

Right to Information Act of Khyber Pakhtunkhwa: A Critical Analysis of Key Provisions

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Abstract

The Right to Information (RTI) Act implemented in the Mardan district serves as a crucial mechanism in fostering transparency and effective governance. It empowers citizens to obtain access to information held by public entities, hold public officials responsible, and participate in the governance process. The successful execution of the Right to Information (RTI) Act in Mardan district is impeded by various obstacles such as insufficient resources, opposition from governmental authorities, tardy replies, insufficient legal safeguards, and insufficient public knowledge. Consequently, it is imperative to persist in endeavors aimed at surmounting these obstacles and fostering comprehension of the RTI Act to guarantee its efficacious execution, augment transparency and sound governance, and encourage civic engagement in governance. The enforcement of the Right to Information (RTI) Act within the Mardan district is a crucial element in advancing transparency, responsibility, and effective governance. The implementation of the RTI Act in Mardan district is impeded by various challenges, such as insufficient public awareness, resource constraints, opposition from government officials, delayed responsiveness, and inadequate legal safeguards for citizens, despite its potential advantages. In order to surmount these obstacles and guarantee the efficacious execution of the RTI Act, it is imperative to persist in endeavors aimed at augmenting cognizance regarding the RTI Act and instructing individuals on the means to exercise their entitlement to obtain information.

Keywords: *Right to Information Act, Fundamental Rights, Transparency, Information, Fundamental Right.*

1. Introduction

Freedom of information laws is those that guarantee the public's right to access governmental records (Ali & Malik, 2017). These statutes also go by the moniker "Right to Information Laws." Thousands of individuals are employed by governments around the world. Everyone imaginable is represented

here. The agent (the government employee) is obligated to protect the best interests of the principal (the citizen) when interacting with a bureaucracy. Despite being accountable to the individuals who give them authority, public servants frequently conceal facts from their superiors. With the passage of Right to Information laws, formerly inaccessible documents are made available to the public. Legislation guaranteeing the public's access to public records is frequently called "the sunshine law" because it makes it harder for government officials to withhold information from the general public. Administrative transparency decreases the potential for power abuse and boosts the efficiency of institutions (Choudhary & Ullah, 2017).

To better inform the public, the government is required to comply with the Right to Information Act (Fox, 2007). The provision of services is hampered by the veil of secrecy that permits arbitrary decision making, power abuse, and the diversion of public funds for private gain. Because of this, service delivery has suffered (Baig & Rasheed, 2019). The interests of the police are always prioritized over those of the general public because of this veil of secrecy. No one understands the inner workings of government; therefore, the higher-ups are never held responsible for their decisions. "Right to Information Laws" have been passed by governments around the world in an effort to break down the bureaucratic wall of secrecy and put an end to the practice of keeping information from the public, putting the power to obtain government records back in the hands of the people (Khan, 2018). None of the top ten countries with the highest levels of perceived corruption have a strong access to information law in place (Ijaz & Bukhari, 2017), as reported in Transparency International's 1999 Annual Report on Corruption Perception. Despite this, at least eight of the top ten countries with the least degree of corruption have robust RTI Laws that have made the governing system transparent and responsible to the public (Lambsdorff, 1999). A weak RTI Law passed in 2002 during General Musharaf's government has prevented the people of Pakistan from realizing the full potential of RTI.

2. Right to Information Act:

Khyber Pakhtunkhwa Assembly established a comprehensive RTI law after 2013 general elections, complete with its own autonomous body to enforce the law and hear appeals filed against it (Hussain & Ullah, 2017). After two years, we need to look into whether or not it has been implemented as intended. The Scale of the issue the Right to Information Act has been widely hailed as legislation that will significantly increase government openness and, by extension, accountability. The goal of these laws, which have been enacted in nearly every country on the planet (Iqbal & Ahmad, 2018; Khan, 2018), is to ensure that the general public will have access to all government material that is classified or otherwise inaccessible to them. There was high hope that when Khyber Pakhtunkhwa passed a law in 2013 that was very similar to the Right to Information Act, it would aid in the fight against corruption, increase transparency, and give citizens greater power. After only three years, it is impossible to evaluate the RTI law's effectiveness in combating corruption and fostering open government. The time has come where it is crucial to learn more about the implementation of this law. If the RTI law is not carried out in the way it was intended, it will fail to accomplish the goals that were set for it.

If we want to know if the RTI law has been effective in Khyber Pakhtunkhwa, we need to know how many people reside there and what they look like. whatever the percentage of the population that really uses the law may be. The likelihood of obtaining information may vary depending on the type of information requested and the government agency involved, so it's important to learn whether or not all government agencies are responding to requests made under the RTI (Rahman & Ullah, 2018). There may be uneven enforcement of the law if only some government entities are exchanging data. Transparency and accountability at all levels of government cannot be achieved if just selected pieces

of information are made public.

The RTI regime also places emphasis on checking whether or not the needs of the user are met by the data made available. The success of the RTI initiative depends on the accuracy and timeliness of the information provided to users. Users of the RTI process provided by KP law should give this issue more thought if they want to know if their questions have been addressed (Ali & Malik, 2017). How much of the information they wanted did they actually get their hands on? What if they found out everything they needed to know from that? Research into each of these issues is required to establish the efficacy of the widely publicized bill. To be effective, the RTI regime requires both the ability and the willingness of Public Information Officers (PIOs) to provide information. The fundamental cycle of information delivery is threatened if PIOs are unable to offer the information. Since a lack of capability is a major obstacle in many countries, studying the current situation of the RTI regime in Khyber Pakhtunkhwa is crucial.

3. Critical Analysis:

An Analysis of the Philosophy behind Right to Know Laws the Theory of Information Availability Protective "right to know" legislation is an efficient means of lessening the prevalence of government secrecy. As a result, there is less room for abuse of power and greater transparency in government (Dokeniya, 2012). The "right to information law" goes by a variety of names in different states, and some of them don't even have such a law at all. Over the past fifteen years, 71 nations have passed laws broadly similar to those in the United States (Global RTI Rating, 2014). Almost every state has now enacted some form of this legislation, and another fifty have introduced bills along similar lines (T. Mendel & N. Unesco, 2008). Press freedom is also protected by the constitutions of more than 30 nations (Peled & Rabin, 2011). It has been argued that access to information is a basic human right (Mason, 2000). Free and unfiltered information is the "oxygen of democracy" (ARTICLE 19, 1999). Along with "making government machinery more open and accountable" and "providing public access to secret government records" (Ricketson & Snell, 2002), "promote political democracy through increased chances for public engagement in the decision making" was one of the primary goals of the RTI law.

Those interested in gathering facts have a choice between two approaches. The first method, called "proactive dissemination," involves the government making the public aware of its actions and releasing information in advance without the public having to make a specific request for it; the second method, called "demand-driven access," describes the institutional framework for releasing information in response to specific requests from the public. The "right to information," a demand-driven right, has given the public access to previously unavailable information (Fox, 2007). The public has the right to request any government record it may be interested in seeing, and the government must comply with that request (Janssen, 2012). The government has a duty to collect and store information in the public interest, and the people have a right to know if their interests are being effectively served.

Accesses to information legislation are predicated on this principle. The public has a right to know if the government is looking out for their best interests (Banisar, 2004). The government of a free society has an interest in maintaining official secrecy to safeguard critical information, but the interests of civil society and the media, which want to get access to this data so they can share it with the public, are at odds. Once the government receives the information it needs to do an accurate evaluation, this pressure will increase dramatically. It's possible that there's information that can be used to cast a bad light on the government. The government is obligated to release information it may otherwise try to keep secret

under the Right to Information Act. This is why background knowledge and relevant circumstances are crucial for effective responsibility taking.

People's capacity to take part in the administration of issues that concern everyone improves when they have access to relevant information (Viswam, 1983). The impact of laws protecting the public's right of access to information could be felt in at least three areas: By increasing transparency in government and allowing citizens to make more educated decisions, the right to information (RTI) has been shown to increase citizens' agency in democratic processes (Bovens, 2002). The economic benefits of RTI stem from its ability to boost investor confidence. Increased candor is directly correlated to this assurance (Vishwanath & Kaufmann, 2001). Last but not least, when administration officials know they will be held accountable for their actions, they are more likely to make decisions based on the merits of the case rather than political considerations. Since RTI facilitates the identification of unethical dealings, it can be used to effectively combat corruption (Lipford, 2000).

In order to uncover unethical practices and enhance the quality of service given by a wide range of government programs, RTI was used by organizations representing civil society. Four million kilograms of rice intended for rural poor people was stolen from a similar program in the Indian state of Orissa. In response to this information, a broad coalition of non-governmental organizations has formed to restore global rice supplies (Governance, 2009). The Right to Services Act (RTIA) has been used by numerous Indian advocacy groups. The Mazdoor Kisan Shakti Sangathan (MKSS) is one such group that gained notoriety by using the RTIA to bring attention to issues affecting the poor in rural Rajasthan, expose corruption scandals, and enhance service delivery to those in need (Roberts, 2010). People in India typically file RTI requests when they are dissatisfied with the government's response to their complaints about a lack of services.

The RTIA was counted on by the populace to "finish roads and housing projects, correct bank statements, restore electricity service, and take disciplinary action against delinquent teachers" (as well as "deliver rationed food to the poor," "pay wages and pensions," "provide scholarships and school uniforms," and "complete other activities that are comparable") (Society for Participatory Research in Asia, 2007).

In the first two years of RTI, the Shanghai government received roughly 20,000 requests for information on a wide range of topics, including but not limited to: wages and benefits; traffic management; industrial inspection; social security's management of the cultural market; labor and employment; land acquisition; housing relocation and compensation standards; city planning and development; educational data; medical allowances; low-cost housing; and city planning and development. Maintaining high levels of service requires constantly asking for the people's input in order to refine public policies. When voters don't fully understand an issue, they can't offer meaningful feedback on policy proposals (Rana, 2022).

The public's and the government's access to and sharing of information is crucial to sustaining confidence in one another (Kranenborg & Voermans, 2005). Furthermore, as Fox (2007) stresses in his work, openness is essential for responsibility. Because of RTI, public officials can be more forthright in their decision-making, and those who stand to gain from those decisions can more effectively advocate for reform after gaining a deeper understanding of the legal framework in which they operate (Sharan, 2011). This is what the author (2002) claims. The willingness to share information has the makings of a laudable character trait in its own right. Nonetheless, a contrast exists. The platform's

openness is crucial to achieving its other social and political goals as well. Lack of openness impedes effective monitoring of top-level management. The administration of administrative justice falters when there is a lack of openness. And when there is no openness, democracies are vulnerable to chaos. Approximately the course of the last decade, approximately twenty-six states have implemented freedom of information legislation. This is because FOI isn't only about letting people see previously secret information; it may also be used to regulate markets, improve government efficiency, and boost economic growth (Blanton, 2002b). In their 22nd annual report, published in 2013, anti-corruption organization Transparency International acknowledged RTI as a technique for combating graft. To wit: (Hodess, Inowlocki, Rodriguez, & Wolfe, 2003). Better executive checks and balances are essential for achieving great governance. To this purpose, RTI is useful since it makes previously secret theses available to the public, allowing for greater oversight of the executive branch (T. Mendel & N. Unesco, 2008).

As stated by "perhaps the most significant weapon against corruption" (Hodess et al., 2003) in Transparency International's annual Global Corruption Report, access to information is a key component in the fight against graft. According to Mitchell's definition, "transparency" refers to "the need for information, the ability of citizens to acquire information, and the supply and actual release of information by government and NGOs" (1998). The government's dedication to openness has been revitalized by the Right to Know Act. It has made publicly available a wealth of once secret data about the federal government and the agencies it regulates. It makes government employees into data stewards (Dokeniya, 2012) rather than data providers. According to Finel and Lord (1999), "transparency encompasses the legal, political, and institutional structures that make information about the internal characteristics of a government and society available to actors both within and outside the domestic political system." To be transparent is to have the legal, political, and institutional frameworks in place so that actors inside and outside of the domestic political system have access to information about the internal characteristics of a government and society.

The existence of non-governmental organizations (NGOs) with an incentive to share unbiased information about the government, as well as a free press and open government, are all mechanisms that contribute to greater transparency. The RTI law makes government more open and accessible since it mandates the release of previously confidential documents. According to Dokeniya (2012), guaranteeing the public's right to know is the first step toward creating a more open and accountable government. Openness to inspection is a key component of accountability in its broadest sense, as stated by (Ball, 2009). By making decisions public and holding officials accountable for their actions, the right to information acts as a check on arbitrary rule. Assuring constituents that their representatives are not hiding anything from them and inviting them to weigh in on policy topics (Kranenborg & Voermans, 2005), transparency helps build public trust in government. Furthermore, as Fox (2007) stresses in his work, openness is essential for responsibility. The Right to Information Act (RTI) aims to increase transparency within the governance system by providing citizens with access to government records and other information relevant to their rights. As a result, police officers are more likely to make ethical judgments (Sharan, 2011). Political actors and bureaucrats are held to a higher standard of accountability under freedom of information regulations.

When the public has access to relevant data, they are better able to keep an eye on individuals in authoritative positions. This statute makes it illegal for public officials to profit personally from their positions or from taxpayer funds. Freedom of Information Acts are used as a weapon in the fight against corruption since they mandate continuity in disclosure practices throughout administrations (Berliner,

2014). The public's right to access information and the government's duty to disclose it are both grounded in Freedom of Information Acts (FOI), which institutionalizes openness. Many academic studies have found that it successfully encourages users to be more frank, accountable, and secure in themselves (J. E. Stiglitz, 2003). Legal safeguards for the freedom of information have been linked to fewer instances of corruption, greater openness, and stronger accountability (Berliner, 2014). Elites are able to extract benefits including bribery, contract favoritism, policy opacity, and insider knowledge when the general public does not have access to this information. Due to the difficulty experienced by other actors in gaining access to government information, political players who hold such information have an advantage in keeping tabs on their behavior. Tight freedom of information laws, on the other hand, make it harder for political players to keep information secret and reduce the opportunities they have to profit from their positions of authority.

Since the agents have access to private information about the principals' activities but the principals do not, it might be challenging for the principals to monitor their agents' behavior. Principals can obtain information that their agents are seeking to conceal thanks to the safeguards established by the Freedom of Information Act. Finally, free access to information legislation "institutionalize transparency in rules and procedures that bind future administrations to protect that right." This statement suggests that the laws do more than just guarantee the public's right to access information; they also obligate succeeding administrations to uphold that guarantee. By making it more difficult to engage in less transparent practices and providing opportunities for new domestic participants to build a constituency in support of more transparency, FOI laws bolster the credibility of claims to transparency (Berliner, 2014). Official secrecy can distort or even limit public participation in decision making when individuals aren't aware of all the relevant data, such as the whole spectrum of possible outcomes or the full significance of those results. This occurs when there is a lack of complete knowledge (Dahl, 1989).

In addition to being a great idea, the public's right to know is a powerful weapon against waste, abuse of authority, and dishonesty in government (Blanton, 2002b). Countries with laws guaranteeing citizens' access to public records have been shown to have less corruption and more transparency. According to White (2007), the New Zealand Information Act played a "major influence" in making government agencies more open to the public. What we have observed in Canada and New Zealand lines up with what has been witnessed in the United Kingdom and New Zealand. Worthy (2010) argues that the Freedom of Information Act in the United Kingdom has made the government more "open" and transparent in its approach to disclosing information on a wide range of topics. This is due to the fact that the government must comply with the freedom of information act. However, the degree to which the government is transparent is not standardized by any one policy. Following "disclosures" that he had "misled Parliament about certain tender contracts" (Hazell, 1989), an Australian tourist minister resigned in 1987, it is believed. Expense disclosures in Canada have already cost one minister his job and damaged the Prime Minister's standing (Gillis, 1998).

One evaluation of the Freedom of Information Act's impact in Australia found that it "increased community awareness 25 about governmental acts and made the people more demanding of explanations" (Paterson, 2005). The Freedom of Information Act has improved government transparency, according to the vast majority of RTI users in Britain (Worthy, 2010). Is the Public Happy With the RTI Information That Is Currently Available? In order to reap the benefits of RTI, proper implementation is crucial. Securing government backing and establishing the rule of law in civil society are both crucial. There must be a strong system of enforcement behind every law. For RTI Law to be effectively delivered, a good law is necessary but not sufficient. The uneven levels of public satisfaction

can be traced back to the difficulties that have developed since the RTI law was implemented. Price Waterhouse Cooper surveyed 5,000 people in five states in India, together with government officials, civil society leaders, and media professionals. Most respondents (59%), however, thought the PIO's behavior was either below- or average-average. People are put off from using RTI because of issues like these. In spite of the PIO's legal obligation to aid the user in completing the application, 49% of respondents said they received no such assistance. More than seventy-five percent of respondents said they were unsatisfied with the data provided by PIOs. Extreme discontent was seen in the social outcasts.

Incomplete information was reported by 91% of respondents in Andhra Pradesh, 96% of respondents in Uttar Pradesh, and 46% of respondents nationwide. Factors such as poor documentation practices, a lack of public information officer (PIO) training, and an effort to hide transparency were identified in the survey as possible causes. Half or more of the survey's respondents said it took more than a month to find the answers they needed (Price Waterhouse Coopers, 2009). In 2006, researchers Darbishire, Carson, and Humphreys looked examined the Freedom of Information (FOI) policies and procedures of fourteen countries. Requests for public information (RTI) were submitted in 1996 by citizens of 19 different countries. Nigeria, Kenya, Mexico, France, Ghana, Romania, Armenia, Chile, Bulgaria, Spain, Argentina, Peru, South Africa (26), and Macedonia were among these nations. Only 43% of enquiries were judged to have received a timely response. Half of the polls had questionable methods and findings. Only about 7 percent of the inquiries received timely responses. In countries with a robust civil society, trained information officers, and official backing for the law, the occurrence of mute refusals was found to be significantly lower. In South Africa, Chile, and Ghana, the percentage of people who didn't answer the question was much lower than in Mexico and Bulgaria. Another issue is that it can be confusing to figure out where to direct requests for information, especially in countries that have only recently enacted such laws.

This is especially true in developed nations like the USA and Canada. Problems like "failure to establish mechanisms required by law to process requests," "illegitimate practices that deter requesters," "illegal charges," "security personnel are not informed about law and do not admit requesters," "unnecessary clarification requests," "public officials illegitimately asking why the information is being sought," and so on were also uncovered by the study. Requests made verbally are not accepted, even when permitted by law, and there is no system in place to keep track of written requests. Politicians' reluctance to follow the law after it has been passed is a significant barrier that must be surmounted if RTI is to be implemented smoothly. Furthermore, bureaucracy is to blame for legal administration issues (Hazell & Worthy, 2010). The Australian Freedom of Information Law served as inspiration for Snell's proposal of a four-stage model to describe the development of a freedom of information (FOI) regime: "initial optimism," "increasing pessimism," "revisionism" to change the FOI law, usually to limit its scope or performance, and finally a return to the "fundamentals" of FOI (Snell, 2001). Third, there must be a demonstrated threat to specific state interests in order for there to be an exception to the rule of release. Second, any exemptions to the presumption of transparency should be as narrow as feasible and written into law so that they are not vulnerable to the whims of bureaucratic politics and the ebb and flow of administrations. Fourth, there can be no justification for keeping the material unless the known harm outweighs the public interest in disclosure.

Until reformers figure out how to alter the incentives that bureaucracies offer, the public will continue to view them as mysterious. One way to gauge the success of the Right to Information Act is to look at the volume of requests for information and the diversity of those making use of the law. The

government should be required by every Freedom of Information Act to collect and make publicly available usage data so that improvements can be recommended based on that data. We also look into the literature to determine if there is a link between RTI and demographic factors like age, occupation, and level of education. Within the first week of the event, about 4,000 inquiries were made in Japan. During the first three years of the Information Law's implementation, almost 500,000 Thai citizens exercised their new rights. U.S. When seeking access to specific types of data, the Freedom of Information Act (FOIA) is the second most often used law. More than 2 million requests for information were processed by the federal government of the United States in 2000. It has been shown that.

The right to freedom of expression is included in the right to freedom of access to information (RTI), which is internationally acknowledged as one of the fundamental human rights. Due to the fact that Pakistan is a signatory to the International Covenant on Civil and Political Rights, the nation is obligated to ensure that its citizens are able to exercise their right to freedom of expression (Mahmood & Iqbal, 2018). Despite the fact that Article 19 of the Constitution of Pakistan guarantees the right to freedom of speech, the document did not recognize access to information as a constitutional right until the year 1973.

Article 19A of the Pakistani constitution, which was added in 2010 as part of the 18th Amendment to the country's constitution, ensures that citizens have the right to acquire information and exercise their freedom of the press. Subject to the proper limitations imposed by statute and regulation, the right to acquire information on any and all matters of public concern shall be guaranteed to each and every person (Article 19A). So, according to Article 19A, all people living in Pakistan have the right to examine records kept by the government. Legislation has been enacted at all levels of government to make it easier for citizens to exercise their right to access public information and satisfy their information requirements. (Ijaz & Bukhari, 2017) This was done to ensure that citizens can exercise their right to access public information.

In Pakistan's legal system, notions such as freedom of information and the right to know are still in their infancy. Later in the 1990s, the administration of former Prime Minister Benazir Bhutto established an Anti-Corruption Commission in order to explore the underlying reasons of corruption and provide potential solutions to the problem. The Committee strongly recommended that a freedom of information act be enacted as one of its primary recommendations (Ijaz & Bukhari, 2017). Strong opposition from entrenched interests led to the failure of this recommendation to be put into action.

Access to Information Ordinance 1996 was proposed by the law minister of the interim cabinet in 1996; however, President Farooq Laghari did not sign or promulgate the legislation at any point. On January 29, 1997, the Freedom of Information Ordinance 1997 was passed into law. At the time, caretaker Prime Minister Malik Meraj Khalid (later to become Prime Minister) was in charge of the government (Mahmood & Iqbal, 2018).

Regrettably, the success of the Ordinance did not last for a very long time because the government that succeeded that of former Prime Minister Nawaz Sharif did not succeed in getting it adopted by the Parliament. It is essential to keep in mind that back in those days, legislation that safeguarded the rights of citizens and held the government accountable was often disregarded (Baig & Rasheed, 2019). In 2001, the Asian Development Bank gave its approval to a reform programmed that was intended to bring about improvements in Pakistan's administrative and judicial systems. As part of this plan,

Pakistan was instructed to adopt certain actions, such as enacting freedom of information laws, with the goal of improving citizens' access to justice. As a direct result of the efforts put out by the military government led by General Pervez Musharraf, the Federal Freedom of Information Ordinance was finally passed into law in the year 2002. The Qanoon-e-Shahadat Order of 1984, which had previously governed public archives and was subsequently repealed in favour of this Legislation, is no longer in effect. Although the terms "public" and "private" are defined in Articles 85 and 86, this was done solely to simplify the submission of documents as evidence in courts; it has nothing to do with promoting government openness or guaranteeing citizens' access to information. (Mahmood & Iqbal, 2018) This was done to simplify the submission of documents as evidence in courts.

After the promulgation of Pakistan's Federal FOI Ordinance 2002 on October 26, 2002, Pakistan became the first country in South Asia to have an RTI. The Freedom of Information Rules were drafted on June 18, 2004, by the Cabinet Division in order to bring the law into action (Centre for Peace and Development Initiatives, 2015). This occurred after the law was initially approved. The Freedom of Information Act of 2013 replaced the Federal FOI Ordinance, which had been in operation for a total of twelve years prior to its replacement. The Freedom of Information Act of 2002 was woefully inadequate when measured against other worldwide legislation governing the ability to access information. That wasn't carried out correctly, which is just one of several problems with the project. It appears that it was formed solely for the purpose of satisfying the requirements of the ABD loan rather than for the purpose of advancing the human right to freely distribute and receive information. Even more troubling is the fact that it was used as a model for following legislation to be passed by the provincial government. Because of this, the laws that were adopted in subsequent years in Baluchistan (which is still in force) and Sindh (which has since been superseded by a new RTI law) were carbon copies of this law and had the same defects that limited its application. Both of these laws are still in effect(Ijaz & Bukhari, 2017).

The Access to Information Act, 2013 was initially enacted in Khyber Pakhtunkhwa, making it Pakistan's pioneering piece of legislation of its kind. The KP RTI Ordinance is widely regarded as one of the most forward-thinking laws in terms of preserving citizens' rights to know and access information. As a result, it has received recognition from specialists all over the world. This is the reason why the nation has an RTI of 143, making it the most developed nation in the world according to the RTI rankings, as stated by an expert from the World Bank who was cited in The News (2013). The passing of this law resulted in an overall improvement for Pakistan on the measures of development measured by the United Nations(The News, 2013).

The Introduction to the KPK RTI outlines the spirit of the law by highlighting the significance of open government documents to the efficient operation of a democratic society(Mirza & Ali, 2018). This is one of the tenets upon which the law is based. The text continues by stating that the law will contribute to making the government and other institutions more accountable to the people whom they serve(Choudhary & Ullah, 2017). It also recognizes the rights of citizens to participate in order to encourage the development of the democratic process, and it takes into account the possibility that the legislation itself would enhance citizens' participation and contribution to public affairs. The purpose of these provisions is to foster the growth of the democratic process.

Any information concerning the KPK government agency's operations that would be of interest to the general public must be made available to the public in accordance with the law and posted on the agency's website. The necessity of disclosure has very few exceptions, and the process of making a

request for information has been streamlined and made more cost-effective for the general public.

In spite of the fact that practically all of the countries in the region have passed laws guaranteeing the right to access information and actively support those laws, there are still certain restrictions on the free flow of information. The major objective of legislation enacted under the RTI umbrella is to make governments more accountable to the people they serve. In order to comply with these statutes, government entities were expected to divulge information both proactively (where required by Acts) and reactively (when requested) (Jabeen & Bhatti, 2018). This is an essential requirement for a functioning democratic government. About a hundred of South Asia's nations have enacted their very own "right to information" legislation, each with its own unique twist. Nonetheless, the literature from the region suggests that simply enacting laws will not likely result in shifts in governmental structure. The year that pervasive corruption in Pakistan was brought to light for the first time was also the year that the freedom to information (RTI) movement in the country got its start. The right to access government records was the subject of a private bill that was submitted in the Senate by a member of the Jamaat-i-Islami party in the year 1990. A caretaker administration in 1996 drafted a proposal involving freedom of information, and the law was introduced as a Freedom of Information Ordinance the following year (1997). However, it appeared that this triumph was only a temporary one, as the newly elected government was unable to get the ordinance passed in Parliament. In 2001, the Asian Development Bank approved a comprehensive action plan, which calls for administrative and judicial reforms in Pakistan (Asian Development Bank, 2001). That all-encompassing strategy relies heavily on having laws on the books that guarantee the right of citizens to be informed. The Freedom of Information Act (FOIA) was initially enacted in the form of an ordinance in the year 2002, and it was subsequently written into the constitution. It wasn't until 2004 that its regulations, which had been inactive for the previous two years, were finally finalized and made public, following a concerted campaign by civil society and other interested parties (Hussain & Ullah, 2017). Because the ordinance is considered as being rather weak, the government put forward a motion in 2008 to enhance the current legislation in an effort to reinforce the existing legislation.

4. Conclusion

At the level of the provinces, the Freedom of Information Ordinance of 2002 was paralleled by the Freedom of Information Act of 2005 in Baluchistan and the Freedom of Information Act of 2006 in Sindh. The Local Government Law of 2001 contains provisions for the openness of information at the district level; nevertheless, to this day, even these provisions have been put into practice in only the Punjab province. In 2010, the 18th Amendment was utilized to verify that this statute complies with the constitution in its entirety (Pak. Const. amend. 18). The right of individuals in Pakistan to freedom of expression, which includes the press, is guaranteed by the country's constitution, Article 19. This amendment to Article 19-A of the Pakistani Constitution, which was ratified in 2010, states that every citizen shall have the right to have access to information in all matters of public significance, subject to regulation and reasonable constraints established by legislation. The Right to Information Act was passed into law in the provinces of Khyber Pakhtunkhwa and Punjab in 2013. Both the Access to Right to Information Act of 2017 on the federal level and the Khyber Pakhtunkhwa Right to Information Act of 2013 on the provincial level have been lauded as strong laws that herald in a new era of RTI renewal in Pakistan. Both of these laws were passed in 2013 (Iqbal & Ahmad, 2018). In 2015, under the auspices of the United Nations, members of the international community, including Pakistan, came to an agreement on a set of commitments to address the issues that are being experienced by societies all over the world. Poverty, concerns about the environment, equal rights for women and men, insufficient health care, insufficient education, and a whole host of other issues need to be addressed. The

Sustainable Development Goals are a collection of objectives that have been agreed upon by the international community (SDGs).

Right to Know Statutes 261, states that . In the commitments document, a total of seventeen objectives are outlined, and indicators of progress have been provided for each one of them. One of the stated goals of the Sustainable Development Goals (SDGs) is to advance social justice and peace (Iqbal & Ahmad, 2018). The sub-goal for this aim preserves fundamental freedoms and deals with ensuring that citizens have access to information, which is in compliance with local legislation and international agreements (Sardar, 2018). Despite these pledges, Pakistan already has a comprehensive set of RTI standards in place, some of which are even considered to be progressive. These laws were enacted with the intention of making it simpler for individuals to use their constitutionally protected right to access information held by governmental organizations. "Right to Information" legislation make it easier for private citizens to obtain information that is held by public organizations (Hussain & Ullah, 2017).

5. Recommendations.

To enhance transparency and governance in Mardan district, a key strategy is to augment awareness and education regarding the Right to Information (RTI) Act and the entitlement of citizens to access information. Diverse approaches, including public awareness initiatives, workshops, and training programs for both citizens and public officials, can facilitate the attainment of this objective. These programs have the potential to facilitate the dissemination of knowledge among citizens regarding their entitlements and the process of submitting RTI applications. Additionally, they can offer training to public officials on how to handle requests in a proficient and timely manner. It is imperative to enhance the implementation and enforcement of the Right to Information (RTI) Act to guarantee that public officials furnish comprehensive and precise information in response to RTI requests. Efficient processing of RTI requests by public officials can be facilitated through the provision of resources and training. Furthermore, it is imperative to impose sanctions for non-conformity and rigorously adhere to schedules to guarantee prompt responses.

Advocation for enhanced transparency in governmental institutions, it is imperative that governmental institutions prioritize transparency in their operational and decision-making procedures. The attainment of this objective can be realized by means of the creation of open data portals, the issuance of yearly reports, and the revelation of details pertaining to government initiatives, disbursements, and agreements (Ahmad & Iqbal, 2019). The provision of accurate and comprehensive information to citizens will facilitate their ability to hold public officials accountable.

Enhancing Citizen Participation in Governance, the involvement of citizens in governance is a crucial factor in fostering transparency and promoting good governance (Qureshi & Rafique, 2018). It is advisable to promote the involvement of individuals in public hearings, consultations, and other forms of decision-making procedures. This will empower individuals to participate in decision-making processes regarding policies and initiatives that have an impact on their personal lives and local communities. Furthermore, it is imperative that elected officials are mandated to conduct periodic town hall gatherings to furnish progress reports on governmental initiatives and to attentively consider the apprehensions of the populace.

It is recommended that oversight and accountability mechanisms be reinforced in order to guarantee that the actions of public officials are subject to scrutiny and accountability. The implementation of autonomous oversight entities, such as the Khyber Pakhtunkhwa Information Commission, can

facilitate the examination of complaints and the enforcement of the RTI Act. Furthermore, it is imperative to grant civil society organizations the authority to oversee governmental operations and furnish evaluations based on their discoveries.

Therefore, the enhancement of transparency and governance in Mardan district necessitates a comprehensive strategy that encompasses various measures such as augmenting awareness and education regarding the Right to Information (RTI) Act, reinforcing the implementation and enforcement of the act, advocating transparency in governmental institutions, amplifying citizen participation in governance, and fortifying oversight and accountability mechanisms. The implementation of these options has the potential to augment transparency and accountability in governance, stimulate citizen participation, and cultivate public trust in government institutions within the Mardan district.

References.

- Adeel, M., & Yasir, M. (2017). The Role of Transparency and Accountability in Good Governance. *Pakistan Journal of Social Sciences*, 37(2), 729-744.
- Ahmad, N., & Iqbal, K. (2019). Investigating the Relationship between Transparency and Governance Quality in Pakistan. *Pakistan Journal of Commerce and Social Sciences*, 13(2), 533-548.
- Ali, A., & Malik, M. S. (2017). Right to Information and Good Governance: A Study of Pakistan. *Journal of Public Administration and Governance*, 7(4), 103-115.
- Andrews, M. (2013). *The Limits of Institutional Reform in Development: Changing Rules for Realistic Solutions*. Cambridge University Press.
- Baig, M. A., & Rasheed, F. (2019). The Impact of Public Participation on Good Governance in Pakistan: A Literature Review. *Journal of Political Studies*, 26(1), 179-192.
- Batley, R., & Larbi, G. A. (2011). *The Changing Role of the Public Sector in Developing Countries*. Commonwealth Secretariat.
- Bovens, M. (2007). Analysing and Assessing Accountability: A Conceptual Framework. *European Law Journal*, 13(4), 447-468.
- Choudhary, I., & Ullah, R. (2017). Governance and Corruption: A Study of Pakistan. *Journal of Economics and Sustainable Development*, 8(8), 57-66.
- Farooq, S., & Malik, A. (2019). Corruption and Good Governance in Pakistan: A Literature Review. *Journal of Political Studies*, 26(1), 125-144.
- Hussain, A., & Ullah, R. (2017). Transparency and Accountability: A Comparative Study of Pakistan and India. *Pakistan Journal of Social Sciences*, 37(1), 423-438.
- Ijaz, M., & Bukhari, M. H. (2017). The Role of Transparency in Good Governance: An Empirical Analysis of Pakistan. *International Journal of Economics and Financial Issues*, 7(4), 1-6.

- Iqbal, M., & Ahmad, N. (2018). The Role of Transparency and Accountability in Enhancing Good Governance in Pakistan. *Journal of Management Info*, 7(2), 57-68.
- Jabeen, A., & Bhatti, M. A. (2018). The Impact of Transparency on Good Governance: Evidence from Pakistan. *Journal of Business Studies Quarterly*, 10(1), 17-30.
- Khan, A. (2018). Transparency and Good Governance: A Study of Pakistan. *Journal of Public Administration and Governance*, 8(3), 56-66.
- Khan, M. A., & Raza, S. A. (2018). Transparency, Accountability, and Good Governance in Pakistan. *Journal of Social Sciences and Humanities Review*, 6(4), 156-166.
- Mahmood, S., & Iqbal, M. Z. (2018). The Impact of Transparency on Good Governance: Evidence from Pakistan. *Pakistan Journal of Humanities and Social Sciences*, 6(1), 1-11.
- Mirza, A. H., & Ali, A. (2018). The Role of Transparency in Good Governance: An Empirical Study of Pakistan. *Journal of Business Studies Quarterly*, 9(3), 68-83.
- Qureshi, I. A., & Rafique, M. (2018). Transparency, Accountability, and Good Governance in Pakistan: A Comparative Study of Punjab and Khyber Pakhtunkhwa. *Journal of Political Studies*, 25(2), 223-242.
- Rahman, A., & Ullah, R. (2018). The Role of Transparency and Accountability in Good Governance: A Study of Pakistan. *Journal of Political Studies*.
- Rana, A. A. (2022). The right of custody of minor: A comparative study of *sharī'ah* and Pakistani legal system. *International Journal of Human Rights and Constitutional Studies*, 9(4), 350–368. <https://doi.org/10.1504/ijhracs.2022.126182>