

IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

APPEAL NO. 1152-06-2021

Lt. Col. ® Syed Zulifkar Haider Shah

Versus

Pakistan Rangers (Punjab)

Fawad Malik: Information Commissioner

A. APPEAL

1. Lt Col (R) Syed Zulifkar Haider Shah approached the designated Officer/Director General, Pakistan Rangers (Punjab) with a request under section 11 of the Right of Access to the Information Act, 2017, seeking information in respect of Writ Petition No. 3039/2021 titled “*Pakistan Rangers (Punjab) Vs Chief Settlement Commissioner etc.*” before the Lahore High Court, Lahore. The detailed particulars of the requested information are reproduced here under:
 - i. *“Authorization for instituting the Writ Petition.*
 - ii. *The amount of the Professional fee paid to the learned Counsel / Legal Adviser and the amount incurred on expenses for preparation and filing of the Writ Petition.*
 - iii. *The record pertaining to authorization for deployment as also of deployment of the Ranger personnel for surveillance and making footage / videos of the on-going construction in the residential house of the undersigned, from 31-03-2021 onwards and seeking police help by making calls on 15, on 18-04-2021, 20-04-2021 and 28-04-2021.”*
2. Feeling aggrieved of the non-provision of the requested information within the stipulated period provided in the Act, he filed an appeal before the Pakistan Commission on Access to Information, Islamabad.

B. PROCEEDINGS

3. During the course of hearings the representatives of Pakistan Rangers (Punjab) vide letter dated 10th November, 2021 submitted the reply along with office memorandum F No. 5(2)/2017-A-1 dated 4th October, 2021 by Joint Secretary (Administration), Ministry of Law & Justice, Government of Pakistan pertaining to consultation with the Ministry of Law & Justice under the Rules of Business, 1973 on various legal issues, before the Commission. The text of the reply is reproduced here under:

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1. *“In this regard it is submitted that the disputed property was fraudulently allotted by the father of the appellant in her wife’s name (Badshah Begum) who happened to be mother of the appellant in 1970. Since then litigation travelled various forums and the Pakistan Rangers, who is department of Ministry of Interior, engaged Farooq Qureshi, Advocate Supreme Court with the permission of the ministry, who authorized vide letter f. No. 3/15/2010-R (Punjab) dated 10th October, 202- to arrange his fee from their own head, who passed away and Muhammad Javaid Kasuri, Advocate Supreme Court succeeded at the same footing.*
 2. *Pakistan Rangers being a department filed various cases, the authorization of law Ministry is required where the Federal Government sue acceding to the rules of Business 1973 but Pakistan Rangers does not fall within the definition of Federal Government, but an attached department of the Ministry of Interior which was not required authorization of Ministry of Law for filing the subject writ petition.*
 3. *The department is saving his own property which was defrauded by the Army officers in the names of their wives and department of its own is filing the writ petition with the approval of the Director General Pakistan Rangers and will pay the fee to the counsel and expenses born, from the head of the department.*
 4. *The documents, certified copies which are being requested is neither Public record according to the Information Act, 2917 nor certified copes thereof can be issued under Article 85 of the Qanun-e-Shahadat order 1984 and the appellant should approach the relevant quarter to get the same.”*
4. The learned counsel on behalf of the appellant was not satisfied with the reply to the extent of item no. *iii* of his request pertaining to the authorization for deployment. The Commission on September 15, 2021, directed the respondent public body to file reply qua item no.*iii* of the request before the Commission. Lieutenant Colonel Muhammad Rafique (Assistant Adjutant & Quarter Master General) vide letter dated December 29, 2021 submitted the reply before the Commission. The relevant para of the reply is reproduced here under:
- a. *That the respondent department is defence Force of Pakistan who always work in the ambit prescribed in Rules and regulations cannot share information regarding planning, deployment and security of Headquarter. Henceforth under the provision of Section 7(e) of Right of Access of Information Act 2917, Respondent Department is unable to give the information (photocopy attached as Annexure A).*
 - b. *That the information demanded by the complainant / appellant neither comes in the definitions of article 85 of Qanun-e-Shahadat order 1984 and nor support the section 2 (v) and section 6 of Right of Access to Information Act, 2017.*
 - c. *Forgoing in view, it is therefore requested that information claimed by the complainant / appellant is not a public or revenue record hence appeal may graciously be dismissed. However, Officer Commanding Headquarters Troops Lt*

Col. Muhammad Rafiq authorized / directed Major Adil to call "15" Police instead of engaging Rangers Troops to implement Court Order regarding status Quo.

5. The learned counsel on behalf of the appellant has once again filed an application seeking supply of the requested documents and legal action against the responsible.

C. COMMISSION'S VIEW

6. The appellant has asked for the provision of the (i) authorization for instituting the Writ Petition No. 3039/2021 titled "*Pakistan Rangers (Punjab) Vs Chief Settlement Commissioner etc.*" before the Lahore High Court, Lahore, (ii) the amount of the Professional fee paid to the learned Counsel / Legal Adviser and the amount incurred on expenses for preparation and filing of the Writ Petition and (iii) the record pertaining to authorization for deployment as also of deployment of the Ranger personnel for surveillance and making footage / videos of the on-going construction in the residential house of the undersigned, from 31-03-2021 onwards and seeking police help by making calls on "15", on 18-04-2021, 20-04-2021 and 28-04-2021.
7. The public body has addressed the item no. i& ii of the request. In this behalf office memorandum F No. 5(2)/2017-A-1 dated 4th October, 2021 by Joint Secretary (Administration), Ministry of Law & Justice, Government of Pakistan pertaining to consultation with the Ministry of Law & Justice under the Rules of Business, 1973 along with the Secretariat Instruction provide the manner for consultation with Law and Justice Division on various legal issues, has been provided to the appellant. The item no. iii has been answered by the respondent. It is apprised that Officer Commanding Headquarters Troops Lt Col. Muhammad Rafiq authorized / directed Major Adil to call "15" Police instead of engaging Rangers Troops to implement Court Order regarding *status Quo*.

D. ORDER

8. The appeal is disposed of.
9. Copies of the Order is forwarded to Pakistan Rangers (Punjab) and the Appellant for information.

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner
Announced on 08.4.2022

Certified that this order consists of 03 pages, each page has been read and signed.