



**In the Pakistan Information Commission, Islamabad**  
**Appeal No 1454-11/21**

**Abdullah Malik**

**(Appellant)**

Vs.

**Ministry of Interior**

**(Respondent)**

**ORDER**

**Date:** August 02, 2022

Zahid Abdullah: Information Commissioner

**A. The Appeal**

1. The Appellant filed an appeal, dated November 03, 2021, to the Secretary , Ministry of Interior on November 08, 2021 ,Commission, stating that he submitted an information request to the under the Right of Access to Information Act 2017 but did not receive any response from the public body.

2. The information sought by the Appellant is as follows:

*"The government has lifted the ban on the Tehreek-i Labbaik Pakistan (TLP) "in the larger national interest" and in line with the "secret agreement" it had signed with the group on October 31, following violent protests by the TLP to press for release of its chief Saad Rizvi please mention that what is the secret agreement as well as what is national interest. Copies of said documents needed.*

2. *According to the interior ministry, the notification has been issued at Punjab government's request please provide the said copies of the Summery forwarded by the Punjab government.*

3. *On Saturday the media had reported that Prime Minister Imran Khan had approved for his cabinet's nod by circulation a summary seeking revocation of the ban on the TLP copies needed.*

4. *In exercise of the powers conferred under sub-section (1) of Section 11U of the Anti-Terrorism Act, 1997 (as amended), the federal government is pleased to remove the name of the TLP from the First Schedule of the said Act as proscribed organization please provide the reasons of withdrawal.*

5. *Providing the background, the notification states that the TLP had been placed in the First Schedule as a proscribed organization by the federal government on April 15 this year on the recommendation of Home Department of Punjab. Copies of all documents needed?*

6. *"Whereas, the provincial cabinet has considered the request of the organization and in view of the assurance and commitment by the organization, is of the opinion that said organization shall abide by the Constitution and laws of the country and, therefore, keeping in view the larger national interest and long-term perspective to ensure that such incidents do not recur in future. the government of Punjab has proposed to the federal government to consider revoking of proscription of the TLP." says the interior ministry's*

notification while justifying the action. Please provide documentary evidence of the TLP requests for removal the name of TLP from is schedule.

7. Please also provides the copies of the previous agreements made by TLP after 2018 and businesses of the common man are under threat as the past of the TLP leaders is full of anti state acts and they are still on the same track

It is therefore, requested that please provide the detail of deliberations/ discussion as its all is not a state secret this issue relates to the public lives and civil society want to know the reasons of withdrawal the name of TLP from the 1t schedule and what is the fate of the cases registered under ATC Acts. Who is responsible of the martyrs of the 6 police officials' state or TLP? We want cement on that point otherwise we have reserved our right to file a writ in the superior. Courts for seeking justice and security this information is requested under Article 19-A of the constitution read with RTI Act 2013,"

## **B. Proceedings:**

3 The record on the file suggests that the Respondent submitted its response on the intervention of this commission on December 27, 2021 and its text is as under:

*"Reference is invited to our Dry No.2237 dated 2<sup>nd</sup> dated December and Dry. No 2393 dated 18 degrees December 2021 on the subject noted above, forwarding therewith Order of Pakistan Information Commission in Appeal filed by Abdullah Malik VS Ministry of Interior.*

*2. Attached herewith is a copy of Hearing Summon (Appeal No 1454 11/21) dated 21 December 2021, on the subject matter received from Pakistan Information Commission along with its enclosure pertaining to provision of Information under Right of Access to Information Act 2017 The case has been fixed for hearing before the Pakistan Information Commission on 6 on January 2021 at 11:30 AM*

*3 It is requested that Ministry's response may please be conveyed to the Appellant and a copy to the Commission as well as to the undersigned"*

*"I am directed to refer to appeal No.1454-11/21 dated 21.12.2021 and to state as*

*Under:*

- 1) That regarding agreement, no record is available with this Ministry,*
- 2) The remaining information pertains to Provincial Government of Punjab.*
- 3) Submitted for your information please."*

4 The Appellant submitted his response on January 17, 2022 and its text is as under:

- i. "It is submitted with great concern that the under signed submitted a written REQUEST to the Secretary Interior/ PIO FOR seeking INFORMATION but the interior secretary office did not reply even not in a single question and all record is available within the office of Secretary Interior and office is deliberatively not furnishing the information to the commission as well as to the under signed. The recent reply is incorrect*
- ii. In view of the aforesaid facts and circumstances of the case, you are requested to please take necessary action against the PIOS, UNDER THE RIGHT OF ACCESS TO INFORMATION ACT, 2017"*

5. Hearing on the instant Appeal was fixed for March 17, 2022 vide letter dated February 18, 2022. The Respondent was represented by Faisal Perzad designation DS and department Ministry of Interior

*Oath of department*

*1, "Faisal Ahsan Pirzada, Deputy Secretary (Law-II), PIO Ministry of Interior, do hereby solemnly affirm that the contents of Reference No. F.1/10/2021-Petns (Pros) dated 5 January, 2022 of the Ministry of Interior are true to the best of my knowledge and belief and nothing has been concealed in this regard."*

**C. Issues**

6. The instant appeal has brought to the fore the following issues:
  - a. Has the Respondent provided all the information to the Appellant permissible under the Right of Access to Information Act, 2017, henceforth referred to as the Act, 2017? And;
  - b. Has the Respondent followed the procedure enunciated in the Act, 2017 for responding to the information request?

**D Discussion and commission's views on relevant issues:**

- 7 In the instant appeal, the Respondent failed to provide written acknowledgement of the request for information filed by the citizen as required under Section 10 (1) of the Act.
- 8 The Respondent also failed in adhering to the timeline for responding to the information requests as required under Section 14 (1) and (2) of the Act as the PIO did not respond to the information request at all. The PIO only responded to the information request after notices of the commission.
- 9 This commission accepts stance of the Respondent with regards to requested information in items 2, 4, 5 and 6 of para 2 of the of this Order.
10. So far as item 1 in para 2 of this Order is concerned, this commission is satisfied with the response pertaining to access to certified agreement with TLP as the Respondent has provided Affidavit to the effect that no such agreement with TLP exists.
11. So far as the requested information about access to certified copies of previous agreements with TLP, as requested in item 7 of para 2 of this Order is concerned, this commission holds that this information is public and should be disclosed to the Appellant if available with the Respondent.
12. This commission holds that the requested information about portion of the summary containing information about the revocation of the ban on TLP in item 3 of para 2 is public document. The unrelated parts of the summary can be severed under Section 16 (1) (i) of the Act.

**E. Order**

13. The Appeal is partially allowed. The Respondent is directed to provide the Appellant following information at the earliest but not later than 7 working days of the receipt of this Order, with intimation to this office:  
Certified copies of previous agreements with TLP, as requested in item 7 of para 2 of this Order if available, otherwise certification to the effect that no such available with the Respondent ministry and all its attached departments and;

Certified copy of the portion of the summary containing information about the revocation of the ban on TLP in item 3 of para 2 of this Order, severing it from the unrelated parts of the summary.

14. Copies of this order be sent to the Respondent and the Appellant for information and necessary action.

**Mohammad Azam**

Chief Information Commissioner

**Fawad Malik**

Information Commissioner

**Zahid Abdullah**

Information Commissioner

**Announced on:** August 02, 2022

This order consists of 4 (four) pages, each page has been read and signed.