

## Legislation on Access to Information: The Perspective of Azad Jammu and Kashmir Right to Information Act

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**Abstract:** *Information encourages active participation of public in affairs of state. Keeping in view the importance of Right to Information (RTI), the United Nations (UN) has termed it as “touchstone of all the freedoms to which the UN is consecrated”. The government introduced 13th Constitutional amendment in 2018 by which RTI was incorporated in Azad Jammu and Kashmir Interim Constitution, 1974. The fact that RTI has been explicitly protected by the constitution can’t be undermined however this constitutional provision needs assistance by an ordinary legislation. Because, only an Act can prescribe the scope of right, responsibility of officials, kinds of information to be made available proactively, procedure to be followed to request and the mechanism to grant remedies in case of denial or unsatisfactory response to requested information etc. To resolve the issue of lack of RTI Act in AJK the study shows that there is no legal or constitutional barrier for the enactment of RTI Act, besides it is an immense need in the territory. The study foresees RTI Act as significant mean to bring democratic reforms and to bridge the gap among the individuals and the government.*

**Key Words:** Right to Information, Azad Jammu and Kashmir, Basic human rights, Law, Constitution

### Introduction

The criteria of a sensible government are not only measured by the fact that whether it has been elected democratically or not, sensible government is in fact achieved by ensuring citizen’s participation in every matter of public concern which can only be possible by providing them a mechanism to exercise their right to have knowledge about public functions. A free flow of information on government performance enhances participation and opens the door for civil society to engage itself in public policy. It is need of the hour to give information to people at large within institutions so that they may do the needful. The data may be managed by the relevant authorities in a way that it could be easier for people at large. RTI is the basic right of people. The interest of international community in this regard is remarkable. Universal Declaration of Human Rights (UDHR), International Covenant on Civil and Political Rights (ICCPR), United Nations Convention Against Corruption (CAC), UN Pacific Regional Anti- Corruption Project (UN-PRAC), United Nations Office on Drugs and Crime

(UNODC), Public Participation in Decision-making and Access to Justice in Environmental Matters, African Charter on Human and Peoples Rights, European Convention of Human Rights, American Convention of Human Rights, Organisation of American States and the Organisation for Security and Cooperation in Europe (OSCE), UNESCO, UN Human Rights Committee, the European Court of Human Rights, the Inter-American Court of Human Rights and the European Committee on Social Rights and other regional and international instruments and bodies advocate for the importance of RTI and stress effective legislation on it ([Maeve McDonagh, 2013](#)). Moreover, Sustainable Development Goals (SDGs) that pledge to achieve the global target for peace, justice and strong institutions have also included “ensuring public access to information” under its goal 16 in order to effectively achieve its broad aim ([UNODC, 2020](#)). Countries across the globe are progressively moving towards a more transparent and open system by enacting RTI and today more than 125

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countries have efficiently adopted RTI laws or provisions [\[UNODC, 2020\]](#). In this context it is equally disappointing and surprising to notice that AJK has failed to enforce RTI Act so far. AJK has adopted 13<sup>th</sup> amendment in its interim Constitution in 2018, by the virtue of which RTI was added in the list of Fundamental rights under Paragraph XXII of Article 4. This constitutional provision has furthered the constitutional obligation to enact RTI Act and to implement it effectively, however no such legislation has been passed so far (“AJK HC to hear petition seeking legislation, implementation of right to information”, 2020).

Journalists in AJK claim that owing to the absence of such draft, they usually face great difficulties in obtaining information (“AJK HC to hear petition seeking legislation, implementation of right to information”, 2020), hence most of the time the information they receive depends on their personal contacts which creates doubts in credibility of news and thus the authenticity of such news is a big question mark on their professional spirit. It is also argued that besides litigation there is no other significant satisfactory mean for an individual to ask for required information.

Lack of such an act promotes culture of secrecy in institutional affairs, it can give rise to corruption and nepotism, and it is indeed a major hindrance towards good governance. Ignorance of citizens on services and performance of public institutions inhibits development, democracy, and effective citizen participation. The trend can play role in supporting a closed system where only elites can participate in the decision process. Real democracy is not that which rests only upon the will of the people, but which relies on their participation. Information is power. Free flow of information thus is a crucial step to enhance transparency, accountability, and democratic development and for this an explicit constitutional provision backed with a separate RTI Act is paramount. It enhances participation and opens door for people to flourish and engage themselves in public policy. When public officials know they are being scrutinized and are under obligation to publish records, they will be less likely to mishandle their authority [\[Carmen Geha, 2008\]](#).

### General Overview on Right to Information and Data Management

Right to Information (RTI) also referred as Freedom of Information (FOI), commonly denotes that right of an individual to access information held by public bodies [\[UNODC, 2020\]](#). It thus implies that

“Citizens have the right to ask their governments and other public bodies for information regarding their working which includes policies, decisions, budgets, salaries, and other matters. Governments in turn have to provide the requested information not as a favour, but as a duty” (PILDAT, 2018).

The right to freedom of information is founded on the idea that “public bodies hold information not for themselves but on behalf of the public” [\[Carmen Geha, 2008\]](#). The principles of FOI are thus largely based on the idea that the public is the real owner of information, and the institutions are only custodian of information who are holding it for the welfare of public and thus are bound to provide information to the public and can only restrict it on the grounds like interest of public at large or state security etc.

FOI is claimed to be the backbone of democracy, and it is regarded as key to true democracy, accountability, transparency, good governance, and informed citizen participation. The “right to access government records” is acknowledged as a “fundamental and enabling human right”. “It is fundamental because the government information in real belongs to the public and it is enabling because it has a direct and crucial link with the enjoyment of other human rights and freedoms. It thus enables the pursuit of other civil and political rights” [\[Carmen Geha, 2008\]](#). The free flow of information about government activities is prerequisite to an engaged citizenry and a responsive government. “Free flow of information enhances interest articulation and helps people make informed demands”. It also contributes to accountability by providing ability to the masses to keep a vigilant eye on government. It thus empowers the citizens’ participation and helps shape policy outcomes [\[Carmen Geha, 2008\]](#).

People may be empowered if they get necessary information. It is responsibility of the concerned authorities that information may be provided to the people. Data may be managed in a way that would be useful for people. Data may be managed properly so that people may be aware about relevant information.

RTI comes into practice with the enactment of a law, which holds the government legally binding to share the information with the public. Such law should be based on principles of fair right of individuals to access the records. Drafting of law is the primary step which ultimately depends on its effective implementation, governments thus must adopt significant strategies for its effective implementation [\[Carmen Geha, 2008\]](#).

Owing to utmost importance of RTI for the development of state and benefit of public at large about 125 states have adopted this law, [\[UNODC, 2020\]](#) moreover it's also a part of frameworks of leading international human rights bodies and agencies [\[Maevae McDonagh, 2013\]](#).

### Advantages/Benefits of Access to Information

The benefits of effective RTI draft law accompanied with effective implementation can be ascertained from the findings of a 2003 World Bank's study which observed that "more transparent governments govern better for a wide variety of governance indicators such as government effectiveness, regulatory burden, corruption, voice and accountability, the rule of law, bureaucratic efficiency, contract repudiation, expropriation risk and [a combined transparency corruption index]" ("Review of the Right to Information across Asia", 2015).

### Effective Democratic Participation

RTI is a key step to ensure effective participation of public in democratic process, democracy in the true sense requires more than the consent of public to be governed. The idea of democracy is based on having a government that can represent people's wishes and safeguards their well-being. It is contended that democracy and illiteracy can't stand together, here illiteracy will mean unawareness about functioning, policies, and governances of institutions and lack of knowledge about elected representatives. This unawareness can hamper the effective participation of public and can lead them to make unwise choices. In a judgement of 2002 in "*Union of India v. Association for Democratic Reforms case*", the Indian Supreme Court upheld the order of High Court mandating the election commission to obtain and disclose to the public significant contextual information about a political candidate, including the information regarding their educational background, assets, conduct and criminal records (*union of India v. association for democratic reforms*, air 2002).

### Key to Good Governance

Good governance includes four elements namely, Transparency, Accountability, Predictability and Participation. Information is the ultimate requirement to efficiently fulfil these criteria. An effective RTI framework is the tool to provide key information to the public about policies, functioning and performance of different sectors. It makes the officials more vigilant about their performance, curbs corrupt practices, ensures effective public participation and thus helps attain

the notion of good governance. In "*PLD 2008 Karachi 68*", access to information has been declared as "sine qua non of constitutional democracy" [\[CPDI, 2016\]](#).

### Improves Media Reporting

The media is labelled as crucial pillar of the state as it gathers and circulates information on behalf of public and ensures accountability of officials. [\[CPDI, 2016\]](#) RTI is crucial for investigative reporting. Its utmost importance in journalism can be ascertained from this statement of Pakistan's famous journalist Umar Cheema, who maintained that

"Without effective RTI law, investigative journalism is leak journalism. RTI law empowers a journalist to make his own choice of which issue to follow and collect information accordingly instead of waiting for somebody to share information of his choice."

In Pakistan media persons have effectively used RTI Act(s) and made some great contributions in improving the circumstance of public and in strengthening the notion of transparency, and accountability. The cases include the efforts of journalists in exposing the lavish use of public money by the government official, revealing attendance record of MNAs, and disclosing lack of transparency in appointments and other malpractices [\[CPDI, 2016\]](#). While endorsing the utility of RTI for journalism, CPDI has asserted that

"Journalists have used RTI laws in Pakistan to report on social issues and to investigate claims of austerity by politicians. At the same time, they have also reported on the implementation status and the quality of RTI laws. In fact, some of the stories filed by journalists would perhaps not have been possible otherwise [\[CPDI, 2016\]](#)."

Journalists made the use of "*Punjab Transparency and Right to Information Act 2013*", to expose the inefficiency in educational sector, whereby it was revealed that about 2,000 public high school across the province lack administrative heads. Similarly, by utilizing the "*Khyber Pakhtunkhwa Right to Information (RTI) Act 2013*"; journalist exposed the unavailability of medical officers in as many as 73 Basic Health Units in different districts of province. Thus, drawing the attention of officials on health condition of public [\[CPDI, 2016\]](#).

### Ensures Government Effectiveness

RTI law empowers the public to have check on the quality of public services and the extent to which they are independent of political pressure. RTI

enables them to monitor the policies and performance of institutions. It thus scrutinizes the actions of officials and makes them more vigilant about their working. In Pakistan a 28-year-old computer operator, *Sabahat Ghaznavi*, successfully utilized RTI law for the purpose of applying for and securing the job that had been 'de-advertised' by the government [Ikram Junaid, 2014]. In PLD 1993 SC 746, Supreme Court declared the access to information "vital to enable citizens to adjudge the conduct of those who are in office and the wisdom and follies of their policies" [CPDI, 2016].

### Strengthens the Notion of Fundamental Rights and Freedoms

RTI has a direct link and significant impact on all fundamental rights, [Carmen Geha, 2008] owing to its crucial importance UN has termed it as "touchstone of all the freedoms to which the UN is consecrated" (Resolution, 59(1) of 1946) [Pakistan information commission, 2020]. RTI is closely associated with other fundamental freedoms and can strengthen or weaken the accessibility or utility of human rights. The "*Supreme Court (PLD 1993 SC 473, Muhammad Nawaz Sharif vs. President of Pakistan)*" held that "right of citizens to receive information can be spelt out from the freedom of expression guaranteed by Article 19 subject to inhibitions specified therein and such right must be preserved" [Muhammad Aftab Alam, 2015].

### Brings Positive changes in the Political and Management/Administrative system

The free flow of information about institutions enhances the knowledge base within a society and can secure external checks on their accountability. For instance, in Punjab (Pakistan) journalists made effort to use RTI law to scrutinize the performance of government in education sector, regarding "Universal Primary Education (UPE) Campaign 2015" [CPDI, 2016].

### Situation of Access to Information in AJK: Scope and Challenges

FOI is proved to be an effective tool for upholding and strengthening the notion of openness, transparency, rule of law and good governance. Advocates of international human rights law stress on the realization of RTI to ensure democratic practices and rule of law. Today where the territories across the globe are increasingly adopting a more accountable and open system, by enacting effective RTI drafts, the Government of AJK lacks such a framework and thus its individuals are largely deprived of its utility.

The parliamentary system was introduced in AJ&K under the AJ&K interim Constitution. (AJK Official Portal). AJK has a unique "territorial status". It has its own elected government, president, and prime minister. It also has its own flag and anthem. Territory has an independent judicial and efficient legislative and executive system. The government of Pakistan too plays an effective role in many administrative affairs of AJK and this role has been recognised under Interim Constitution of AJK, 1974.

The unique status of AJK, its administrative arrangements with Pakistan, cross-border tensions with India, uncertainty faced by people living near border areas, and situation of transparency and accountability in matters related to public interest, requires openness in government affairs and needs the policies that can strengthen the confidence of public on their official and can bridge gap between them. Effectiveness of RTI laws in effectively tackling serious issues has been proven globally, it thus makes the promulgation of RTI Act in AJK not a need but a necessity. The absence of such a law is adversely affecting the notion of effective democratic participation, accountability, and good governance, and is thus hampering the confidence of public on government. It also continues to pave the way to the culture of secrecy which gives raise to nepotism and corrupt practices. AJK has adopted many of its laws from Pakistan, of course with significant changes necessary to run the affairs of territory. However, it is crucial to notice that owing to the utmost importance of RTI Act, all the provinces in Pakistan have enacted their RTI laws, but till date government of AJK has paid no effective consideration to adopt or enact and implement such law. AJK has included RTI in its constitutional provision in 2018 by the virtue of 13<sup>th</sup> constitutional amendment (Azad Jammu & Kashmir Interim Constitution, 1974). The crucial importance of the fact that "Right to information" has now been specifically recognised as "constitutional right" cannot be undermined, however it by no means lessens the utility of a separate act on RTI. In fact, it makes the government duty bound to enact a RTI framework in obedience of this constitutional provision. Thus, it can be established that in addition to the general obligation that the Interim Constitution of AJK has laid on the government with respect to protect the fundamental freedoms and interests of its public, specific constitutional provision granting the RTI has further strengthen the responsibility of government to enact RTI Law. In this regard a writ petition was filed before AJK High Court. This writ petition titled as *Zaffar Mughal and others v/s AJK government* seeks for "immediate legislation and implementation of right to information in AJK,

as protected in the AJK interim constitution of 1974” (“AJK HC to hear petition seeking legislation, implementation of right to information”, 2020). The petitioners who consist of journalists and individuals from different walks of life have recorded the grievances and hurdles they are facing due to the lack of RTI Act. The petitioners claimed that due to lack of RTI Act the public officials continue to refuse to provide the requested information pretending that no regulations are available in AJK to provide requisite information (“AJK HC to hear petition seeking legislation, implementation of right to information”, 2020). Thus it can be ascertained that while the constitutional provision granting RTI has significance utility, it is strictly required to be backed by a separate RTI Act, as only a detailed framework can discuss as to what information can be protected, what kind of information requires to be disclosed proactively, protections available to whistleblower, procedure of filling information request, timeframe in which information must be made available, penalties of unlawfully refusing or delaying the requested information, etc. All these are the pre-requisites for effective exercise of RTI and can only be incorporated in a detailed RTI Act or draft, as this cannot be covered under single RTI constitutional provision [[An Analysis of Right to Information, 2019](#)].

At present public is facing great difficulties in obtaining information about public documents. Due to the lack of any effective procedural law on RTI, most of the time people have to knock the court's door to exercise their RTI. Hence, often, people find no mean besides litigation to in order to obtain required information. The courts in AJK have maintained positive approach in deciding RTI cases. For instance, in case of “*Khurram Shahzad Khan v. Secretary Agriculture and Animal Husbandry*”, the AJK Supreme Court highlighted and maintained the importance of Right to Information in following words

*“The misconduct and mal-practice of non-issuance of the copy of public documents by the public office holders, as noticed in this case, is mockery of law. All the concerned and public civil servants are directed to act according to law and no one should be deprived of his right of information.”* [[Khurram Shahzad Khan v. Secretary Agriculture and Animal Husbandry, 2017](#)]

However, it is commonly understood that court proceeding is comparatively a lengthy process in the sense that it requires a lot of time, energy and expense of individual till reaching a conclusion. Moreover, lack of RTI Act has also increased the risk of varying court judgements in

deciding on what can constitute RTI, in addition to this the bulk of RTI cases also add to the already overburdened courts.

### Impediments in Legislation of RTI Act in AJK

It has been discussed earlier that parliamentary system was introduced in AJ&K under the AJ&K interim Constitution, 1974. The constitution of AJK bounds the officials to safeguard rights and interests of public. The government officials pledge to promote fundamental freedoms and democratic values. The elected representatives vow for fulfilling their obligation to protect territorial interests and wellbeing of its individuals [[An Analysis of Right to Information, 2019](#)]. Article 31 of AJK interim constitution deals with legislative powers, its aim is to empower and oblige the government to enact laws for the benefit of public. The legislators too undertake to abide by their obligation. Thus, apparently the whole system is designed to work as it should, hence one might wonder that why is AJK government delaying the enactment of RTI law? what are the Impediments in legislating RTI Act in AJK?

The answer to this can be related to the fact that RTI Act is believed to strengthen the right to access information and is commonly identified as “a form of power-sharing with the masses”, and generally the governments show scant interest in sharing power with public. Moreover, practices across the globe shows that commonly most of time the key public functionaries, government official, public administrators and bureaucracy in general are unapproachable to public and often show reluctance in making information public and are supposed to be more bothered by an enactment that is likely to put strings on them. Hence by exploring the historical background of its drafting in various countries, it can be analysed that states usually don't enact such law deliberately. And mostly states pass RTI under motivation or influence of non-governmental organisations, social activists, and civil society groups or in pursuance to their commitments with international organisations which persuade them to enact such law for a more accountable, and transparent system. It is claimed that in case of Pakistan too “It is not the political will but political compulsions that have contributed to the enactment of effective right to information laws in Pakistan” [[CPDI, 2016](#)].

The government of AJK too has many times shown its intention to promulgate RTI Act, however till date it has not succeeded to do so. It is clear from the discussion that there exists no legal or constitutional barrier in AJK to hurdle the

enactment of RTI Act, hence better late than never the legislature should brainstorm an effective RTI draft and take necessary steps to ensure its full implementation [[An Analysis of Right to Information, 2019](#)].

### **Practically Ideal access to Information Framework for AJK**

An effective law is regarded as the first and foremost step to secure the rights of public, hence efficiency of RTI too primarily depends on how well drafted its legal framework is. Supporters of international human rights law have recommended the inclusion of certain international principles on RTI Act that can be used as guidelines to enact the draft. “These principles have been endorsed by the UN Special Rapporteur on Freedom of Opinion and Expression, in his report to the 2000 Session of the United Nations Commission on Human Rights” (The Public’s Right to Know, 2016) This includes 9 international standards or principles [[Gehan Gunatilleke, 2014](#)] that are as follows:

#### **Principle 1: Maximum Disclosure**

This principle is based on the assumption that every information held by the institutions should be available to the public and can only be retained in limited circumstance where the interest of territory or benefit of public at large requires so. Similarly, a broader definition of the concepts of “information” and “public body” should be incorporated into to enable public to get full advantage of RTI Act. “There is a recent trend towards extending FOI laws in countries to include non-governmental bodies and the private sector” [[Carmen Geha, 2008](#)]. The Act must also include explicit provisions establishing minimum standard for such bodies to maintain and preserve the record (The Public’s Right to Know”, 2016).

#### **Principle 2: Obligation to Publish**

RTI Act must be guided with the principle of “proactive disclosure” or “obligation to publish”. The rationale behind this is that if “filling the request to concerned department” is offered as the only medium to find or receive information, it will excessively burden the department, thus leaving the public uninformed or ill informed. However, it should also be realised that it is not possible to proactively disclose every information, and certain material/queries can only be satisfied after filing the application requests [[An Analysis of Right to Information, 2019](#)]. For this too the Act must avoid to formulate any complex procedure for filling request, law should provide for speedy and easy access to information. Moreover, the individual in general shouldn’t be required to

disclose the reason for obtaining specific information. The advocates of “proactive disclosure” maintain that “through proactive publication of information relating to specific issues the space in which corruption can occur will increasingly be reduced” [[Carmen Geha, 2008](#)].

#### **Principle 3: Promotion of Open Government**

The primary role of RTI in upholding the concept of open government can be ascertaining from the fact that Open Government Partnership (OGP) that works to strengthen the principles of good governance, has made effective access to information as the one of the criterion to core eligibility.

Individuals should have knowledge about the policies, working and decisions of the government and the reason behind such decisions. This requires an efficient RTI Act that supports the notion of open government.

#### **Principle 4: Limited Scope of Exceptions**

It is understood that aim of RTI draft must be to facilitate the flow of information and not to curtail it, thus exception to general rule of “free flow of information” must be carefully designed. Hence the “scope of exceptions” needs to be guided by the international standards prescribed in this regard. According to these rules exemptions should meet the strict criteria of public interest and no public body should be completely omitted from scope of such law (“The Public’s Right to Know”, 2016). Moreover, a three-phase test has also been established to limit the scope of exceptions, which says that

- The information must relate to a legitimate aim as provided for in international law;
- Disclosure must threaten to cause substantial harm to that aim; and
- The harm to the aim must be greater than the public interest in having the information” (“The Public’s Right to Know”, 2016).

#### **Principle 5: Processes to Facilitate access to information and data Management**

A speedy, fair, and simple process to facilitate access to information is necessary for an effective RTI framework. The law should require institutions to establish open, accessible internal system to receive information request and to provide authentic response. Moreover, such public officials must be instructed to aid applicants who request for such assistance. Likewise, substantial measures, to assist special class of individuals for example those who are illiterate, or suffer from a

condition like blindness, must be incorporated. Mechanism to forward appeal to independent administrative bodies and to courts, must also be provided in case where applicants are not satisfied with the response (“The Public’s Right to Know”, 2016).

### **Principle 6: Costs**

It is commonly understood that it entails certain cost to manage the reproduction and preservation of record etc., hence to run the system fair sum is necessary. However, it must also be kept in mind that high costs can damage the utility of RTI Law and can act as a barrier to exercise RTI. As a general rule the international principles on RTI framework insist that there should be low or no costs at all to request information and “must be limited to the actual cost of reproduction and delivery of record” (“The Public’s Right to Know”, 2016).

### **Principle 7: Open Meetings**

The rationale behind RTI includes the understanding that “public has right to know what the government is doing on its behalf and to participate in decision-making processes” (“The Public’s Right to Know”, 2016). Hence as a general rule it is emphasised that all meetings of governing bodies must be open to the public and adequate justification should be provided for cases where meetings have to be “closed.” Meaning and scope of “meeting” should be drafted in a way as to strengthen the purpose of RTI legislation (“The Public’s Right to Know”, 2016).

### **Principle 8: Disclosure takes Precedence**

In order to advance aim of RTI Act, government should examine its other frameworks as to analyse if there are any laws or provisions which are likely to restrict the utility of RTI Act. Such laws where practicable must be amended or repealed (“The Public’s Right to Know”, 2016). Moreover, interpretation of RTI and other relevant legislation must be done in a way as to facilitate the notion of “maximum disclosure” as far as practicable.

### **Principle 9: Safeguard for Whistle-Blowers**

Whilst-blowers (“Individuals who release information on wrongdoing by public or private bodies”) must be safeguarded from any legal, administrative, or employment-related sanctions or harms for releasing such information. To ensure the efficiency of RTI law, the Act should protect the individuals whether common man or official who raise their voice to report the misconduct. In this regard the law must also pay

special consideration to define the term “misconduct” and “public interest”, and a border definition of these concepts must be incorporated in order to strengthen the aim of RTI Act (“The Public’s Right to Know”, 2016).

Moreover, the concern that people can “disclose” fabricated information to facilitate their personal motives and are likely to safe themselves under the umbrella of whistleblowing afterwards can’t be neglected. Such incidents tend to defeat the aim of RTI Act and are harmful for public at large. Thus, the clauses/provisions related to whistleblowing are required to be drafted carefully, hence such provision should be designed in such way that they encourage reporting of misconduct but at the same time strictly discourage intentional facilitation of fabricated information in name of whistleblowing (“The Public’s Right to Know”, 2016).

### **Conclusions and Recommendations**

Access to information and data management are key elements within institutions for progress and performance. In this context, RTI is recognised as the key to ensure accountability, transparency and good governance. The UN under its resolution 59(1) of 1946 UN general assembly has termed RTI as “a fundamental human right and...the touchstone of all the freedoms to which the UN is consecrated” ([Carmen Geha, 2008](#)). Owing to its utmost benefits for upholding the notion of good governance and effective democratic participation, countries across the globe are progressively moving toward a more open system by enacting FOI frameworks. In this context the situation of AJK is not very satisfactory. RTI is recognised in interim constitution 1974, under Paragraph XXII (22) of Article 4, (“AJK HC to hear petition seeking legislation, implementation of right to information”, 2020) which says: “Every State Subject shall have the right to have access to information in all matters of public importance subject to regulation and reasonable restrictions imposed by law”. The importance of this provision must not be undermined. Likewise, there is no repudiating the fact that Paragraph XXII of Article 4 specifically guarantees right to information and declares it as a fundamental right. However, AJK government has not succeeded to effectively facilitate the aim of this constitutional provision and thus no detailed legal framework in form of RTI Act has been promulgated by territory till date. The courts in AJK have been working to safeguard the RTI of individuals even before 13<sup>th</sup> amendment and thus courts have recognised RTI in its landmark judgements even prior to introduction of 13 amendment. Nevertheless, the government is also making continuous efforts to uphold the fundamental rights and interests of

individuals, a remarkable recent effort in this regard have been made in 2018 in form thirteenth constitutional amendment by which number of fundamental rights have been inserted in constitution, in order to strengthen the protection of interests of individuals. Hence the people of territory have huge hopes from government for protection of their RTI as well. Besides its general obligation to take steps necessary to protect the rights of individuals, the constitutional provision regarding RTI also specifically duty bound the government to pay serious efforts to promulgate an effective model of RTI Act as to implement the relevant constitutional provision in its true letter and spirit (“AJK HC to hear petition seeking legislation, implementation of right to information”, 2020). It is suggested that government should

consider the international principles on RTI Act while enacting its draft, the best practices adopted by other countries can also be considered. Global practices show that social activists, civil society groups, academia, media, and non-governmental organisations have made positive contribution in drafting of RTI act and in ensuring its effective implementation, such role of all these institutions must also be considered and encouraged in AJK. While the promulgation of RTI Act is primary step to protect several interests of individuals its efficiency ultimately depends on how effectively it is utilized and implemented, for these key initiatives like awareness among public regarding use and benefits of RTI, training of concerned public officials, and formation of “Right to Information portal” can also be brainstormed.



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