The Nexus between Some Legal Eagles and the Ministry of Law and Justice

CPDI RTI Case Study

Issue: Misuse of public funds by Ministry of Law and Justice.

Background:

During General Musharraf rule, many leading lawyers of the country would defend his policies in TV talk shows. CPDI decided to investigate this matter to determine whether there existed patron-client relationship between lawyers and the Ministry of Law and Justice.

Date of Submitting Information Request: May 05, 2008

RTI Law Referred: Freedom of Information Ordinance 2002

Information Request:

1. Certified copy of the list containing the names and addresses of lawyers hired by Ministry of Law, Justice and Human Rights to represent Federal Government/ Federation in Supreme Court of Pakistan from October 01, 2002 to March 20, 2008.

2. Certified information about the total amount paid by Ministry of Law, Justice and Human Rights as fee or in other heads to the lawyers who represented Federal Government/ Federation in Supreme Court of Pakistan during the same tenure.

3. Certified information about the fee paid by Ministry of Law, Justice and Human Rights to each lawyer from October 01, 2002 to March 20, 2008, to represent the Federal Government/ Federation in Supreme Court of Pakistan.

Ministry denied the information request, saying it would open a 'Pandora box'. The ministry also maintained that it was ‘indirect interference into the working of the government on the part of Mr. Abdullah who filed this information request.

Action Taken:

CPDI remained undeterred and persisted to open this ‘Pandora box’. We shared all the details with Ansar Abbasi, reporter ‘The News International’ and there was a front page story in ‘Jang’ and ‘The News’ on Monday, July 14, 2008 titled ‘Law ministry protecting Musharraf’s legal extravagance. This investigative initiative through RTI request finally paid off when MNA Begum Nuzhat Siddiqi asked the minister for law, justice and human rights the same question Zahid had been raising:” to show the names of lawyers, who pleased the cases on behalf of the government cases in the Supreme Court during the last five years and the total amounts of fees paid to them in each case”. The Minister provided the information and details of scandalous amounts paid to the
lawyers were divulged, injudicious use of public funds was exposed. The news item pertaining to these revelations was a major story carried by print and electronic on Tuesday, August 12, 2008.

The details submitted in the National Assembly during the question hour showed that Musharraf had hired a huge team of 23 lawyers who were paid a total sum of about Rs30 million as fees. It transpired that Wasim Sajjad got Rs 8.2 million, Malik Qayyum Rs 8.2 million and Khalid Ranjha Rs 4 million to defend the presidential reference against the then Chief Justice of Pakistan.

Lessons Learnt:

This case study shows that there exists nexus between some of the lawyers and the Ministry of Law and Justice. In this particular instance, the information request was filed when PPP coalition government was at the helm of affairs. Even then information about fee paid to the lawyers by Ministry of Law and Justice by the previous government was only partially shared after lot of feet-dragging on this issue. Interestingly, the same pattern has emerged again when PML-N is in power. The Ministry of Law and Justice was asked through information request filed under Freedom of Information Ordinance 2002 on December 09, 2013 to provide information about the fee paid to lawyers to represent federation of Pakistan from November 01, 002 to November 01, 2013. On January 01, 2014, Iftikhar ul Hassan, Section Officer, DAS informed that no contract was signed by his division and lawyers. This information is being kept hidden despite letters and repeated reminders to the ministry and lodging complaint with Federal Ombudsman that information about the contracts between lawyers and the ministry has not been sought from a particular division but from the Ministry of Law and Justice. The dilly-dallying on the part of Ministry of Law and Justice continues. However, CPDI is determined to throw sunshine on contracts between lawyers and the Ministry of Law and Justice.