

**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

