

## SENATE SECRETARIAT

### 7<sup>th</sup> FOLLOW UP REPORT OF THE SENATE STANDING COMMITTEE ON NATIONAL FOOD SECURITY & RESEARCH ON THE ISSUE OF PARC LAND.

I, Senator Muhammad Mohsin Khan Leghari, member of the Standing Committee on National Food Security & Research, on behalf of Chairman of the Standing Committee on National Food Security & Research have the honour to present the 7<sup>th</sup> follow up report of the Committee on the status of "conversion of 1400 acres land of PARC (Pakistan Agricultural Research Council) into residential / commercial plots" as directed by the Chairman Senate during sitting of Senate dated 11<sup>th</sup> November, 2015.

2. The composition of the Committee on National Food Security & Research is as under:-

1.	Senator Syed Muzafar Hussain Shah	Chairman
2.	Senator Muhammad Mohsin Khan Leghari	Member
3.	Senator Mst. Gul Bashra	Member
4.	Senator Muhammad Zafarullah Khan Dhandla	Member
5.	Senator Sirdar Zulfiqar Ali Khan Khosa	Member
6.	Senator Mushahid Ullah Khan	Member
7.	Senator Kamran Michael	Member
8.	Senator Mukhtiar Ahmed Dhamrah @ Aajiz	Member
9.	Senator Hari Ram	Member
10.	Senator Brig. (R) John Kenneth Williams	Member
11.	Senator Muhammad Azam Khan Swati	Member
12.	Minister for National Food Security and Research	Ex-Officio/ Member

3. The Chairman Standing Committee on National Food Security & Research is currently abroad, as such the meeting of the Committee is yet to be convened, he however, in view of the directions of the hon'ble Chairman Senate given during the sitting of Senate dated 11<sup>th</sup> November, 2015 regarding the presentation of progress report on regular basis/ in every Senate sitting, authorized Senator Muhammad Mohsin

Khan Leghari, a member of the Standing Committee on National Food Security & Research to sign and present 7<sup>th</sup> follow up report on the status of conversion of 1400 acres land of PARC (Pakistan Agricultural Research Council) into residential/ commercial plots .The Capital Development Authority (CDA) and Pakistan Agricultural Research Council (PARC) were accordingly asked to furnish the upto-date progress report into the matter.

4. The report of CDA and PARC as received are annexed as "A" & "B". The Chairman, PARC also stated that the position in relation to 1400 acres of land continues to be the same and the possession is with the PARC and the next date of hearing yet to be fixed in HRC No.16466/2015 in the Supreme Court of Pakistan.

5. The report is submitted before the House as per directions of the Chairman Senate.



**(HAFEEZULLAH SHEIKH)**  
JS/Secretary Committee



**(SENATOR MUHAMMAD MOHSIN KHAN LEGHARI)**  
Member Standing Committee on National Food Security  
& Research



**(Directorate of Coordination)**

No.CDA-29(36) (SSC-02)-Coord/2016/ 1632

18-07-2016

From: **Simon Nathaniel,**  
Assistant Director Coordination,  
CDA, Islamabad.

To: 1. **Mr. Hafeezullah Sheikh,**  
J.S./Secretary Committee,  
Senate Secretariat, Islamabad.

2. **Mr. Babar Ali,**  
Section Officer (Council), CA&DD,  
Govt. of Pakistan, Islamabad.

Subject: **BRIEF/PROGRESS REPORT REGARDING STANDING COMMITTEE  
DIRECTIONS SUBMISSION OF MONTHLY REPORT ON THE ISSUE OF  
1400 ACRES LAND LEASED OUT TO PARC TO CDA.**

I am directed to refer to J.S./Secretary Committee, Senate Secretariat's  
u.o letter No.F.7(1)/2015-C-1(12) dated 11-07-2016 and to enclose herewith requisite  
information/progress as subject

Encl: As above.

  
(SIMON NATHANIEL)  
Assist. Director Coordination  
051-9252961

**Copy to:-**

1. P.S to Chairman, CDA
2. P.S to Member (Estate), CDA.



BRIEF/ PROGRESS REPORT REGARDING STANDING COMMITTEE DIRECTIONS  
SUBMISSION OF MONTHLY REPORT ON THE ISSUE OF 1400 ACRES LAND  
LEASED OUT TO PARC BY CDA.

It is submitted that the last date of hearing in Supreme Court was on 13-01-2016 where CDA Counsel Mr. Hafiz S.A Rehman pleaded that the case and informed the learned Court that the matter has been discussed with worthy Chairman, CDA and it will be taken up by the CDA Board for implementation or otherwise as per recommendations of the Standing Committee and the Board's decision will be conveyed to Federal Government for further orders. The Summary was placed before the CDA Board and the Board has decided as under:-

*“ The Authority after due deliberation submitted Summary to the Government and still maintain that that plot in question is not being fully utilized for the purpose it was allocated, therefore, the authority shall wait for the decision of the Government”.*

2. In the light of CDA Board's decision a letter has been written to Secretary CADD, Government of Pakistan, Islamabad on 15-07-2016 (copy enclosed) please.

**CAPITAL DEVELOPMENT AUTHORITY**

(Estate Management Directorate-II)

Subject: RE-PLANNING OF NATIONAL AGRICULTURE RESEARCH COUNCIL (NARC) SITE FOR REVENUE GENERATION FOR GOVERNMENT OF PAKISTAN AND CAPITAL DEVELOPMENT AUTHORITY.

It is submitted that Chairman CDA submitted a Summary through Secretary Cabinet Division, Government of Pakistan to the Prime Minister of Pakistan regarding re-Planning of National Agriculture Research Council (NARC) site for revenue generation for Government of Pakistan and Capital Development Authority vide U.O No.CDA-DS2(29)/2013/315 dated 31-3-2015 (Copy enclosed).

2. In the meantime HRC No.16466-G/2015 was filed by Muhammad Altaf Sher & other Officers and Employees of NARC, Islamabad in the Supreme Court of Pakistan, Islamabad against conversion of NARC land into residential scheme. On 03-09-2016 the Hon'ble Court passed order that the summary submitted by the CDA shall be kept pending. The said restrained order was extended on 05-10-2015, 13-01-2016 and is still in field.

3. The Senate Standing Committee on National Food Security and Research taken up the issue and a series of meetings of the committee were held. Finally the report of the Standing Committee on the National Food Security Research transmitted in terms of rule 196(3) of the Rules of Procedure and Conduct of Business in Senate, 2012 which was conveyed vide Senate Secretariat letter dated 16-11-2015 (copy enclosed). The recommendations of the Chairman Standing Committee on National Food Security & Research is reproduced as under:-


"The committee feels that the PARC has invested millions of rupees in developing infrastructure, setting up research stations and laboratories and since 1975 has made valuable contribution in the field of agricultural research. For the reasons as stated above the committee feels that there are no justifiable grounds for the cancellation of the lease agreement".

4. Further the case was fixed for hearing in Hon'ble Supreme Court of Pakistan on 13-01-2016. Hafiz S.A Rehman, ASC/CDA Counsel intimated to the Court that the matter will be placed before the CDA Board so as to take their decision in consonance or otherwise of the decision of the Standing Committee on National Food Security & Research on PARC and Board will convey the decision to Federal Government for further orders.

5. A Summary was placed before the CDA Board and the Board decided (copy enclosed) as under:-

"The Authority after due deliberation submitted Summary to the Government and still maintain that the land in question is not being fully utilized for the purpose it was allocated, therefore, the authority shall wait for the decision of the Government".

6. The decision of the CDA Board has also been submitted in the Hon'ble Supreme Court of Pakistan pm 24-05-2016. It is requested that the same may be conveyed to the Secretary Cabinet, Government of Pakistan, Islamabad.

  
(Maroof Afzal)  
Chairman, CDA.



No. CDA/EM-(PVC-39)/41/66  
CAPITAL DEVELOPMENT AUTHORITY  
(Estate Management Directorate-II)

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SUMMARY FOR BOARD

Subject: LAND ALLOTTED TO NATIONAL AGRICULTURAL RESEARCH COUNSEL IN PARK ROAD, CHAKSHAHZAD, ISLAMABAD.

A tract of land measuring 1395.2 acres was allotted to Ministry of Food and Agriculture, Government of Pakistan vide approval of the then Prime Minister on 2-5-1975 in National Park Area, Chakshahzad, Islamabad. Consequently, this land was handed over to NARC under a Colony (25 acres) for its employees. As per original layout plan, ground coverage was allowed upto 2250 sft but NARC has constructed beyond 54,306 sft with the passage of time, this area has become a hub of residential and commercial activity and agriculture research does not appear to be foremost appropriate activity on this site. The Government through the independent evaluation can assess the performance and actual research being conducted at this facility.

2. The lease stands expired and there remains no record of cultivation in khasra girdawari for measurement of agricultural plantation ever by NARC. No claim of cultivation can be made without girdawari, this is also evident from Report of ADC ( R ), ITC.

3. The approval of building plans sought by NARC from CDA (Building Control Directorate) in 1987 and now in 2015 clearly speak of gross violation i.e 26 structures without approval of building plans from CDA which also includes a Petrol Pump. After construction of a Petrol Pump on Agricultural land NARC requested for access of the same from main road for commercial activity.

4. The lease agreement had expired on 1-5-2005, which is yet to be extended; hence, CDA is not seeking any unilateral or forcible action. Expiry of lease abandons all legal rights of NARC regarding the ownership of said land. It is essential for CDA to constantly take action against all such cases, not only to safeguard its interests but also to ensure proper utilization of prime land of the Capital.

5. It was proposed that NARC be given land which is reserved for Agricultural purposes by the Government. To avoid any controversy or involvement of CDA it has itself suggested that this revenue generation process should be carried out through any mode other than CDA and receipts should vest with the Government.

6. Moreover, NARC had already requested for conversion of considerable land for housing purposes, which is neither its mandate nor domain. NARC is a part of government and falls under Ministry of Agriculture. Thus the competent authority, in best interest of the country shall make decision, which was yet to be taken, the summary initiated was only a proposal in view of land use change in 2010 and expiry of lease and non-renewal since 2005. The land falls under the municipal limits of Islamabad and no decision has yet been made and the matter shall be decided by the Prime Minister in the best interest of the people of Pakistan.

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7. In the meantime, Senate Standing Committee on National Food Security & Research on the PARC land was constituted by the Government of Pakistan and a series of the meeting of the committee were held. Finally the report of the Standing Committee on the National Food Security & Research transmitted in terms of rule 196(3) of the Rules of Procedure and Conduct of Business in the Senate, 2012 for further necessary action. The recommendation of the Chairman Standing Committee on National Food Security & Research is reproduced as under:-

"The committee feels that the PARC has invested millions of rupees in developing infrastructure, setting up research stations and laboratories and since 1975 has made very valuable contribution in the field of agricultural research. For the reasons as stated above, the committee feels that there are no justifiable grounds for the cancellation of the lease agreement".

8. Later on, an IIRC No.16466-G/2015 made by Muhammad Altaf Sher and others officers and employees of Pakistan Agriculture Research Council, Islamabad The Honourable Supreme Court of Pakistan. The last date of hearing in Supreme Court was on 13-1-2016 where CDA Counsel Mr. Hafiz S.A Rehman pleaded the case and told the court that the matter has been discussed with worthy Chairman, CDA and it will be taken up with CDA Board for implementation or otherwise as per the recommendations of the Standing Committee and the Board will further on convey the decision to Federal Government for further orders.

9. Case is placed before the CDA Board for a decision in the light of recommendations of the Chairman Standing Committee on National Food Security & Research reproduced at para 7 of the Summary please.

  
(Malik Azhar Khurshid)  
Director Estate Management-II

  
(Abdul Salam Shah)  
DDG (Land & Estate)

Subject: LAND ALLOTTED TO NATIONAL AGRICULTURAL RESEARCH COUNSEL IN PARK ROAD, CHAKSHAIKZAD, ISLAMABAD.

Estate Wing has forwarded a summary on the above subject prepared by Director FM-II and requested for consideration of CDA Board through circulation.

Approval of Chairman is solicited for approval of subject summary by the Board through circulation, please.

CHAIRMAN, CDA

(ASIF J SHAHJAHAN) (T.I.)  
Secretary CDA Board  
20.5.2016

Estate Wing has forwarded a summary for approval of CDA Board regarding "LAND ALLOTTED TO NATIONAL AGRICULTURAL RESEARCH COUNSEL IN PARK ROAD, CHAKSHAIKZAD, ISLAMABAD." Chairman CDA has approved vide above para- /N for obtaining the approval through circulation of said summary from CDA Board. Board Members are requested to kindly see the summary for consideration.

Member Admin. CDA

(ASIF J SHAHJAHAN) (T.I.)  
Secretary CDA Board

Member Engineering, CDA

Member P&D/Member (Estate), CDA

Member Environment, CDA

Look after charge

FA/Member, CDA

Chairman CDA The Authority after due deliberation Submitted



From Page

the land in question is not being fully utilized for  
the purpose it was allocated therefore the Authority  
shall wait for the decision of the Govt.

~~M. S. S. S.~~  
20/05/14

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No.F. 4-15/2016-Dir(Tech)-CS  
Pakistan Agricultural Research Council  
(Central Secretariat)

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18<sup>th</sup> July 2016

**Subject: UPTO-DATE PROGRESS REPORT ON THE MATTER OF 1400 ACRES LAND OF PARC**

Reference your letter No. F. 7(1)/2015-Com-I dated 12-07-2016 on the subject cited above, the modified up-dated report is as under:

- The case is still pending in Supreme Court of Pakistan and next date of hearing is yet to be fixed by the honorable court.
- In the light of the Directions by the Honorable Chairman, Senate Standing Committee, Senator Saud Majeed was contacted to obtain the copy of the decision made by the Prime Minister, if any. The honorable Senator was busy and away from Islamabad due to his preoccupations. He will again be contacted as soon as he is back in Islamabad.
- It is further mentioned that the CDA was receiving payment of annual ground rent upto 2016. However the cheque from NARC on account of annual ground rent of NARC Land for next year sent to CDA has been returned to NARC by CDA with the remarks that since an HRC No. 16466/2015 is pending adjudication before the Supreme Court of Pakistan, therefore cheque is returned herewith.
- The CDA however instead of honoring the statement of their own counsel given on 18-05-2016, filed a CMA before Supreme Court of Pakistan wherein a summary of CDA Board dated 20-5-2016 was annexed. The Chairman CDA's minutes on summary are reproduced below:

*"The Authority after due deliberation submitted Summary to the Government and still maintain that the land in question is not being fully utilized for the purpose it was allocated, therefore, the Authority shall wait for the decision of the Government."*

- **It is worth mentioning that the Summary prepared for CDA Board and submitted to the court contains few glaring misrepresentations and therefore, it is considered necessary to give the point wise rebuttal to the contents of CDA Board's summary (Annex A) which is as under:**
  - Para-1 as narrated is incorrect. The summary moved by the Chairman, CDA on 31-03-2015 itself mentioned that the NARC was allowed to construct Office area on 120 acres as well as NARC Colony for its employees on 25 acres. It is beyond comprehension that only 2250 Sft ground coverage was allowed on 145 acres designated for construction of offices, labs and official residences.
  - That para-2 as narrated is incorrect hence denied with vehemence. It is stated that lease was basically for 90 years spread over three terms of 30 years each. After expiry of first term of 30 years in 2005, PARC has been regularly discharging its liability in terms of payment of ground rent upto date. So far a Khasra Gardawari by ITC is concerned that is not applicable to land acquired by CDA and leased out to Government Departments.

was supposed to take decision within two months from the adoption of recommendations of Senate Standing Committee by the house of Senate on 11-11-2015 which they did not. Therefore, adoption of recommendations by the House of Senate have become binding on CDA.

- That para-8 as narrated is incorrect. The CDA Board summary was prepared on 20-05-2016 and circulated among members on the same date whereas the Supreme Court on 18-05-2016 passed following order:

*"Learned ASC for CDA submits that the summary for withdrawal of proposal, as regard the land of PARC/NARC is awaiting signatures of Chairman, CDA, as he is presently out of country. He requests for a short adjournment. To come up on 25-05-2016."*

**The CDA Board summary is therefore, tantamount to concealing of facts and contempt of Supreme Court of Pakistan.**

This issues with the approval of Chairman, PARC.

✓  
**Mr. Hafeezullah Sheikh**  
JS/Secretary Committee on NFS&R  
Senate Secretariat, Islamabad

CC:

- PS to Chairman, PARC
- Secretary, PARC

18/05/16  
(Dr. Javed Iqbal)  
Director (Technical)



**IN THE SUPREME COURT OF PAKISTAN, ISLAMABAD**

(Original Jurisdiction)

Regd. A.D.

HRC No: 16466-G/2015

**Application By:** Muhammad Altaf Sher & others officer & Employees of Pakistan Agriculture Research Council, Islamabad (PARC).

To,

1. The Attorney General for Pakistan, Islamabad.
2. Syed Nayab Hasan Gardezi, ASC/Standing Council. H# 37 Street No. 2, G-10/3, Islamabad
3. Mr. Asif Fasil-ud-Din Vardaq, ASC. Off: 310F, Street 49-A, G-10/3, Islamabad.
4. Malik Qamar Afzal, ASC/ Mir Aurangzaib, AOR.
5. Hafiz Hifz-ur-Rehman, ASC/Raja Abdul Ghafoor, AOR.
6. Hafiz S.A Rehman, Sr. ASC.
7. Ch. Akhtar Ali, AOR.
8. Syed Rifaqat Hussain Shah, AOR.
9. The Secretary Cabinet Division, Government of Pakistan, Islamabad.
10. The Chairman Capital Development Authority, Islamabad.
- ✓ 11. The Chairman, PARC, Islamabad.
12. The Director General, NARC, Islamabad.
13. The applicants Muhammad Altaf Sher & others, PARC, Islamabad.

Take notice that the above noted HR Case came up for hearing before the Court on **18.05.2016** when the following order was passed:-

*“ Learned ASC for CDA submits that the summary for withdrawal of proposal, as regards the land of PARC/NARC is awaiting signatures of Chairman, CDA, as he is presently out of country. He requests for a short adjournment.*

*To come up on 25.05.2016.*

Take further notice that the above noted HR Case is fixed for hearing on **25.05.2016** before Court at 9.00 a.m or soon thereafter as may be convenient to the Court in the Court House at Islamabad. You are required to ensure compliance with the above order.

Take further notice that you are required to bring your original Identity Card for purpose of verification of your identity for entrance in the premises of the Supreme Court Building.

**Islamabad the: 20<sup>th</sup> May, 2016**

  
Director  
(Human Rights Cell)  
Phone: 051-9203557  
Fax: 051-9219516