

SENATE OF PAKISTAN



SEVENTEENTH PARLIAMENTARY YEAR 2019-2020

REPORT NO.03 OF 2019

REPORT OF THE SENATE STANDING COMMITTEE ON
COMMUNICATIONS

ON

"POINT OF PUBLIC IMPORTANCE RAISED BY SENATOR LT. GEN. (R)
SALAHUDDIN TIRMIZI IN THE SENATE ON 18-12-2018 REGARDING
PAYMENT TO THE LAND OWNERS WHOSE LAND WAS ACQUIRED FOR
CONSTRUCTION OF ROAD FROM KAGHAN TO BABU SARTOP AND
REFERRED TO THE COMMITTEE FOR CONSIDERATION AND REPORT"

Presented by

**SENATOR HIDAYAT ULLAH
CHAIRMAN (COMMITTEE)**

SENATE SECRETARIAT

REPORT OF THE SENATE STANDING COMMITTEE ON COMMUNICATIONS ON A POINT OF PUBLIC IMPORTANCE REGARDING PAYMENT TO THE LAND OWNERS WHOSE LAND WAS ACQUIRED FOR CONSTRUCTION OF ROAD FROM KAGHAN TO BABUSAR TOP.

I, Senator Hidayat Ullah, Chairman of the Standing Committees on Communications have the honour to present, on behalf of the Committee, this report on the subject matter of a point of public importance raised by Senator Lt.Gen.(R) Salahuddin Tirmizi in the Senate on 18-12-2018 regarding payment to the land owners whose land was acquired for construction of road from Kaghan to Babusar Top and referred to the Standing Committee on Communications for consideration and report.

2. Following is the composition of the Committee:-

(i)	Senator Hidayat Ullah	Chairman
(ii)	Senator Agha Shahzaib Khan Durrani	Member
(iii)	Senator Ahmed Khan	Member
(iv)	Senator Dr. Jehanzeb Jamaldini	Member
(v)	Senator Mir Muhammad Yousaf Badini	Member
(vi)	Senator Syed Muhammad Sabir Shah	Member
(vii)	Senator Dr. Ashok Kumar	Member
(viii)	Senator Muhammad Usman Khan Kakar	Member
(ix)	Senator Bahramand Khan Tangi	Member
(x)	Senator Islamuddin Shaikh	Member
(xi)	Senator Liaqat Khan Tarakai	Member
(xii)	Senator Fida Muhammad	Member
(xiii)	Senator Molana Abdul Ghafoor Haideri	Member
(xiv)	Minister for Communications	Ex-Officio Member

3. The Standing Committee in its meeting held on 06-02-2019 decided to refer the matter to the following Sub-Committee under Rule 183(1) of the Rules of Procedure and Conduct of Business in the Senate, 2012 for examination and report:-

(i)	Senator Behramand Khan Tangi	Convener
(ii)	Senator Muhammad Usman Khan Kakar	Member
(iii)	Senator Fida Muhammad,	Member

4. The Sub-Committee presented its report to the main Committee in its meeting held on 27th May, 2019. The Standing Committee on Communications unanimously adopted the report of the Sub-Committee and recommended that the

report may be laid in the House. The said meeting of the Committee was attended by the following members:-

(i)	Senator Hidayat Ullah	Chairman
(ii)	Senator Agha Shahzaib Durrani	Member
(iii)	Senator Ahmed Khan	Member
(iv)	Senator Dr. Jehanzeb Jamaldini	Member
(v)	Senator Mir Muhammad Yousaf Badini	Member
(vi)	Senator Syed Muhammad Sabir Shah	Member
(vii)	Senator Bahramand Khan Tangi	Member
(viii)	Senator Liaqat Khan Tarakai	Member

5. The report of the Sub-Committee unanimously adopted by the main Committee is at Annexure-A.



(SHAUKAT JAVAID)
Joint Secretary / Secretary Committee



(SENATOR HIDAYAT ULLAH)
Chairman Standing Committee on
Communications

REPORT**OF THE SUB-COMMITTEE OF SENATE STANDING
COMMITTEE ON COMMUNICATIONS.**

A point of public importance regarding payment to the land owners whose land was acquired for the construction of road from Kaghan to Babusar Top, which was moved by Senator Lt. Gen.(R) Salahuddin Tirmizi in the House on 18-12-2018, was referred to the Standing Committee on Communications for consideration and report. The Standing Committee in its meeting held on 06-02-2019, decided to refer the matter to the following Sub-Committee under Rule 183(1) of the Rules of Procedure and Conduct of Business in the Senate 2012, for examination and report:-

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| (i) | Senator Behramand Khan Tangi | Convener |
| (ii) | Senator Muhammad Usman Khan Kakar | Member |
| (iii) | Senator Fida Muhammad, | Member |

2. The Sub-Committee discussed the above mentioned matter in its meetings held on 21-02-2019, 09-04-2019 and 14-05-2019.

3. In the meeting of the Sub-Committee held on 21-12-2019, the M/O Communications informed the Sub-Committee that the project for widening of Mansehra – Narran – Jalkhed (MNJ) road was carried out by NHA. Initially land measuring 7978 Kanals & 12 Marlas was notified under Section-4 of Land Acquisition Act (LAA), 1894. However, a corrigendum notification was issued as per actual requirement of land measuring 1698 Kanals. The then Land Acquisition Collector (LAC) initiated a case for funds to conclude land acquisition proceedings and an amount of Rs.164 Million was transferred to the respective District Treasury. The proceedings got delayed due to posting / transfer of the LAC. Recently LAC (CPEC-Hawaiian–Thahkot Section) Abbottabad has been assigned additional charge of MNJ and he has again processed the case for completion of land acquisition and disbursement of compensation.

4. Four representatives of the land owners namely Syed Mansoor Ahmed Shah, Syed Hussain Ahmed Shah, Syed Mazharul Hassain and Syed Umair Shah also attended the meeting of the Sub-Committee held on 21-02-2019. Syed Mansoor Ahmed Shah stated that they had submitted their objections on Section-4 of the Land Acquisition Act in 2001. Initially about 8000 Kanals of Land was notified, however later on a corrigendum Notification was issued regarding 1698 Kanals of Land. He further stated that no work was carried out for 11 years and due to long delay in the project the landscape of the area has been destroyed. Initially NHA had announced the rate of the land as Rs.2,74,000/per Kanal - whereas presently the

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rate is Rs.35-36 Lacs per Kanal. General Manager NHA stated that delay in the project is on part of NHA and there is no fault by the land owners. Senator Bahramand Khan Tangi, Convener of the Sub-Committee stated that it is for NHA to conduct enquiry into the causes of delay in the project and the responsible officials must be penalized. GM assured the Committee that report of the Inquiry Committee into the causes of delay will be presented before the Sub-Committee.

5. Capt.(R) Mushtaq Ahmed, GM NHA informed the Committee that there is second option to deal with the case which is through private negotiations with the representatives of land owners. Mr. Zia-ul-Haq, Deputy Commissioner, Mansehra, also stated that private negotiations can be done and in his view it is easy to settle the issue through private negotiations with the land owners. On a query by Senator Bahramand Khan Tangi about time required for private negotiations, the General Manager, NHA stated that it will take 5-7 months. Members of the Committee said that time period is too long and stated that it should be finalized within one month. The Sub-Committee unanimously decided to form a Committee of the following to start private negotiations:-

- (i) Senator Lt. Gen® Salahuddin Tirmizi
- (ii) Capt. ® Mushtaq Ahmed, General Manager NHA
- (iii) Mr. Zia-ul-Haq, Deputy Commissioner, Mansehra.
- (iv) Land Acquisition Collector
- (v) Five Representatives of the Land Owners

6. The M/O Communications presented report on the status of private negotiations prepared by the Deputy Commissioner/Collector Land Acquisition, Mansehra in the meeting of the Sub-Committee held on 14-05-2019 as under:-

- (i) The land owners demanded Rs.1928.212 million while NHA representatives offered Rs.382.658 million. The difference between the demand and counter offer of NHA is Rs.1.5 billion.
- (ii) However as per "Yaksala Average" recorded with the revenue authorities for the year 2018-2019 total amount of land compensation works out to approximately Rs.1.74 billion.
- (iii) As both the parties stuck to their own position on the subject, the meeting ended without any solution of the dispute.

7. Senator Lt. Gen.(R) Salahuddin Tirmizi, Mover, stated that land had been acquired by the NHA and road was constructed but land owners are waiting for the payment of their land for the last 17 years. He shown his non-satisfaction on the report of the Committee headed by Deputy Commissioner, Mansehra, wherein no solution of the issue has been made. He termed the said report as delaying tactics.

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8. After thorough discussion on the issue, the Sub-Committee made following recommendations:-

- (i) Afresh land acquisition be made under Section 4 of the Land Acquisition Act.
- (ii) Payment of land to the land owners whose land was acquired for construction of road from Kaghan to Babusar Top may be made at the present rate.
- (iii) The process of land acquisition and payment to the land owners may be made within a period of 03 months, as a special case.

9. The report of the Sub-Committee is presented to the Standing Committee on Communications for further necessary action.



(SHAUKAT JAVAID)
JS/Secretary Committee



(SENATOR BAHRAMAND KHAN TANGI)
Convener Sub-Committee on
Communications