

SENATE SECRETARIAT

“QUESTIONS FOR ORAL ANSWERS AND THEIR REPLIES”

to be asked at a sitting of the Senate to be held on

Thursday, the 18th February, 2016

*Question No. 1. **Senator Sehar Kamran:**

(Notice received on 25-01-2016 at 12:00 p.m.)

Will the Minister for Defence be pleased to state:

- (a) *whether it is a fact that there are loop holes on border between Pakistan and Afghanistan due to which there is a continuous infiltration of terrorists, if so, the steps being taken by the Government to tighten security on that border; and*
- (b) *whether there is any proposal under consideration of the Government to erect fence on that border, if so, when?*

Khawaja Muhammad Asif: Required information is being collected from concerned quarters at the GHQ. The same will be provided, on receipt, immediately. Therefore, it is, requested to defer the question.

*Question No. 2. **Senator Karim Ahmed Khawaja:**

(Notice received on 25-01-2016 at 02:15 p.m.)

Will the Minister for Information and Broadcasting be pleased to state whether there is any proposal under consideration of the Government to review the land reforms 1977, if so, the details thereof?

Mr. Pervaiz Rashid: Yes. As certain provisions of land reforms Act, 1977 were held repugnant to the injunctions of Islam by Shariat Appellant Bench of Supreme Court of Pakistan, there is a proposal to bring the law in conformity with the injunctions of Islam in the light of Article 203-D (3)(a) of the constitution of Pakistan. The land reforms Act, 1977 was proposed to be amended in consultation with Provincial Land Commissions through a bill. A summary and amendment bill were placed before the Federal Cabinet in its meeting held on 05-01-2005 whereby it was decided that the Minister for Law and Justice should look into the whole issue and necessary consultation with stake holders may be under taken. Federal Land Commission obtained views of the Provincial Land Commissions and finalized in the FLC meetings with the Chief Land Commissioners and a revised summary for the Cabinet was sent to

the Ministry of Information, Broadcasting and National Heritage on 31-12-2012 for taking up the matter with the Law Division. The Ministry of Information *vide* O.M No.F.1-3/2013-FLC dated 21-10-2013 forwarded the same to the Law & Justice Division which is still pending with that Division. **However, Workers Party Pakistan has filed a Constitutional Petition No.97/2011** against Federation of Pakistan praying to set aside the judgment dated 10-08-1999 by which certain provisions of Land Reforms Laws were declared repugnant to the injunctions of Islam. The Honourable Supreme Court of Pakistan *vide* order dated 24-10-2013 directed all the newly Respondents impleaded as necessary parties to file concise statement. The matter is of supreme importance and has great implications at the national level and the acceptance of petition of the Workers Party will reinvigorate the presently stalled process of land reforms, therefore for a common stand at national level involving all the Provincial Governments, it has been decided to place the matter before the Council of Common interest for consideration so that a unanimous stand is submitted before the Honourable Supreme Court of Pakistan. A summary in this regard was forwarded to the Ministry of Information and National Heritage for placing the same in the Agenda of CCI *vide* this Commission's u.o dated 18-12-2013. which has not yet been placed before the CCI.

*Question No. 3. **Senator Karim Ahmed Khawaja:**

(Notice received on 25-01-2016 at 02:15 p.m.)

Will the Minister for Information and Broadcasting be pleased to state:

- (a) the main functions of the Federal Land Commission;*
- (b) whether it is a fact that some superior courts in the country declared land reforms 1977 as un-Islamic, if so, the details of those verdicts; and*
- (c) the present status of implementation of the said verdicts?*

Mr. Pervaiz Rashid: (a) The statute of Land Reforms provides the following functions in respect of Federal Land Commission:

1. To co-ordinate the functioning of Provincial Land Commissions;
2. To assist the Federal Government in deciding any dispute or difference between two or more Provincial Land Commissions;
3. To assist the Federal Government in the exercise of its powers under Paragraph 29 of MLR-115/72 & Section 27 of Land Reforms Act, 1977;
4. To issue such directions to any or all Provincial Land Commissions as may be necessary for the purpose of this Act; and
5. To perform such other functions as may, from time to time, be assigned to it by the Federal Government. (Distribution of state and enemy land has been allocated, as additional functions, to the FLC).

(b) It is fact that the Shariat Appellant Bench of Supreme Court declared some provisions of the land reforms Act, 1977 as un-Islamic. The detail of the decisions is as under:—

- (i) Islamic Waqf land cannot be resumed;
- (ii) Inherited Land cannot be resumed;
- (iii) Resumption cannot be made retrospectively;
- (iv) Compensation of resumed land shall be Paid at market rates;
- (v) Cases already decided before 23-03-1990 (the target date fixed by the Supreme Court) or in which action has already been initiated are protected;

However, the provisions of Article 253 relating to fixing of ceiling on landed property were not held repugnant to the injunctions of Islam.

(c) In order to bring the law in conformity with the injunctions of Islam in the light of Article 203-D (3)(a) of the constitution of Pakistan, the Land Reforms Act, 1977 being a Federal Law was proposed to be amended in consultation with Provincial Land Commissions through a bill which relates to:

- (i) Confirm limit on individual holdings as per 1977 Land Reforms;
- (ii) Exempt land acquired through inheritance;
- (iii) Exempt lands of Religious Trust or Islamic Waqf;
- (iv) Provide for the payment of compensation of resumed/surrendered land at market rates;
- (v) Enable the Provincial Governments to utilize the resumed land for public purpose subject to the approval of Federal Government.

A summary in this regard and amendment bill were placed before the Federal Cabinet in its meeting held on 05-01-2005 whereby it was decided that the Minister for Law and Justice should look into the whole issue and necessary consultation with stake holders may be under taken. Federal Land Commission obtained views of the Provincial Land Commissions and finalized in the FLC meetings with the Chief Land Commissioners and a revised summary for the Cabinet was sent on 31-12-2012 to the Ministry of Information, Broadcasting and National Heritage for taking up the matter with the Law Division. The Ministry of Information, Broadcasting and NH forwarded the same to the Law and Justice Division which is still with that Division.

*Question No. 4. **Senator Karim Ahmed Khawaja:**
(Notice received on 25-01-2016 at 02:15 p.m.)

Will the Minister for Information and Broadcasting be pleased to state the details of land reforms introduced in the country so far indicating also the main features thereof?

Mr. Pervaiz Rashid: The land reforms in Pakistan have been a three stage operation. The first land reform in the country was promulgated as MLR-64 (1959) by which ceiling of 500 acres of irrigated land or 1000 acres of un-irrigated land on individual holding was fixed. It also abolished the Jagirs. Compensation was paid to the land owners @ Rs.5/- per Produce Index Unit (PIU). Units were determined on classification of soil.

The second land reform was promulgated as MLR-115 (1972) by which ceiling of 150 acres of irrigated or 300 acres of un-irrigated land on individual holding was fixed with no compensation to the land owners.

The third and concluding land reform in the country was in the shape of Land Reforms Act, 1977 (II of 1977) by which the ceiling was further reduced to 100 acres of irrigated or 200 acres of un-irrigated land with a compensation of Rs.30/- per PIUs to the land owners.

Federal Land Commission was created under Paragraph 4-A of the Land Reforms Regulation, 1972 (MLR-115). The composition of FLC is one Chairman and not more than three Members to be appointed by the Federal Government. FLC has been committed to the introduction and implementation of land reforms in the Country. The overt purpose of the land reforms was to break up the concentration of landed wealth in a few hands and ensure an effective and progressive relationship between land owners and tenants. Land Reforms were also intended to restructure the agrarian set up and to cut down the holdings of big landlords.

***Question No. 6. Senator Farhatullah Babar:**

(Notice received on 26-01-2016 at 08:50 a.m.)

Will the Minister for Defence be pleased to state the names of the projects / units and housing colonies in various cities under the administrative control of Fauji Foundation, Shaheen Foundation, Bahria Foundation, Army Welfare Trust (AWT) and Defence Housing Authorities (DHAs) indicating also the year in which the respective projects / units were launched?

Khawaja Muhammad Asif: Required information is being collected from concerned quarters at the GHQ. The same will be provided, on receipt, immediately. Therefore, it is, requested to defer the question.

***Question No. 8. Senator Samina Abid:**

(Notice received on 26-01-2016 at 12:35 p.m.)

Will the Minister for States and Frontier Regions be pleased to state:

(a) the number of Afghan refugees repatriated so far; and

(b) *the number of the said refugees in the country at present and the time by which they will be repatriated?*

Lt. Gen (Retd) Abdul Qadir Baloch: (a) 3.9 million registered Afghan refugees have been repatriated to their homeland from 2002 till date (year-wise repatriation is at Annexure-A).

(b) The repatriation of registered Afghans is guided by the principle of voluntarism as embedded in the Tripartite Agreement signed between Governments of Pakistan, Afghanistan and UNHCR. At present 1.55 million registered Afghan refugees holding Proof of Registration (PoR) cards are residing in Pakistan. The Prime Minister of Pakistan recently extended the legal stay of registered Afghan refugees till 30-06-2016. However, a Summary for extension of these Afghan refugees uptill 31-12-2017 is under consideration of the Cabinet.

***Question No. 9. Senator Chaudhary Tanvir Khan:**

(Notice received on 26-01-2016 at 02:15 p.m.)

Will the Minister for Defence be pleased to state:

(a) *whether it is a fact that the play land beside Al-Shifa Eye Hospital, opposite to Ayub National Park, Chaklala Cantonment Board, Rawalpindi, has been closed for general public since long, if so, its present status of the same; and*

(b) *whether there is any proposal under consideration of the Government to re-open the said play land for general public, if so, when?*

Khawaja Muhammad Asif: (a) The area under play land, **Survey No. 728/1** measuring 20 acres was leased out to Army Heritage Foundation (AHF) under schedule: XI of CLA Rules 1937 as per Chief Executive of Pakistan's directive dated 21-07-2000 for the purpose of chronologizing the Islamic Military History of South Asia in General and documenting / displaying achievements of Pakistan Military and to develop and maintain the amusement, entertainment park of generally accepted standards for general public, as described in lease deed dated 26-04-2004, registered with Sub-Registrar Rawalpindi dated 28-04-2004.

(b) The land referred to in the question, after protracted litigation upto Supreme Court of Pakistan, has been vacated. After vacation of the area, the development is underway for converting the area into an entertainment park having amusement rides and related facilities for the benefit of general public. The project is likely to be completed in 2016 by the AHF.

***Question No. 10. Senator Col. (R) Syed Tahir Hussain Mashhadi:**

(Notice received on 28-01-2016 at 10:22 a.m.)

Will the Minister for Railways be pleased to state the time by which new locomotives will be inducted in the railway system indicating also the number of trains to be made functional through the same?

Khawaja Saad Rafique: • Contract agreement for procurement of 55 D.E locomotives (4000-4500 HP) has been signed with M/s. G.E, USA. The delivery schedule is between December, 2016 to June, 2017.

- With the available stock / locomotives Pakistan Railways is running 10 freight trains per day ex-port, Karachi. It is expected that after June, 2017 with the addition of 55 D.E locomotives, Pakistan Railways will be able to run 12 more freight trains per day in addition to existing freight trains.

***Question No. 11. Senator Muhammad Talha Mehmood:**

(Notice received on 29-01-2016 at 11:30 a.m.)

Will the Minister for Railways be pleased to state whether there is any proposal under consideration of the Government to extend Railways Line from Havelian to onward / upward, if so, the details thereof indicating also the estimated cost of the project and the time by which work will be started and completed on the same?

Khawaja Saad Rafique: Yes, there is a proposal under consideration for laying new track from Havelian (Pakistan) to Khunjrab (Pak-China Border) 682 Km. A pre-feasibility study had been carried out by two foreign consulting firms *i.e.* M/s ILF and M/s DEC during the year 2007 and 2008, the estimated cost of project was US\$ 10.500 Billion, which would be firmed up after detailed feasibility study. A PC-II has been submitted to Planning Commission for detailed feasibility study of the proposed link.

Railway line from Havelian to Khunjrab is part of China-Pak Economic Corridor (CPEC) which is likely to be commenced under long term plan of the CPEC *i.e.* 2025-30.

***Question No. 12. Senator Chaudhary Tanvir Khan:**

(Notice received on 02-02-2016 at 09:00 a.m.)

Will the Minister for Interior and Narcotics Control be pleased to state the procedure laid down for issuance of NOC for bullet proof vehicles to Pakistani citizens indicating also the time / period during which the same is issued?

Chaudhry Nisar Ali Khan: "Upon receipt of requests for NOC for bullet proof vehicles, the case is forwarded to the Security Agencies for views/comments. After comments are received, the case is put up to the competent authority for approval. In case of approval, NOC is issued. Normally it takes 4-6 weeks, depending upon receipt of reports from security agencies.

***Question No. 13. Senator Muhammad Talha Mehmood:**

(Notice received on 02-02-2016 at 09:15 a.m.)

Will the Minister for Interior and Narcotics Control be pleased to state:

- the names, designations and names of parent departments of the officers presently working in FIA on deputation basis indicating also the period of deputation in each case; and*
- the reasons for appointing officers on deputation basis in the said agency?*

Reply not received.

***Question No. 14. Senator Kalsoom Parveen:**
(Notice received on 04-02-2016 at 01:45 p.m.)

Will the Minister for Information and Broadcasting be pleased to state:

- (a) the present status of the pending litigation against the Bol TV Channel; and*
- (b) whether it is a fact that the said channel is telecasting its programmes through internet, if so, the authority which has granted permission for the same?*

Mr. Pervaiz Rashid: (a) After the judgment passed by the Hon'ble Sindh High Court, Karachi, in the matter of Constitutional Petition No.D-2867 of 2013, the case for the security clearance of the Directors was forwarded to Ministry of Interior (MoI) on 24-07-2015. In response, M/o Interior asked to provide the information/ detail of the Directors/ shareholders of M/s Labbaik (Pvt.) Limited on 05-08-2015. Accordingly, the required information was forwarded to M/o Interior on 13-08-2015. Relevantly, no response in the matter has so far been received from M/o Interior. However, a Reminder to M/o Interior for expediting the matter has been issued on 18-01-2016 (**Annex-I**).

- (b) Telecasting of programmes through internet does not pertain to PEMRA.

Annex-I

***Question No. 15. Senator Muhammad Talha Mehmood:**

(Notice received on 08-02-2016 at 09:00 a.m.)

Will the Minister for Interior and Narcotics Control be pleased to state:

- (a) whether it is a fact that FIA officials have not been posted at Khunjrab top border to deal with the cases of immigration at the border, if so, the reasons thereof; and*
- (b) whether there is any proposal under consideration of the Government to post FIA officials at the said border, if so, when?*

Chaudhry Nisar Ali Khan: (a) FIA officials are not posted at Khunjrab top post as this post is situated at a very high mountainous region *i.e.* sixteen thousand (16,000) feet above the sea level, where provision of basic facilities/amenities required for establishing or functioning of departments is not feasible. However, Immigration Checkpost on the border between Pakistan and China is established at Sost 83 KMs away from the Zero Point Khunjrab, where all other departments are also established.

- (b) There is no such proposal under consideration of the Government.

ISLAMABAD:
The 17th February, 2016.

AMJED PERVEZ,
Secretary.

SENATE SECRETARIAT

“UN-STARRED QUESTION AND ITS REPLY”

For Thursday, the 18th February, 2016

Question No. 1. **Senator Siraj-ul-Haq:**
(Notice received on 03-02-2016 at 09:20 a.m.)

Will the Minister for Railways be pleased to state the number of persons working in Pakistan Railways at present indicating also the travel facilities admissible to them?

Khawaja Saad Rafique: At Present 77,581 employees are working on the entire system of Pakistan Railways. Travelling facilities of Passes and Privilege Ticket Order (PTOs)* are provided by the Railways Department to all regular officers and officials as under:

a. Officers BS-17 and Above:

6 Passes & 6 PTOs.**

b. Staff BS-01 to BS-16:

(i) After one year of service:

1 Pass and 1 PTO.

(ii) Sixth to Fifteen years of service:

2 Passes & 2 PTO.

(iii) Sixteen years of service and above:

3 Passes & 3 PTOs.

Note:

* 1/3 of the fare is paid by the officers/ officials.

** At an average of 50% to 60% Passes and PTOs are utilized by the officers during the year.

ISLAMABAD :
The 17th February, 2016.

AMJED PERVEZ,
Secretary.