

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

**“Adjournment motion moved by Senators Muhammad Usman Khan Kakar, Sardar Muhammad Azam Khan Musakhel and Ms. Gul Bashra regarding the "Alarming rise in the occupation of land by military and Air Force in District Quetta, causing disharmony amongst the people";**

***Report No. 21***

***(Fourteenth Parliamentary Year)***

**PRESENTED BY**

**(SENATOR MUSHAHID HUSSAIN SAYED)  
CHAIRMAN**

## SENATE SECRETARIAT

### REPORT OF THE SENATE STANDING COMMITTEE ON DEFENCE

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

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

**“Adjournment motion moved by Senators Muhammad Usman Khan Kakar, Sardar Muhammad Azam Khan Musakhel and Ms. Gul Bashra regarding the "Alarming rise in the occupation of land by military and Air Force in District Quetta, causing disharmony amongst the people";**

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

i.	<b>Senator Mushahid Hussain Sayed</b>	<b>Chairman</b>
ii.	Senator Ilyas Ahmad Bilour	Member
iii.	Senator Hidayat Ullah	Member
iv.	Senator Atta Ur Rehman	Member
v.	Senator Col. (R) Syed Tahir Hussain Mashadi	Member
vi.	Senator Lt. Gen. (R) Salahuddin Tirmizi	Member
vii.	Senator Lt. Gen. (R) Abdul Qayyum	Member
viii.	Senator Muhammad Javed Abbasi	Member
ix.	Senator Farhatullah Babar	Member
x.	Senator Saleem Mandviwala	Member
xi.	Senator Mrs. Sehar Kamran	Member
xii.	Senator Brig (R) John Kenneth Williams	Member
xiii.	Minister for Defence	Ex-Officio Member

4. The case was taken up in the meeting of the Defcom held on 19<sup>th</sup> June, 2017 where detailed deliberations took place. In order to amicably resolve the issue, it was decided to form a Sub-Committee under the Convenership of Senator Lt. Gen. (R) Abdul Qayyum with Senator Farhatullah Babar and Senator Hidayat Ullah as members to physically visit the site and take measures for dispute resolution.

5. An interim report of the Committee was submitted before the Hon'ble Chairman Senate, in Chamber, as the House was then not in session. An extension in time period for submission of the final report was sought and granted.

6. A meeting of the Senate Standing Committee on Defence was held on 19<sup>th</sup> July, 2017. The following members of the Committee attended the meeting:-

i. Senator Lt. Gen. (R) Salahuddin Tirmizi	Member / Acting Chairman
ii. Senator Ilyas Ahmad Bilour	Member
iii. Senator Farhatullah Babar	Member
iv. Senator Saleem Mandviwala	Member
v. Senator Mrs. Sehar Kamran	Member
vi. Senator Brig (R) John Kenneth Williams	Member
vii. Senator Sardar Muhammad Azam Khan Musakhel	Mover

7. Report of the Sub-Committee of Senate Standing Committee on Defence, after visiting the site & consulting all stakeholders was presented and approved by the DEFCOM in this meeting.

8. The report is as follows:-

1. **Composition of the Committee:-**

a. Senator Lt. Gen.(R) Abdul Qayyum	Convener
b. Senator Farhatullah Babar	Member
c. Senator Hidayatullah	Member

2. **Terms of Reference**

- a. Title of ownership of the lands being acquired by the armed forces for the extension of Quetta Cantonment & Samungli Air Base, Quetta;
- b. Whether the lands belonging to the tribes were being acquired legally or otherwise;
- c. To ascertain whether adequate payment of compensation was being made to the owners;
- d. Peaceful resolution of the issue;
- e. Site visit of the area.

3. **Attendance** In addition to the Convener Senator Lt. Gen. (R) Abdul Qayyum and Member Senator Farhatullah Babar, following attended the meeting:-

- |   |          |
|---|----------|
| a. Senator Sardar Muhammad Azam Khan Musakhel                   | } Movers |
| b. Senator Muhammad Usman Khan Kakar                            |          |
| c. Mr. Abdul Rahim Ziaratwal, Provincial Minister for Education |          |
| d. Dr. Abdul Malik Baloch, MPA, former Chief Minister           |          |
| e. Brig. Muhammad Rafeeq, Station Commander, Quetta             |          |
| f. Air Cdre Naseer Wyne, Base Commander, Samungli Air Base      |          |

- g. Mr. Masood Akhtar, Operation Commander, Samungli Air Base
- h. Capt (R) Farrukh Attique, Deputy Commissioner, Quetta
- i. Mr. Iqbal Ahmed Khosa, Sr. Member, Board of Revenue, Quetta
- j. Mr. Irfan Ahmed, MEO, Quetta Circle
- k. Mr. Fahim Zafar Khan, Director (MGSC)
- l. Six tribal representatives from affected areas

4. **Findings**

a. **Constitutional Provisions:-** Article 152 of the Constitution of the Islamic Republic of Pakistan, 1973 provides as follows:-

*“The Federation may, if it deems necessary to acquire any land situate in a Province for any purpose connected with a matter with respect to which (Majlis-e-Shoora) Parliament has power to make laws, require the Province to acquire the land on behalf, and at the expense, of the Federation or, if the land belongs to the Province, to transfer it to the Federation on such terms as may be agreed on, in default of agreement, as may be determined by an arbitrator appointed by the Chief Justice of Pakistan”.*

b. **Deliberations on Agenda Points:-**

- (1) The title of ownership of 248 acres land required for extension of Quetta Cantonment has already been decided. Compensation money (Rs. 1.87 billion) has also been released as per the Deputy Commissioner Quetta and Station Commander, Quetta Cantonment. Small misunderstanding about locals rights on areas included in Firing Range boundary were removed when the Station Commander clarified that the ownership of that land does not change and locals were allowed to sink tube wells and use land for agriculture purposes but obviously as the construction of buildings in the area was unsafe, it was not allowed for security reasons as per laid down laws.
- (2) As regards 23 acres of land at Saraghurgai, it is also being acquired legally by Land Acquisition Collector (LAC) under the provisions of Land Acquisition Act (LAA), 1894. Issue of 23 acres land is however subjudice and will be decided by the Court as explained by the Deputy Commissioner
- (3) It was also brought out by the Deputy Commissioner that 84 acres of land adjacent to Samungli Air Base was legally leased out to PAF by the Government of Balochistan as the title of the land in question was still “Unsettled” and it was owned by the State and not by any tribe.
- (4) It thus revealed that the issue was not between Armed Forces and locals but between Government of Balochistan and the tribes who claimed that the land in question was settled in 1992 against their names and thus they were the rightful owners of the said land and

should be compensated by the Government of Balochistan, should they desire to lease it out. The Government of Balochistan rejected this claim by saying that since many tribes objected to the settlement finalized in 1992, it was later on cancelled in 1996. The land, therefore belonged to State and not the tribes.

c. **Specific response to TOR points:-**

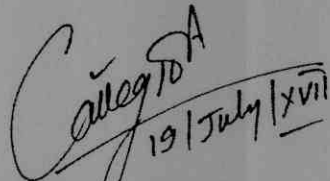
- (1) Title of ownership about the land (284 acres) at Mouza Kotwal being acquired by the Armed Forces for extension of Quetta Cantonment is quite clear. It is settled land belonging to locals which is acquired legally and locals are being paid appropriate compensation. The Station Commander, Senior Member Board of Revenue and Deputy Commissioner assured the Sub-Committee that any complaint by the locals in that context will be addressed to their full satisfaction.
- (2) 23 acres of land at Saraghurgai is also being acquired as per laid down laws but presently this case is subjudice.
- (3) Title of ownership of the land (84 acres) leased to Samungli Air Base vide Land Lease Policy, 2000 in 2016 is "State Land" as per revenue records since it is unsettled. No tribe is, therefore, entitled to any compensation for this land until it is settled afresh.
- (4) The final determination of the compensation rates is the prerogative of Land Acquisition Collector (LAC) which he does according to the prevalent Land Acquisition Act. However in case of any dispute on compensation amount, section 18 of Land Acquisition Act provides remedy through the court of law.

5. **Recommendation for peaceful settlement of the issue**

- a. The Sub-Committee unanimously recommended not to use force against the tribal people and resolve all issues amicably in the light of prevalent laws.
- b. The PAF should make proper payment through Land Acquisition Collector (LAC) to the land owners for acquisition of land in the settled areas. However any construction in the newly leased 84 acres land should only be resumed after clearance from Government of Balochistan who is advised to settle the issue legally with the tribes within 30 days so that PAF Base Samungli could undertake its construction work for the welfare projects.
- c. Status of all affected lands should be clarified by Balochistan Government quickly and settlement be done where required.
- d. Land Acquisition Collector should fix reasonable rates of the land being acquired in consultation with the local tribes as per Land Acquisition Act (LAA).

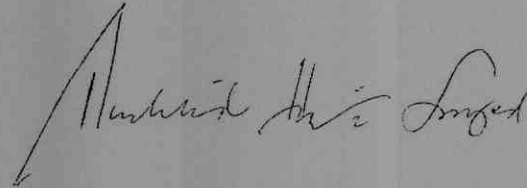
- e. The Committee also directed that the Station Commander Quetta and the D.C should clarify the Danger Zone to the tribesmen specially in the Firing Range areas where land can be used for agriculture purpose by the tribes but no construction work is permitted for security reasons.
- f. The present situation also has its origins in the Land Revenue Act which provides that unsettled land will be deemed to be State land. It is suggested that the Balochistan Assembly may legislate accordingly.

9. The Chairman DEFCOM & the Senate Standing Committee on Defence adopted this report and approved its laying before the August House.



19/July/xvii

(Dr. Syed Fervaiz Abbas)  
AS / Secretary Committee



(Senator Mushahid Hussain Sayed)  
Chairman