

# SENATE SECRETARIAT

## REPORT OF THE COMMITTEE ON RULES OF PROCEDURE AND PRIVILEGES ON PRIVILEGE MOTION NO. 02(103)/2014-M, MOVED BY SENATOR ABDUL RAUF AGAINST THE DEPUTY COMMISSIONER, KARACHI SOUTH.

### REPORT NO. 8 OF 2014

I, Chairman of the Committee on Rules of Procedure and Privileges, have the honour to present report of the Committee on Privilege Motion No. 02(103)/2014-M moved by Senator Abdul Rauf in the sitting of the Senate held on 16-4-2014, against the behaviour of DC South, Karachi.

2. The composition of the Committee is as under:-

1.	Senator Col. (R) Syed Tahir Hussain Mashhadi	Chairman
2.	Senator Mian Raza Rabbani	Member
3.	Senator Abbas Khan Afridi	Member
4.	Senator Islamuddin Shaikh	Member
5.	Senator Aitzaz Ahsan	Member
6.	Senator Mushahid Hussain Syed	Member
7.	Senator Syed Muzafar Hussain Shah	Member
8.	Senator Haji Mohammad Adeel	Member
9.	Senator Afrasiab Khattak	Member
10.	Senator Prof. Sajid Mir	Member
11.	Senator Hidayat Ullah	Member
12.	Senator Abdul Rauf	Member
13.	Senator Ch. Muhammad Jaffar Iqbal	Member
14.	Senator Farooq Hamid Naek	Member
15.	Minister for Parliamentary Affairs.	Ex-Officio Member

3. The details of the issue before the Committee were that Senator Abdul Rauf moved a Privilege Motion No. 02(103)/2014-M against the behaviour of DC South, Karachi, in the sitting of the Senate held on 16-4-2014. The motion was held in order and referred to the Committee on Rules of Procedure and Privileges for investigation and report. A detailed discussion was held on the

subject matter of the Privilege motion. The Mover and Deputy Commissioner, South Karachi, were given ample opportunity to explain their point of view/position.

4. Senator Abdul Rauf informed the Committee that he had gone to Karachi to attend the meeting of Senate Standing Committee on Housing and Works on 21<sup>st</sup> March, 2014. During his stay there some people met him in connection with some problems of theirs and requested him to approach the Deputy Commissioner. He tried several times to contact the Deputy Commissioner but every time the officials of that office told him that the Deputy Commissioner was not present. He then sent a person to the Deputy Commissioner's office to check the presence of Deputy Commissioner. When that person informed him about the presence of Deputy Commissioner, he (the Senator) made a phone call but telephone operator informed that the Deputy Commissioner did not want to talk with any Senator or MNA. He further informed that he also sent the President of his party in Karachi to negotiate with the Deputy Commissioner on the issue of operation against encroachments but the Deputy Commissioner started a retaliatory campaign and unlawfully confiscated belongings of those persons and physically tortured them. He said that after moving of privilege motion by him in the Senate, the Deputy Commissioner made him a phone call and apologized informing that he (DC) had transferred the negligent telephone operator. The Senator was of the view that there was no fault at the part of telephone operator and he had been made a scapegoat by the Deputy Commissioner.

5. The Deputy Commissioner, Karachi South, informed that he tendered apology to the honorable Senator over telephone. He tendered apology again to the Senator and the Committee. He said that the misunderstanding occurred due

to the negligence of telephone operator. He stated that that all this mishap was created due to a dispute over a property in the Cantonment area. He informed that a Judicial Magistrate proceeded against a property located in the jurisdiction of Sadar Cantonment Area in Empress Market, Karachi. The property was sealed and both the contestants to the property were dispossessed. An operation was launched against illegal encroachments in the area and belongings of the encroachers were confiscated after due process of law and through proper procedure. He also informed that the Station Commander was also present there during anti-encroachment operation. The property was confiscated in official capacity and a complaint cell was also setup on the site to facilitate the affected persons. He informed further that he met with the leaders of political party in Karachi and had always asked for their cooperation in removal of encroachments.

6. The Chairman Committee said that apology by the Deputy Commissioner was well taken by the Committee but the issue should be investigated. Referring the incident of Model Town Lahore, he said that the Law and Order is the domain of the Deputy Commissioner but the Administration and the Police were of the habit of thrashing the general public which should be avoided at all cost. The Administration should not conduct anti-encroachment operations in cruel manner and with brutality. He said that since he had been an army officer himself and as far as his knowledge is concerned, there is a law for Cantonment areas which forbid any operational activity after sunset.

7. Senator Islamuddin Shaikh said that the Deputy Commission belongs to a very humble and respectable family and has strong moral values. He also said that he was shocked to know about the happening. He was of the view that there was some misunderstanding due to which Senator Abdul Rauf had moved the

motion. He assured the Committee that the Deputy Commissioner was a gentleman. He requested Senator Abdul Rauf not to press the motion after apology by the officer.

8. Senator Mian Raza Rabbani said that the apology had been tendered which was sufficient but the matter pertaining to ways of conducting anti-encroachment operation and oppressive attitude of police and administration was highly condemnable. He said that the authorities of Cantonment Boards consider themselves above the Law and citizens are treated harshly by them.

9. Senator Afrasiab Khattak said that it was clear that if the Deputy Commissioner had attended the phone call of Senator Abdul Rauf and met him, the situation would have not been so violent. He commented that it appeared that the whole administration was one big “demolition squad”. He recommended that the matter should be looked into it and the effected persons may be compensated. He said that Karachi is a mini- Pakistan and the Deputy Commissioner should deal with respect and dignity with all people living there. He also objected the conducting of operation by the station commander.

10. Senator Aitzaz Ahsan said that the apology tendered by the Deputy Commissioner was sufficient to resolve the issue. He commented that the attitude of the authorities of Cantonment Boards was very rude. He proposed that the Committee on Human Rights should take up this issue.

11. Senator Ch. Muhammad Jaffar Iqbal said that it should be clarified that whether the fault was at the part of Deputy Commissioner or it was the negligence of the telephone operator. He proposed that if the telephone operator was at fault, he should be punished but if the position was otherwise, no discriminatory action should be taken against him and he should be re-instated.

He also proposed that the incidents of harsh attitude of the authorities of Cantonment Boards should be referred to the Standing Committee on Defense or Committee on Human Rights.

12. Senator Hidayat Ullah said that the Committee respects the family background of Deputy Commissioner. He proposed that the mental health of the telephone operator should be got checked. He also proposed that he cases of oppressive attitude of the authorities of Cantonment Boards against the citizens should be referred to the Committee on Human Rights.

13. Senator Prof. Sajid Mir said that the responsibility had been shifted to the lower staff. It was not possible for a clerk to say at his own to a Parliamentarian that his boss did not like to talk with him (Parliamentarian). He was of the view that the clerk must have been directed to say so. He said that the apology is accepted but such behavior should not be repeated.

14. The Chairman Committee directed the Deputy Commissioner not to involve the Army in such anti-encroachment operations as it brings bad name to the Army. He said that the Army is serving the Nation very well by fighting against the terrorists. The apology tendered by the Deputy Commissioner was accepted by the Mover and other Members of the Committee. The Privilege Motion was disposed off with the observation that no action is required to be taken in the matter.

15. The Committee recommended that the Senate Committee on Human Rights may take up the issue of violation of fundamental rights of the citizens during such operations and analyze the role of cantonment board authorities therein. It was also recommended that the Deputy Commissioner, Karachi South, should compensate the people affected by the said anti-encroachment

operation and their belongings confiscated during the operation may be returned to them. The Committee further recommended to the Government of Sindh to take notice of the incident and to pay reasonable compensation to the affectees of that operation.

**( MUHAMMAD ANWAR )**  
**J.S. / Secretary Committee**

**(SENATOR COL. (R) SYED TAHIR**  
**HUSSAIN MASHHADI)**  
**Chairman**