

What is right to information under the Punjab Transparency and information act 2013? Why is it important?

Introduction:

Right to information is a fundamental human right. It is included in Article 19 of the Universal Declaration of Human Rights: “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” which makes it obligatory for states to provide it. In many countries, including Pakistan, it is also a constitutional right.

Legal framework

Despite prevailing of the provisions regarding RTI in UDHR, it is still very important for every country/sub-national government to have specific RTI legislation. This is vital both for public bodies (those providing information) and for citizens (those accessing information). Pakistan was the first country in South Asia to have an RTI law – the federal FOI Ordinance 2002. Balochistan and Sindh have FOI laws dating to 2005 and 2006 respectively, while in 2013 both KPK and Punjab passed RTI Acts.

Information (Section “f” of 2)

As according to section f of 2 of The Punjab Transparency and Information Act 2013 the definition of information includes:

“Information” means any information held by a public body and includes any memo, book, design, map, contract, representation, pamphlet, brochure, order, notification, document, plans, letter, report, accounts statement, project proposal, photograph, audio, video, drawing, film, any instrument prepared through electronic process, machine-readable documents and any other documentary material regardless of its physical form or characteristics”

Right to information:

Right to information is the term used in the Act for the right that citizens have to access information from government. Citizens can ask government for information, and government has to provide it because accessing that information is citizens’ right. The underlying premise of RTI is that information

belongs to the people, not government. Of course there are some informations that cannot be disclosed by government for security and other reasons, but in general the functioning of government decisions, plans, policies, activities, expenditure and so on – is something that should be open to citizens.

Patrick Birkinshaw

“Without information, accountability will merely be the shadow of an idea lacking any substance” as says professor of Law Mr. Patrick Birkinshaw in his book ‘Freedom of Information and Openness.

Importance of RTI

The direct benefit of RTI is, of course, transparency: it brings information into the public domain and allows citizens to see what government is doing. The ‘knock on’ effects of RTI, however, are much much wider. Its benefits include:

Promotes accountability –

The public have the right to scrutinise the actions of those in public office and to engage in full and open debate about those actions. This requires information: once citizens know what their government is doing they are in a position to hold those in office accountable for their decisions and actions. The same applies for designated oversight bodies such as parliamentary committees: they need information to be able to fulfill their mandate. By facilitating such access to information RTI promotes accountability;

Reduces corruption –

Secrecy and lack of information create a breeding ground for corruption and abuses of power. By promoting transparency and accountability RTI curbs such abuses;

Improves service delivery –

By making those in office accountable for their actions and by giving citizens a voice, RTI helps ensure the former work for the benefit of the latter. It promotes better planning and service delivery, i.e. improved education facilities, improved health care, and so on, leading ultimately to better human development outcomes.

Promotes access to services/entitlements –

When citizens have access to information about service delivery and other government functions, they know what they are entitled to and they know how and where to demand their right to those services and other benefits. RTI thus empowers citizens to obtain their rights and entitlements;

Promotes political participation –

Citizens who understand public affairs and what government is doing can voice their opinion on issues that affect their lives: they can participate in the business of government. This is true not just for voting at election time, but also for other mechanisms for citizen participation, e.g. expressing opinions in a policy debate, citizen oversight of services. Consider the policy process: it is not possible to provide useful input into this without access to the policy itself, as well as the

Background information policy

Makers have relied upon to develop the policy. RTI facilitates citizens in making political and economic choices and participating in public affairs and thus strengthens democracy;

Strengthens press freedom –

The media are sometimes referred to as the ‘fourth pillar of the state’. They have an important role to play in keeping citizens informed, keeping those in office ‘on their toes’, highlighting issues of public interest, and so on. In order to be able to perform this role properly the media need access to information. RTI strengthens the media, and thus democracy;

Promotes economic growth –

By promoting transparency and reducing corruption, RTI creates a rule-based environment in which, for example, information about business opportunities is equally accessible to everyone, contracts are awarded in an open and transparent manner, investor confidence is high. RTI thus creates an environment conducive to investment and business.

Improves government functioning –

It is important to stress that it is not just citizens and civil society groups who benefit from RTI, but also government itself. RTI makes information available to all. Increased access to information by government officials and public bodies makes it easier for them to carry out their duties: RTI thus increases the efficiency of government itself.