{Year 1})}{\text{Year 1}} \times 100$$

For example: Allocation to health sector in different years is:

2007-08=Rs. 990

2008-9=Rs. 1000

2009-10=Rs. 1020

2010-11=Rs. 1025

Real growth rate for 2010-11 = $\frac{(1025 - 1020)}{1020} \times 100 = 0.1$ percent

Technique 5

Calculate Average Annual Growth Rate

It gives a broader picture that what is happening over a medium term.

$$\text{Average Annual Growth Rate from 2006-7-2010-11} = \frac{(2 + 1.5 + (-.5) + 1 + .5)}{5} = 0.9 \text{ percent}$$

What Does Budget Analysis Tells Us

1. **Adequacy:** Is the allocated amount enough?

Nominal Term tells us if allocation is good enough for a sector

Real term: Tell us if allocation is keeping up with inflation

2. **Priority:** How does budget allocated for a sector compare with budget allocation with other sector?

It will tell us that what the government priorities are as stated in the budget?

Whether government stated priorities match with budget allocations?

To determine whether the government is keeping its promises?

3 **Progress:** Is government response on a issue is improving

If government says that health is the priority, then whether yearly allocations to health are increasing?

4 **Equity:** Are resources are being allocated fairly

Let's Strategize our Education Budget Advocacy Campaign

What is a Strategy?

Strategy is a clear path
From where you are



To where you want to be

A brief explanation of Key Components of Strategy

Objectives

- What do you want? - Policy & process goals
- What is the rationale behind this objective? Why do you want it?
- What are the long term goals and what are the short term goals?
- What are the content goals (policy change) and what are the process goals (engaging community)?

Audiences

- Who can give it to you? Who can make the change that you want?
- Primary audiences: those who have the formal authority to deliver the goods.
- Secondary audiences: those that influence the primary audience (media, key political constituencies, etc.)

Commented [SR15]: Seems incomplete word?

Messages

- What do they need to hear to convince them?
- What you want & what they need to hear should not be the same: conveying our message in a convincing manner

Messenger

- Whom do they need to hear it from?
 - Experts
 - Key constituencies
 - Political power
 - Authentic voices

Actions

- How can we get them to hear it?

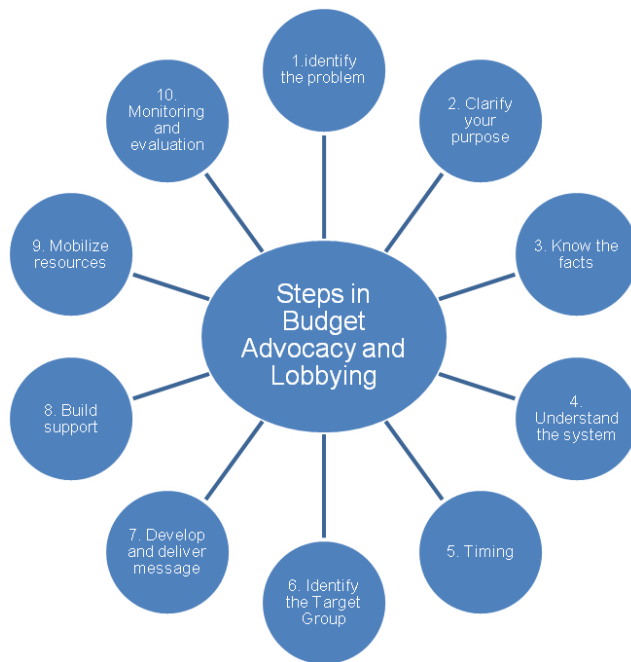
- Convincing decision makers, media advocacy, public education, protests, , etc.
- The best actions are those requiring the least effort and have the least negative consequences, BUT which still gets the job done

Building Block of a Strategy

- i. Your key targets – who are you trying to influence?
- ii. Your allies – who will you need to work with?
- iii. What information will you need in order to build your argument and how will you obtain this?
- iv. How will you involve the people who are affected by this issue?
- v. How will you deliver your message? How will you target your communication to be appropriate to various factors involved? (face to face lobbying meetings, education materials for communication, press releases for journalists etc.)
- vi. Timing – what are the key moments to have maximum influence? Remember your budget cycle – when will be the best time to influence the budget?
- vii. Remember the constraints you identified (within the system and within ourselves) – how will you overcome these?
- viii. How will you know when you have met your objectives i.e. When have you finished?

Ten Important Steps in Budget Advocacy and Lobbying

Following steps should be kept in mind while designing a budget advocacy and lobbying campaign



Total Time: 100 min

Objectives of the Session

Participants will be able to know meaning and value of Right to Information.

Participants will be able to know how to use KP Right to Information Law.

Participants will be able to submit information requests to KP public bodies.

Sr. No.	Training Method/Process	Training Materials	Handout	Time
1.	Facilitator will start the discussion by introducing the concept of Right to Information What is right to information? What not to know? Why RTI law Principles of right to information	Manual & multi media		20 min
2.	Historical background of RTI law in Pakistan Context of RTI Law in Pakistan Freedom of Information Ordinance 2002 RTI legislation in Pakistan	Manual & multi media		10 min
3.	Facilitator will explain the Salient Features of Khyber Pakhtunkhwa Right to Information Act 2013. Facilitator will also explain the key sections of the act to the participants Preamble of the Act Purpose Exempted information Responsibilities of the Public Information officer KP Information Commission	Manual & multi media		40 min
4.	After Im explaining all about KP Right to information Act 2013 facilitator will share specimen of Information request & compliant and then participants will be divided in groups. Participants will ask to write mock information request to the different public bodies by keeping in the view the issues in their respective areas. After that each group will present the information requests	Manual, charts, markers, specimen of KP RTI request & compliant		25 min

Handout 6

Using Khyber Pakhtunkhwa Right to Information Act 2013 for the attainment of Fundamental Right

Introduction

The Khyber Pakhtunkhwa Right to Information Act 2013, was enacted on October 31, 2013. KP government has already established KP Information Commission comprised of Chief Information Commissioner and two commissioners. The information commission has to devise detailed rules of business under the law. Furthermore, all provincial public bodies have also to designate public information officers.

1. Right to Information-Conceptual Underpinnings

1.1 What is Right to Information

The terms 'Access to Information', 'Freedom of Information' (FOI) and 'Right to Information' (RTI) are interchangeably used but the underlying meaning is the same. –to have the ability to access information. 'Information' as a term has been derived from the Latin words 'Formation' and 'Forma' which means giving shape to something and forming a pattern, respectively. (NATIONAL DOCUMENTATION CENTRE ON MASS COMMUNICATION. RESEARCH, REFERENCE AND TRAINING DIVISION

Ministry of Information and Broadcasting India.

<http://www.rtd.nic.in/RIGHT%20TO%20INFORMATION.html>)

However, the word information in these terms is used in a certain context. It denotes to that information which is held by the government. The information held by the government belongs to the people and the government and its functionaries are custodians of this information for the time being. It belongs to the people because it is primarily "The sum total of a collection of facts about the people and the country.

This manual aims at creating better understanding about right to information and its linkage with improved public service delivery. It is designed as a resource for journalists, civil society activists and concerned citizens that want to employ RTI legislation as tool for public accountability. It elaborates salient features of KP RTI Act 2013 and provides steps-by-sets instructions to use this law.

1.2 What Not to Know

As civil society activists, concerned citizens and journalists, it is very important to know 'what not to know' and the politics thereof.

- national security, defense and international relations;
- public safety;
- prevention, investigation and prosecution of criminal activities;
- privacy and other legitimate private interests;

- commercial and other economic interests, be they private or public;
- equality of parties concerning court proceedings;
- inspection, control and supervision by public authorities;
- economic, monetary and exchange rate policies of the state;
- Confidentiality of deliberations within or between public authorities for an authority's internal preparation of a matter.

Governments generally have this tendency not to divulge information. They often cite 'national interest', 'public interest' and 'security' to deny information. It is important to know the principles of freedom of information so that as and when a public body denies access to information, it could be challenged from rights based perspective.

1.3 Principles of Freedom of Information

Many countries have enacted right to information laws. During this process of formulating laws on right to information, some basic principles have emerged. These principles serve as a yardstick to test the effectiveness of right to information legislation. This list comes from ARTICLE 19's Principles on Freedom of Information ¹⁴Legislation.

1. Freedom of information legislation should be guided by the principle of maximum disclosure
2. Public bodies should be under an obligation to publish key information
3. Public bodies must actively promote open government
4. Exceptions should be clearly and narrowly drawn
5. Requests for information should be processed rapidly and fairly and an independent review of any refusals should be available
6. Individuals should not be deterred from making requests for information by excessive costs
7. Meetings of public bodies should be open to the public
8. Laws which are inconsistent with the principle of maximum disclosure should be amended or repealed
9. Individuals who release information on wrongdoing – whistleblowers – must be protected

1.5 The Need for Freedom of Information

At a cursory glance, need for right to information seems to be abstract one. However, its significance is driven home when we see it in relationship with question 4 of the list of questions identified in Activity 1.

1.6 RTI and Other Basic Rights

The linkage between RTI and other basic rights and freedoms can be found in resolution 59(1), which UN adopted in its very first session in 1945. It stated: 'Freedom of information is a

¹⁴ www.article19.org/pdfs/standards/righttoknow.pdf

fundamental human right the touchstone of all the freedoms to which the UN is consecrated". What is the logic of attaching importance to access to information to an extent that it is not only regarded as a fundamental human right but it is also identified as a yardstick to measure other freedoms? Why is freedom of information being considered as a touchstone or a benchmark for other rights and freedoms? This clearly means that there is corresponding link between the ability to exercise the right to information and the level of the quality of life enjoyed by the citizens. In other words, the assumption is that those who have a greater level of access to information have a better quality of life as compared to those who have lesser level access to information. It also means that right to information does not, in itself, guarantee other basic rights. In other words, it empowers citizens to attain their basic human rights. This leads to another important question. How level of access to information empowers people to attain their basic human rights and vice versa? For example, if people know the total budget of a dispensary or of a school in their area, they will demand corresponding quality in the services. Similarly, if they know the total cost to be incurred on the proposed road in their area, they will create immense public pressure on their representatives and officials if the quality is compromised because of the kickbacks. In these examples, we find the linkage of right to information with public accountability and democracy. If people have access to this information, there could be following outcomes:

- Better Healthcare facilities
- Better education for their children
- Better infrastructure
- Ability to make informed choices while exercising their vote power

This is the power of the right to information.

1.7 How people could be empowered to exercise their right to information?

From the above examples, it is abundantly clear that the exercise of right to information brings about qualitative change in the lives of people. It is also clear that these are matters of public interest. The question arises as to how public accountability in matters pertaining to public interest be ensured? Civil society organizations, concerned citizens and journalists can play a pivotal role in promoting and protecting citizens' right to information. As right to information is cross-cutting and is linked with other fundamental rights, be it right to education, right to health and other rights, civil society activists can use right to information to strengthen their work. Similarly, concerned citizens can create awareness about right to information and solve problems faced by their respective communities through the use of right to information legislation. Lastly, journalists can also use right to information as a tool for investigative reporting. For this, we will have to understand the role of press as a fourth estate in democratic system of governance. The fourth estate model dictates the press to make government accountable by publishing information about matters of public interest even if such information reveals abuses or crimes perpetrated by those in authority. From this perspective, investigative reporting is one of the most important contributions that the press makes to democracy and, resultantly, to the citizens.

In the recent past, media has empowered the public in many ways by using variety of formal and informal sources to have access to information. However, the very fact that media has not utilized the right to information regime leaves much to be desired. The print and electronic media has

brought to the fore corruption surrounding the utilization of public funds, allotment of government property and official residences, insider trading, privatization of public institutions, manipulation of electoral process at all three tiers of government etc. With the help of RTI tool, journalist can dig deep and address deeper structural issues impacting the lives of common people.

2. History of Right to Information Law in Pakistan

The 1973 constitution of Pakistan did not recognize access to information as a constitutional right through Article 19 did provide freedom of speech. Through the 18th amendment, Article 19-A was included to grant freedom of information and right to information as a constitutional right in Pakistan.

Hence through the Article 19-A, right to information, is a constitutional right of all Pakistanis. To actualize this right, the various provincial and federal governments have promulgated laws so that citizens have access to public information and can exercise their right to get information that they need.

In Pakistan the regime of laws related to right to information or freedom of information is quite recent. The earliest initiative dates back to 1990 when Professor Khurshid Ahmed, The Naib Amir of Jamaat-i-Islami, introduced a Private Member Bill in senate. However the senate did not take it seriously nor did the then government pay any intention to it. Later in the 90s, the government of Former Prime Minister Benazir Bhutto established an anti-corruption committee, to look in to the case of corruption and make recommendations. One of the key recommendations of the committee was enactment of a Freedom of Information Act. But this recommendation was not implemented due to strong resistance from vested interests.

In 1996, the law Minister in the interim cabinet of President Farooq Laghari (late) also introduced a law called Access to information Ordinance 1996, but the President Laghari never signed or promulgated the ordinance.

It was 29th January 1997, under the care taker Prime Minister Malik Miraj Khalid (late) that the Freedom of Information Ordinance 1997 was promulgated. This success was not last long as the succeeding government of Former Prime Minister Nawaz Sharif did not get the ordinance enacted by the Parliament, hence the ordinance lapsed. It is worthy to note that in those time such laws which promoted Human Rights or held the government accountable were shelved rather than promoted.

The Asian Development Bank, in 2001, approved a comprehensive action plan for Pakistan that covered the Judicial and Administrative reforms in the country. It was under this plan, that Pakistan was obliged to improve the state of access to justice for the people and which included brining in laws in freedom of information. Hence the military government of General Perviaz Mushraf promulgated the Federal Freedom of Information Ordinance 2002. Before this ordinance, the issue of public document was dealt with under the provisions of the Qanoon-e-Shahadit or order 1984. Article 85 & 86 define public and private documents. But the purpose of these articles was to facilitate production of documents as evidence in courts, and not for ensuring transparency in the Government, or for granting right to information to the public.

Pakistan became the first country in South Asia to have an RTI, when the FOI Ordinance 2002 was promulgated on 26th Oct 2002. Later on 18th June 2004, the Cabinet Division framed the Freedom of Information Rules to operationalize the law. The Federal FOI Ordinance was in force for 12 years before it was to be repealed as the new law on Right to Information Act 2013 was in Parliament. All the research done on the 2002 FOI Ordinance point in one direction only-it was a weak law. Besides, having many lacunas, it was also not fully implemented. In retrospect, it seems that it only came in to being because of the requirements of the ABD loan, and not for promoting the basic human right of access to information. What is more disconcerting is that it formed the basis and laid the ground for becoming the model for two provincial laws that followed. Hence the laws that were promulgated in Baluchistan and Sindh in the subsequent years were a ditto copy of this law, and suffered from the same gaps which also constrained their implementation.

2. 1 Context of RTI Law in Pakistan

“Freedom of information is a fundamental human right. The touchstone of all the freedoms to which the United Nations is consecrated.”

(Resolution adopted by UN General Assembly in 1946 under 59(I))

Article 19-A Constitution of Pakistan Access to Information inserted through 18th Constitutional Amendment in 2010)

“Every citizen shall have the right to access to information in all matters of public importance subject to the regulation and reasonable restrictions impose by law”

2.2 Freedom of Information Ordinance 2002

Freedom of Information Ordinance 2002 operational at the federal level and its replicas operational in Sindh and Baluchistan in the shape of Sindh Freedom of Information Act 2006 and Baluchistan Freedom of Information Act 2005

- limited scope
- charges Rs50 for each FOI request
- requires a reason for wanting information
- A signed affidavit that it will not be used for any other purpose
- Allow 21 days to respond to FOI requests
- Has no provision for urgent requests
- It has vague, open and extensive exemptions
- No protection for whistleblowers
- Designates the Ombudsman - with only recommendatory powers - to hear complaints
- Weaker sanctions for wrongdoers

2. 3 RTI legislation in Pakistan

- Federal Freedom Of Information Ordinance-2002
- Baluchistan Freedom of Information, Act 2005
- Sindh Freedom of Information, Act 2006
- Punjab Transparency and Right to Information Act 2013
- Khyber Pakhtunkhwa Right to Information (KP-RTI) Act 2013

3. Salient Features of Khyber Pakhtunkhwa Right to Information ACT 2013

Khyber Pakhtunkhwa Assembly enacted Khyber Pakhtunkhwa Right to Information Act 2013 on 31st October, 2013. This document provides the legislative framework under which citizens of Pakistan can have access to information held by KP public bodies. Key features of this Act are as under.

3.1 Preamble

The Act sets out with a preamble which states the purpose of this legislation.

An Act

To provide for ensuring transparency and access to information in the Province of the
Khyber Pakhtunkhwa.

***WHEREAS** Article 19A of the Constitution of the Islamic Republic of Pakistan provides that every citizen shall have the right to access to information in all matters of public importance, subject to regulation and reasonable restrictions imposed by law;*

***AND WHEREAS** transparency of information is vital to the functioning of democracy and also to improve governance, reduce corruption, and to hold Government, autonomous and statutory organizations and other organizations and institutions run on Government or foreign funding, more accountable to its citizens;*

***AND WHEREAS** it is essential that citizens shall have right to information to participate meaningfully in a democratic process and further to improve their involvement and contribution in public affairs;*

Read the preamble carefully. Try to grasp the key features, identify certain linkages being developed in this preamble and write them in the space given below.

Have you come up with, more or less, the following points?

- Only a citizen of Pakistan can have access to information under this Act.
- The preamble acknowledges that access to information is essential for functioning of democracy, reduction in corruption and improved governance.
- The preamble refers to the constitutionality of citizens' right to information about matters of public importance by citing to Article 19-A of the Constitution.
- The preamble qualifies the meaningful participation of citizens in the affairs of government with access to information.

3.2 Purpose of the Act

Section 3 of the Act tells about the purpose of this Act and how is it going to be achieved. It says that this Act should be interpreted to advance the purposes of this Act. Furthermore, this section also says that the purpose of this Act is to “to facilitate and encourage, promptly and at the lowest reasonable cost, the disclosure of information“.

3.3 Information Exempted from Disclosure:

Sections 15 to 22 contain type of information exempted under this law. The exempted information is as under:

Information that causes harm to law enforcement;

Information that causes grave and significant damage to the economy;

Information that Causes damage to policy making;

Information that Causes invasion of privacy of an individual;

Information that causes grave and significant harm to international relations and security;

Information pertaining to the trade secrets of a third party;

3.4 Public Interest VS Exempted Information:

The law does not give blanket or absolute exemption to exceptions mentioned in Section 14 to 22. In this regard, Key features of Section 14 are as under:

- If part of requested information belongs to the exempted information, that part should be kept by the public body and the rest of the information should be provided to the requester.
- Even if the information pertains to categories of exempted information, there should be strong presumption for disclosure if information exposes corruption, criminal wrongdoing, other serious breaches of the law, human rights abuse, or serious harm to public safety or the environment.
- Even the exempted information will be made public after 20 years of its initiation, which can be further exempted from disclosure for 15 years with the consent of KP Information Commission.

3.5 Designation of Official to Handle Information Requests

3.5.1 Section 6 of this Act asks the public bodies to designate officials to handle the process.

In case of the absence or the unavailability of such an official, the incharge of the public body would be responsible for handling the information requests.

3.5.2 Duty to assist requesters:

Section 8 of the Act makes it binding on the public official to take necessary steps to assist a requester in the process of obtaining information.

Key features of Section 8 are as under:

- Designated officer will help requester in locating the information.
- Designated officer will assist persons with disabilities in filing information requests.
- Designated officer will help illiterate persons in writing the information requests.

3.6 Procedure for disposal of applications

Section 10 and Section 11 describe procedure to be followed in handling the information requests. Key features of this procedure are as under:

- Designate officer will provide the information within 10 working days of the receipt of the information request.
- The time period of 10 working days can be extended for further 10 working days in cases where public body has to collect information from different offices or from third party.
- Information needed to protect the life or liberty of any individual will be provided within two working days.
- The designate officer will notify the requester that information has been accepted and if applicable, will ask him to pay the fee.
- If information request is rejected on the ground that it pertains to exempted information, the designate officer will notify the requester this fact and mention his right to appeal.
- If the information is denied for any reason, the designate officer will describe the reasons in writing.
- The designate officer would certify that the information provided is correct.
-

3.7 Fees for Filing Information Request:

Section 13 deals with the issue of fees for filing information requests. Key features of this section are as under:

- Filing information requests will be free.
- There will be no fee for first 20 pages.
- Only the actual fee for producing information and sending it to the requester will be charged.
- There will be no fee for persons below poverty line.

3.8 Khyber Pakhtunkhwa Right to Information Commission

3.8.1 Section 24 of the Act provides details of the KP Information Commission

- The information commission is comprised of three members (Chief Information Commissioner and two information commissioners)
- The information commission shall be independent body, which will enjoy operational and administrative autonomy from any other person and entity, including government and any of its agencies, except as specifically provided by law.

3.8.2 Section 25 provides information regarding Functions of Information Commission

- Primary responsibility to receive & decide on complaints
- Set rules and minimum standards regarding manage their records
- Adopt schedule of the fees for providing information requests
- Approve or reject extensions to maximum period that information may be kept confidential
- Refer to the authorities, cases which reasonably disclose evidence of criminal offence
- Compile a comprehensive annual reports describing its own activities including overview of audited accounts
- Monitor and report on compliance by Public body
- Make formal comments on any legislation or other legal proposals which affect the RTI

3.8.3 Section 26 of the Act describes the Powers of Information Commission

- Direct or incidental as necessary to undertake its functions
- Conduct inquires
- Summoning
- Requiring public bodies to produce documents & things
- Inspect the premises of the Public Bodies
- Order to disclose the information to the requester
- Impose fine from 250/- to 25,000/-
- Ask public bodies to take general measures or activities i.e appointing designated officer, conduct training for its employees, manage records, publishing information or annual report proactively

4. Process for Submitting Information Request under Khyber Pakhtunkhwa Right to Information ACT 2013

Step-by-Step Instructions

Access to information contained in the government records requires one to go through a particular process. This process involves both analysis and practical steps that need to be taken to access information. Understanding this process helps save time and money as well as enables the requester in providing access to the targeted information. This chapter explains the method of submitting information requests.

4.1 Fill in the below form or provide this information on a plain paper.

1. Attach a copy of your National Identity card with this form.
2. Send your application to designated information officer of government department. If information officer has not been designated, send it to head of government department.
3. Send it through registered post.
4. Keep copy of your application and the receipt of the registered post for your record and future reference.
5. Requested information should be provided to you within 10 working days. If government department finds it difficult to collect the information, it may take extra 10 days.
6. If information is about protecting life and property of an individual, it will be provided within

2 days.

4.2 Information Request Template

Date:

Public Information Officer

District Education Department

District Peshawar.

Subject: Information Requested Under Khyber Pukhtunkhwa Right to Information Act 2013

Dear Sir/Madam,

I am submitting this information request under KP RTI Act 2013. Please provide me certified copy of the following information:

1. No. of primary schools in Peshawar District
2. XXXXXXXXXX
3. XXXXXXXXXX

Sincerely,

X Y Z

CNIC: XXXXXX-XXXXXXXX-X

Address: XXXXXXXXXXXXXXX

Contact #: XXXXXXXXXXXXXXX

4.2.1 If Requested information is not provided:

1. You can write complaint against the public department to Khyber Pakhtunkhwa Information Commission on a plain paper. (Attach copy of your application; receipt the registered post and the copy of your NIC with your complaint)
2. The Khyber Pakhtunkhwa Information Commission will decide on your complaint within 60 days.

4.2.2 Remember:

- I. Remember that only provisions of this Act are applicable and other laws are irrelevant.
- II. The applicant will not have to provide reasons for requesting the information.
- III. The applicant can file information request in person, by mail, fax or E-mail.
- IV. If an applicant is unable to describe sufficient details of information, Public Information Officer will help the applicant in locating the information.
- V. The Public Information Officer will write information request on behalf of illiterate person, sign and stamp it, put date on it and will provide copy of the application to the illiterate person.
- VI. The Public Information Officer will provide assistance to persons with disabilities in filing information requests.

- VII. In case the requested information is not available with the public body, Public Information Officer will forward the request for information to the relevant public body and will also inform the applicant.
- VIII. The Public Information Officer will return the information request to the applicant in case he or she does not know the relevant public body that holds the information.
- IX. If the requested information is available with public body, the Public Information Officer will notify the applicant that request for information has been accepted and will inform the applicant to deposit the fee to get the requested information.
- X. When providing the requested information, the Public Information Officer will also provide a certificate testifying that the information being provided is true. The Public Information Officer will sign this certificate and put date on it.
- XI. The Public Information Officer will provide reasons in writing for rejecting the request for information.
- XII. The Public Information Officer will inform the applicant where the requested information could be found if request for information is rejected on the ground that information is already available in published form.
- XIII. In case request for information is rejected on the ground that requested information belongs to categories of exempted information, the Public Information Officer will inform the applicant about the exact exception and also that the applicant has the right of appeal against this decision.
- XIV. The Public Information Officer will provide the requested information as soon as possible but within 10 working days.
- XV. The Public Information Officer can take maximum of 10 extra working days if the requested information has to be searched from large number of records, belongs to third party or the requested information is available with different offices of the public body.
- XVI. The Public Information Officer will provide the requested information within 2 working days if it pertains to life or liberty of an individual.
- XVII. The Public Information Officer will facilitate a citizen in inspecting documents if it does not unreasonably interfere with the functions of the public body or harm the documents.
- XVIII. Do not pay any fee for filing the information request.
- XIX. Do not pay any fee for first 20 pages of information.
- XX. The Public Information Officer will only charge the actual fee for producing and sending the requested information according to the cost set by Khyber Pakhtunkhwa Information Commission.
- XXI. If you file an appeal against decision of a Public Information Officer, the Burdon of proof will not be on you but on the Public Information Officer to prove before Khyber Pakhtunkhwa Information Commission that the Public Information Officer acted in accordance with the provisions of this Act.

4.2.3 Exemption to Exempted Information:

- I. The Public Information Officer cannot apply secrecy provision of other laws.
- II. If part of requested information belongs to the exempted information, and it can be separated without damaging the record, the Public Information Officer will keep that part and provide the rest of the information to the applicant.
- III. The Public Information Officer will provide even the exempted information if 20 years have passed since its initiation or will seek consent of Khyber Pakhtunkhwa Information Commission to exempt it from disclosure for further 15 years.
- IV. The Public Information Officer will provide the requested information if public interest necessitates the disclosure of information even if it belongs to categories of exempted information.
- V. The Public Information Officer will provide the requested information if information commission determines that the disclosure will expose corruption, criminal wrong-doing, serious breaches of law, human rights abuses or if the Public Information Officer thinks that non-disclosure may cause serious harm to public safety or to the environment.
- VI. The Public Information Officer cannot not apply The privacy clause in the following cases:
 - a. More than 20 years of the death of an individual;
 - b. The individual has consented the disclosure of information;
 - c. The applicant is guardian of the individual, next of kin, or the executor of the will of a deceased individual; or
 - d. The individual is or has been a public official and the information pertains to functions performed as public official.
- VII. The Public Information Officer will provide the requested information if the individual has waived his right of protecting legally privileged information.
- VIII. The Public Information Officer may seek opinion of the third party about the information provided in confidence but will decide on objective consideration whether the information belongs to the categories of exempted information or not.

4.3 What if Information Request is Denied/Response Delayed;

- File complaint with KP Information Commission
- The complaint shall include copy of your information request, and proof (registry/email copy/courier slip)
- The information commission will resolve your complaint within 60 days (maximum duration)
- The information commission has the power to levy fine up to Rs 25,000 on designated information officers for denying/delaying information.

4.3.1 Complaint Template :

Date:

Chief Information Commissioner

Provincial Information Commission Office

Peshawar.

Subject: Complaint Under Khyber Pakhtunkhwa Right to Information Act 2013

Dear Sir,

I filed an information request on March 04, 2014, under Khyber Pakhtunkhwa Right to Information Act 2013 to seek following information from District Education department. I could not receive the requested information from the officer concerned. Hence I am hereby submitting this complaint of non-provision of information under KP RTI Act 2013, clause 11 (sub section 1).

1. No. of primary schools in Peshawar District

2. XXXXXXXXXX

3. XXXXXXXXXX

Despite waiting for one month, I have not been provided the requested information. For your perusal, please find attached my correspondence with the department, and help me have access to the information which is my right as the citizen of Pakistan

Sincerely,

X Y Z

CNIC: XXXXXX-XXXXXXXX-X

Address: XXXXXXXXXXXXXXXX

Contact #: XXXXXXXXXXXXXXXX

4.4 Crime and Punishment:

It is important that civil society activists should also know about the penalties and punishments under this Act for obstructing the exercise of rights granted to citizens in this law.

4.4.1 Criminal Offenses:

Section 28 states criminal offenses and punishment under this Act. The offenses are as under:

- Obstructing access to any record with intention to prevent the exercise of the right under this Act which is the right to have access to information;
- Obstructing performance of any public body to discharge its duties mentioned in the Act;
- Interfering in the work of Khyber Pakhtunkhwa Information Commission;
- Destroying any record without lawful authority.

4.4.2 Punishments for Criminal Offences:

Section 28 (2) mentions punishment for these offenses which can be imposed by Khyber Pakhtunkhwa Information Commission. The punishment can be imposition of fine up to Rs. 50,000 or imprisonment up to 2 years.

4.4.3 Penalty for Unlawfully Delaying or Denying Access to Information:

Under Section 26 (3b), Khyber Pakhtunkhwa Information Commission can impose penalty of Rs. 250 on the designated official for each day of delay or unlawfully denying access to requested information and this fine can go up to Rs. 25,000.

4.4.4. Penalty for the use of information with ulterior motives:

Section 28 (e) has been unnecessarily included in this law. When this section is read with section 28 (2), it says that a fine up to 50,000 or prison term of 2 years can be imposed if a person who uses the information obtained through this law with ulterior motives and bad design.

There is no such clause in good right to information laws. It is unfortunate that this clause has been included in the law which is about right to information and not how information is used for ulterior motives for which there are other laws.

4.4.5 Protection for Whistle Blowers:

Public officials have been given protection against departmental actions for exposing corruption and wrong-doing. In this regard, key features of Section 30 are as under:

- Legal, administrative or employment related sanctions will not be imposed if;
- An official releases information in good faith exposing wrong-doing or share information about threat to public safety or environment;
- Wrong-doing means criminal offence, failure to comply with legal obligations, miscarriage of justice, corruption, dishonesty and maladministration in a public body.

4.4.6 The Burdon of Proof:

Section 23 (4) declares that in an appeal against the decision of Khyber Pakhtunkhwa Information Commission, the Burdon of proof will be on the public body to establish that it acted in line with the spirit of this law.

Post-training Evaluation Form

Name: _____ Date: _____

Organization: _____

1. Budget making process at provincial level is done by provincial finance commission
(True _____ False _____)

2. There are _____ legislative list/s in the constitution of Pakistan
a) 1 b) 2 c) 5 d) 10
3. What is NFC award? _____
4. Allocation for education budget is more than 3% in Pakistan.
(True _____ False _____)
5. Civil society organization has no role to play in education budget making process
(True _____ False _____)
6. What is PFC award? _____
7. Who is KP education minister? _____
8. Education is the biggest department in terms of human resources and budgets in KP
(True _____ False _____)
9. Education is devolved subject under KP Local Government Act 2013
(True _____ False _____)
10. All kind of services provided by governments can be divided into _____ categories
a) 1 b) 3 c) 5 d) 7
11. Gross Domestic Product (GDP) of a country, for any particular year, gives the monetary value of the sum total of final _____ produced within the territory of the country in that year.
12. Khyber Pakhtunkhwa Right to Information Act 2013 enacted in December 2013
(True _____ False _____)
13. Khyber Pakhtunkhwa Right to Information Commission consisted on three members
(True _____ False _____)
14. Freedom of information legislation should not be guided by the principle of maximum disclosure
(True _____ False _____)
15. What is the name of the department/office where the CSO/NGO get themselves registered?
1) DC Office 2) NADRA office 3) District Officer Social Welfare

Evaluation Form II About Delivery of Training Workshop

- 1. The training met my expectations
a) Agree b) disagree c) don't know e) any other _____
- 2. I will be able to apply the knowledge learned.
a) Agree b) disagree c) don't know d) any other _____
- 3. The training objectives for each topic were identified and followed
a) Agree b) disagree c) don't know d) any other _____
- 4. The content was organized and easy to follow
a) Agree b) disagree c) don't know d) any other _____
- 5. The material distributed was pertinent and useful.
a) Agree b) disagree c) don't know d) any other _____
- 6. The trainer was knowledgeable.
a) Agree b) disagree c) don't know d) any other _____
- 7. The quality of instruction was good
a) Agree b) disagree c) don't know d) any other _____
- 8. Adequate time was provided for questions and discussion.
a) Agree b) disagree c) don't know d) any other _____
- 9. How do you rate the training overall?
a) Agree b) disagree c) don't know d) any other _____

10. What aspects of the training could be improved?

11. Any other feedback you want to provide?



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