

Freedom of Information Ordinance 2002

The Freedom of Information Ordinance enables citizens to ask for information as their right, just as every citizen has the right to freedom of speech and expression. The Fol is meant to ensure transparency and to make the federal and provincial government more accountable and ensure that the citizens have access to public records. It is meant to enable the citizens to demand their rights, establish good governance through the enforcement of the rule of law, eliminate corruption and make the Government more effective in delivering social and economic public services, which require constant monitoring and attention. The Law also provides a grievance redressal mechanism for those who have been denied information: 'In case the designated officer of a public body fails to provide the requested information/record within 21 days, the requester may, in terms of Section 19 of the Ordinance, file a complaint with the head of the public body, who shall dispose of the complaint within 30 days of its receipt. 'In case the competent authority fails to redress the grievance of the requester within 30 days of the filing of complaint or refuses to provide him/her the requested information within time, the requester may file a complaint with the Wafaqi Mohtasib. Shehri, the NGO for a better life, has used the Fol as an effective tool to obtain information from stubborn and none cooperative government departments, for their petitions against illegal buildings and land conversions, in the SCoP and the SHC. Details of the Act is available on the GoP web site: <http://www.pakistan.gov.pk> Its counterpart, the Indian Right to Information (RTI), is much more comprehensive and powerful and is rated as one of the best RTI laws in the world and came into force on 12 October 2005.

It states: 'WHEREAS the Constitution of India has established democratic Republic; AND WHEREAS democracy requires an informed citizenry and transparency of information which are vital to its functioning and also to contain corruption and to hold Governments and their instrumentalities accountable to the governed. (<http://righttoinformation.gov.in/>). Through the above site, ordinary citizen can easily track the progress of his or her individual complain, just like the tracking facility being provided by TCS to its consumers, for tracing their individual documents. The RTI law has become a great tool for the citizens of India to strengthen democracy and good governance and as an instrument to demand their 'right to information and thus hold the government accountable. The RTI law, combined with the Indian Bureau of Investigation, an autonomous, active and committed organisation, Judicial Activism and concerned citizens, have collectively put the Indian government, parliamentarians, government officials and the business community, under the microscope. It has made them fully answerable and accountable to citizens of India. Unfortunately, in Pakistan, we lack all three and the citizens are either not aware or bothered to use The Freedom of Information Ordinance to our advantage, as many of the problems that we face are linked to lack of access to information and knowledge of the decision-making processes in government. Keeping this in mind, we have decided to use the Freedom to Information Act to extract a copy of the original Privatisation Agreement and subsequent amendments, between NEPRA, KESC and the Abraaj Group. We have addressed letters to Chairman, NEPRA and MD, PPIB, who has admitted that these Rental Power Plants, with higher tariffs, are inefficient, asking them to provide us copies of evaluation reports prepared in respect of such RPPs, the tariff petition filed with NEPRA by them and copies of the Agreements concluded with these projects. We have also demanded NEPRA to provide us the copies of the terms of contract between the importers of the RPPs, who according to reports, have been given

'extraordinary facilities to import these second hand plants, including 17% advance payments and high electric tariffs. Kamran Khan of GEO, who seems to be on an 'EXPOSING spree and has been told to 'SHUT UP by the Minister for Labor and Manpower, for exposing the embezzlement of funds of the EOBI, has also raised the question, 'Rental power projects or a multibillion rent a scam? (The News International, Wednesday, August 12, 2009). As such, under the FoI Ordinance, we are demanding details of machinery being imported and if they are second hand or scrap and why advance payment and Bank Guarantees for payment of rentals are being provided by GoP? According to DT, the present power crisis has been 'engineered by vested interests, to destabilize and embarrass the government, facilitate KESC and to promote these RPPs. How much of all these accusations and counter allegations are myth or reality, only time will tell or for the agencies to investigate. Perhaps FIA Director, Mir Zubair, who was responsible for investigating the Daniel Pearl case, can take up the challenge and investigate some of these allegations of massive and blatant corruption and 'scams in the corridors of power and stop this cancer of corruption from spreading. But more on the 'Rental power projects or a multibillion rent a scam? next week. PS. The KESC load shedding has come to an abrupt, but welcome end, as if a magician has waved his Magic Wand, sprinkled with red-hot chili peppers. Meanwhile, KESC has been offended by the criticism made by my friend, G. R. Bhatti, former Chief Engineer, KESC, against the organisation and for displaying and commenting on the KESC's Privatisation Agreement, which under the FoI Ordinance, is a public document. For this terrible 'crime, he has been issued a Show Cause notice, which states: 'We have observed that you have appeared on various TV Talk shows and other public forums, making inappropriate remarks against KESC. Of being in unauthorised possession of Confidential/Sensitive Documents of KESC's privatisation and revealing them in Public and ridiculing

the Management. Since then, Mr. Bhatti has been unceremoniously dismissed from service through a letter which states: 'The management has decided to impose punishment of dismissal from service and you stand dismissed from service with immediate effect. So much for fair play and justice. E-mail: trust@super.net.pk