

INTERIM REPORT OF THE SENATE STANDING COMMITTEE ON DEFENCE

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. 14
(Thirteenth Parliamentary Year)***

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

SENATE SECRETARIAT

INTERIM REPORT OF THE SENATE STANDING COMMITTEE ON DEFENCE

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

2. 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 Farooq H. Naek	Member
11. Senator Mrs. Sehar Kamran	Member
12. Senator Brig (R) John Kenneth Williams	Member
13. Minister for Defence	Ex-Officio Member

3. A meeting of the Senate Standing Committee on Defence was held on 8th February, 2017. The following members of the Committee attended the meeting:-

1. Senator Ilyas Ahmad Bilour	Member
2. Senator Hidayat ullah	Member
3. Senator Atta ur Rehman	Member
4. Senator Col. (R) Syed Tahir Hussain Mashhadi	Member
5. Senator Lt. Gen (R) Salahuddin Tirmizi	Member
6. Senator Lt. Gen. (R) Abdul Qayyum	Member
7. Senator Muhammad Javed Abbasi	Member
8. Senator Farhatullah Babar	Member
9. Senator Mrs. Sehar Kamran	Member
10. Senator Brig. (R) John Kenneth Williams	Member
11. Senator Chaudhary Tanvir Khan	Mover
12. Senator Sardar Muhammad Azam Khan Musakhel	Mover
13. Senator (R) Muhammad Zahid Khan	Mover
14. Senator Muhammad Usman Khan Kakar	Special Invitee

4. The agenda item pertaining to Point of Order raised by Senator Sardar Muhammad Azam Khan Musakhel on December 20, 2016 was discussed in detail. The Mover along with Senator Muhammad Usman Khan Kakar and the affectees, was present in the meeting. According to him a 100 years contract was drawn between the military authorities and the affectees on 23.03.1950. It was clearly mentioned in the agreement that the allottees would not be evicted but despite their promises, the allottees are now being removed from their houses. This is a violation of the terms of the contract which is to remain in force for a period of 100 years.
5. Senator Farhatullah Babar stated that this issue brought to fore the much talked about military's handling of the state lands whether in Okara, or in Khawazakhela for building a cantonment or allotments of agricultural lands to retired senior officers.
6. He questioned whether it was lawful for the administration to enforce an agreement that did not provided for eviction. The question was pertinent in view of the nature of the land as well as the rights of people of katchi abadis. Prima facie it appeared that the administration had exceeded its authority in a highly arbitrary manner and had exposed itself to appropriate administrative and legal action.
7. Even if it was assumed that the agreement was legal the administration still could not evict occupants on the pretext of allegations of criminal activities. Clause 3 of the said agreement clearly says that no eviction will take place. Clause 18 relied upon by the MLCS representative, while providing for action against violators also does not provide for eviction.
8. It was interesting to note that out of 34 evictions 33 were ordered on allegations of 'bad character' without specifying the allegations of crime against them and whether appropriate legal action had been initiated. Evicting occupants living for decades merely by dubbing them as 'bad character' will neither stand to reason nor law nor propriety. Such arbitrary actions will only widen the gulf between the state and the citizen which in the context of Balochistan could result in serious fall out. He noted that one family had been evicted just because the occupant was a brother in law of a known militant even though there were no criminal charges laid against him.
9. The efforts made by Secretary Defence in raising the issue with the station headquarters was appreciated. He urged that efforts to resolve should continue. It

would set up a dangerous precedent if drastic arbitrary actions like dispossessing people of their dwellings were taken merely on the basis of intelligence agencies' reports.

10. Senator Farhatullah Babar reiterated that the entire action seemed arbitrary and unjust and needed to be reversed with the occupants allowed to come back to their dwellings.

11. Senator Muhammad Javed Abbasi raised the questions whether the terms of agreement provided for an eviction and whether proper procedures were adopted for the same.

12. Senator Hidayat Ullah commented that the case seems to be pertaining to the FCR. He posed a question whether FCR was also enforce in Loralai, Balochistan?

13. Senator Muhammad Usman Kakar showed the affectees who according to him were in Islamabad since a long time, protesting against this injustice, but to no avail. The Hon'ble Senator pointed out that the land where the Cantonment Board was established in Loralai belonged to the Federal Government and as prevalent in most Cantonments, the houses have been constructed by the people out of their own resources. Now the Authorities have demolished 34 houses not citing any solid or cogent reasons. The affectees must be allowed to return to their houses and rebuild them in accordance with rules.

14. The Secretary, Ministry of Defence explained the whole scenario claiming that it was a Defence Category B-4 Land. The allotments were made under an lease agreement with the allottees. This was not a tenancy agreement under the Tenancy Act. Only 34 tenants out of a total of 371 were declared as undesirable elements and evicted as per rules. The local Army Command was conscious of the rights of the people and had taken all requisite intelligence reports before deciding the matter. Involvements of these people in activities which are not desirable has been established and action has been taken accordingly.

15. Senator Maulana Ata-ur-Rehman also criticized the attitude of the local Cantonment Authorities terming their actions one sided and without lawful authority.

16. Senator Col. (R) Tahir Hussain Mashhadi emphasized the role of Pakistan Army as an institution which is striving for providing a safe and secure environment to

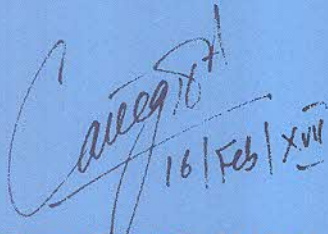
the people of Pakistan. All illegal activities need to be taken note of and actions taken in general public interest.

17. After detailed deliberations, it was a consensus of the Committee that we should move towards a dispute resolution and the proposal of Senator Farhatullah Babar for a Sub-Committee was endorsed by the Chair.

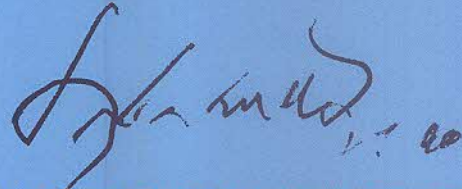
Decision:

18. A Sub-Committee was constituted under the Convenership of Senator Lt. Gen. (R) Salahuddin Tirmizi with Senator Muhammad Javed Abbasi and Senator Maulana Ata-ur-Rehman as its members. Senator Sardar Muhammad Azam Khan Musakhel and Senator Muhammad Usman Khan Kakar as Special Invitees. The Sub-Committee will submit its report within a period of two months.

19. The Hon'ble Acting Chairman & the members of Senate Standing Committee on Defence adopted this interim report and approved its laying before the Honourable House.



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



(Senator Lt. Gen. (R) Salahuddin Tirmizi)
Acting Chairman