

07

**FINAL REPORT OF THE SENATE STANDING
COMMITTEE ON DEFENCE**

*In compliance with the directions of the Hon'ble
Chairman Senate dated 10th April, 2017 on the
subject:-*

**“Point of Order raised by Senator Sardar
Muhammad Azam Khan Musakhel on December 20,
2016 regarding "Ministry of Defence has ordered
the residents of Cantonment areas of Loralai to
vacate the same despite the fact that the land has
been allotted to them for 100 years";**

**Report No. 19
(Fifteenth Parliamentary Year)**

**PRESENTED BY
(SENATOR MUSHAHID HUSSAIN SAYED)
CHAIRMAN**

SENATE SECRETARIAT

REPORT OF THE SENATE STANDING COMMITTEE ON DEFENCE

1. Senator Mushahid Hussain Sayed, Chairman of the Senate Standing Committee on Defence, have the honour to present the final report, on behalf of the Committee which was referred to the Standing Committee for consideration and report.

2. The Agenda before the Committee was as follows:-

"Point of Order raised by Senator Sardar Muhammad Azam Khan Musakhel on December 20, 2016 regarding "Ministry of Defence has ordered the residents of Cantonment areas of Loralai to vacate the same despite the fact that the land has been allotted to them for 100 years";

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

1.	Senator Mushahid Hussain Sayed	Chairman
2.	Senator Ilyas Ahmad Bilour	Member
3.	Senator Hidayat Ullah	Member
4.	Senator Atta Ur Rehman	Member
5.	Senator Col. (R) Syed Tahir Hussain Mashadi	Member
6.	Senator Lt. Gen. (R) Salahuddin Tirmizi	Member
7.	Senator Lt. Gen. (R) Abdul Qayyum	Member
8.	Senator Muhammad Javed Abbasi	Member
9.	Senator Farhatullah Babar	Member
10.	Senator Saleem Mandviwala	Member
11.	Senator Mrs. Sehar Kamran	Member
12.	Senator Brig (R) John Kenneth Williams	Member
13.	Minister for Defence	Ex-Officio Member

4. A meeting of the Senate Standing Committee on Defence was held on 24th May, 2017. The following members of the Committee attended the meeting:-

- | | |
|--|--------|
| 1. Senator Ata-ur-Rehman | Member |
| 2. Senator Lt. Gen (R) Salahuddin Tirmizi | Member |
| 3. Senator Farhatullah Babar | Member |
| 4. Senator Saleem Mandviwala | Member |

5. The two Hon'ble Senators Sardar Muhammad Azam Khan Musakhel & Muhammad Usman Khan Kakar, Movers of the Point of Order which was taken up were not present, and had submitted leave applications, stating personal prior commitments for not being able to attend this meeting.

6. The Station Commander, Loralai, Lt. Col. Ahmed Bilal made a presentation to the Hon'ble Committee stating that at Risala Lines, Loralai there were originally 258 quarters which have been further subdivided into 371 small quarters out of which, after subdivision, 74 are with FC and Loralai scouts, whereas rest of the 297 quarters have been given to civilians on rent. The land is property of the Federal Government, being B-4 Land, and these quarters / houses known as "Risala Lines" are managed by Station Headquarters, Loralai. An agreement dated 25.03.1999 was executed between the Station HQ Loralai and the residents of Raisala Lines. According to the agreement the Station HQ Loralai agreed to rent out the houses on monthly rent fixed at Rs. 200/- per month per house. The said agreement does not contain any clause granting 100 years tenancy or lease holding rights to the residents. Under clause 18 of the said agreement, the Station Commander has the authority to initiate any legal action against those involved in illegal/immoral activities.

7. He further stated that recently the Station Headquarters initiated action against the tenants of 34 quarters, which make up less than 9% of the total rented quarters, which were involved in illegal/immoral activities. They were vacated after necessary inquiry and verification by the concerned authorities. The law abiding citizens/tenants are peacefully living in remaining 263 quarters in Risala Lines and no such action has been initiated against them. Out of 34 quarters, 31 have been vacated



and vacation process of 3 quarters is in process. The 31 persons evicted from these houses were not owners or lessees but illegal tenants. Hence there is no possibility of any alternate land to be provided to them. Under the Cantonment Act, 1924, sections 235, 237 & 238, the Commander can evict / expel any resident (lessee or tenant) from the Cantonment who is involved in immoral/illegal/anti-social activities. The action was taken against these individuals after they were found to be involved in illegal activities. This is strictly in accordance with law as per the tenancy agreement. Earlier the subject issue was discussed in Senate Standing Committee on Defence in its meeting held on 8th February, 2017 and Sub-Committee was constituted to visit Loralai and a submit report. The visit of Sub-Committee was scheduled twice but was postponed.

8. Opening the discussion, Senator Farhatullah Babar stated that forced eviction of occupants allegedly for bad character and immoral activities was arbitrary, unjustified and unlawful. This was not permissible under the provisions of March 1999 agreement as the station Commander could only take action for unlawful activities but had no powers to dispossess residents of their shelter. Clause 3 of the agreement clearly forbade eviction as long as rent was regularly paid. If some residents had violated the law they should be proceeded against by filing FIRs and taking them to courts. Due process must be observed. It was not appropriate for the cantonment board to simultaneously act as an investigator, prosecutor, judge and jury on the basis of allegations of 'Bad Character' as determined by the intelligence sources.

9. Senator Farhatullah Babar further stated that the land in B-4 category belongs to the federal government and the station headquarter is responsible to manage it but such management cannot be done arbitrarily. Even if a tenant is to be expelled it must not be done whimsically without due process or with malafide intent. The manner in which people were being evicted raised questions about the intent behind the move where malafide appeared prima facie.

10. According to the Hon'ble Senator it was clearly a case of blatant transgression of authority by the Cantonment Board. The forced eviction from and demolition of houses is only practiced in Israel against Palestinians and under the draconian FCR in Pakistan's neglected tribal areas. Resorting to this practice by military



authorities in cantonments of Balochistan will have far reaching negative fallouts as there was already a deep sense of alienation amongst the people of Balochistan. This move will only worsen the situation. It was a measure of distrust that the relatives of those whose mutilated bodies were found in Balochistan refused to register FIRs with police.

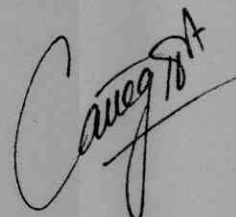
11. The Secretary Defence promised to take up the matter with relevant military authorities and to urge them to revisit their decision of evicting these people. Senator Farhatullah Babar proposed that while writing to the concerned military authorities the Secretary Defence should also forward a copy of the minutes of today's Defcom meeting.

12. Senator Saleem Mandviwala pointed out that as the Movers of the said Point of Order were not in attendance at today's meeting, the report should not be finalized & forwarded to the Hon'ble House.

13. One of the petitioners present in the meeting was also given a chance to express her views on the issue and said if those who took up arms against the State and even attacked the Pakistan Army could be given amnesty, similar leniency and large heartedness needed to be shown in this case.

14. The Hon'ble Chairman DEFCOM later over ruled the plea of Senator Saleem Mandviwala giving the reasoning that since the perspective of the movers, who were absent, been ably and extensively represented by Senator Farhatullah Babar plus one of the petitioners, who was specially present at the meeting, allowed to present the views of the petitioners before the Committee, the issue had, therefore, been thoroughly debated within the Committee. Hence, no further meeting of the Committee on this issue was necessary, and the other Hon'ble Senators present agreed with the ruling of the Chairman. The Chairman then directed the Ministry of Defence that:-

- a. The concerned Army authorities be asked to revisit the issue in accordance with law and rules. A favourable action would create goodwill amongst the people of the area and local Army authorities.
- b. The local authorities to constitute another Jirga to revisit the issue as per directions at para a/ ante.



- c. The criminals be dealt with strictly in accordance with law and unilateral extra judicial decisions and actions be avoided.
 - d. The report to this effect be submitted to the House.
15. The matter was disposed off accordingly.
16. The Chairman DEFCOM & the Senate Standing Committee on Defence adopted this report and approved its laying before the August House.

Case 9781
31 MAY 17

(Dr. Syed Pervaiz Abbas)
Addl. Secretary / Secretary Committee

Mushahid Hussain Sayed

(Senator Mushahid Hussain Sayed)
Chairman