

November 6, 2024,

TL2024/1106/7A

Mr. Ali Amin Gandapur
Chief Minister
CM House, Khyber Pakhtunkhwa

Subject: Transparency International Pakistan Recommendations on Uploading of Updated Information on the Website of Energy and Power Department, Government of Khyber Pakhtunkhwa, Ensuring Citizens Access to Climate Data as per Article 19A of the Constitution of Pakistan, Khyber Pakhtunkhwa RTI Act 2013 and Supreme Court of Pakistan Judgement in CP No. 3532/2023

Dear Sir,

Transparency International Pakistan would like to draw your attention towards its recently released report titled "State of Data Disclosure of Climate Related Departments as per Access to Information Laws". The full report is available at: <https://transparency.org.pk/PUBLICATION/State-of-Data-Disclosure-under-Access-to-Information-Laws-by-Climate-Related-Departments-in-Pakistan-October-2024.pdf>. One of the departments included in this assessment is the Energy & Power Department, Government of Khyber Pakhtunkhwa, which has an overall poor average score of just 30%. (Annex A & B)

Climate related departments have a central role in climate action in Khyber Pakhtunkhwa. Access to updated information ensures the effective implementation of climate strategies, stakeholder participation and a coordinated response. It builds trust among the local communities disproportionately affected by climate change, enhances transparency, and encourages confidence among international institutions, necessary for an effective access to much needed climate finance.

The honorable Chief Minister is requested to issue directives for compliance with Khyber Pakhtunkhwa Right to Information Act, 2013, section 5, Proactive Disclosure which mandates departments to proactively disclose information through their websites. It is also a mandatory obligation on public bodies under Article 19-A of the Constitution of Islamic Republic of Pakistan, as well as the honorable Supreme Court of Pakistan judgment dated 16 October 2023, in CP No. 3532/2023, which declared that;

"What previously may have been on a need-to-know basis Article 19A of the Constitution has transformed it to a right-to-know, and the Access to information is no longer a discretion granted through occasional benevolence, but is now a fundamental right available with every Pakistani which right may be invoked under Article 19A of the Constitution"

Transparency International Pakistan remains available for any technical assistance department may require, implementing the recommendations. **TI Pakistan also requests a meeting with the Secretary, Energy & Power Department, Government of Khyber Pakhtunkhwa to brief on the methodology of the report as well as discuss how these recommendations can be effectively implemented.**

Transparency International Pakistan is striving for the universal application of the Rule of Law, which is the only way to eradicate corruption.

With Regards

Advocate Daniyal Muzaffar
Trustee/Legal Advisor

Transparency International Pakistan

Copies forwarded for the information with a request to take action under their mandate to:

1. Chief Secretary, Government of Khyber Pakhtunkhwa.
2. Secretary, Energy & Power Department, Government of Khyber Pakhtunkhwa.
3. Chief Information Commissioner, Khyber Pakhtunkhwa Information Commission Khyber Pakhtunkhwa.

THE STATUS OF IMPLEMENTATION OF PROACTIVE DISCLOSURE BY CLIMATE RELATED DEPARTMENTS UNDER THE KHYBER PAKHTUNKHWA RIGHT TO INFORMATION ACT 2013

	1	2	3	4	5	6	7	8	9	10	11	12	13	Avg
a	0.75	0.75	0.25	1	0.75	0.75	0.5	0.75	1	0.5	1	0.25	1	0.71
b	0.5	1	0.75	1	0.5	0.75	0.5	0.75	0.75	0.25	0.75	0.75	0.75	0.69
c	0.25	1	0.25	0.5	0.25	0.5	0.25	0.25	0	0.5	0.5	0	1	0.40
d	0.25	0.5	0.5	0.75	0.75	0.75	0.25	0.75	0.75	0.25	0.5	0	1	0.54
e	0.25	0.25	0.25	0.5	0.25	0.25	0	0.25	0.75	0.25	0.25	0.25	0.75	0.33
f	0.5	0.5	0.5	0.5	0.75	0.75	0	0.5	0.5	0.25	0.5	0.25	0.75	0.48
g	0.25	0.25	0	0.75	0.25	0.5	0	0.75	0.5	0	1	0	0	0.33
h	0	NA	0	0.5	0.5	0.75	0	0.5	0.5	0	0.5	0.25	0	0.29
i	0	NA	0	0	0	0.25	0	0.25	0.5	0	0.5	0	0.75	0.19
j	0.5	0.75	0.5	0.75	0.5	0.75	0.25	0.75	1	0.25	0.5	0.5	1	0.62
k	1	1	0.25	1	0.75	0	0	0.5	0	0.5	0	0	0.75	0.44
Avg.	0.39	0.67	0.30	0.66	0.48	0.55	0.16	0.55	0.57	0.25	0.55	0.20	0.70	0.46

Lowest Score = 0



Highest Score = 1



1 Agriculture Department

2 Climate Change, Forestry, Environment and Wildl

3 Energy and Power Department

4 Finance Department

5 Housing Department

6 Communication and Works

7 Livestock Fisheries and Cooperative

8 Minerals Department

9 Planning and Development Department

10 Relief, Rehabilitation and Settlement

11 Food Department

12 Transport Department

13 Local Government, Elections & Rural Development

3. Energy and Power Department

Clause	Website: https://ep.kp.gov.pk/	Score
a	Acts and subordinate legislation such as rules, regulations, notifications, bye-laws, manuals and orders having the force of law in the Province, including being made available at a reasonable price at an adequate number of outlets to ensure reasonable access by the public;	0.25
b	Information about the public body, including its organization, functions, duties, powers and any services it provides to the public;	0.75
c	A directory of its officers and employees, including a description of their powers and functions and their respective remunerations, perks and privileges	0.25
d	Norms and criteria set by the public body for the discharge of its functions, including any rules, manuals or policies used by its employees to this end;	0.5
e	A description of its decision making processes and any opportunities for the public to provide input into or be consulted about decisions	0.25
f	Relevant facts and background information relating to important policies and decisions which are being formulated or have been made and which affect the public;	0.5
g	A detailed budget of the public body, including proposed and actual expenditures;	0
h	Details about any subsidy or benefit programmes operated by the public body, including details about the amount or benefits provided and the beneficiaries;	0
i	Particulars of the recipients of concessions, permits, licenses or authorizations granted by the public body	0
j	The categories of information held by the public body;	0.5
k	A description of the manner in which requests for information may be made to the public body, including the name, title and contact details of all designated officers	0.25
Average		0.30