

# Your Right to Know

**Article 19A of the constitution of Pakistan.**

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



**SHEHRI**  
CITIZENS FOR  
A BETTER  
ENVIRONMENT



**OPEN SOCIETY  
INSTITUTE**



*This guidebook covers the provisions & sections of Federal, Sindh & Baluchistan FOI laws.*



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A BETTER  
ENVIRONMENT

**SHEHRI - CITIZENS FOR A BETTER ENVIRONMENT**

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# WHAT IS FREEDOM OF INFORMATION

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

*~ Article 19A of the constitution of Pakistan.*

- *“Freedom of Information is a fundamental human right and is the touchstone of all the freedoms to which the UN is consecrator”.  
Resolution 59(1) of the UN General Assembly, adopted in 1946, during its first session*
- *“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”  
Article 19 of the UN Declaration on Human Rights in 1948:*
- *2 Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.  
International Covenant on Civil and Political Rights (ICCPR) adopted by General Assembly resolution 2200A (XXI) of 16 December 1966.*

# CHRONOLOGY OF ACCESS TO INFORMATION LAWS IN PAKISTAN



- **1990:** First attempt was made by Professor Khurshid Ahmad, who tabled a private Bill on FOI in the Senate in 1990. It was forcefully resisted and failed to be enacted.
- **1994:** The Public Accounts Committee, headed by Senator Malik Qasim, made the second attempt in 1994. It too could not be enacted.
- **1997:** On the initiative of Fakhruddin G. Ibrahim, the Federal Minister of Law in the Interim Government headed by Malik Mairaj Khalid, the President of Pakistan promulgated a Freedom of Information Ordinance on January 29, 1997. However, the successive government of Mian Nawaz Sharif allowed this Ordinance to laps and did not enact it into law.
- **2001:** Sindh Local Government Ordinance 2001, Section 137: *“Every citizen shall have the right information about any office of the District Government. Taluka, Tehsil, Municipal Administration and Union Administration.”*
- **2002:** The President of Pakistan, Gen. Pervez Musharraf, promulgated the Freedom of Information Ordinance on 26th October, 2002.
- **2004:** Federal Freedom Of Information Rules 2004.
- **2005:** Balochistan Freedom Of Information Act 2005.
- **2006:** Sindh Freedom Of Information Bill 2006.
- **2007:** Balochistan Freedom Of Information Rules 2007.
- **2010:** Article 19-A, in the 18th Amendment to the Constitution.
- **2012:** Sindh Local Government Ordinance 2012, Section 151: *“Every citizen shall have the right to information about any office of the Councils. Every office shall provide requisite information, if not restricted under any law for the time being in force, on the prescribed forms and on payment of such fee as may be prescribed.”*
- **2013:** The Sindh Local Government Act, 2013. Section # 150 & 154.
- **2013:** KP Right To Information Act, 2013.
- **2013:** Punjab Transparency & Right To Information Act, 2013.
- **2015:** Punjab Transparency & Right To Information Rules, 2014.



# WHAT FOI LEGISLATIONS EXIST IN PAKISTAN

- \* Article 19-A of the Constitution of Pakistan: *“Every citizen shall have the right to have access to information in all matters of public importance subject to regulation and reasonable restrictions imposed by law.”*
- \* Federal Freedom Of Information Ordinance, 2002.
- \* Federal Freedom Of Information Rules, 2004.
- \* Balochistan Freedom Of Information Act, 2005.
- \* Sindh Freedom Of Information Act, 2006.
- \* Balochistan Freedom Of Information Rules 2007.
- \* KPK Right to Information Act, 2013.
- \* Punjab Transparency & Right To Information Act, 2013
- \* The Sindh Local Government Act, 2013  
(Section 150 & 154)
- \* Punjab Transparency & Right To Information Rules, 2014

# YOU CAN ASK FOR INFORMATION FROM ANY PUBLIC BODY



## A Public Body means:

- a. Any ministry, division or department of the Federal or Provincial Government.
- b. Any Federal or Provincial Legislature (national assembly or provincial assembly secretariat).
- c. Any office of any Board, Commission, Council, Municipal or Local Authority established by or under a Federal or Provincial Government.
- d. Any Federal or Provincial court or tribunal.
- e. Any corporation, body or institution set up, established, owned or controlled by the Federal or Provincial Government.



# INFORMATION YOU CAN ASK FOR ✓

A citizen can ask for any information except for the category defined as 'exempt from disclosure'. Following are some examples of the type of information you may ask for under the Freedom of Information Act:

- Under what authority are the people building houses on land reserved for parks or utilities?
- How are residential areas being converted into commercial areas?
- How many government schools are operational in a particular area?
- Who all received government contracts, for what amount and on what grounds?
- What amounts are spent on a politician or a government servant to support his perks, travel, cars, house rents, foreign visits, office, entertainment, advertisements, etc?
- What is the budget and how is it spent. Ask this information about a school, hospital or any public body?
- What is the crime rate for each police station, cases pending in courts, cases of violence against women and why are the culprits not punished?
- What licenses, contracts, allotments and other benefits were made / given by the public body?
- Any information or record held by any public body that the government declares as public information.



# INFORMATION YOU CANNOT ASK FOR: X



This includes information that:

- May cause grave and significant damage to the interests of Pakistan in the conduct of international relations
- May cause harm to the enforcement of law
- May result in the commission of an offence
- May harm the detection, prevention, investigation or inquiry in a particular case
- May reveal the identity of a confidential source of information
- May facilitate an escape from legal custody
- May harm the security of any property or system
- May lead to invasion of privacy of an 'identifiable individual'
- May cause grave and significant damage to the economy as a result of the premature disclosure of the proposed introduction, abolition or variation of any tax, duty, interest rate, exchange rate or any other instrument of economic management
- May cause significant damage to the financial interests of the public body by giving unreasonable advantage to any person in relation to a contract which that person is seeking to enter into with the public body for acquisition, or disposal of property or the supply of goods or services
- May cause significant damage to the lawful commercial activities of the public body



# RECORDS YOU CANNOT ASK FOR: X

- Noting on the files
- Minutes of meetings
- Any intermediary opinion or recommendation
- Records of banking companies and financial institutions relating to the accounts of their customers
- Records relating to defence forces, defence installations or connected or ancillary to defence and national security
- Records declared as classified by the Federal Government
- Records relating to the personal privacy of any individual
- Record of private documents furnished to a public body either on an express or implied condition that information contained in it shall not be disclosed to a third person
- Any other record which the Federal Government may in public interest exclude from purview of this ordinance

# KEY FEATURES OF THE FREEDOM OF INFORMATION LAW



- Any citizen can seek any information or record from any public body (except for information categorized by law as ‘exempt from disclosure’).



- Every public body will designate an official to provide true and easy public access to information or records. The Designated Official shall be a senior officer of the public body not below BPS-19. In case no such official has been designated or in the event of the absence or non-availability of the Designated Official, the person in charge of the public body shall be the Designated Official, for the purposes of these rules.



- Each public body shall also make available the Application Form (App. A) on its website.
- The Designated Official shall provide the information / record within 21 days of the receipt of request. The information form or the copy of record supplied to the applicant shall contain a certificate that the information is correct or the record is a true copy and this certificate will be dated and signed by the Designated Official.



- If the information cannot be provided for any reason, the Designated Official shall record his decision in writing and the applicant shall be informed within 21 days of the receipt of request for information / record.



- In case the requisite information is not provided by the Designated Official of a public body within twenty-one days, the applicant may, file a complaint with the Head of that public body and the Head of such public body shall dispose of the complaint under intimation to the complainant within thirty days of its receipt.



- If the Head of the public body also fails to provide the requested information (within 30 days), the complainant can file an appeal with the Federal or Provincial Ombudsman (Mohtasib) as the case may be. For cases relating to Revenue Division (or its subordinate departments, offices and agencies) appeal may be led with the Federal Tax Ombudsman.
- The Mohtasib or the Federal Tax Ombudsman, may, within 60 days, after hearing the applicant and the Designated Official, direct the Designated Official to give the information / the copy of the record or may reject the complaint.

# GUIDELINES FOR MAKING AN FOI APPLICATION

1. Ensure you are writing to the correct government department.
2. Ensure you demand a specific record by name and period such as "Please give me the record under the heading 'purchase of medicine' from 1st January 2011 to 31 December 2011 for Government Hospital XYZ".
3. Ask for specific information such as "How many employees from Grade 10 to 18 are employed in the XYZ ministry of Sindh Government."
4. Do not ask general questions which may involve views of various individuals such as "Why is the newly constructed underpass in my area in such a bad shape".
5. Do not ask for vague information such as "Give details (what details) of the project to build the underpass in XYZ area."
6. Try to confine your request to one subject per application.
7. If you are hand delivering your request, get a receipt that shows receiving date. If you are using a courier, save the courier receipt, just in case you need to follow up or appeal.

**1**

**2**

**3**

**4**

**5**

**FIVE STEPS  
FOR OBTAINING  
INFORMATION /  
RECORDS**

# STEP 1

Applicant determines the information / record that he / she requires.



Applicant identifies the custodian ministry / department / public body which must be approached for obtaining the required information.

# STEP 2

# STEP 3

Applicant fills Application Form (App.A) along with the declaration. Attaches a copy of National ID Card.



Applicant deposits a Challan of Rs.50 (only for FOI requests and Shehri FOI) in any branch of National / State Bank Account No. 1391221. (see instructions for Challan at App.B).

# STEP 4

# STEP 5

Applicant submits / posts the application (along with a copy of Challan and a copy of NIC) to the Designated Official of the concerned Public body. Applicant retains a copy of these documents for future possible use.



# APPENDIX A

APPLICATION FORM  
FOR OBTAINING RECORD UNDER  
FREEDOM OF INFORMATION ORDINANCE, 2002 (XCVI OF 2002)

Name of the applicant \_\_\_\_\_

NIC No. \_\_\_\_\_ (attach a photocopy of the NIC)

Father's Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Phone No. \_\_\_\_\_

Name of the Public Body from which information is to be obtained \_\_\_\_\_

\_\_\_\_\_

Subject matter of record requested \_\_\_\_\_

\_\_\_\_\_

Nature of the record requested \_\_\_\_\_

\_\_\_\_\_

Purpose of acquisition of the information or record \_\_\_\_\_

\_\_\_\_\_



# DECLARATION

(a) Application Fee of Rs.50/- (Non-refundable) has been deposited with the Cash Branch of the department or in State Bank of Pakistan or National Bank of Pakistan or Treasury \_\_\_\_\_ vide challan or receipt No. \_\_\_\_\_ dated \_\_\_\_\_, an original copy of which is attached.

(b) The information obtained would not be used for any purpose other than specified above.

Signature of the Applicant: .....

Name of the Applicant:.....

# APPENDIX B

## INSTRUCTIONS FOR CHALLAN

1. Any citizen of Pakistan may apply on the Application Form (App.A) for obtaining information or photocopy of the public record available with the respective public body along with an initial fee of fifty rupees for ten or less than ten pages. (Five rupees for every additional page if the number of the pages of the record requested exceeds ten pages.)
2. This amount should be deposited with the Cash Branch of the respective department under proper receipt or in the State Bank of Pakistan or National Bank of Pakistan or Treasury under the following Heads of Account, namely:-

Major Head        1300000

Minor Head        1390000

Detailed Head    1391221

3. In case of any Board, Commission, Council or other body established by, or under, a Federal / Provincial law, charges shall be deposited in their respective heads of account.

# CHALLAN

**CHALLAN NO.** \_\_\_\_\_

T R.6  
(Treasury Rule 92)

Treasury / Sub Treasury

Challan of cash paid into the \_\_\_\_\_ at KARACHI

National / State Bank of Pakistan

to be filled by the remitter					To be filled in by the Department Officer of the Treasury	
By whom tendered	Name (or designation) and address of the person on whose behalf money is paid	Full Particulars of the remittance and of authority (if any)	Amount		Head of Account	Order to the Bank
Name			Rs.	Ps.		Date Correct - Receive and grant receipt (Signature and full designation of the officer ordering the money to be paid in)
Signature		<b>Total</b>				
* (In words) Rupees					To be used only in the case of remittance to the Bank through Department Officer or the Treasury Office	
Received payment (in words) Rupees						

Treasurer

Accountant

Date

Treasury Officer  
Agent

# A WINDOW ON SHEHRI



**SHEHRI** was formed in 1988 by a group of concerned citizens to provide citizens with a platform to effectively voice their concerns in determining their future and taking action in arresting the deterioration in their living environment and proper reform with a view to improve the same.



**SHEHRI** is based in the city of Karachi and operates as a pressure group and a concious raising organization interfacing with citizens, civic and metropolitan bodies and higher tiers of government. It acts as a catalyst for generating debates and searching for solutions to the urban problems.



**SHEHRI** - Citizens for a Better Environment is registered as a non-political organization under the Societies Registration Act. Its membership is open to all who subscribe to its memorandum. It functions in an open, transparent and democratic manner. Elections to the Managing Committee are held every two years. Its accounts are audited by chartered accountants.



We are aware of the steadily worsening environmental conditions in our cities, towns and villages and degradation of our living spaces. We are convinced that it is only through raising public consciousness and effectively articulating public pressure that the process of wanton neglect and corruption can be arrested and an improvement in our environment can be brought about.

## SHEHRI AIMS

- Working for the establishment of an informed and pro-active civil society.
- To promote dialogue, assist in the preparation of policies
- To ensure implementation of landuse/zoning management laws and regulations
- Research/documentation and promotion of effective policies and initiatives on the issue of urban pollution control.
- Research and action to promote initiatives in the areas of Recreational Development, Heritage Conservation.
- Strive to ensure that Human Right violations do not take place in our society.
- Promotion of Article 19-A of the Constitution of the Islamic Republic of Pakistan for transparent governance and citizen empowerment.

## **SHEHRI - CBE**

### **CITIZENS FOR A BETTER ENVIRONMENT**

Shehri-CBE's mandate to work for the betterment and protection of the environment does not simply mean tackling air and water pollution or growing more trees; it means promoting all those laws, policies and actions of government which make our living environment conducive to happiness. In our quest for a better environment, Shehri's group of volunteers has, for the past two decades, with help from within and outside Pakistan, raised awareness among the citizens, judiciary, professional bodies, press / media, politicians and other concerned institutions about the problems facing our urban landscape and how closed-door discussions and non-transparent decision making processes employed by public servants and elected representatives continue to play havoc with our daily lives.

Shehri-CBE has exposed through advocacy efforts, using social accountability tools public interest litigation (PIL), citizens' help desk, seminars / workshops, newsletters / brochures, press statements and website, the lack of transparency and accountability within the system which thwarts the citizens' attempts to get good governance. In 2007, we used the Freedom of Information (FOI) Ordinance 2002, including an appeal before the Federal Ombudsman, and were successful in obtaining relevant information that was successfully used in a high court petition against violations of the town-planning rules. Since then, we have used the FOI Ordinance 2002 where necessary to obtain similar information.

As happens in all developing countries, especially where corruption is high, awareness of people's rights among citizens and government department is extremely limited. Our government officials are so used to violating laws-they simply are unwilling to accept requirements of FOI legislation.

The recent inclusion of Article 19-A in our Constitution has generated an opportune moment to promote awareness about FOI as a universally accepted tool for good governance.

"Our detractors give us credit for making building violations an issue that the entire country is now aware of".



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