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C O N F I D E N T I A L

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PROVINCIAL ASSEMBLY OF THE PUNJAB
REPORT OF THE STANDING COMMITTEE ON HOME AFFAIRS
REGARDING THE PUNJAB CIVILIAN VICTIMS OF TERRORISM
(RELIEF AND REHABILITATION) BILL 2016 (BILL NO. 18 OF 2016)

The Punjab Civilian Victims of Terrorism (Relief and Rehabilitation) Bill 2016 (Bill No.18 of 2016) was referred to the Standing Committee on Home Affairs on 1 April 2016. The Committee considered the Bill in its meetings held on 25 April, 10 May and 6 June 2016.

2. The following were present:-

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|-----|---|----------|
| 1. | Makdum Syed Muhammad Masood Alam, MPA (PP-285) | Chairman |
| 2. | Chaudhry Lal Hussain, MPA (PP-26)
(attended on 10 May 2016) | Member |
| 3. | Ch Razaqat Hussain Gujjar, Advocate, MPA (PP-102) | Member |
| 4. | Major (Retd) Moeen Nawaz Warraich, MPA (PP-109) | Member |
| 5. | Rana Muhammad Afzal, MPA (PP-128)
(attended on 10 May and 6 June 2016) | Member |
| 6. | Mr Ihsan ul Haq Bajwa, MPA (PP-281)
(attended on 10 May 2016) | Member |
| 7. | Mrs Kanwal Nauman, MPA (W-321) | Member |
| 8. | Mr Awais Qasim Khan, MPA (PP-132) | Member |
| 9. | Mr Muhammad Siddique Khan, MPA (PP-7)
(attended on 25 April and 10 May 2016) | Member |
| 10. | Ch Amar Sultan Cheema, MPA (PP-32) | Member |

3. Dr Shoaib Akbar, Special Secretary, Home Department and Mr Mohsin Bukhari, Deputy Director, Law and Parliamentary Affairs Department represented their Departments. Hafiz Muhammad Shafiq Adil, Special Secretary, Provincial Assembly of the Punjab functioned as Secretary to the Committee.

4. Dr Shoaib Akbar, Special Secretary, Home Department apprised the Committee about the aims and objects of the Bill. He stated that it was necessary to provide for timely recognition and assistance for civilian victims of acts of terrorism; recognizing the right of civilian victims to receive state assistance for relief, healthcare and rehabilitation; arranging for adequate funds for such assistance; establishing an effective mechanism to track, investigate and analyze harm to civilians in acts of terrorism; and, for other purposes. He requested the Committee that the Bill, as introduced, may be recommended to be passed by the Assembly.

5. The Committee after hearing the Members, having the view point of the Administrative Department and discussing various points, unanimously decided to recommend that the Bill may be passed by the Assembly subject to the following amendments:-

AMENDMENTS IN THE BILL

(1) CLAUSE 2

- (i) in para (a), after the word "an" occurring in line 3, the word "any" be added and the word "the" occurring before the word "absence" in line 4, be omitted;
- (ii) in para (b), the word "division" be substituted by the word "Division";
- (iii) in para (c), the word "the" occurring before the word "spouse", be omitted;
- (iv) in para (d), before the word "Punjab", the word "the" be added;
- (v) in para (f), the word "the", occurring before the word "police" be omitted;
- (vi) in para (h), after the word "by", the word "the" be added; and
- (vii) para (j) and (k) be substituted as under:

"(j) "terrorism" means an unlawful act using any explosive, weapon or any other means of force or show of force by a terrorist against a person or property to intimidate or coerce public, a section of public, the Government, Federal Government or any agency or authority of a Government in furtherance of political, sectarian, religious, ethnic or social objectives and includes a suicide attack, sectarian violence and an armed conflict between a terrorist and a law enforcement agency; and

(k) "terrorist" means a person who has committed, attempts to commit or is accused of the commission of terrorism."

(2) CLAUSE 4

the brackets and figure "(1)", occurring in the beginning of line 1, be omitted.

(3) CLAUSE 5

in sub-clause (3), in line 3, the word "the" occurring before the word "prescribed", be omitted.

(4) CLAUSE 6

(i) in sub-clause (2), after the word "rules", the words "in this regard" be added; and

(ii) sub-clause (3) be omitted.

(5) CLAUSE 7

in sub-clause (3), the words "to be" occurring in line 3, be omitted.

(6) CLAUSE 8

(i) in the marginal heading, the word "payment" be substituted by the word "payments";

(ii) in sub-clause (1), the word "payment" occurring in line 2, be substituted by the word "payments";

(iii) in sub-clause (2), in line 2, the word "the", occurring after the word "and", be omitted.

(7) CLAUSE 11

(i) sub-clause (1), be substituted as under:

“(1) If, on account of any payment made under the Act, it transpires to the notified officer or the Commissioner that payment has been made under the Act on the basis of any fraud or misrepresentation, the notified officer or the Commissioner may, initiate criminal proceedings under any law and recover the amount paid to the person who was not entitled to receive it after affording the person an opportunity of hearing.”

(ii) sub-clause (2) be substituted as under –

“(2) Any person, aggrieved by the decision of the notified officer or the Commissioner under subsection (1); may, within thirty days from the date of communication of the decision, prefer an appeal to the Commissioner or the Government.”

(iii) in sub-clause (3), the commas and the words “, the case may be,” occurring in line 1, be omitted.

(8) CLAUSE 15

the brackets and figure “(1)”, occurring in the beginning of line 1, be omitted.

(9) CLAUSE 17

in sub-clause (2), para (b) be substituted as under –

“(b) reasons for delay, if any, in making payments to the civilian victims and proposed solutions;”

(10) SCHEDULE

(i) serial no. 5 be substituted as under:-

5	Shop, kiosk or any other business establishment	-do-	Complete destruction	0.5 million
			Partial destruction	0.1 million
			Loss of commodities	25% compensation of the cost of commodities assessed by the notified officer which shall not exceed one million rupees

(ii) in serial no. 7, in column 5, the figures “0.05” be substituted by the figures “0.10” and the figures “0.01” be substituted by the figures “0.02”.

22.

6. A copy of the Bill as introduced in the Assembly is at Annexure-A and a copy of the Bill as recommended by the Committee is at Annexure-B.

Lahore
6 June 2016

(MAKDUM SYED MUHAMMAD MASOOD ALAM)
Chairman
Standing Committee on Home Affairs

Lahore
6 June 2016

Mumtaz Hussain
(RAI MUMTAZ HUSSAIN BABAR)
Secretary

(BILL AS INTRODUCED IN THE ASSEMBLY)

PROVINCIAL ASSEMBLY OF THE PUNJAB

Bill No. 18 of 2016

THE PUNJAB CIVILIAN VICTIMS OF TERRORISM (RELIEF AND REHABILITATION) BILL 2016A
Bill

to provide for the institutionalized response to redress the hardship faced by the civilian victims and their families owing to an act of terrorism.

It is necessary to provide for timely recognition and assistance for civilian victims of acts of terrorism; recognizing the right of civilian victims to receive state assistance for relief, healthcare and rehabilitation; arranging for adequate funds for such assistance; establishing an effective mechanism to track, investigate and analyze harm to civilians in acts of terrorism; and, for other purposes.

Be it enacted by Provincial Assembly of the Punjab as follows:

1. **Short title, extent and commencement.**— (1) This Act may be cited as the Punjab Civilian Victims of Terrorism (Relief and Rehabilitation) Act 2016.
 - (2) It extends to whole of the Punjab.
 - (3) It shall come into force at once.

2. **Definitions.**— In this Act:
 - (a) "civilian victim" means a person, not being a terrorist or a personnel of a law enforcement agency on duty, who suffers harm in body, mind or property owing to an act of terrorism and, in the event of death of the person, includes the spouse of the victim or, in the absence of a spouse but in order of precedence, a child, mother, father, minor sibling or other legal heirs of the victim;
 - (b) "Commissioner" means the Commissioner of a division;
 - (c) "family member" means the spouse, dependent child, dependent parent and a dependent sibling;
 - (d) "Government" means Government of Punjab;
 - (e) "healthcare" includes diagnosis and treatment of an illness or trauma;
 - (f) "law enforcement agency" means, the police or any other law enforcement agency notified by the Government;
 - (g) "notified officer" means the principal administrative officer of a district or any other person in the service of Pakistan notified by the Government under the Act;
 - (h) "prescribed" means prescribed by rules made under the Act;
 - (i) "Schedule" means the Schedule appended to the Act;
 - (j) "terrorism" or "act of terrorism" has the meaning as assigned to it in clause (x) of section (2) of the Anti-Terrorism Act, 1997 (XXVII of 1997); and
 - (k) "terrorist" has the meaning as assigned to it in clause (y) of section (2) of the Anti-Terrorism Act, 1997 (XXVII of 1997).

3. Right of civilian victims.— (1) Notwithstanding anything contained in any other law, a civilian victim shall be entitled to the grant specified in the Schedule for the harm caused to body, mind or property owing to an act of terrorism.

(2) The Government may, by notification in the official Gazette, amend the Schedule to increase the amount of grant or add any other category of harm and fix the amount of grant for such harm.

4. Civilian Victims Fund.— (1) The Government shall, by notification in the official Gazette, establish the Civilian Victims Fund, with a dedicated head of account, for timely payment of grants and other benefit to the civilian victims under the Act.

5. Ascertainment of a civilian victim.— (1) The notified officer shall, within reasonable time, preferably within thirty days of an act of terrorism, communicate to the Government the details of the act of terrorism and those of the civilian victims.

- (2) The details of the act of terrorism may include:
 - (a) the time, date, place and nature of the act;
 - (b) the device or devices used in the act of terrorism, such as bomb, explosive or inflammable substance, firearm or any other device;
 - (c) a statement, if possible, about the terrorist or terrorists involved in the act of terrorism and the aim of the act of terrorism;
 - (d) the name and details of the civilian victim;
 - (e) the nature of injuries as determined by Surgeon Medicolegal Punjab or the Standing Medical Board in the Punjab;
 - (f) the nature and details of harm caused to the property of the civilian victim;
 - (g) the name with details of the spouse and other family members of the civilian victim;
 - (h) the entitlement of the civilian victim to payment of grant under section 3;
 - (i) additional or monthly grant which may be paid to a civilian victim with reasons for such recommendation; and
 - (j) reports of a law enforcement agency, health, building and livestock departments.

(3) The Government shall, within fifteen days from the receipt of communication from the notified officer and under intimation to the notified officer, transfer the requisite grant payable to the civilian victim in the prescribed manner.

6. Healthcare of civilian victims.— (1) The notified officer shall ensure immediate free medical treatment of a civilian victim from a hospital, owned or controlled by the Government, local authority or any entity or agency of the Government.

(2) In case of non-availability of the treatment in a health facility mentioned in subsection (1), the hospital may refer the case to a private medical facility as per prevalent rules.

(3) The referring hospital shall verify the vouchers for payment to the private health facility in the prescribed manner.

7. Rehabilitation of civilian victims.— (1) In addition to the medical treatment and payment of grant to the civilian victim, the notified officer may, for reasons to be recorded in writing, recommend measures to the Government for rehabilitation of the civilian victim.

- (2) The measures under subsection (1) may include:
 - (a) monthly grants to the civilian victim for a specified period;

(b) education or vocational training of the civilian victim or his family members at Government's expense; and

(c) continued healthcare of the civilian victim and his family members.

(3) If the Government receives any recommendation under this section, it may, wholly or partially, accept the recommendation of the notified officer or reject it, with reasons to be recorded and communicated in writing.

(4) The Government may, on its own motion, in the prescribed manner, direct the notified officer to undertake a scheme for the rehabilitation of a class of civilian victims and their family members with special emphasis on education of dependent children, provision of livelihood to the civilian victims and their family members and of continued healthcare.

8. Mode of payment.— (1) The Government may adopt any appropriate mode of payment that may have become available because of modern devices or techniques, for timely payment under the Act.

(2) The notified officer shall, in the prescribed form, maintain a detailed record of the payments made to the civilian victims or his family members and the cost incurred on his treatment or rehabilitation.

9. Safeguard against discrimination.— No civilian victim otherwise eligible for any grant or other benefits under the Act shall be discriminated against in respect of any such grant or benefits on the ground only of age, religion, race, caste, sex, colour, residence or place of birth.

10. Appeal.— (1) A person aggrieved by any decision of the notified officer may, within thirty days from the date of communication of the decision, prefer an appeal to the Commissioner or any other officer notified for the purpose by the Government.

(2) The appellate authority shall afford an opportunity of hearing to any interested person and shall, through a speaking order, decide the appeal within thirty days from the date of filing of the appeal, and the decision of the appellate authority shall be final.

11. Fake or fraudulent payments.— (1) If the notified officer or the Commissioner has reasons to believe that any payment under the Act has been obtained or made through fraud or misrepresentation, the notified officer or the Commissioner may, in addition to taking any other action under any law, recover the amount so paid as arrears of land revenue, after affording the concerned person an opportunity of hearing.

(2) Any person, aggrieved by the decision of the notified officer or, as the case may be, the Commissioner under subsection (1), may, within thirty days from the date of communication of the decision, prefer an appeal to the Commissioner or, as the case may be, to the Government.

(3) The Commissioner or the Government, as the case may be, shall afford an opportunity of hearing to any interested person and shall, through a speaking order, decide the appeal within thirty days from the date of filing of the appeal, and the decision of the appellate authority shall be final.

12. Assistance.— (1) All officers and agencies of the Government in the district or division shall assist the Commissioner and the notified officer in the performance of their functions under the Act.

(2) In the performance of their functions under the Act, the Commissioner or the notified officer may call for any information from any agency of the Government and such agency shall immediately provide the requisite information.

13. Performance audit.— (1) The Government may conduct or cause to be conducted the performance audit of the services rendered and payments made on periodic basis under the Act.

(2) The performance audit shall include, among others, the details of the quality of services provided by the notified officers, Commissioners and the Government to the civilian victims, the identification of weaknesses or lapses and the recommendations for improvement.

14. Act not in derogation of other laws.— (1) Save as otherwise provided in the Act, the provisions of the Act are in addition to and not in derogation of any other law.

(2) Notwithstanding anything contained in the Act, the right to compensation of any person shall not be extinguished or varied and the Government or any of its functionaries shall not be absolved from any liability under any other law.

15. No legal liability.— (1) Notwithstanding anything contained in any law, any payment made to a civilian victim under the Act shall not be construed as admission of any wrong on the part of the Government or any functionary of the Government.

16. Training.— The Government shall, at regular intervals, arrange training of the notified officers, Commissioners and personnel of law enforcement agencies, health, building and livestock departments for achieving the purposes of the Act.

17. Annual report.— (1) The Government shall, within three months of the close of a financial year, submit to the Provincial Assembly an annual report.

(2) The annual report shall consist of:

- (a) the details of the civilian victims and a comprehensive statement of the payments made during the preceding financial year;
- (b) reasons for delay, if any, in making payments to the civilian victims and the remedial steps taken or proposed to be taken;
- (c) the salient features of the performance audit report, if any; and
- (d) any other matters considered appropriate by the Government or as may be prescribed.

18. Rules.— (1) The Government may, by notification in the official Gazette, make rules for carrying out the purposes of the Act.

(2) In particular, the rules may provide for any of the following matters:

- (a) submission of application to a notified officer;
- (b) mode, manner and periodicity of the payments made to a civilian victim or any of his family members;
- (c) repair or construction of a dwelling unit of a civilian victim;
- (d) compensation for loss of livestock or business establishment of a civilian victim;
- (e) details of communications between the notified officers and the Government for timely payment to the civilian victim and authenticity of communication;
- (f) rehabilitation of the civilian victim and his family members;
- (g) medical treatment of the civilian victim;
- (h) maintenance of records and publication of information under the Act;
- (i) procedure for decision of applications and appeals under the Act; and
- (j) maintenance of accounts.

19. Repeal.— The Punjab Civilian Victims of Terrorism (Relief and Rehabilitation) Ordinance 2016 (X of 2016) is hereby repealed.

SCHEDULE

Sr. #	Nature of harm	Mode of Assessment	Extent of harm	Amount of grant in rupees
1	Death			One million
2	Grievous Injury	On the report of Surgeon Medicolegal, Punjab or the Standing Medical Board	Amputation or incapacitation of a limb	0.5 million
3	Substantial Injury	-do-	Inability to work because of harm for a period of more than two weeks	0.1 million
4	Dwelling Unit	On the report of Building Department	Complete destruction	0.5 million
			Partial destruction	0.1 million
5	Shop, kiosk or any other business establishment	-do-	Complete destruction	0.5 million
			Partial destruction	0.1 million
6	Vehicle	On the report of Motor Vehicle Examiner	Bus, Truck or other heavy vehicle: (a) severe damage (b) minor damage	(a) 0.5 million (b) 0.08 million
			Car, Jeep or other four or three wheeler; and (a) severe damage (b) minor damage	(a) 0.2 million (b) 0.04 million
			Motor cycle or scooter in case of severe damage	0.02 million
7	Loss of Livestock	On the report of Livestock Department	Each buffalo, cow, bull, horse or donkey	0.05 million
			Each sheep or goat	0.01 million

MINISTER INCHARGE

Lahore:
1st April 2016RAI MUMTAZ HUSSAIN BABAR
Secretary

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**(BILL AS RECOMMENDED BY THE
STANDING COMMITTEE ON HOME AFFAIRS)**

A
Bill

*to provide for the institutionalized response to redress the hardship faced by the
civilian victims and their families owing to an act of terrorism.*

It is necessary to provide for timely recognition and assistance for civilian victims of acts of terrorism; recognizing the right of civilian victims to receive state assistance for relief, healthcare and rehabilitation; arranging for adequate funds for such assistance; establishing an effective mechanism to track, investigate and analyze harm to civilians in acts of terrorism; and, for other purposes.

Be it enacted by Provincial Assembly of the Punjab as follows:

1. Short title, extent and commencement.— (1) This Act may be cited as the Punjab Civilian Victims of Terrorism (Relief and Rehabilitation) Act 2016.

- (2) It extends to whole of the Punjab.
- (3) It shall come into force at once.

2. Definitions.— In this Act:

- (a) "civilian victim" means a person, not being a terrorist or a personnel of a law enforcement agency on duty, who suffers harm in body, mind or property owing to an any act of terrorism and, in the event of death of the person, includes the spouse of the victim or, in absence of a spouse but in order of precedence, a child, mother, father, minor sibling or other legal heirs of the victim;
- (b) "Commissioner" means the Commissioner of a Division;
- (c) "family member" means spouse, dependent child, dependent parent and a dependent sibling;
- (d) "Government" means Government of the Punjab;
- (e) "healthcare" includes diagnosis and treatment of an illness or trauma;
- (f) "law enforcement agency" means, police or any other law enforcement agency notified by the Government;
- (g) "notified officer" means the principal administrative officer of a district or any other person in the service of Pakistan notified by the Government under the Act;
- (h) "prescribed" means prescribed by the rules made under the Act;
- (i) "Schedule" means the Schedule appended to the Act;
- (j) "terrorism" means an unlawful act using any explosive, weapon or any other means of force or show of force by a terrorist against a person or property to intimidate or coerce public, a section of public, the Government, Federal Government or any agency or authority of a Government in furtherance of political, sectarian, religious, ethnic or social objectives and includes a suicide attack, sectarian violence and an armed conflict between a terrorist and a law enforcement agency;
and
- (k) "terrorist" means a person who has committed, attempts to commit or is accused of the commission of terrorism."

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(2) The Government may, by notification in the official Gazette, amend the Schedule to increase the amount of grant or add any other category of harm and fix the amount of grant for such harm.

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- (c) a statement, if possible, about the terrorist or terrorists involved in the act of terrorism and the aim of the act of terrorism;
- (d) the name and details of the civilian victim;
- (e) the nature of injuries as determined by Surgeon Medicolegal Punjab or the Standing Medical Board in the Punjab;
- (f) the nature and details of harm caused to the property of the civilian victim;
- (g) the name with details of the spouse and other family members of the civilian victim;
- (h) the entitlement of the civilian victim to payment of grant under section 3;
- (i) additional or monthly grant which may be paid to a civilian victim with reasons for such recommendation; and
- (j) reports of a law enforcement agency, health, building and livestock departments.

(3) The Government shall, within fifteen days from the receipt of communication from the notified officer and under intimation to the notified officer, transfer the requisite grant payable to the civilian victim in prescribed manner.

6. Healthcare of civilian victims.— (1) The notified officer shall ensure immediate free medical treatment of a civilian victim from a hospital, owned or controlled by the Government, local authority or any entity or agency of the Government.

(2) In case of non-availability of the treatment in a health facility mentioned in subsection (1), the hospital may refer the case to a private medical facility as per prevalent rules in this regard.

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- (a) monthly grants to the civilian victim for a specified period;
- (b) education or vocational training of the civilian victim or his family members at Government's expense; and
- (c) continued healthcare of the civilian victim and his family members.

(3) If the Government receives any recommendation under this section, it may, wholly or partially, accept the recommendation of the notified officer or reject it, with reasons recorded and communicated in writing.

(4) The Government may, on its own motion, in the prescribed manner, direct the notified officer to undertake a scheme for the rehabilitation of a class of civilian victims and their family members with special emphasis on education of dependent children, provision of livelihood to the civilian victims and their family members and of continued healthcare.

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(2) The appellate authority shall afford an opportunity of hearing to any interested person and shall, through a speaking order, decide the appeal within thirty days from the date of filing of the appeal, and the decision of the appellate authority shall be final.

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(2) The performance audit shall include, among others, the details of the quality of services provided by the notified officers, Commissioners and the Government to the civilian victims, the identification of weaknesses or lapses and the recommendations for improvement.

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(2) Notwithstanding anything contained in the Act, the right to compensation of any person shall not be extinguished or varied and the Government or any of its functionaries shall not be absolved from any liability under any other law.

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- (c) the salient features of the performance audit report, if any; and
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(2) In particular, the rules may provide for any of the following matters:

- (a) submission of application to a notified officer;
- (b) mode, manner and periodicity of the payments made to a civilian victim or any of his family members;
- (c) repair or construction of a dwelling unit of a civilian victim;
- (d) compensation for loss of livestock or business establishment of a civilian victim;
- (e) details of communications between the notified officers and the Government for timely payment to the civilian victim and authenticity of communication;
- (f) rehabilitation of the civilian victim and his family members;
- (g) medical treatment of the civilian victim;
- (h) maintenance of records and publication of information under the Act;
- (i) procedure for decision of applications and appeals under the Act; and
- (j) maintenance of accounts.

19. Repeal.— The Punjab Civilian Victims of Terrorism (Relief and Rehabilitation) Ordinance 2016 (X of 2016) is hereby repealed.

SCHEDULE

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3	Substantial Injury	-do-	Inability to work because of harm for a period of more than two weeks	0.1 million
4	Dwelling Unit	On the report of Building Department	Complete destruction	0.5 million
			Partial destruction	0.1 million
5	<u>Shop, kiosk or any other business establishment</u>	-do-	<u>Complete destruction</u>	<u>0.5 million</u>
			<u>Partial destruction</u>	<u>0.1 million</u>
			<u>Loss of commodities</u>	<u>25% compensation of the cost of commodities assessed by the notified officer which shall not exceed one million rupees</u>
6	Vehicle	On the report of Motor Vehicle Examiner	Bus, Truck or other heavy vehicle: (a) severe damage (b) minor damage	(a) 0.5 million (b) 0.08 million
			Car, Jeep or other four or three wheeler; and (a) severe damage (b) minor damage	(a) 0.2 million (b) 0.04 million
			Motor cycle or scooter in case of severe damage	0.02 million
7	Loss of Livestock	On the report of Livestock Department	Each buffalo, cow, bull, horse or donkey	<u>0.10 million</u>
			Each sheep or goat	<u>0.02 million</u>