

Government's decision allowing ISI to tap phones challenged in LHC

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LAHORE:

The Lahore High Court (LHC) has received a petition contesting the government's decision to grant the Inter-Services Intelligence (ISI) the authority to tap phones. This follows the Shehbaz Sharif-led coalition government's justification of the controversial move under the banner of "national security." The petition, filed on Wednesday, by citizen Fahad Shabbir, lists the PM Shehbaz, the federal government, and the Pakistan Telecommunication Authority (PTA) among its respondents. The petition claims that a notification issued by the government permits the ISI to intercept citizens' phone calls, despite the absence of established rules under the PTA Act's relevant section. "The Constitution of Pakistan upholds the privacy and freedom of expression of its citizens," the petition argues. The beefed-up powers given to ISI have arrived on the heels of a

high court judge's slap on the wrist over "the criminal act" of phone surveillance, which has sparked a firestorm of criticism amid concerns of misuse of powers and violation of fundamental rights. The petition filed in LHC also references a ruling from the Indian Supreme Court, declaring phone tapping a breach of constitutional rights. The petition requests the court to invalidate the notification and suspend its enforcement until a final verdict is delivered. It also calls on the government to draft rules under Section 56 of the PTA Act. While the ruling coalition has dug in its heels, staunchly defending the move to legitimise ISI's beefed-up powers, the Pakistan Tehreek-e-Insaf (PTI) and the Pakistan Bar Council (PBC) have come out swinging, condemning the notification that grants sweeping powers to the spy agency under the guise of national security. In a strong rebuke yesterday, PTI questioned the oversight of such extensive powers, pointing out the absence of specified parameters to prevent misuse. Vowing to challenge the government's move, the former ruling party has questioned "who will monitor misuse of such powers as no parameters have been specified." Leader of the Opposition in the National Assembly Omar Ayub reportedly slammed the government, saying that "only a fascist government would grant an intelligence agency complete authority to tap citizens' phones", adding that "[PM] Shehbaz Sharif has practically cut his own throat with this decision." The opposition leader said that the move could backfire and could have great consequences, further incorporating that "this SRO will be the tool

the ISI uses to blackmail and subjugate all politicians and media persons, including Bilawal Bhutto, Asif Zardari, and Maryam Nawaz”. The PTI leader announced his intention to challenge the notification in court through his lawyer, Dr Babar Awan. “This SRO is unconstitutional and against the fundamental rights enshrined in the Constitution,” he protested. The move hasn’t been well-received by the PBC as it condemned the move and termed such “sweeping powers” alarming and unjustified. The bar council noted that the issuance of notification directly violates fundamental rights; and undermines the principles of the independence of the judiciary and the rule of law. It noted that the timing of the notification was troubling given the ongoing proceedings before the apex court and the Islamabad High Court (IHC). “This act by the federal government represents a blatant disregard for the rule of law and judicial independence,” the PBC stated, adding that the notification infringes upon the dignity and security of individuals and violates the right to life and privacy. Terming the government’s actions “unconstitutional”, the PBC said that it is also deeply disrespectful to the rule of law, arbitrary and not bonafide as no criteria for intercepting of calls, messages and tracing has been laid down.