

STRENGTHENING THE RTI FRAMEWORK IN PUNJAB



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More than 11 years have passed since the enactment of the Punjab Transparency and Right to Information Act (PTRIA) 2013. The law established the institutional framework for citizens to exercise their right to information (RTI) as well as to ensure transparency in the provincial public bodies in compliance with the Article 19A of the Constitution. The PTRIA was Punjab's first legislation on the subject as opposed to the federation, Balochistan, and Sindh which adopted Freedom of Information (FOI) frameworks even before the incorporation of Article 19A in the Constitution under the Constitution (Eighteenth Amendment) Act, 2010.

Since the PTRIA's enactment, RTI implementation in Punjab has progressed steadily with the formation of the Punjab Information Commission (PIC) and the finalization of Punjab Transparency and Right to Information Rules in 2014. Earlier this month, FAFEN conducted an [assessment of proactive disclosures](#) of legally-required information by Punjab public bodies. The assessment covered over 250 Punjab government websites and revealed that public bodies proactively disclosed around 52 percent of legally mandated

INTRODUCTION

The Free and Fair Election Network (FAFEN), a coalition of civil society organizations in Pakistan, has been actively assessing the implementation of Right to Information (RTI) laws across the country, including both federal and provincial jurisdictions. As of March 2025, FAFEN's efforts include evaluating compliance with the Right of Access to Information Act, 2017, at the federal level and the Punjab Transparency and Right to Information Act, 2013, in Punjab province. These assessments are part of FAFEN's broader "Countering Disinformation through Information" campaign, which recognizes RTI as a vital tool against destabilizing disinformation that has been a significant contributor to political polarization in Pakistan. This campaign underscores the need for robust RTI frameworks and practices to ensure citizens have access to accurate, timely information, thereby enabling informed participation and democratic stability.

This policy brief specifically addresses the Punjab Transparency and Right to Information Act, 2013, identifying legal gaps and implementation challenges. It builds on FAFEN's findings, which revealed significant deficiencies, and proposes context-specific reforms to enhance transparency and accountability in Punjab's governance. The brief aims to strengthen the RTI regime, refining its alignment with constitutional mandates under Article 19A and global best practices, to mitigate disinformation and support democratic processes.

information. This brief synthesizes these reviews, assessments, and a thorough analysis of the PTRIA 2013 and its Rules to identify gaps in law

and practice, benchmarked against national and international standards.

Overview of Existing Legal Framework

PTRIA 2013 is generally considered a strong law with the provisions matching the globally-recognized RTI standards. The law applies to all public bodies operating in the legislative, executive and judicial domains within the Punjab province and also extends to the local governments in the province. It mandates proactive disclosures of general information about the public bodies including their functions, services, budgets and beneficiaries of government subsidies, rebates and relief programs. The Act also requires the public bodies to designate Public Information Officers (PIOs) for

handling information requests. A unique feature of the Act is granting the right to request information to both natural and legal persons i.e. legally registered organizations, which is absent from other RTI laws in Pakistan. The process of requesting information is simple and free with specific response time set as 14 days. Although the law provides a list of exempted information, it also includes a public interest override clause to waive the exemptions if disclosure benefits the public interest. The Punjab Information Commission constituted under the PTRIA is the appellate forum to

adjudicate appeals against denied requests or procedural lapses. The Commission can impose penalties on non-compliant officials that include fines or disciplinary action against officials of public bodies for unjustified delays, rejections, or providing false information. The law also requires public bodies to maintain electronic repository of records for easy access, and publish annual performance reports against their duties under the law, while also emphasizing upon public awareness campaigns to educate citizens about their rights under the Act.

Legal Gaps and Implementation Challenges

The PTRIA, despite its progressive provisions, faced implementation challenges forcing the judicial interventions for the enforcement of citizen's right to information. FAFEN believes many of these challenges are rooted in the legal ambiguities and institutional weaknesses. Therefore, it reviewed the PTRIA and Punjab Transparency and Right to Information Rules to identify these gaps in the framework and drafted recommendations for removing these gaps informed by the findings of FAFEN's assessment of transparency in provincial public bodies. Below are the deficiencies identified in the legal, institutional and operational framework that hamper the realization of legal promise of transparency.

A Limited awareness among public bodies on their obligations under PTRIA

FAFEN's assessment highlights a significant number of public bodies lack understanding of their responsibilities under the PTRIA 2013. Over 80 percent of 250 public bodies whom FAFEN sent a request for information about their annual reports on compliance with the requirements of PTRIA under Section 9 lacked awareness about this requirement. Similarly, public bodies had made available only 52 percent of the legally mandated proactive disclosures on their websites. While the PTRIA and its rules empower the PIC to facilitate public bodies in implementing the law, the Commission lacks powers

to issue binding instructions to the public bodies in these matters. Rather its enforcing powers are limited to the decisions on the complaints filed by citizens aggrieved with public bodies response to their application for information.

B Unclear legal provisions about digital disclosures

Although the PTRIA encourages electronic record keeping and information sharing practices, it falls short of mandating or prioritizing the dissemination of information through official websites. The Punjab Transparency and Right to Information Rules of 2014 also do little to clarify the mode of proactive disclosure, leaving public bodies uncertain

about what information must be made public and how. The online dissemination of information about public bodies and their services is critical in this era when digital technologies are transforming governance. A lack of legal emphasis on the use of digital technology misses a critical opportunity to enhance public accessibility in an increasingly online world.

C Definitive ambiguities

Several key terms used across the legal text are either vaguely defined or their definitions are left open, creating room for their arbitrary interpretation. For instance, while the public body's definition covers non-government organizations (NGOs) receiving funds, it falls short of including private businesses and companies receiving government contracts, tax rebates and concessions. Similarly, the words working days, record and document are not explicitly defined in the PTRIA. FAFEN's assessment found that a majority of the public bodies took longer than legally-mandated timeline of 14 working days. Such practices may be justified by hiding behind an interpretation of a working day that goes against the spirit of the law.

D Discretionary government controls on PIC

A critical challenge to the protection of right to information is lack of operational and financial

autonomy of the Punjab Information Commission. Under the existing frameworks, the selection of the Information Commissioners is completely controlled by the provincial government, lacking the bipartisan oversight mechanisms that bolster the independence of such bodies. The removal process is equally discretionary, placing the Commission's autonomy at risk. The weak provisions led to a controversy recently when the caretaker provincial government arbitrarily removed the Information Commissioners in 2024. Moreover, the PTRIA does not provide a binding timeline for filling in the casual vacancies in the Information Commission or make fresh appointments after completion of the term of an Information Commissioner. Financially, Section 14 ties the Commission to government allocations without establishing an independent fund, making it vulnerable to budgetary pressures or political influence. While mere constitution of an Information Commission could be considered a win at the time the law was first enacted, it is about time that the it is made autonomous and independent for more effective role in promoting transparency.

E Absence of standardized formats for information management

The Punjab Transparency and Right to Information Rules of 2014 rules empower the Information Commission to issue directions

about the form of computerization, the design of the online system and categories of records required to be computerized. Additionally, it is tasked to facilitate the implementation of the Act for trainings to Public Information Officers. Yet, the proactively disclosed information remains in largely an unstandardized manner. Record management is another weak link as the PTRIA does not empower the Commission to issue binding directives on how records should be maintained or to conduct inspections of public bodies' record-keeping practices.

F Underdeveloped complaint handling mechanism

While the existing practice allows for electronic submission of information requests to public bodies and complaints to PIC through emails, a comprehensive digital complaint handling mechanism is missing. The existing complaints tracking utility available on the PIC's website also remains dysfunctional. The manual processing of complaints may limit the PIC's efficiency by hampering the swift communication with the complainants.

G Lack of safety and privacy provisions for applicants

Contrary to the international best practices, the PTRIA lacks strong safety provisions for the whistleblowers using their right to information to expose malpractices and corruption in public affairs. Although the extension of RTI to

legal persons in addition to the natural persons provide some safeguards to individuals by enabling them to hide behind organizational cover, the

anonymous applications are not allowed. In fact, the particulars of the applicants are regularly published by the public bodies and the Information Commission in their

reports and websites, risking any vindictive actions against them by persons feeling aggrieved by their information requests.

Recommendations for Legal and Operational Reforms

To address the abovementioned legal lacunae and operational challenges in the exercise of RTI, FAFEN proposes the following reforms.

A Strengthen the Legal Framework

The Provincial Assembly of Punjab should consider the following amendments to the PTRIA:

i. Add/expand the following definitions in Section 2:

- Define the term “working days” as days when government offices are open for regular operations.
- Expand the definition of public body by covering all departments listed in the Punjab Government Rules of Business 2011. Moreover, in addition to the NGOs receiving funds from the government, any private companies or businesses receiving government contracts, tax rebates or concessions, subsidies, and funds from public exchequer should be considered as public body.
- Amend the definition of complaint to include the

complaints submitted using online system.

- Clarify the definition of right to information by adding the word “understandable, analyzed and disaggregated”.
- Define the term “document” meaning any order or decision made and duly notified.
- Define the term “employee or official” as a person employed by a public body whether permanently or temporarily and also include consultants.
- Define the term “record” as any information which is recorded in any form.

ii. Remove discretionary powers of the provincial government on the appointment and removal of Information Commissioners:

Introduce a consultative and bipartisan committee of the Provincial Assembly of Punjab for the appointment and removal of the Information Commissioners including the Chief Information Commissioner by amending Section 5 of the PTRIA. Such a process will help insulating the Commission from the government influence by taking away the discretion of the

provincial government on the appointment and removal of the Information Commissioners.

iii. Enable a financially

independent commission: Add a new section to provide for establishing a Punjab Transparency and Right to Information Fund, comprising government grants, donations, and investment income, with the Chief Information Commissioner as the principal accounting officer. Mandate annual audits by the Auditor General of Pakistan and presentation of reports to the Provincial Assembly.

iv. Enhance the Information

Commission’s Powers: Empower the Information Commission to issue binding instructions on record maintenance, including periodic inspections.

v. Mandate periodic strategic planning of the Information

Commission: Add a new section to require the Information Commission to develop and publish a five-year strategic plan, outlining objectives, priorities, timelines, and costs, to be laid before the Provincial Assembly. This provision, inspired by the Freedom of Information (Scotland) Act 2002, should include a consultation process with the Assembly’s Standing



Committee, public bodies, and citizens.

vi. Provide safety and privacy protections for whistleblowers:

Add new sections that provide for anonymous applications for information as well as for privacy of applicants' information provided to the public bodies and the PIC.

B Promote Accessible Record-Keeping Standards

The Commission, in consultation with public bodies, should develop standardized, citizen-friendly formats for information disclosure, emphasizing searchable databases, plain language summaries, and explanatory metadata, akin to practices in advanced RTI regimes.

C Leverage Digital Tools and Public Awareness

The Commission should establish an online complaint submission and management system for filing and tracking RTI complaints as well as launch sustained awareness campaigns via social media, radio, television, and community programs to educate citizens and public officials about their rights and obligations under the Act.



ABOUT FAFEN

The Free and Fair Election Network (FAFEN) is the first-ever network of civil society networks in Pakistan dedicated to strengthening democracy through observation and oversight of electoral, parliamentary, and governance processes. As many as 20 regional networks with over 500 tehsil-level civil society organizations. FAFEN is one of the most credible voices in the country for responsive, transparent, accountable, and efficient electoral, legislative, and local governance.

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