
**AWARENESS AND ACCESSIBILITY OF RIGHT TO INFORMATION ACT:
A COMPARATIVE STUDY OF MINORITIES WITHIN
PAKISTAN AND INDIA**

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ABSTRACT

Right to Information (RTI) has become one of the major laws to strengthen the democracy of a country. Therefore, this study aims to analyze the awareness and accessibility of RTI for minorities in Pakistan and India. In this regard, a survey questionnaire was distributed to the total of 50 Pakistani Hindus and 50 Indian Muslims under snowball sampling method. The findings were analyzed with the help of independent-samples t-test on SPSS. Findings indicate Pakistani Hindus have only 12% awareness and right to access information as compare to Indian Muslims. For the future studies, there is a need to develop awareness of Right to Information specially in Pakistan in order to improve accountability and transparency in the structure of government.

Keywords: Minorities, Pakistan, India, Comparative Analysis, Right to Information, Hindus, Muslims

INTRODUCTION

Both Pakistan and India are land of cultural and religious diversities with population from different backgrounds and living styles. Islam is the majority religion in Pakistan with its 96.4% population following Islam whereas Hinduism is the majority religion in India with its 79.8% population following Hinduism (Central Intelligence Agency, 2019). According to the census data of 2011, Muslim population increased from 13.5 % to 14.2% in India making it the biggest minority group (Press Trust of India, 2015). As per the census 1998 of Pakistan, 2.1 million Hindus were living in Pakistan. Since 1981 until the latest census, they had grown by 93% making it the biggest minority group in Pakistan (Manish, 2019). The major difference in the religious and cultural values between different religions, sect and cultures

is a fertile ground for violence and riots in both Pakistan and India (Husain, 2018; U.S. Department of State, 2018).

Pakistan emerges on the global map to provide a common place to all citizens with equal dissemination of rights. The same was mentioned in speech of Quaid-e-Azam on 11th August, 1947 that all citizens of Pakistan will be allowed to go to their places of worship and their religion is not in any way concern of the state (Jalal, 1995).

However, with the passage of time life starts getting tougher for minorities residing in Pakistan (Rahman, 2012). The plight of Hindus in Pakistan is obvious from the fact that the proportion of minorities has declined rapidly from 23 percent to 3 percent approximately in the last seven decades (Hindu American Foundation; Ispahani, 2013). The situation is not much different in India. According to International religious freedom report of 2018, the data presented by Ministry of Home Affairs reported 9 percent increase of communal incidents from 2015 to 2017. A total number of 822 incidents were reported in which 2,384 got injured and 111 died in 2017 (U.S. Department of State, 2018).

Different laws are enacted in both countries to safeguard the right of minorities for example Article 30 of Indian Constitution safeguards the right of minorities. Much in a similar way Article 36 of Pakistani Constitution protects the rights of minorities. In this regard, importance of Right to Information Act cannot be denied. RTI is an important tool through which citizens have the right to ask their government about their working procedure including main policies and decisions. Sweden became the first country in the world to introduce the idea of freedom of information in 1776. After that so many countries including Canada, New Zealand, Pakistan and India etc. implemented the right to information act.

Pakistan becomes the first South Asian country to enforce a law on freedom of Information in 2002. In 2010, Article 19-A was introduced with 18th amendment to the constitution. It was recognized that it is fundamental right of citizens to access information from government and private bodies in Pakistan. In 2017, the freedom of information ordinance was replaced by Right of Access to Information (RTI) Act, 2017. Currently there are five different RTI laws enacted in Pakistan i.e. Balochistan FOI Act 2005, KP RTI Act 2013, Punjab Transparency and RTI Act 2013, Sindh Transparency and RTI Act 2013 and The Right to Information at, 2017. If we talk about the practical implication of the law, it was weak on many grounds. There was a long list of exemption and flaws in the implementation mechanisms. It's interesting to note that Pakistan was at 91st position in 2017 (Sahi, 2018) in the Global RTI score and manage to get 32th position (Centre for law and Democracy, 2019) in 2019.

An attempt was made to analyze the transparency of governance and application of KP Right to Information Act from gender perspective. It was discovered that 9.30 percent cases in 2014-15, 12.1 percent cases in 2015-16, 3.7 percent in 2016-17 were filed by females in KPK (Sardar, 2018). Another study was conducted on the same topic. The main findings show that frequency of male applicants is higher than females (Neuman, 2016). It's a fundamental right of citizens including both males and females to access information. It not only empowers them but also smoothen the economic structure and political stability in a government.

In India, Tamil Nadu became the first Indian state to enact Right to Information Law in 1997. Goa became the second state to have passed the law on Right to Information in the same year. Likewise, the states of Rajasthan, Maharashtra and Karnataka enacted their own laws on Right to Information in 2000. Furthermore, freedom of information bill, 2000 was proposed in the parliament which was later approved by the parliament in 2002. In the meanwhile, Delhi also passed its law on Right to Information in 2001 and finally Right to Information Act, 2005 as enacted in India.

A survey was done to measure awareness of right to information act in Aurangabad, India. Data was collected from 140 college students. The study demonstrates that students were moderately aware about RTI Act and they were not much concerned about knowing the actual procedure of using RTI act to access information (Asore, 2012). However, with the passage of time Indians start taking interest in Right to Information Act. In 2008, an application was filed by an NGO under RTI act to find out about the utilization of money which was intended to be distributed among victims of natural disasters and Kargil War. It was discovered that the amount is being used by bureaucrats to purchase non governance stuff. As a result of RTI act, strict action was taken against the culprits (Agarwal, 2011). A tea vendor has filed more than 800 applications under Right to Information Act in order to support inhabitants of a small village in Uttar Pradesh (Yourstory, 2016)

A study was done with an aim to explore the possibilities of employing ICT or the practical execution of Right to Information Act. Findings show that RTI plays a major role in promoting awareness on the part of citizens. The use of ICT can further smooth the data accessibility process (Singh & Karn, 2012) Another survey was conducted among college students to evaluate awareness regarding Right to Information Act in an ancient city of Tamil Nadu state. Data was collected through questionnaire from a total of 100 students. The findings show that 87 percent respondents were aware of the RIT Act whereas 75 percent respondents knew about the procedure of filing RIT request. The researcher suggested including RTI as compulsory subject in undergraduate courses in colleges (C, 2016). An academic advisor can help minority students to become more aware, confident and stronger so

that they may know that they have the same rights to access information just as majority do (House & Sears, 2002).

The constitution of Pakistan and India grants right to equality, right to life and personal liberty, right to freedom and right to access information to all minorities living as citizens of the respective country (Iram Khalid & Anwar, 2018; Majid; Thomas, 2017). Regrettably in Pakistan, neither Hindus have been given their fundamental rights (Hindu American Foundation) nor they have right to access information from the concerned authorities (Firstpost, 2015). If we talk about India, the situation is not much different. Narendra Modi’s government is criticized for his commitment to accountability. In the last years, public bodies associated with government refuses to provide information under RTI Act (The Conversation, 2019).

There is an increasing concern that Right to Information Act be actively practiced by minorities to curb corruption on state level. Right to Information Act can not only empower minorities but it can also promote accountability on the part of government (Roy, 2013). It’s important to spread awareness among minorities about their right to access information. The study is first to emphasize the level of awareness and accessibility of minorities about right to access information in Pakistan and India. There is a sense that smooth implication of RTI Act builds a strong relationship between state and minorities. As Pakistan and India has long history of conflicts, disagreements and riots, it is important to determine the level of awareness related RTI Act among minorities in both countries. Furthermore, the study also attempts to evaluate the experience of minority groups in terms of accessibility to information. A conceptual framework illustrating research paradigm is designed to describe the major concepts of the study (See Figure-1).

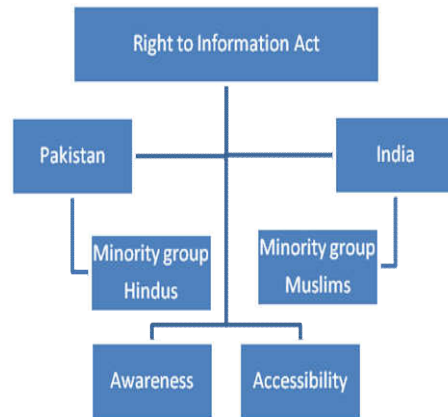


Figure-1: A schematic flow chart of conceptual framework

- H₁ Indian Muslims are more aware of Right to Information Act as compared to Pakistani Hindus.
- H₂ Pakistani Hindus have more right to access information in Pakistan as compared to Indian Muslims

RESEARCH DESIGN

The study is quantitative in nature and survey research Method was employed in this study. Data was collected through online questionnaire comprised of 12 close ended questions on a 5 point Likert scale. The questionnaire has 2 specific categories to evaluate awareness and accessibility of RTI. Each category has 6 questions. Six items correspond to two variables which mean that we have $6*2 = 12$ questions in questionnaire. Two Similar questions were placed during survey to ensure intra item validity of the questionnaire. The respondents were selected by multistage sampling method in which population was divided into cluster on the basis of religion. Then, snow ball sampling method was used as it was difficult to locate minorities in Pakistan and India. 50 Pakistani Hindus and 50 Indian Muslims participated in the study (See Table-1). It was so difficult to work on a research project when it comes to India and Pakistan. An attempt was made to join WhatsApp group of India and an official request was sent to them in a text message to help the researcher getting filled survey. The response was so harsh. It was like I am the one who has raped their women and forced them to be a part of my religion and one of them asked them to be polite towards people of other religion. They started blaming him as well. The situation is not much different in Pakistan.

Minorities are of view that we are being treated like second class citizens since decades and you are here now to add more salt on our injuries by asking about our rights. In the end, an attempt was made to contact representative of Pakistan Hindu Council. One of their official members helped me in overall data collection process.

FINDINGS

There are two main frame of analysis: awareness and accessibility of information under right to information act among Pakistani Hindus and Indian Muslims. As the numbers of respondents are limited so an attempt is made to report percentage of main findings to show significant difference between the said groups. As far as awareness is concerned, Pakistani Hindus are lagging far behind Indian Muslims. The results indicate that only 12% respondents from Pakistan have awareness of RTI Act in comparison with 82% respondents in India. Only 12 percent Pakistani Hindus knows about the type of information which can be obtained under RTI act in comparison with 68 percent respondents form India. 12 percent Pakistani Hindus knows about

the type of information which cannot be obtained under RTI Act in comparison with 64 percent Indian Muslims. 10 percent Pakistani Hindus knows about the amount of official fees required for the submission of RTI request in comparison with 70 percent Indian Muslims. Only 10 percent Pakistani Hindus knows about the fundamental right of citizen to obtain information from the public bodies under RTI Act in comparison with 74 percent Indian Muslims. 12 percent Pakistani Hindus knows about the submission process of RTI request in comparison with 66 percent Indian Muslims (See Table-1).

TABLE-1
SIX ITEMS CORRESPONDING AWARENESS
LEVEL OF MINORITIES ABOUT RTI

GROUP STATISTICS					
	Country	N	Mean	Std. Deviation	Std. Error Mean
I am familiar with Right to Information Act	India	50	4.16	.817	.116
	Pakistan	50	2.24	.981	.139
I am aware about the type of information which can be obtained under RTI Law	India	50	3.96	.968	.137
	Pakistan	50	2.28	1.051	.149
I am aware about the type of information which cannot be obtained under right to information act	India	50	3.84	1.057	.149
	Pakistan	50	2.12	1.043	.147
I have knowledge about the official fees required for filing an RTI request	India	50	3.90	1.035	.146
	Pakistan	50	2.22	.996	.141
I know who can apply for the information from public bodies	India	50	3.96	.947	.134
	Pakistan	50	2.14	.904	.128
I know where we should submit application of RTI	India	50	3.84	1.057	.149
	Pakistan	50	2.22	1.036	.146

The results indicate that majority of Pakistani Hindus don't have access to information under Right to Information Act. The findings show that only 12 percent respondents from Pakistan have filed request to concerned authorities and they all got their required information from the concerned authorities within given time limit although they faced some discrimination and had to pay extra money for that. Whereas 90 percent Indian Muslims have filed request under RTI Act out of which 88 percent respondents got their required information. 66 percent Indian Muslims got their required

information within given time limit. 68 percent Indian Muslims agreed with the statement that the public officials gave them justification for delaying or not providing information whereas 66 percent Pakistani Hindus are of views that public officials did not provide them any explanation for delaying or not providing information. 32 percent Indian Muslims remained neutral about-facing discrimination from the authorities (See Table-2).

TABLE-2
6 ITEMS CORRESPONDING ACCESSIBILITY
OF INFORMATION FOR MINORITIES

GROUP STATISTICS					
	Country	N	Mean	Std. Deviation	Std. Error Mean
I have filed a request to obtain information under this Act	India	50	4.22	.764	.108
	Pakistan	50	2.22	.954	.135
I have got my required information from the concerned authorities	India	50	4.30	.678	.096
	Pakistan	50	2.24	.981	.139
Data was provided to me within given time limit	India	50	3.96	.856	.121
	Pakistan	50	2.24	1.001	.142
The officials give me justification for delaying/not providing information (answer if applicable)	India	50	3.92	1.027	.145
	Pakistan	50	2.34	.917	.130
I have paid extra amount in order to get required information under RTI Act	India	50	1.78	.616	.087
	Pakistan	50	2.32	.978	.138
I faced discrimination from the authorities in getting information under RTI act	India	50	2.02	.795	.112
	Pakistan	50	2.54	.862	.122

HYPOTHESIS TESTING

A test was carried out to determine the reliability of the constructs. Reliability coefficients ranged from 0.82 to 0.96 for both constructs (See Table-3 & 4).

TABLE-3
RELIABILITY STATISTICS OF ACCESSIBILITY CONSTRUCT

Reliability Statistics		
Cronbach's Alpha	Cronbach's Alpha Based on Standardized Items	N of Items
.826	.795	6

TABLE-4
RELIABILITY STATISTICS OF AWARENESS CONSTRUCT

Reliability Statistics		
Cronbach's Alpha	Cronbach's Alpha Based on Standardized Items	N of Items
.960	.960	6

An independent-samples t-test was carried out with an objective to compare constructs of awareness and accessibility related RTI Act between minorities of India and Pakistan. There was a significant difference in the awareness level of Indian Muslims (M=3.94, SD= 0.73) and Pakistani Hindus (M= 2.20, SD= 0.92) conditions; $t(98) = 10.41, p = 0.000$ (see table 5). There was a significant difference in the level of accessibility of Indian Muslim (M=3.36, SD= 0.38) and Pakistani Hindus (M= 2.31, SD= 0.87) conditions; $t(98) = 10.41, p = 0.000$ ” (See Table-6).

TABLE-5
GROUP STATISTICS OF AWARENESS AND ACCESSIBILITY RELATED RTI

Group Statistics					
	Country	N	Mean	Std. Deviation	Std. Error Mean
Awareness	India	50	3.9433	.73895	.10450
	Pakistan	50	2.2033	.92170	.13035
Accessibility	India	50	3.3667	.38095	.05387
	Pakistan	50	2.3167	.87433	.12365

**TABLE-6
INDEPENDENT SAMPLE TEST**

Independent Samples Test										
		Levene's Test for Equality of Variances		t-test for Equality of Means						
		F	Sig.	t	df	Sig. (2-tailed)	Mean Difference	Std. Error Difference	95% Confidence Interval of the Difference	
									Lower	Upper
Awareness	Equal variances assumed	2.313	.131	10.415	98	.000	1.74000	.16707	1.40846	2.07154
	Equal variances not assumed			10.415	93.575	.000	1.74000	.16707	1.40826	2.07174
Accessibility	Equal variances assumed	22.207	.000	7.785	98	.000	1.05000	.13488	.78234	1.31766
	Equal variances not assumed			7.785	66.957	.000	1.05000	.13488	.78078	1.31922

DISCUSSION

Democratic states grow and prosper by welcoming new ideas and rejecting unimportant phenomenon. The states flourish and progress with the free flow of information. It is significant to present the government policies, budget and other decisions openly in front of minorities. In this regard, Right to Information Acts as an instrument to curb corruption. The main idea of the acts implies that all citizens are equally given right to access information irrespective of religion and cast. However, Pakistani Hindus are not aware of the concept and procedure of filing RTI request in Pakistan. Considering the results in which only 2 percent Pakistani Hindus strongly agreed, and 10 percent respondents agreed to have awareness about RTI Act, one can easily conclude that RTI is not much popular among Pakistani Hindus.

It was observed that respondents were reluctant to practice it without any apparent justification. Even If few of them exercise their right to information, the response of the government to RTI Act request is quite unfriendly. According to the official data released by Centre for Peace and Development Initiatives (CPDI), Pakistani citizens have filed 2382 RTI requests in the period of November 14 to April, 19 to different departments working under government under Right to Information Act in which number of successful RTI queries are only 740 (33 percent of the total) (Centre for peace and development initiatives 2019).

Although Article 19A and Right to Information Act prohibit state and local government from discriminating in providing information on the basis of religion, most respondents from Pakistan faced discrimination from the authorities in getting information under RTI act (Firstpost, 2015; Hindu American Foundation; Hindus fleeing persecution in Pak, 2001).

Right to Information Act in India is more effective as compared to Pakistan and it has produced excellent results for the democracy. A case was observed in which two rights to information applications were filed by Muslim residents of Jammu and Kashmir under J&K right to information act. The application falls under section 7 of the said act which means that public information officer has to provide the required information within 2 days. The masonry bund was constructed within just 72 hours after filing application.

The Indian citizens both Muslims and Hindus practice it more actively in order to curb corruption. The findings of the study show that 38 percent Indian Muslims are strongly agreed and 44 percent Indian Muslims are agreed to have awareness of right to information act (See Table-8). The findings are consistent with the findings of a survey conducted in 2018 to evaluate the awareness of Right to Information Act among Indian Citizens in the last 10 years. In Karnatka, 71 percent respondents were aware of Right to Information Act, a significant increase from about 15 percent of respondents in 2008 (Statista, 2018). There are many examples where Indian RTI activists have successfully made a change in the system (Sharma, 2015). Hence our first hypothesis that Indian Muslims are more aware about Right to Information Act as compared to Pakistani Hindus is accepted.

Rest, as about use of this act is concerned, in India this act is a big success. An appeal was filed by Saiyed Hussain Abbas Rizwi before the commission under RTI act against Bihar Public Service Commission to know about the selection criteria of an interview and name and addresses of the panelists. The respondent was informed about the selection criteria but names and addresses of the panelists were not disclosed to ensure physical safety of the panelists.(RTI Foundation of India, 2012). Indian Muslims know about the overall procedure of filing request. In India the rule of law is foremost with the Central Information Commission (CIC) on many occasions ordering the highest in the system to reply the query irrespective of the religion of the info seeker which is pertinent from the data gathered from the survey. Findings show that majority of Indian Muslims have accessibility to information under Right to Information Act.

Other important feature of use of RTI Act by Indian Muslims is that on most occasions the Muslim information seekers have used the act against Muslim Institutions and fellow Muslim central people which perhaps also reveals that injustice and suppression is by those who are in position of

power irrespective of religion (Central Information Commission, 2019). The annual report published by Central Information Commission of India shows that a total number of 1620 RTI requests were filed by Muslims Students from Aligarh Muslim University in 2017-18 out of which 1363 were successfully resolved. 257 appeals were registered out of which 227 appeals were disposed (Central Information Commission, 2017-18).

There are some cases where Article 19-A played an important role in making the required information public (Ali, 2018). In Pakistan, the use of the Right to Information Act is slowly but gradually spreading among citizens in specifically KPK and Punjab. However, data on the subject matter is sparse. Nevertheless, the researcher drew out that Right to Information is more effective in KPK as compared to Sindh and Punjab commissions.

Pakistani Hindus are reluctant to practice Right to Information act in Pakistan due to alleged denial of information from the authorities (Firstpost, 2015). As per official report issued by Right to Information Commission of Khyber Pakhtunkhwa, out of 1131 complaints by Muslims, only 1 complaint was filed by Pakistani Hindu in 2018 (Information Commission Government of Khyber Pakhtunkhwa, 2019).

Hence our second hypothesis that Pakistani Hindus have more right to access information in Pakistan as compared to Indian Muslims is rejected and we can conclude that Pakistani Hindus have not much awareness and right to access information as compared to Indian Muslims. The representative of government should not impose any restriction on the availability of information on both provincial and federal level.

The study highlights the necessity of developing awareness programs to make certain the proper diffusion and education of right to information act among minorities of Pakistan. In order to eliminate corruption and give strength to constitutional government, Right to Information Act is to be enacted and practiced properly. Right of Information can play significant role in making minorities aware about their basic rights. Once the minorities get to know about their rights, the authorities can never exploit them.

CONCLUSION

The study tends to discover awareness and accessibility of right to information act among minorities in Pakistan and India. Findings suggest that Indian Muslims are more aware and have right to access information under RTI Act as compared to Pakistani Hindus. The dream of democratic peace can only be achieved with the proper enactment of Right to Information Act. With the promulgation of Right to Information Act, fundamental change can be brought to decrease discrimination based on religion amongst minorities. Due to the complex relations between India and Pakistan, academic level and age of respondents were not considered. Future researchers are recommended

to consider literacy level, economic condition and age of respondents for better understanding of the subject.

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