

PRESS RELEASE

CPDI Highlights Key Areas for Improvement in Azad Jammu and Kashmir Right to Information Bill, 2023

Islamabad, June 01, 2023 - The Centre for Peace and Development Initiatives (CPDI) has recently communicated its analysis and recommendations to the Prime Minister of Azad Jammu & Kashmir (AJ&K), Ch. Anwar Ul Haq, regarding the proposed Azad Jammu and Kashmir Right to Information Bill, 2023. CPDI has identified several flaws and omissions in the bill that need to be rectified to ensure alignment with national and international best practices, as well as the provisions of Article 4, sub-Article (4) of the AJK Interim Constitution.

Mukhtar Ahmad Ali, Executive Director of CPDI, said that the current limitation that restricts the choice of the Commissioner to retired senior government servants is unjust and unreasonable. We propose that the appointment should be based on merit and relevant expertise, allowing candidates from any sector. This will ensure that the Chief Information Commissioner is selected on the basis of their competence and qualifications, rather than being confined to a specific government background."

Ali further emphasized the importance of reconsidering the retirement age of commission members, saying, "Furthermore, we emphasize the importance of reconsidering the retirement age of commission members. It is crucial to ensure that they have the opportunity to serve their complete terms of three years, without facing premature termination due to reaching the age of superannuation. By providing the members with full tenure, we can establish stability, continuity, and institutional memory within the commission, fostering better effectiveness and outcomes."

In addition to the appointment process and retirement age, CPDI outlined several other areas that require attention to fortify the bill. Ali stated, "To enhance the implementation of the commission's orders and decisions, it is necessary to reconsider the requirement for the commission to register cases in the Court of District and Sessions Judge. The definition of 'public bodies' should explicitly include the offices and secretariats of the President and the Prime Minister, along with all bodies, organizations, and institutions created by the Constitution or Azad Jammu and Kashmir law."

Ali continued, "Moreover, a detailed and elaborate definition of 'record' is essential to provide clarity and facilitate a better understanding of the types of information covered under the bill. Similarly, expanding the definition of 'requester' to include legal persons will enable a more inclusive approach, ensuring that organizations and entities can also exercise their right to information. Expanding the scope of the bill to include performance reports, evaluation reports, audit reports, contracts, agreements, and other relevant documents is necessary to enhance transparency and accountability in governance."

Ali further emphasized the importance of proactive disclosure, stating, "Public bodies should be obligated to proactively publish records that have been released to one person, as well as those with subject matters likely to be requested in the future. This proactive disclosure will prevent repetitive information requests and ensure efficient access to information."

CPDI also emphasized the need for clear and objective criteria for rejecting information requests. Ali stated, "To avoid discrepancies and potential misuse of subjective terms, it is crucial to use clear and objective criteria for rejecting information requests. The inclusion of 'vexatious' as a ground for rejection

should be reconsidered to provide clarity and prevent arbitrary interpretations by different Public Information Officers."

Ali further highlighted the importance of training for public officials, stating, "The bill should empower the commission to provide training to public officials on their roles and responsibilities under the Act. This will promote awareness and understanding of the right to information".

About CPDI: Centre for Peace and Development Initiatives (CPDI) is an independent, non-partisan and a not-for-profit registered civil society organization working on the issues of Development and Peace in Pakistan. CPDI specializes in five sectors of development: Promotion of Peace and Tolerance, Rule of Law, Transparency and Right to Information, Budget Watch, Legislative Watch and Democratic Development.

Contact Person: Syed Raza Ali

Centre for Peace and Development Initiatives (CPDI)

Cell: 0333-8827341

raza@cpdi-pakistan.org