



House of The Federation

SENATE OF PAKISTAN

REPORT OF THE SENATE STANDING COMMITTEE ON STATES AND FRONTIER REGIONS (SAFRON)

REPORT NO.6

**For the Period from
17-08-2017 to 23-02-2018**

Presented by

**Senator Hilal-ur-Rehman
Chairman of the Committee**

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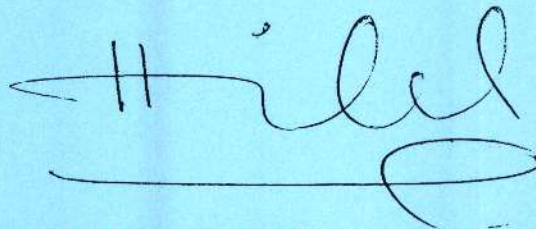
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PREFACE

As a Chairman of the Standing Committee, I am pleased to present the report of the Committee for the period from 17-08-2017 to 23-02-2018.

I would like to express my gratitude to all the honourable members of the Standing Committee for their contribution in the working of the Committee and playing an effective role in resolving the problems / issues of the people of FATA.

I would also like to appreciate the contribution of the Secretary of the Standing Committee, Director Staff, and Interns deputed with the Committee for not only arranging and coordinating the Committee meetings amicably and also in the preparation / compilation of this report.

A handwritten signature in black ink, appearing to read 'Hilal', with a long horizontal flourish underneath.

(SENATOR HILAL-UR-REHMAN)
CHAIRMAN OF THE COMMITTEE

EXECUTIVE SUMMARY

This is the second periodical report of the Senate Standing Committee on States and Frontier Regions containing key recommendations made by the Committee during its meetings held from 17-08-2017 to 23-02-2018 under the Chairmanship of Senator Hilal-ur-Rehman. During the said period the Standing Committee held meetings on 17-08-2017, 18-08-2017, 18-09-2017, 18-10-2017, 07-11-2017, 05-12-2017, 26-12-2017, 29-12-2017, 10-01-2018, 17-01-2018, 01-02-2018 & 23-02-2018. In these meetings various issues concerning the people of FATA were discussed and suitable recommendations were made to the M/O States and Frontier Regions (SAFRON) and the FATA Secretariat. The issues raised in different meetings were responded by the representatives of M/O SAFRON and FATA Secretariat and the recommendations made by the Committee were followed up in the meetings in order to keep an eye on the implementation status of the recommendations. Key recommendations made by the Committee during the above mentioned period are placed at the next pages.

2. The present report was adopted by the Standing Committee on States and Frontier Regions in its meeting held on 7th March, 2018.

KEY RECOMMENDATIONS

- (1) Secretary, M/O States and Frontier Regions should personally look into the matter of approval of new SNE posts of the FATA Secretariat and get these posts approved from the Finance Division.
- (2) M/O SAFRON may place the case of regularization of Health Staff of Project Directorate of Health for Afghan Refugees before the Committee of the Regularization of Services of Contract Employees without further delay.
- (3) Steps should be taken for the supply of wheat to the flour mills of FATA and issue of payment of arrears on account of subsidy should be resolved.
- (4) The wood/timber lying in the area of Teerah, Khyber Agency may be allowed to be moved to other areas of FATA.
- (5) Proper law / rules and regulations may be made regarding use of authority / powers by the Political Agents regarding collection and utilization of different kinds of fines / taxes.
- (6) Maximum amount of recovered money by NAB Khyber Pakhtunkhwa in FDMA Fund of damages and losses may be disbursed to the Mohmand Agency and Bajour Agency.
- (7) The FATA Secretariat should submit report to the Committee within 15 days on the background and current rules applied in FATA regarding cess collection from mines and minerals. The Committee observed that collection of cess by Political Agents is illegal because the Cess Act has not been extended to FATA.
- (8) Amount of fines received / recovered in the cases of murder etc. should be paid to the families of deceased persons and may not be retained by the FATA Administration.
- (9) Bio-matrix system may be installed in FATA Offices to check the presence / non-presence of employees.
- (10) The FATA Secretariat should improve their coordination with the concerned Parliamentarians regarding site identification of their schemes in Annual Development Programme.
- (11) All the development schemes of all FATA Parliamentarians may be included in the Annual Development Programme.
- (12) In the light of recommendations of the FATA Reforms Committee (FRC), the FATA Secretariat may prepare a work plan as to how the old system of collection of Cess/Tax/Rahdari will be phased out in FATA and the new system of allocation of proper budget to Agencies and having the expenditure audited by the AGP.
- (13) Regarding instructions contained in Para-2 of the letter dated 25-08-2016, issued by 45 Engineer Division, Peshawar Cantt., whereby security clearance of civil contractors working in FATA is essential, the Committee observed that these blanket orders can be misused to bar the civil contractors and recommended that proper guidelines / procedure should be formulated to scrutinize the particulars of individuals concerned.
- (14) FATA Secretariat should finalize the sanctioning / filling of 2292 posts on priority basis and prepare a plan with SAFRON and Finance Division regarding sanctioning of remaining vacant posts of FATA.

- (15) The FATA Secretariat may conduct an audit of the expenses made out of funds of FATA D.C. (Defunct) to ascertain as to whether the expenditure made was in order or not.
- (16) Director General (Project), FATA, may direct all the NGO, Development Partners and Implementing Partners working in FATA to implement the Senate Standing Committee recommendation and FATA Secretariat Policy regarding appointment of local FATA Domicile staff in letter and spirits.
- (17) Director General (Project), FATA, may provide a brief report of working staff in FATA Projects and NGOs to the Committee within a month's time positively.
- (18) The Committee directed MD PEPCO to constitute a high level fact finding Inquiry Committee to probe into the issue of appointments in TESCO and responsibility should be fixed within 20 working days.
- (19) Higher Education Commission (HEC) may open campuses of the FATA University in each Agency of FATA. For this purpose the Parliamentarians will provide land to establish the campuses.
- (20) The Committee recommended that Prime Minister's Fee Re-Imbursement Scheme for the students of FATA may be extended further 5 years.
- (21) The Committee desired that Ministry of SAFRON and FATA Secretariat should approach to PASSCO directly for purchasing of Wheat for FATA.
- (22) The ACS FATA may examine the matter of creation of the post of Director General (M&E) FATA and directors concerned and subsequent appointment (up-gradation) of Mr. Muhammad Sajjad Khan in grade-20 and directors and submit his report / findings to the Committee.
- (23) To submit a detailed report on awarding of DDO powers of M&E directorate on project employee DG Mr. Sajjad Ahmad and to account for irregular expenditure incurred so far.
- (24) The Finance Division may be requested to release the development funds for second quarter to the FATA Secretariat at the earliest. Moreover SNEs relating to the Finance Department of FATA may be placed in the first phase and the Secretary, M/O SAFRON should follow up the matter with the Finance Division.
- (25) In future TESCO should clearly mention in their advertisement for recruitment against posts from BPS (3-15), that candidate of FATA domicile will be recruited.
- (26) The accounts containing the amount of ADF / Cess / Rehdari of the Political Administrative FATA should be audited from Auditor General of Pakistan and also be presented the Audit Report before the Public Accounts Committee.
- (27) The Committee directed that the decision of exclusion of all edible items from cess /rahdari may be notified for information of general public so that the food commodities may be made available to the FATA residents on reasonable rates as available in the settled areas.
- (28) Additional Chief Secretary, FATA may arrange monthly Development Review Committee meeting with FATA Parliamentarians.

- (29) ACS FATA and Secretary Law & Order to give detailed briefing on utilization of 850 million rupees under the head "Establishment of Local Lashkar/peace committees and re-establishment of Political Administration offices of South Waziristan Agency". Representative of FIA to also brief the forum regarding their findings on the subject.
- (30) The Committee desired that FATA Secretariat may send the case of extension of concerned JCOs / NCOs of Mohmand Agency to M/O SAFRON for clarification and extension in their contract period beyond 45 years of age.
- (31) Progress / work on the development schemes (B and R status) of the FATA ADP for the year 2017-18 may be speed up to complete the same during next 06 months. Schemes of Bajaur and Mohmand Agencies may be given priority.
- (32) PC-Is of all development schemes may be finalized by September / October of each year to avoid any delay in the completion of these schemes.
- (33) Further progress / action on development schemes under the title of "Special Initiatives in FATA" which are containing names of persons may be stopped till next meeting of the Committee.
- (34) All pending SNEs with the Planning and Development Department of FATA may be cleared on priority basis.
- (35) As earlier recommended by the Standing Committee, NGOs may be directed to recruit local people of FATA for their projects.
- (36) Parliamentarians may be included in the Steering Committee and Board Directors of FATA Development Authority.
- (37) FATA Parliamentarians may be involved in the officials meetings regarding development schemes in FATA.
- (38) The Committee directed the ACS FATA to redress all the problems / issues of Zam Governor Model School, SWA and submit a detail report to the Committee within a month time.
- (39) The Committee directed that all the premises of Zam Public School occupied by NGOs, GDP Staff, Levies & Khasadar of SWA may be vacated on immediate basis.
- (40) Signed contract of Joint Venture of FATA DA with Degaasn Exploration Works may be submitted to the Committee.
- (41) Pending SNEs of FDA may be cleared by the Finance Department, FATA Secretariat on priority basis.
- (42) Services of contract employees in FDA projects may be regularized.
- (43) Tendering process on development schemes under the title "Special Initiatives in FATA Phase-II" ADP 957 and "FATA Infrastructure Development Package Phase-II" ADP 958, be undertaken by adopting all necessary codal formalities. Detailed progress be shared with the Committee by ACS FATA on the next sitting of Standing Committee.
- (44) The site identification of the pending development projects / schemes may be completed by the respective PAs on priorities basis.
- (45) In order to avoid lapse of 19 billion rupees from FATA ADP of 26.5 billion for 2017-18. ACS FATA to ensure utilization full utilization against releases from Finance Division by end of third quarter i.e. 31st March.

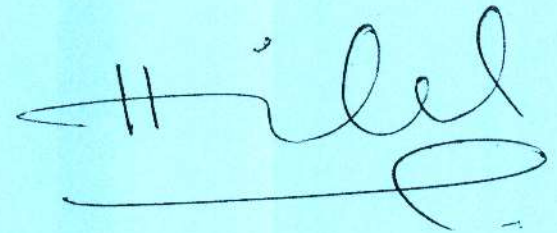
- (46) Issue of non-availability of text books to the students in Government Schools in Mohmand Agency may be looked into by the ACS and resolved at the earliest.
- (47) The Committee sought responses regarding inquiry report on irregularities and ambiguities in issuance of NOC and license to MS Bajaur Pvt. Ltd; from Ministry of SAFRON, FDA and the inquiry Committee within a week time from issuance of minutes for final discussion in next meeting of the Standing Committee.
- (48) FATA may be declared as hard area for Federal Government employees posted in FATA Secretariat.
- (49) ADP funds of the FATA Secretariat may not be used for the payment of Salaries to the project employees.
- (50) The M/O SAFRON may pursue the Finance Division to release funds for the payment of salaries to all the project employees in FATA Secretariat.
- (51) A comprehensive recruitment policy may be prepared for the FATA Secretariat so that genuine FATA domicile holders are given jobs.
- (52) Special compensation package may be made for disable persons of the FATA at par with the facilities given by Government of Khyber Pakhtunkhwa.
- (53) Funds for Security projects and Infrastructure projects should be kept in different heads for TDPs so that all the funds may not be spent in the name of security.
- (54) That, it has been evidently concluded that the subject "Prospecting license" and Subsequent "Mining licenses" were issued without observing adherence to the above mentioned Mining Concessional Rules 2005. Hence the Prospecting Licenses stand void ab initio and the Mining License was awarded fraudulently to M/S Bajaur Ancient Variety (Pvt.) Ltd;
- (55) That, a Departmental inquiry be initiated as per E&D rules against all the concerned Officers of Mineral directorate especially the incumbent Director Minerals Mr. Mustafa Kamal who had issued the initial prospecting license on 13th May, 2014 in favour of M/S Bajaur Ancient Variety Pvt Ltd., FDA and Political Administration Mohmand Agency of those, who have been involved either through omission or commission in awarding licenses and then allowing illegal mining to be carried out in the said area.
- (56) That from January to August 2015 Nephrite was mined illegally on prospecting license. The actual number of trucks exited for Nephrite out of Mohmand Agency was 32. The record will be handed over to NAB and FIA to probe the matter in detail and estimate the actual scale of the loss to the Government exchequer. Which, for the said period is roughly around 10 billion rupees in the open market. NAB and FIA to also probe the extent of lossess to the state exchequer to date on the ambiguously issued Mining licenses issued to M/S bajaur in lieu of under charging of cess/levy.
- (57) That M/S Bajaur Ancient Variety (Pvt.) Ltd. may be black listed from FATA and its operation halted forthwith.
- (58) That due to non-cooperation and persistent absenteeism from the Standing Committee, disciplinary action be initiated against the Chairman Inquiry Committee, Mr. Nadeem Ashraf, D.S. SAFRON.
- (59) Many important aspects of the inquiry were deliberately overlooked by the inquiry Committee. The Chairman Inquiry Committee is also responsible for concealment of various facts from the Committee.

- (60) That Mr. Nadeem Ashraf, DS SAFRON is from the teaching cadre of education department. Therefore, he is not eligible for any administrative post. His services be repatriated to his parent department immediately.
- (61) That Ministry of SAFRON to forthwith convey and write to FATA Secretariat and FATA Development Authority to act pursuant to the above recommendations of the Standing Committee, speaking order uttered and documented based on Para-12 read with Para 09 of the Honourable Islamabad High Court Order dated 31-05-2017 on writ petition-4441-2016 *ibid*.
- (62) The Standing Committee unanimously recommended that all losses incurred to the state exchequer in lieu of fraudulent mining operations must be recovered through NAB. In this regard M/O SAFRON shall send this case for reference under intimation to the Standing Committee.
- (63) The Finance Division shall clear all the pending SNEs of the FATA Secretariat in this financial year.
- (64) All the decisions taken regarding Zam Governor Model School Tank in the meeting held on 16-01-2018 under the Chairmanship of Secretary Social Sectors Department FATA and in the 1st meeting of the Internim Board of Governors for Governors for Governors' Model Schools in FATA held on 30th January, 2018 must be implemented in letter and spirit.
- (65) Higher Education Commission is directed to implement the decision of the Federal Cabinet taken in the meeting dated 02-03-2017 regarding doubling of quota in all educational institutions including medical, engineering cadet and other colleges through the country for FATA students.
- (66) Minimum 04 seats shall be reserved for FATA students in each department / faculty of all the Universities throughout the country.
- (67) HEC may take step to finalize admission of selected students in Medical and Engineering colleges under FATA and Balochistan Indigenous Scholarship Programme on priority basis and leftover seats of this year in all the institutes including Medical and Engineering colleges shall be carried forward to next year.
- (68) The FATA Secretariat may take necessary steps for regularization of all contract/projects employees of FATA on immediate basis.
- (69) The FATA Secretariat shall forward the case of payment of hard area allowance to the teachers of FATA Colleges on the analogy of Khyber Pakhtunkhwa Government to the Finance Division at the earliest.
- (70) As assured by the Additional Chief Secretary FATA, work on 19 revived umbrella schemes of South Waziristan Agency in Education and Health sector should be approved in upcoming FDWP meeting and execution of work may be started on immediate basis.
- (71) The condition regarding giving preference to local people of FATA in the recruitment of staff should be inserted at the time of finalizing / signing the agreement / MOU by the Economic Affairs Division and M/O Interior with various NGOs / INGOs. However in case of non-availability of suitable persons from FATA, the position / post may be filled from outside.
- (72) Positions / posts to be filled by NGOs / INGOs may be advertised in the local newspapers of the concerned area. The same may also be displayed on the website of the FATA Secretariat.
- (73) During the process of recruitment of staff by NGOs/INGOs, one representative of the FATA Secretariat may also be co-opted.

- (74) Young students of FATA may be given internship by the NGOs / INGOs.
- (75) Requirement of experience for various positions / posts may be relaxed for youth of FATA.
- (76) M/O States and Frontier Regions being the relevant Ministry may also be engaged during the process of finalizing / signing MOUs with various NGOs / INGOs which want to work in FATA.
- (77) All NGOs /INGOs working in FATA should take on board the local Parliamentarians for their development projects / activities including site selection for the schemes / project.



(SHAUKAT JAVAID)
JS/Secretary Committee



(SENATOR HILAL-UR-REHMAN)
Chairman Standing Committee