

IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

APPEAL NO. 374-6-2020

Naeem Sadiq

Vs

Inspector General Police, Islamabad

Fawad Malik: information Commissioner

Date: 26.8.2020

APPEAL:

1. The brief facts of the appeal are that Mr. Naeem Sadiq filed an information request invoking his Constitutional right under article 19.A of the Constitution of Pakistan 1973 read with the statutory right under the Right of Access to Information Act 2017, in the office of the Inspector General Police, Islamabad. The requested information was not provided within the stipulated period of time hence the applicant preferred his appeal before the Pakistan Information Commission on 6.5.2020.
2. The following information was sought by the appellant in his application dated 4.3.2020;

“Accurate information about all those individuals who for any reason (officially authorised or otherwise), currently provided police security in the Capital Islamabad territories. The list must include:

- a. Names of all such individuals who are provided police security (authorized or otherwise).*
- b. Number of the policemen deputed for security to each person.*
- c. Number of police vehicles / mobiles allocated to provide security to each individual.”*

PROCEEDINGS:

3. The Commission vide notice dated 16.6.2020 directed the public body to provide reasons in writing within seven days of the receipt of the notice as to why the requested information has not been provided to the applicant as under section 14 of the Right of Access to Information Act 2017, each federal public body is bound to respond to a request as soon as possible and in any case within ten days of the receipt of the request.
4. The AIG/Operations responded the notice vide letter dated 8.7.2020. It is stated that revealing such sensitive information in the prevailing volatile security environs can cause serious consequences and put the lives of the citizen in danger therefore Islamabad Capital Territory police cannot compromise the security of the citizen.
5. The appeal was fixed for hearing before the Commission on 19.8.2020 and both the appellant as well as the public body were informed accordingly through notices dated 6.8.2020.
6. At the time of hearing Mr. Sajjid Abbas, Inspector Legal appeared before the Commission to represent the respondent. He was asked by the Commission to refer the Rules/Regulations or SOP's followed by the authority for the provision of the police security. The representative of the public body requested for short adjournment for the provision of the SOP's, the Blue Book and to answer the queries, hence the appeal was fixed for 26.8.2020. Besides, the AIG/Operations vide letter dated 24.7.2020 has submitted the reply to the notice which reads as under;

In this regard, it is submitted that as per Section 3 read with Section 11 of the Right of Access to Information Act, 2017, any citizen of Pakistan can submit application for obtaining information from any government department/ agency which is declared as public record as defined in Section 6 of the Act. However, as per section 7, certain records is excluded from public record as defined in section 6 and as per section 16 of above said Act, a public body shall not be required to disclose exempt information , please.

7. On 26.8.2020, Mr. Farooque Bijrani, SP Aiwan-e-Sadar, Islamabad along with Mr. Sajjid Abbas, Inspector Legal appeared before the

Commission to represent the public body. He has submitted the copies of the letter dated 24.4.2018 for the composition of committee, letter dated 29.11.2013 regarding the security of ministers and ministers of state in Islamabad, letter dated 5.3.2014 for the security of federal ministers, ministers of state and advisors to the prime minister and letter for the implementation of the Supreme Court order dated 19.4.2018 along with the written reply to the following effect;

- I. *SOP regarding provision of security to Federal Ministers, State Ministers and Advisors to the Prime Minister of Pakistan is available with Security Division, Islamabad.*
- II. *Pertains to CPO, Islamabad.*
- III. *No police officer / official from Security Division is deployed with any unauthorized person, however, deployment are being made on time to time directions of the senior officers.*
- IV. *Copy of the Blue Book (the classified document) can be provided to DSP / Legal either by the CPO, Islamabad or the Ministry of Interior, Islamabad.*

ISSUES:

8. After going through the reply submitted by the public body and hearing the arguments following issues are raised to be determined by the Commission;
 - i. Whether the requested information is sensitive for disclosure and exempted under section 16 of the RTI Act 2017?
 - ii. Whether the committee has been constituted headed by DIG police security to deal with the requests for police security?
 - iii. Whether the unauthorised personal are entitled for the provision of police security?
 - iv. Whether the appellant has the right to ask for the requested information?

COMMISSION'S VIEW:

9. The public body in its reply has submitted that revealing of such sensitive information in prevailing volatile security environ can cause serious consequences. The appellant in his request has asked for the provision of the names of the individuals, both authorised and

unauthorised, who are provided police security, number of policemen so deputed and the number of police vehicles deployed for the purpose. The appellant has never asked for the removal of the police security from any individual in his request that can put the safety of that person at stake. From the request the information sought can be bifurcated for better appreciation and understanding, into (i) entitled and (ii) non-entitled person. So far as the individuals/officials who are legally entitled for the provision of police security by virtue of their official status or permitted by the rules and regulations is their vested and bestowed right but on the other hand a considerable number of individuals who are enjoying the police security without their entitlement, intrigue with the authority using their influence, is a question mark on the police authority.

10. It is worth mentioning that on a *suo moto* notice in April 2018, the Supreme Court of Pakistan had taken up the matter of police personal deputed for the security of unauthorised persons across the country. Under the orders dated 19.4.2018 passed by the then Chief Justice of Pakistan more than 12600 police personal officials deputed for the security of unauthorised persons across the country were withdrawn. In Islamabad alone 246 policemen deployed for the protection of politicians, civil judges, officials of the judiciary, retired and serving police officers, district administration, foreigners, civilians and bureaucrats without their entitlement were asked to report back at their respective stations. The Inspector General Islamabad Police committed before the Honourable bench of the Supreme Court that a committee headed by the DIG security and comprising officials of Nacta, security and intelligence agencies would be constituted to scrutinise the requests for the provision of police security to deal the matter in a transparent manner without nepotism.

11. The appellant in his request has not asked for any information indifferent. The Honourable Supreme Court has already exercised prerogative in the matter under its *suo moto* powers therefore Article 184(3) read in conjunction with Art. 19.A of the Constitution has empowered the citizens, right to information a justiciable right in the matters of public importance. Judgement of the Supreme Court is

binding on each and every organ of the state by virtue of Arts. 189 & 190 of the Constitution.

12. Police personnel deputed for the security, the weapons they carry and the vehicles so provided, all is paid from the tax money paid by the citizens therefore they have the right to know whether the tax paid from their pocket is being utilized properly in transparent manner. The RTI Act is enacted with the wisdom to provide the citizens improved access to the records held by the public authorities, to promote the making of the government more accountable by improving the participation of the people in public affairs and for improving transparency in the government affairs.
13. The individuals who are escorted by the police security in the community is not a confidential or stealthy concern. The personal so deputed, the weapon they carry is bare and wide open to the public at large therefore the standpoint of the respondent that revealing of such sensitive information can cause serious consequences do not appeal to a prudent mind. The appellant has never asked for the removal of security from any individual rather has requested information invoking his constitutional and statutory right. It is the right of the citizens to know whether the verdict of the Supreme Court is being followed in letter and spirit.
14. So far as the individuals legally entitled to be escorted by the police security by virtue of their official status or position, is their legal right and responsibility of the state. The request of the appellant for the disclosure of their names cannot be acceded to by this Commission. The police security provided to the legally entitled individuals is not person specific rather office specific therefore the disclosure of their names is not necessary. In other words the security of the legally entitled individuals is the obligation and prerequisite of the office they hold.
15. In compliance with the order of the Honourable Supreme Court a committee has been constituted by AIG/Operations, vide letter dated 20.4.2018, to carry out the threat assessment for the provision of police security to the individuals who are legally not entitled. The individual who seek police security for his person or property beyond

his/her legal entitlement, and is so provided on the recommendation of the Committee so constituted , under the SOP's or by the higher anarchy their case is person specific and disclosure of their names is within the gist and spirit of the Act 2017.

16. Transparency in the government affairs is the wisdom behind the enactment of this Act. The Act provides the people the right to have access to information held by public authorities, to promote the purposes of making the government more accountable to its people and of improving the participation by the public in public affairs.

17. Article 19.A of the Constitution of Pakistan read with the RTI Act 2017, provides every citizen right of access to information subject to reasonable regulations and restrictions. This is fundamental right guaranteed by the Constitution, therefore cannot be denied.

ORDER:

18. The appeal is partly allowed. The respondent is directed to share with the appellant the following information forthwith but in any case not later than seven days of the receipt of this order.

- i. Designations which are provided police security as per their legal entitlement. (Without mentioning their names and number of policemen and police vehicles/mobiles)
- ii. Names of the unauthorized individuals who are provided security under the SOPs for the provision of police security, along with the number of policemen and vehicles/mobiles so deputed.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissione

Certified that this order consists of six pages, each page has been read and signed.