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BALOCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT

NOTIFICATION.

Dated Quetta, the 10th February, 2014.

No. PAB/Legis: V (04)/2014-5004. The Balochistan Civilian Victims of Terrorism (Relief and Rehabilitation) Bill 2014 (Bill No.04 of 2014), having been passed by the Provincial Assembly of Balochistan on 28th January, 2014 and assented to by the Governor, Balochistan on 6th February, 2014, is hereby published as an Act of the Balochistan Provincial Assembly.

THE BALOCHISTAN CIVILIAN VICTIMS OF TERRORISM (RELIEF AND REHABILITATION) ACT 2014

ACT No. IV of 2014

(First published after having received the assent of the Governor Balochistan in the Balochistan Gazette (Extra-Ordinary) dated 6 February 2014.

AN
ACT

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to provide for institutionalized response to redress the hardships faced by the civilian victims and their families; to provide for timely recognition and assistance for civilian victims of terrorist acts; recognize right of civilian victims to receive state assistance for relief, healthcare and rehabilitation; arrange for adequate funds for such assistance; create an effective mechanism to track, investigate and analyze civilian harm in terrorist acts; and to deal with ancillary matters;

Preamble. WHEREAS it is necessary to take measures for providing institutionalized response for relief and rehabilitation of civilian individuals and their families who fall victims terrorists acts and matters connected and identical thereto;

It is hereby enacted as follows:

CHAPTER I PRELIMINARY

1. Short title, extent and commencement.— (1) This Act may be called the Balochistan Civilian Victims of Terrorism (Relief and Rehabilitation) Act, 2014.

(2) It extends to whole of the Province except the Tribal Areas.

(3) It shall come into force at once and shall be deemed to have taken effect on and from 14th May 2013.

2. Definitions.— In this Act, unless there is anything regnant in the subject or context,-

(a) “Act” means the Balochistan Civilian Victims of Terrorism (Relief and Rehabilitation) Act, 2014;

(b) “civilian victim” means a person, not being a terrorist or a personnel of a law enforcement agency on duty, who suffers harm to body or property due to any terrorist act 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;

(c) “Commissioner” means the Commissioner of a Division or an area;

- (d) "family member" means spouse, dependent child, dependent parent and a dependent sibling;
- (e) "Government" means the Government of Balochistan;
- (f) "healthcare" includes diagnosis and treatment of an illness, psychological care and treatment of trauma;
- (g) "law enforcement agency" means, Police, Levies and Frontier Corps or any other law enforcement agency notified by the Government;
- (h) "notified officer" means the principal administrative officer of a district or any other person in the service of Pakistan notified by the Government as notified officer for the district;
- (i) "prescribed" means prescribed by the rules made under the Act;
- (j) "Schedule" means the Schedule appended to the Act;
- (k) "terrorist" means a person who has committed, attempts to commit or is accused of the commission of a terrorist act; and
- (l) "terrorist act" 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.

CHAPTER II RIGHT OF CIVILIAN VICTIMS.

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

(2) The Government may, by notification in the official Gazette, amend the Schedule such as to enhance the minimum amount of grant payable to a civilian victim

or to add any other category of harm and to fix the minimum amount of grant for such harm.

4. Civilian victims fund. (1) The Government shall, by notification, establish the civilian victims fund within the Provincial Consolidated Fund for timely payment of grants to the civilian victims.

(2) The Government shall ensure availability of sufficient amount in the civilian victims fund in order to discharge its obligations under the Act.

5. Rehabilitation. The Government shall, 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, continued healthcare and provision for livelihood of the civilian victims and their family members.

CHAPTER III

PROCEDURE FOR RELIEF AND REHABILITATION.

6. Ascertainment of a civilian victim.— (1) The notified officer shall, as soon as possible preferably within fifteen days of a terrorist act, communicate the details of the terrorist act and civilian victims to the Government.

(2) The details of a terrorist act may include—

- (a) time, date, place and nature of the terrorist act;
- (b) bomb, explosive or inflammable substance, firearm or other means of force used in the terrorist act;
- (c) a statement about terrorist or alleged terrorist and objectives of the terrorist act;
- (d) the law enforcement agency which conducted the operation and name of the terrorist against whom the operation is conducted;
- (e) name with details of a civilian victim and nature of injury to body or property of the civilian victim;
- (f) name with details of the spouse and other close relatives of the civilian victim;
- (g) entitlement of the civilian victim to payment of compensation under Section 3;

- (h) additional or monthly compensation which may be paid to a civilian victim with reasons for such recommendation; and
- (i) reports of a law enforcement agency; health, building and livestock departments.

(3) The Government shall, within seven days from the receipt of communication from the notified officer and under intimation to the notified officer, transfer the requisite compensation payable to the civilian victim in an account which may be operated by the notified officer.

(4) The notified officer shall, within three days of the receipt of intimation under sub-section (3), make payment to the civilian victim through cross cheque, demand draft or banker's cheque payable to the civilian victim.

(5) Subject to the rules, the Government shall, on periodic basis, circulate forms or other details to the notified officers, specifying means of communication between the notified officers and the Government in order to ensure speed and authenticity of the communication.

7. 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) If the notified officer is satisfied that medical treatment of the civilian victim in a private hospital is justified, the notified officer shall send request to the Government for transfer of the requisite amount required for immediate medical treatment and healthcare of the civilian victim.

8. Rehabilitation of civilian victims.— (1) In addition to medical treatment of and payment of compensation 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 sub-section (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 the 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.

9. Mode of payments.— (1) All payments made under the Act to a civilian victim or, for treatment of the civilian victim, to a private hospital shall be made by the notified officer through a cross cheque, demand draft, banker's cheque or any other mode ensuring authenticity of payment.

(2) The notified officer shall, in the prescribed form, maintain a detailed record of the payments made to the civilian victims or, for treatment of the civilian victim or his family members, to a private hospital and shall also send a copy of such record to the Government.

10. Application to notified officer.— (1) A person may file an application to the notified officer claiming:

- (a) to be the civilian victim entitled to compensation under the Act; or
- (b) that any person declared as a civilian victim is not a civilian victim and is not entitled to any payment or part of payment under the Act.

(2) If an application is filed under sub-section (1), the notified officer shall, after such enquiry as may be necessary according to facts and circumstances of the case, decide such application within fifteen days from the date of receipt of the application.

11. Equal treatment.— (1) Subject to the reasonable restrictions as may be prescribed, the assistance under the Ordinance shall be available to all civilian victims and the assistance shall not be denied on the basis of age, gender, religion, race, creed, colour or place of residence.

(2) The notified officer, Commissioner or the Government shall not discriminate against any civilian victim solely on the basis of age, gender, religion, race, creed, colour or place of residence.

12. Appeal.—(1) Any person aggrieved from 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 delegated with such powers by Government, whose decision on such appeal shall be final.

(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 the appeal.

13. Residuary powers of Government.—(1) The Government may, at any stage and for reasons to be recorded in writing, declare a person as civilian victim and direct the notified officer to make payment to the civilian victim in accordance with the provision of this chapter.

(2) Subject to the Act and the rules made under the Act, the Commissioner and the notified officer shall be bound by the directions of the Government.

14. Fraudulent payments.—(1) If, within three years 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, apart from taking any other action under any law, recover the amount paid to the person who was not entitled to receive it after affording the person an opportunity of hearing.

(2) Any person, aggrieved from the decision of the Commissioner under sub-section (1), may, within thirty days from the date of communication of the decision, prefer an appeal to the Government whose decision on such appeal shall be final.

(3) If an appeal preferred under sub-section (2), the Government 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 the appeal.

CHAPTER IV MISCELLANEOUS

15. Assistance to officers. (1) All officers and agencies of the Government and local governments shall be bound to 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 or a local Government and such agency shall be bound to provide the requisite information.

16. Communication of the law.—The Government shall conduct a periodic publicity campaign in order to develop awareness about rights, procedures and grievance redressal mechanisms under the Act in electronic, radio and print media.

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

(2) The performance audit shall include the detail of quality of services provided by the notified officers, Commissioners and the Government to the civilian victims, along with the identification of weaknesses and recommendations for future improvements.

18. Act not in derogation of other laws.—(1) Save as otherwise provided in the Act, the provisions of the Act are in addition to but 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.

19. No legal liability.—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.

20. Training of staff. The Government shall, in regular intervals, arrange training of the notified officers, Commissioners and personnel of law enforcement agencies; health, building and livestock departments for achieving the purpose of the Act.

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

- (2) The annual report shall consist of:
- (a) details of the civilian victims along with 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 proposed solutions;
 - (c) performance audit report, if any; and
 - (d) other matters considered appropriate by the Government or as may be prescribed.

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

(2) In particular and without prejudice to the generality of the forgoing power, such rules may provide for all or 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 member;
- (c) repair or construction of a dwelling unit of a civilian victim;
- (d) compensation for loss of livestock or for loss to business establishment of a civilian victim;
- (e) details of communications between the notified officers and the Government for timely payments to the civilian victims and authenticity of communication;
- (f) rehabilitation of the civilian victim and his family members;
- (g) medical treatment of the civilian victims;
- (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.

23. Repeal and Saving.-(1) The Balochistan Civilian Victim of Terrorism(Relief & Rehabilitation) Ordinance, 2013(Ordinance No.1 of 2013) is hereby repealed.

(2) Notwithstanding the repeal of the Balochistan Civilian Victim of Terrorism(Relief & Rehabilitation) Ordinance 2013(Ordinance No.1 of 2013)(hereinafter referred as the repeal Ordinance), anything done, action taken, orders and notifications issued, inquiry or proceeding commenced, person authorized, powers conferred, payments or order made for the relief and rehabilitation of civilian victims under any of the provisions of this Act, shall continue to be in force and deemed to have been done, taken, incurred, commenced, authorized, conferred, made, released or issued under this Act. until they are rescinded, withdrawn, cancelled, replaced or modified in accordance with the provisions of this Act.

SCHEDULE

[See section 3]

Sr. No	Nature of harm to a civilian victim	Extent of harm	Minimum amount of grant
1.	Death.		Rs. 1,000,000/-
2.	Grievous Injury.	Amputation or incapacitation of a limb	Rs. 500,000/-
3.	Substantial Injury.	Inability to work because of harm for a period of more than two weeks	Rs. 100,000/-
4.	Dwelling Unit.	(a) Complete destruction; and (b) Partial destruction.	(a) Rs. 500,000/- (b) Rs. 100,000/-
5.	Shop, kiosk or any other business establishment.	(a) Complete destruction; and (b) Partial destruction.	(a) Rs. 500,000/- (b) Rs. 100,000/-

6.	Vehicle.	<p>(a) Bus, Truck or other heavy vehicle;</p> <p>(b) Car, Jeep or other four or three wheeler; and</p> <p>(c) Motor cycle or scooter.</p>	<p>(a) (i)Rs. 1,000,000/- (severe damage);and (ii) Rs. 80,000/- (minor damage).</p> <p>(b) (i) Rs. 200,000/- (severe damage); and (ii) Rs. 40,000/- (minor damage). (iii) Rs. 20,000/- (severe damage).</p>
7.	Loss of Livestock	<p>(a) Buffalo, Cow, Bull or Horse; and</p> <p>(b) Sheep, Goat or Donkey.</p>	<p>(a) Rs. 40,000/- (for each).</p> <p>(b) Rs. 10,000/- (for each).</p>

(Secretary)