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PART II

Statutory Notifications (S. R. O.)

GOVERNMENT OF PAKISTAN
CABINET DIVISION
(Litigation Wing)

NOTIFICATION

Islamabad, the 22nd October, 2024

S. R. O. 1738(I)/2024.—WHEREAS the Federal Government constituted a Commission of Inquiry on Enforced Disappearances *vide* Notification S.R.O. 149(1)/2011 dated 1st March, 2011. And, whereas the Federal Cabinet has accorded approval to enter into a collective rehabilitation regime for all unresolved/untraced cases registered in the Commission of Inquiry on Enforced Disappearances (herein referred to as "Commission") *vide* Cabinet decision No.207/25/24 dated 02-08-2024:

2. NOW, THEREFORE, it is necessary to make further amendments and additions in the aforesaid Notification (issued under Pakistan Commissions of Inquiry Act, 1956 succeeded by the Pakistan Commissions of Inquiry Act, 2017), namely:-

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[8922 (2024)/P.x. Gaz.]



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3. **Terms of Reference:** For para 2(a) and (b) of the aforesaid Notification, the following shall be substituted and remaining sub paras be re-numbered:

(a) To trace the whereabouts of allegedly enforced disappearance/missing persons, whose cases are registered in the Commission or received by the Commission directly from the families of disappeared persons and/or referred to the Commission by the Supreme Court and High Courts of Pakistan, National/International Human Rights Organizations including United Nations Working Group on Enforced or Involuntary Disappearances etc.;

4. Following additions will be made in para-2 after renumbered sub-para (e) of the aforesaid Notification, namely:-

(f) A complaint must be accompanied with a declaration from the complainant, on simple paper, that neither the case has earlier been lodged and decided nor under adjudication at any judicial forum on the date of submitting the complaint;

(g) The Commission will dispose of a case or review a case in which production order (PO) is already issued, if after thorough investigation which may include JIT/PTF reports and affording opportunity of personal hearing to complainant, no case of enforced disappearance/missing person is made out. The Commission may recommend closure of all registered cases of missing persons if:-

(1) The alleged missing person returns;

(2) He has been produced before a court of competent jurisdiction to face trial;

(3) The Commission finds that the instant case is a case of voluntary disappearance, kidnapping, death in a personal feud, accidental or collateral death and death in terror related incident;

(4) There is a presumption of death by a court of competent jurisdiction or authority;

(5) No data exists with NADRA and local authorities relating to the identity of a missing person.

(h) The Commission shall have powers to allow withdrawal of a case by the complainant at any stage of investigation, under relevant provisions of Code of Criminal Procedure, 1860;

- (i) On behalf of Government of Pakistan, the Commission is hereby empowered to identify deserving bereaved families for payment of rehabilitation/grant/support package;
- (j) **Payment under Support Package:**
- (1) The Commission shall look into and take all the measures in order to ascertain the whereabouts, facts and relevant records of all the alleged missing persons;
- (2) If the Commission, after completion of investigation process finds that the whereabouts of the registered case are unknown for over 5 years or the case is unresolved/untraceable, it may refer the case to Ministry of Interior (through a Special Committee) to take necessary measures for payment of lump sum support package to the aggrieved family members and recommend execution of the instruments and settle all such cases. In case of violation of the agreement by any family member of the missing person, the State would have the right to proceed against the concerned individual under existing criminal laws;
- (3) If at any state the missing person somehow returns alive, the support package to family and heirs of such person, will not be claimed back by the State.
- (k) **Constitution of a Special Committee for grant of Support Package to aggrieved families:** There shall be a committee constituted by the Ministry of Interior comprising officers of the level of Joint Secretary/equivalent (BPS-20) from Ministry of Interior, Ministry of Human Right, Ministry of Law & Justice and Ministry of Defence to examine genuine cases of families in need of support.
- (l) The Chairman of the Commission will preside over the Committee, while Secretary of the Commission will also act as Secretary of the Committee.
- (m) The Committee will finalize recommendations and forward cases to Ministry of Interior for payment within following parameters:-
- (1) Rs. 05 million support package will be recommended for payment to identified/deserving aggrieved family of missing person whose case is registered in the Commission subject to fulfillment of all legal formalities as and where mentioned in this notification;

201)

- (2) ✓ As a first step, the Committee can recommend maximum 1000 deserving cases for payment of rehabilitation grant in a phased program;
- (3) Careful determination of the family member/legal heirs (as per law) to whom payment would be made, which must be through banking channels;
- (4) Ensure accounting and audit system for such payments;
- (5) The Committee will re-constitute/assemble after every two years to take stock or unresolved cases and make recommendations in the same manner as prescribed.
- (n) The Committee will look into measures for the provision of legal aid to the affected family members in resolving legal issues emanating from the sustained absence of the alleged missing person to address issues of family law related matters;
- (o) The Committee can attach four additional staff (one officer and three clerical staff) on required basis for the subject purpose from Ministry of Interior, Ministry of Human Rights, Ministry of Law & Justice and Ministry of Defence..

[F. No. 01 /05/2022/Lit-III.]

AZMAT ALI,
Deputy Secretary (Lit).