

## FREEDOM OF INFORMATION LAWS IN PAKISTAN: A PERFORMANCE ANALYSIS

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### ABSTRACT

The Freedom of Information Act (FOIA), also known as RTI law, allows anyone to request any information they require. An in-depth analysis of different features of the law of information prevailing in Pakistan is the scope of this paper. The paper discusses the role played by the public bodies, PIOs, and Information Commission in disseminating information. Along with the challenges in the way of FOI implementation and explores the policies to overcome these challenges. This paper highlights the long-term social, economic and political impacts of RTI laws in Pakistan. The paper employs a qualitative approach to achieve results. It includes interviews conducted by journalists, academicians, politicians, government workers and students. The results acknowledge that FOI is a fundamental law as it promotes transparency and accountability without discriminating against individuals, whether disabled or not. However, the paper argues for a need for proper awareness and enforcement of the Act by pointing out the shortcomings on the part of stakeholders. It suggests the need for joint action by the government, media, bureaucracy, political parties and the public to overcome bad governance and corruption challenges. The paper emphasizes proper measures to overcome the weaknesses of Information Commissions, public bodies and PIOs related to proper training and workshops, access to records, coordination between departments, and checks and balances. Thus the paper argues that with FOIA, freedom of information and transparency can be ensured in Pakistan.

**KEYWORDS:** Access to Information, Key Performance Indicator (KPI), Pakistan Government, Qualitative Research, Right to Information (RTI).

### INTRODUCTION

Two decades ago, the Right to Information (RTI) became a legal concept, with 113 countries now acknowledging laws that protect this right, while the legalization of RTI is underway in several others (Hossain, 2020). Internationally, the right to information is recognized as a fundamental freedom. The International Covenant on Civil and Political Rights (ICCPR, 1976) specifically states that freedom of expression includes the "freedom to seek, receive and share information and ideas, regardless of borders." The origins of this concept can be traced

back to Sweden, which, in 1766, became the first country to introduce freedom of information laws to allow access to information held by the monarchy. Subsequently, many countries followed suit, including the United States in 1966, where the U.S. Department of Justice defined it as "the law that keeps citizens informed about their government." The United Kingdom implemented it in 2005 as a "general right to access information held by public authorities." These laws empower citizens to be informed about their government's activities,

promoting transparency in the socio-economic and political systems. Public authorities are entrusted with providing this access to individuals, granting them access to both public and government records, and even information from legislative bodies and courts, allowing them insights into these institutions' decisions.

In Pakistan, the government has instituted regulations that protect the freedom of information. While the 1973 Constitution did not explicitly recognize the Right to Information, the 18th Amendment introduced Article 19A, which guarantees the Right to Information, stating: "Every citizen shall have the right to access information in all matters of public importance, subject to regulation and reasonable legal restrictions." In 2002, President Pervez Musharraf initiated the Freedom of Information Ordinance, making Pakistan the first country in the South Asian region to enact RTI laws. However, there have been subsequent amendments to these laws due to political influences, as noted by Hazel and Worthy (2010). Pakistan's regional governments have also introduced RTI legislation, albeit with time lags. Baluchistan passed the act in 2005, followed by Punjab and Khyber Pakhtunkhwa in 2013, while Sindh's legislation came into effect in 2016. In a politically polarized country like Pakistan, where the government and opposition frequently trade blame, RTI laws can play a pivotal role. This legal framework empowers citizens to make informed political decisions, hold the government accountable for its actions, and contribute to more transparent governance.

However, there have been concerns about the implementation of RTI laws in Pakistan. Reports from Asia Disclosed (2015) reveal a concerning trend where RTI requests demand extensive personal information from requesters, including names, addresses, mobile numbers, and copies of National Identity Cards (NIC). Additionally, there is a general lack of awareness among the public about this right. Moreover, some Asian countries, including Pakistan, have excluded certain organizations from the purview of RTI laws, which limits the public's access to information about these entities, raising questions about the democratic nature of such exclusions. Therefore, Pakistan must enhance its efforts to effectively enforce RTI laws to promote transparency and accountability.

## **LITERATURE REVIEW**

In 2002, Pakistan took a significant step by introducing the Freedom of Information Ordinance, becoming a pioneer of the Right to Information (RTI) concept in South Asia. The FOI ordinance was promulgated by President Pervez Musharraf on October 26, 2002. This ordinance was a groundbreaking development, aligning with Article 19 of the Universal Declaration of Human Rights, which recognizes the right to freedom of opinion and expression, encompassing the right to seek, receive, and impart information through any medium, regardless of borders. Khuhro and Soomro (2017) emphasize that democracy thrives on public opinion and the ability of citizens to participate in governance. It is a system that empowers people to choose their representatives, promotes good governance, and ensures transparency and accountability. Many countries globally have incorporated the right to information into their legal frameworks to bolster these principles. In Pakistan, both provincial and federal governments have enacted laws to grant citizens access to public information, allowing them to exercise their fundamental right to obtain the data they require (Sardar, 2018). However, the effectiveness of this right in Pakistan has been mixed. In a 2020 survey conducted by Yasin, Hassan, and Waheed, it was revealed that out of 200 respondents, 64.5% were unaware of the Right to Information. Among the 35.5% who were aware of the law, only 11% possessed a clear understanding of its provisions. To address this knowledge gap, some civil society organizations in Pakistan have begun initiatives to educate the public about the Right to Information, providing information and updates on the enactment of the law (Ejaz, 2020). Ali, Saleem, and Shoaib (2015) argue that RTI laws empower ordinary citizens and promote good governance. These laws have been introduced in Pakistan with the intent of granting individuals access to the information they need. The potential of FOI laws goes beyond individual benefits; they have the capacity to foster transparency, accountability, and combat corruption within society by raising public awareness and involvement.

### **Democratic Values**

In a true democracy, citizens must have the freedom to hold their elected representatives accountable for their actions and decisions. Modern society heavily relies on the generation and utilization of information and in the context of a democratic state, information is a vital tool for progress (Vijayakumar & Vijayakumar, 2000). The Right to Information (RTI) plays a crucial role in advancing progress, democracy, and public engagement by creating awareness about the performance of public representatives. Despite being a democratic nation, Pakistan faces challenges in allowing its citizens to effectively hold their representatives accountable. According to Yasin, Hassan, and Waheed (2020), Pakistan's bureaucracy is often identified as a key obstacle to the effective implementation of this right. It is imperative for the government to address this issue, as the bureaucracy should be a proponent of policies and laws that enhance societal well-being, rather than a hindrance to effective governance. Furthermore, the right to information is a fundamental human right, enabling people to understand how they are governed. If information is power, then the freedom of information is an integral component of a democratic society's power structure (Molomo & Molefe, 2017). In Pakistan, some individuals have used this right to access information about reserved quotas and government job opportunities. However, as Singh (2014) aptly points out, a democracy loses its purpose if the populace cannot scrutinize the actions of the government, public servants, and other representatives working in the best interests of the state.

### **Prevalence of Good Governance**

When we delve into the concept of good governance, we inevitably consider elements such as transparency, accountability, civic participation, and an informed public. These components are fundamental to the essence of good governance (Phogat, 2018). The primary objective behind the implementation of the Right to Information in various countries by international bodies is consistent: the promotion of transparency and the reduction of corruption. Transparency is universally regarded as a cornerstone of good governance by all genuine democratic governments (Roy, 2013). In Pakistan, successive governments often face

allegations of corruption from their successors. The Right to Information laws can significantly diminish the likelihood of corrupt practices by maintaining records of financial transactions. These laws provide a means for politicians to demonstrate their innocence by furnishing comprehensive information. As per the insights of Sardar (2018), right to information laws are poised to play a vital role in promoting good governance in the foreseeable future. However, Ayaz's research (2018) reveals that requesters in Pakistan do not always receive the information they seek. Mere access to information does not suffice for improvement. In this context, the media emerges as a critical player. Through the Right to Information, they can combat corruption, and journalists, armed with available facts and figures, can enlighten the public about the true nature of any issue. To facilitate the effective implementation of this law, it is essential for the government to ensure that unnecessary restrictions do not impede the process.

### **Freedom of Media**

Press freedom stands as a fundamental pillar of genuine democracy and it has been contended that while the Right to Information benefits the media substantially, the wider public submits relatively fewer requests (Nam, 2012). Zuffova (2020) asserts that countries with a high degree of media and internet freedom experience increased transparency coupled with a significant reduction in corruption. The Right to Information empowers journalists to access accurate information, which they can subsequently disseminate to the masses. In the modern era, where a significant portion of the population relies on media outlets for information, the media can significantly shape public perceptions. This is particularly important in countries like Pakistan, where a substantial segment of the population may have limited literacy and, as a result, little awareness of their rights. In this context, the illiterate and others can gain insight into the government's activities and make informed decisions regarding their choices of leadership in the future. However, this hinges on the freedom of the press to provide unrestricted, unbiased information. Unfortunately, Pakistan's 2022 Global Press Freedom Index ranking is 157th. According to Hashmi (cited in Yasin et al., 2020), awareness of

political decisions and legislation happens at two levels: through government actions and media reporting. Hashmi likens the media's role to that of a blindfolded individual, highlighting that informing individuals about the Right to Information is akin to informing a person who is unable to hear or speak that they have been granted freedom. Moreover, Right to Information laws empower the media to play a more significant role in informing citizens and thus contribute to the strengthening of a democratic state (Sribreindran & Raja, 2019).

### **RESEARCH OBJECTIVES**

- To provide comprehensive analysis of Freedom of Information in Pakistan.
- To analyze the performance of Pakistan Information Commission through interviews with all stakeholders.
- To provides recommendations for the effective implementation of Freedom of information laws in Pakistan.

### **METHODOLOGY**

This paper adopts a comparative research design to evaluate the performance of Freedom of Information (FOI) laws in Pakistan. It explores the necessity of FOI, assesses its current status in Pakistan, and discusses its historical development and future prospects. The paper provides recommendations for the effective implementation of these laws. Data for this study is derived from both primary and secondary sources. In the context of primary sources, the primary stakeholders for FOI are the citizens of Pakistan. The study conducted in-depth interviews with these stakeholders, employing open-ended questionnaires to elicit comprehensive responses. Academics, who offer insights into policymaking and its outcomes, were also interviewed. Public officials were selected to evaluate their roles in providing information to the public and to identify any challenges hindering their effectiveness. Journalists, who play a crucial role in raising awareness about FOI laws, provided their perspectives. Civil society members, who facilitate the public's access to information and promote justice in information dissemination, were included. The views of politicians, integral to the political system, regarding the accountability offered by FOI were sought. Policymakers, responsible for creating

and implementing FOI laws, were interviewed to understand their perspectives. Students, reflecting the level of public awareness about FOI laws, were included in the research. Finally, lawyers, with expertise related to cases of proactive and reactive information disclosure, were part of the study. Regarding secondary sources, both international and national sources were consulted. A comprehensive literature review was conducted using internet sources, utilizing keywords such as Freedom of Information laws, challenges to FOI laws, implementation of FOI laws, and RTI laws in Pakistan. The research drew upon research articles, conference papers, discussion papers, international statutes and related acts, dissertations, reports, and surveys conducted by various organizations, including governmental and non-governmental reports. The research adopts a comparative research design to assess the roles played by various actors across different provinces of Pakistan. It evaluates public satisfaction, transparency, and accountability in various regions of the country. This qualitative research primarily employed interviews as the data collection technique. The study's conclusions are drawn based on the cause-and-effect relationships between various factors.

The interviews with stakeholders were conducted over a period of more than two months and followed a structured interview guide. The interviews were scheduled at the convenience of the participants and conducted through online platforms, including Zoom, Google Meet, or WhatsApp. The average duration of each interview was approximately 30 to 45 minutes. A total of 13 individuals participated in the interviews, including journalists, academicians, politicians, and students. The study employed the snowball sampling technique, as the lack of response from some individuals led to a final interviewee count of 13. The responses were obtained after informing the participants about the research's purpose, ensuring the anonymity of their personal data. Participants were explicitly informed that the information they provided would only be used for research purposes and would remain confidential even after the interviews, data analysis, and dissemination of findings. A limitation of the study is the scarcity of literature focusing on FOI research in Pakistan due to the low level of awareness about FOI laws. This limits the ability to draw comparisons

with other studies conducted in the Pakistani context. Additionally, the study relied on online interviews due to time constraints and logistical challenges associated with conducting in-person interviews. This online format may have impacted the depth of the interviews.

## Analysis and Discussion

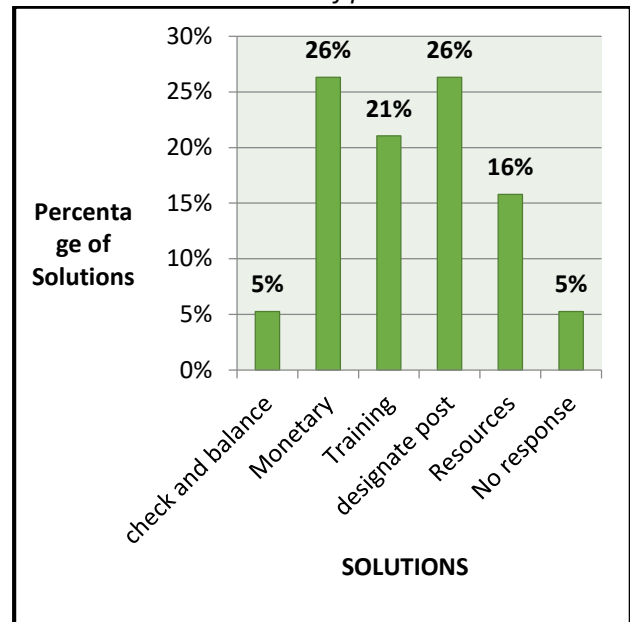
### Document Analysis

#### Improvement in Performance of PIOs

In terms of the performance of Public Information Officers (PIOs), as mentioned earlier, there are several shortcomings in their functioning. However, it has been identified, as illustrated in Figure 1, that specific incentives can significantly enhance the effectiveness of PIOs. First and foremost, it is essential to establish dedicated PIO positions, making these roles permanent rather than additional responsibilities. Second, there is a widespread consensus that providing financial incentives, such as allowances and rewards, would motivate PIOs to excel in their work. Third, offering advanced training, workshops, and ensuring a high level of education is imperative for enhancing the capabilities of PIOs. Additionally, senior management should be trained to implement crash training programs effectively. Fourth, PIOs should be granted unfettered access to the information they require. It was also suggested that appointing a chief PIO or head of PIOs, who is directly linked to relevant departments through an online portal, would expedite responses from public officials. This measure empowers them to access the necessary information and provides the requisite resources. Fifth, strict enforcement of checks and balances is essential for improvement. Sixth, it was emphasized that the Information Commission should exercise its power and authority to maintain oversight, penalizing PIOs for any wrongful actions. Similarly, conducting Key Performance Indicator (KPI)-based evaluations every quarter should be ensured.

FIGURE 1

*Solution to The Problems Of pios*



### Resolution of Problems of the Information Commission

The information commission has encountered challenges related to record keeping, as indicated by the interviewees. These issues could potentially be resolved through the adoption of good governance practices and the digitization of government records. The Punjab Transparency and Right to Information Rules of 2014 specifically require public bodies to effectively manage and provide information. According to these rules, "A public body must ensure that all information, records, and materials, regardless of their format or characteristics, which it possesses or is required to have in its custody within any of its administrative units, are efficiently maintained, indexed, cataloged, and managed to ensure prompt availability when requested by the Public Information Officer."

### Ways to Raise Awareness

The lack of awareness regarding the law has been attributed to all relevant parties, including the public, institutions of higher education, the media, and civil society organizations. Hence, as per the respondents, public awareness, which pertains to the instruction of the general populace regarding legal matters, is critical. Numerous potential remedies have been

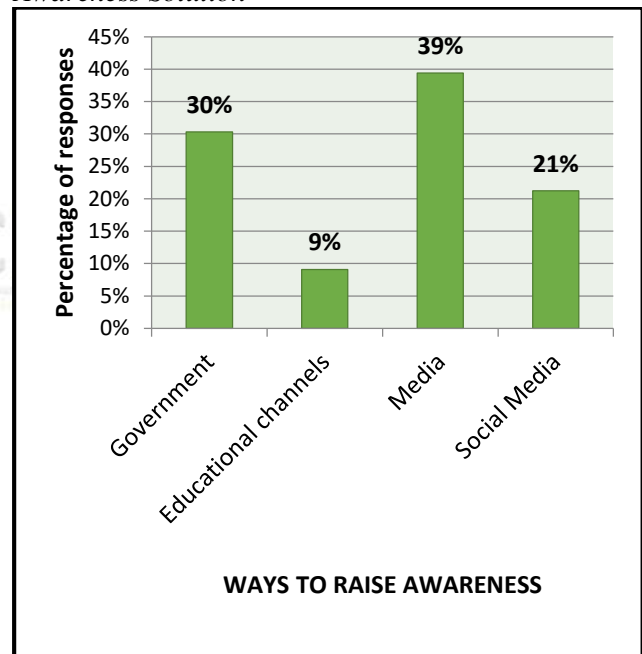
proposed with respect to the dissemination of information concerning FOI in Pakistan (see Figure 2). It has been observed that awareness campaigns utilizing diverse media formats are the most prevalent method of communicating with the general public. The findings of this study indicate that various segments, mainstream media, and talk programs could effectively raise public awareness. On the contrary, some argue that social media campaigns—including those incorporating daily programming, campaigns on a grand scale, and campaigns in the local language and celebrity presence—are essential. Bertoni (2012) discovered, in accordance with the research, that journalism and FOI are mutually supportive and, as such, indispensable. Hazell and Worthy (2010) stated, "For the FOI to operate more effectively, a robust political will and government commitment are required." This contradicts the results of the interviews, which indicated that the media rather than the government was the primary contributor. The public, government agencies, the media, and civil society are all acknowledged to contribute to the dearth of awareness regarding the Freedom of Information (FOI) legislation. The respondents conclude that public education and awareness regarding the law are, therefore, of the utmost importance. In Pakistan, numerous strategies to raise awareness of the Freedom of Information Act (FOI) have been proposed. It was determined that awareness campaigns utilizing various media channels were the most prevalent and efficient methods of communicating with the general public.

The findings of this study underscore the substantial impact that mainstream media, including talk programs and other segments, can have in terms of increasing public consciousness. Conversely, some individuals emphasized the significance of social media campaigns, which encompassed extensive initiatives in regional languages, celebrity involvement, and daily programming. According to Bertoni (2012), journalism and FOI are interdependent and mutually beneficial. Hazell and Worthy (2010), in contrast to the interview findings, underscored the criticality of a robust political will and government commitment in order to improve the performance of the Freedom of Information Act (FOI). Nevertheless, the interviews underscored the media's pivotal role as the principal contributor, with

government initiatives also being regarded as noteworthy. It was proposed that the government facilitate media awareness-raising efforts and assume responsibility for the situation. Furthermore, it is imperative that government ministries, including the Information Ministry, incorporate digital media into their online presence. Curriculum development should incorporate content pertaining to Freedom of Information (FOI), while educational institutions ought to coordinate seminars to raise awareness. As noted by the interviewees, while the implementation of an awareness campaign would require considerable political will, these measures would ultimately result in greater FOI awareness and positive societal changes.

**FIGURE 2**

*Awareness Solution*



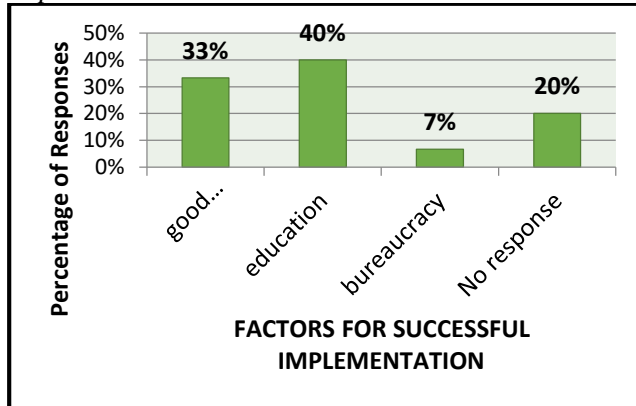
### Factors for Successful Implementation of FOI

To ensure the successful implementation of FOI in the country, maintaining law and order is crucial. As depicted in Figure 3, several factors can enhance the level of FOI implementation in Pakistan. According to the interviewees, a prevailing consensus was that awareness is a fundamental prerequisite for effective implementation. It was emphasized that educating the public about FOI laws is essential for fostering their proper execution. This entails not only raising awareness among ordinary citizens but also ensuring

that the true spirit of these laws is understood by all individuals, including public officials.

**FIGURE 3**

*Factors That Can Result In Successful Implementation*



In addition to education and awareness, the significance of good governance cannot be overstated. Simply raising awareness is not sufficient to yield the desired results. Effective implementation of FOI laws also necessitates checks and balances, fairness, and efficient coordination among various government departments. Moreover, a well-defined structure, qualified human resources, and modern technology play essential roles in advancing FOI in a country. Furthermore, the role of the bureaucracy in facilitating public access to information must be addressed.

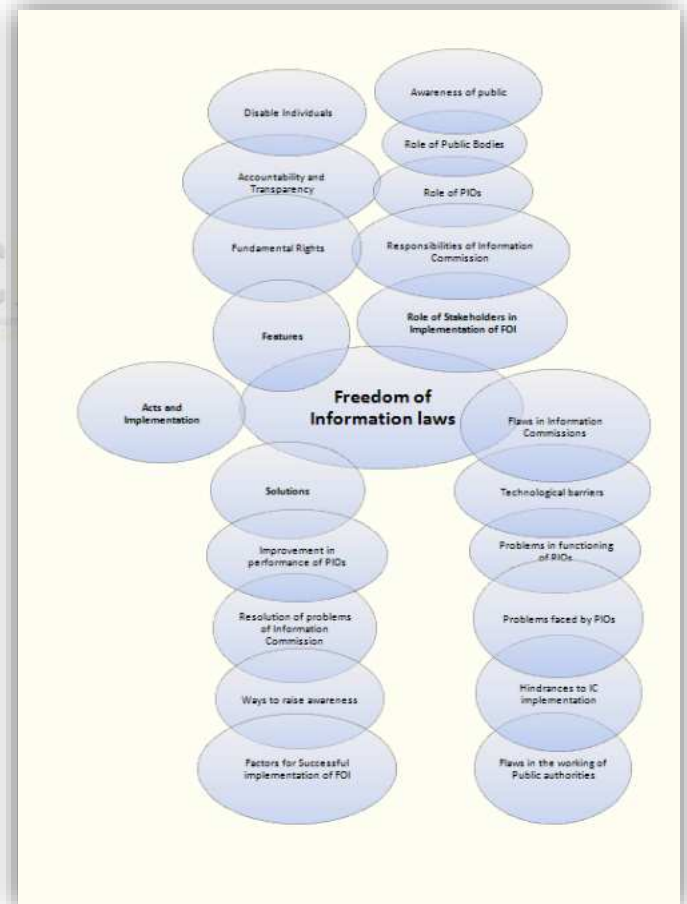
### DATA ANALYSIS

Thematic analysis was employed as the chosen method of analysis in this research. This technique, following Attride-Stirling's (2001) framework, is aimed at exploring the depth of understanding of an issue or the significance of an idea. The research conducted thematic analysis, where the first step involved transcribing the interviews. Subsequently, the data was converted into codes and organized alphabetically. The subsequent stage focused on developing sub-themes, with the codes being grouped into their respective sub-themes. Ultimately, these sub-themes were consolidated into overarching themes to present the results. The thematic analysis allowed for the categorization of data into codes and themes, facilitating the presentation of research findings. This thematic analysis examined the specific roles and challenges faced by Public

Information Officers (PIOs) and authorities, resulting in the identification of themes and sub-themes. The analysis outcomes were presented in the form of a report, featuring pie charts and bar charts, which helped visualize the relationships between different variables and assess the strength of these relationships. Thus, the technique was instrumental in evaluating the effectiveness of performance initiatives implemented by various provinces to support the authorities responsible for enforcing FOI laws. The table below provides an overview of the themes and subthemes derived from the thematic analysis.

**FIGURE 4**

*Summary of Themes and Sub-Themes*



In the research analysis, bar charts, pie charts, and tables are included. It derives conclusions concerning the correlation between freedom of information legislation (FOI) and variables including

public satisfaction, democracy, good governance, corruption, and transparency. The research examines the extent to which authorities and individuals are influenced to guarantee accountability and eradicate corruption, which are considered fundamental principles of an effective policy. Moreover, the participation of stakeholders guarantees the successful implementation of the policy. By employing a deductive methodology, this study deduces the effectiveness and role of stakeholders with respect to Freedom of Information Laws in Pakistan.

### **Features**

The Freedom of Information Acts implemented in Pakistan grant citizens the right to access information held by public bodies within the country. Individuals residing in the provinces of Pakistan can exercise this right by submitting information requests. This legal framework is firmly established in the constitution, various laws, and reports issued by organizations such as the Declaration of Principles on Freedom of Expression, Article 19 (2015), and UNESCO, recognizing it as a fundamental right. Fundamental rights are those that are universally accessible to every citizen in the nation. The interviewees emphasized the significance of these rights, describing them as a "vital set of principles," highlighting their role in enabling critical questioning, and underscoring their essential nature. Furthermore, Katsamunskaya (2016) asserts that FOI laws are instrumental in promoting good governance and ensuring transparency and accountability within a state. The interviews revealed a prevailing belief among the majority of respondents that FOI contributes significantly to transparency. Lindstedt and Naurin (2005) concur by suggesting that increased transparency fosters accountability. Carothers and Brachenmacher (2014) stress the importance of accountability and transparency by noting that these principles are fundamental components of international policies. While the presence of laws is important, UNESCO underscores that their effective implementation depends on the government's proper management and handling of emerging issues. FOI laws are instrumental in curbing the actions of authorities and preventing potential abuse of power.

The interviewees, in alignment with these ideas, also stress the role of FOI in ensuring government accountability. These laws provide valuable insights into government operations and the performance of various entities. Individuals from various walks of life can benefit from the information provided by these laws, with media, academicians, and civil society requiring data for news generation and research purposes. Nam (2012) asserts that media benefits the most from these laws, positioning journalists as primary beneficiaries of the legislation rather than the general public. Similarly, Bertoni (2012) acknowledges the law's utility for journalists in verifying the accuracy of their sources' information.

Additionally, FOI laws are designed to be inclusive, granting access to all individuals without discrimination, including those with disabilities. All interviewees unanimously agreed that these laws offer access to individuals, whether they have disabilities or not. Moreover, individuals, including those with disabilities, can access information through online applications. The Convention on the Rights of Persons with Disabilities (CRPD) in Article 21 specifically highlights that states must take appropriate measures to ensure that individuals with disabilities can fully exercise their right to freedom of expression and opinion. This encompasses the freedom to seek, receive, and impart information and ideas through any communication medium of their choice, on an equal basis with others.

### **Acts and Implementation**

According to the interviews, with regard to the provincial and federal Freedom of Information Acts, each provision outlined in the acts is consistent with the nation's constitution, and the designated authorities are obligated to carry out their responsibilities in a proper manner. The Acts, according to interviewees, are robust and their implementation is vital. In accordance with Article 19 (A) of the constitution, the designated authorities are tasked with enforcing the law; therefore, they must oversee the implementation of the FOI. As reported by interviewees, every effort is being made by the designated bodies to provide the requester with the requested information; however, notwithstanding the existence of legislation,

Baluchistan does not have an information commission. It was also stated that "Rules are explicit and furnish public office holders with sufficient clarification and explanation." The Article 19 (2015) report acknowledges the implementation of FOI Acts at the federal level and in all provinces.

### **Role of Stakeholders in the Implementation of FOI**

A multitude of stakeholders fulfill their specific responsibilities in the process of providing the FOI to the citizens of the state. According to Hazell and worthy (2010), the involvement of stakeholders is crucial as the act's mechanism for evaluating the status of freedom of information (FOI).

### **Role of Public Bodies**

Public authorities are tasked with the responsibility of appointing Public Information Officers (PIOs) to facilitate the efficient retrieval of requested information. These public bodies are also obligated to provide information regarding their operations. Proactive disclosure of information is considered vital for the effective operation of the system. The interviewees have strongly asserted that proactive disclosure serves as the linchpin of these laws. In this regard, Section 5(1) of the Khyber Pakhtunkhwa Right to Information Act 2013 specifies that "public bodies must regularly publish the following categories of information in a current and accessible manner, including online, ensuring its relevance to those who may require it." According to the interviewees, proactive disclosure plays a crucial role in addressing various issues, yielding far-reaching effects, and enhancing overall transparency. Furthermore, adopting digital methods for proactive disclosure serves to reduce the burden on PIOs in responding to individual requests. Nevertheless, the authorities' failure to carry out proactive disclosure appropriately in the country has been a subject of concern, with allegations of widespread manipulation of disclosed information.

### **Role of PIOs**

In accordance with section 9 of the Act, the Government of Pakistan has granted public bodies the authority to appoint public officers within their administrative unit. Public Information Officers (PIOs) are tasked with the administrative

responsibility of disseminating information to the citizens of the state, as stated in the report by PIC (2021). The interviewees noted that responses to queries for information from PIOs are delayed. Others, however, attribute the situation to inadequate coordination and resource allocation among various institutions. As per the Punjab Transparency and Right to Information Rules 2014, it is mandatory for public entities to appoint public information administrators responsible for facilitating the reactive disclosure of information. According to Section 3 (1) (b) of these regulations, it is the responsibility of a public information officer to "provide the requested information to an applicant under the Act." The study indicates that the public authorities provided responses to a limited number of requesters. Furthermore, it is noted that the responses given to the requesters were replete with falsehoods and failed to address the inquiries for which they were specifically posed. A comparison of reactive information disclosure across provinces led to the conclusion, as stated in the CPDI report (2020), that the KPK departments fulfilled the majority of requests.

### **Responsibilities of the Information Commission**

Information commissions primarily exist to facilitate the dissemination of Freedom of Information (FOI) to the general public. Additionally, under Act section 20(1)(b), the Commission is tasked with the responsibility of providing training to Public Information Officers (PIOs) to enhance their capabilities, ensuring efficient performance of their duties. To meet this training requirement, the Commission has leveraged various communication channels, including print and electronic media, as suggested by literature referenced by PIC (2021). During interviews, participants highlighted various obstacles that hindered their effective discharge of duties. These challenges included issues related to financial autonomy, inadequate funding, a lack of sufficient human resources, and a prevalent culture of secrecy, which requires eradication. Azam's (2020) report on the Pakistan Information Commission documented a total of 37 requests filed against the Ministry of Defence, 36 against the Registrar Office and Supreme Court of Pakistan, 25 against the Cantonment Board, 21 against the Ministry of Finance, 18 against the Ministry of

Information and Broadcasting, 17 against the CDA, 15 against the FIA, 14 against the FBR, 12 against the Ministry of Interior, and 11 appeals against various other departments. Under the FOI law, the Punjab Information Commission possesses the authority to impose penalties for non-compliance with their duties. Interviewees emphasized that the Commission diligently fulfills its responsibilities by monitoring PIOs. According to the Right to Information Commission Government of Khyber Pakhtunkhwa (2020), in cases where allegations arise against a PIO for failing to provide information, the PIO is obliged to substantiate their actions. Following hearings involving the citizen and the public body, the Commission renders a decision. In instances of non-compliance, the RTI Commission wields the power to impose fines of Rs. 25,000 PKR or refer the matter to a session court, which, based on the severity of the offense, can impose a prison sentence of up to 2 years (KPRTI, 2020).

#### **Awareness of Public**

Public awareness of state laws is crucial. Concerning the public's understanding of their Right to Information (RTI), the interviewees emphasized that most citizens are uninformed about this right. In fact, one respondent mentioned that public ignorance extends to the point where many people are unaware of the law's very existence. Hazell and Worthy (2010) assert that recording the number of public requests is essential to analyze government efforts. According to the interviewees, most of them attribute this lack of awareness to the government's attitude. They lament that the government has shown little interest in disseminating knowledge about RTI. Various government departments, such as the Ministry of Information and public authorities, have been singled out for their lack of funding and inaction in this regard. Yasin et al. (2020) argue that the Pakistani government bears responsibility for not making RTI accessible to the general public. Bano (2022) maintains that the populace's lack of awareness regarding their social and political rights has contributed to RTI's failure in Pakistan. It is emphasized in the literature that government, civil society, and the media all play a role in fostering awareness of RTI laws. The media, in particular, is seen as having a significant responsibility in promoting public awareness since it has the capacity

to disseminate information throughout the entire nation. Therefore, the media's lack of support is considered one of the primary reasons for the public's lack of knowledge about the law.

#### **Flaws in the Working of Public Authorities**

Regarding the shortcomings in the performance of public bodies, the interviewees have highlighted the necessity for authorities to engage in proactive disclosure. Section 4 of the Punjab Transparency and Right to Information Act 2013 specifically states that "a public body shall proactively disclose - particulars of the public body, its functions, and duties; powers and functions of its officers and employees; norms and criteria set by the public body for the discharge of its function" As per a report from CPDI (2020), several departments have begun to feature RTI information on their websites. However, it has been noted that their compliance with the law is incomplete, as they have not provided information related to their budget, officer privileges, decision-making processes, and investigation reports.

#### **Problems in the Functioning of PIOs**

The performance of PIOs must align with established criteria. The analysis indicates that a lack of enforcement is the primary reason for the unsatisfactory responses from PIOs. Similarly, untrained staff and issues related to their behavior, as well as the time-consuming FOI procedures, pose significant challenges for PIOs. The process of requesting information is considered time-consuming and involves a lengthy list of procedures to follow, according to the interviewees. Consequently, they argue that the procedural aspects are slow and time-intensive. Furthermore, interviewees expressed dissatisfaction with the responses from public officials. They noted that PIOs are not adequately designated or trained, and implementing bodies do not show interest. Ali et al.'s analysis (2015) highlights that untrained staff significantly impedes the law's smooth operation. However, the report by Article 19 (2015) presented a positive trend regarding the support provided by PIOs when handling requests. The interviews also highlighted that information provider's lack adequate knowledge of the act's provisions, leading to a lack of awareness about its true spirit. Interviewees cited issues related to resources and

administrative problems, including low human resources, resource shortages, and deficient record-keeping. According to Ozdemirci (2008), Turkey has also recognized management issues and has introduced strategies to address them effectively. This includes delayed responses. Interviewees claimed that the responses to their requests exceeded the stipulated 14-day period, as mentioned earlier. Similarly, the report by Article 19 (2015) observed a negative trend in response times concerning the operation of FOI in Pakistan.

### **Flaws in Information Commissions**

The respondents highlighted that the primary issue related to FOI is its implementation. According to the interviewees, the effective enforcement of the law is fundamentally lacking. One respondent mentioned deficiencies in the old Sindh Act, which were subsequently addressed in the new act. They also pointed out the absence of the Baluchistan information commission, as outlined in the Baluchistan Right to Information Act (2021). Section 18 (1) of this act mandates that the "Government shall, within a period of one hundred and twenty days, establish an information commission to be known as the Baluchistan Information Commission." This aligns with the literature, as the Express Tribune (2020) has argued that there is "no forum such as an information commission in Baluchistan." The interviewees emphasized that the Commission faces structural issues, political influence, challenges related to poor record-keeping, budget constraints, and a shortage of personnel that need to be addressed. The Khyber Pakhtunkhwa Right to Information Act 2013, in section 24 (1), states that "the Information Commission shall be an independent statutory body, which shall enjoy operational and administrative autonomy from any other person or entity, including the Government and any of its agencies, except as specifically provided by law."

### **CONCLUSION**

In conclusion, this analysis highlights the fundamental features of FOI laws: their status as a fundamental right, their role in promoting transparency and accountability, and their non-discriminatory nature, ensuring accessibility for individuals with disabilities. The study underscores that the implementation of FOI Acts could have been

more effective in certain provinces, primarily due to the information commissions' challenges in overseeing public bodies.

The paper identifies numerous shortcomings in the implementation process, ranging from government involvement to the role played by public information officers. In summary, the challenges hampering the successful implementation of FOI laws encompass issues related to governance, corruption, structural obstacles, political discord, untrained personnel, inadequate financial resources, deficient record-keeping, and a lack of enforcement. This research offers several policy implications:

- Public information officers (PIOs) should receive comprehensive training and workshops, addressing not only lower-level staff but also senior personnel. This training should focus on enhancing their knowledge and improving their conduct.
- Improved coordination between PIOs and other departments is essential to facilitate access to information.
- Establishing effective checks and balances on PIOs' operations, including key performance indicator (KPI)-based evaluations, is crucial.
- Embracing technology is vital, with digitalized systems playing a significant role in record-keeping.
- To address the issue of awareness, government bodies and public institutions must play a proactive role. Ministries such as the Ministry of Information and Broadcasting and the Ministry of Education should take the lead in raising awareness about FOI laws. Additionally, media organizations should contribute to promoting FOI acts through talk shows and educational campaigns.

In conclusion, the research emphasizes the collective responsibility of government, media, and civil society in educating citizens about their rights through comprehensive awareness campaigns.

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