

## REPORT ON DIALOGUE ON HASBA ACT EXPECTATIONS AND ASSUMPTION

**Date:** 28<sup>th</sup> December 2003.

**Venue:** Swat Continental Hotel Swat

**Organized By:** Joint Action Committee (Swat Chapter)

**Participants:** List Attached

***Process:***

The programme was started with the recitation of Holy Quran. Mr. Faridoon Khan Stage Secretary explain the purpose of the gathering and told the participants that Hasba Bill is recently prepared by the Govt: of NWFP which will be implemented after presentation and approval by the provincial assembly of NWFP. He says that we will discuss the expectations and assumptions of the inhabitants of the province from this Bill. After the inaugural words of Mr. Faridoon he invited Mr. Aftab Alam advocate for to discuss and point out the short comings and technical/professional foulest of the Bill.

Mr. Aftab Alam says that I have study the Bill 3 time with great tension inorder to explore the way of further development in the same. He says that being a lawyer, I consider the bill against the Sharia Law and contitution as there are so many short comings and un applicable sections in it. He pointed out the following points and said that this bill will create an environment among the courts, administration and legislation department of the province.

- According to this bill three major functions of three different departments have been awarded to the Hasba Courts i.e function of Judiciary, legislation and administration. The Mohtasib will be authorize to administer all provincial departments, will make rules for their own and will punish a persons. There will be no check and balance in the court of Mohtasib.
- The Power of Hasba Court and high Court will be equal and a parallel court will be established in one province.

- Most of the sections of this bill are existing either in one shape or other.
- The powers provided to the Hasba Court are waste and are unaccountable.
- Section 5 and 3 are in contradiction of each other.
- The jurisdiction of proceedings of Hasba Court is very large.
- The Power of investigation and other inquiries powers are unlimited and against law because it will damage the secrecy of any individual.
- The government is relating the bill with the religion Islam and in case of failure the image of Islam will be damaged.

No body raises any question on Mr. Aftab Alam and appreciated the deep critical analyses.

Mr. Zia Ud Din Principal Khushal Public School says that when there are so many acts are existing for corruption, kidnapping, rapes and other immoral and illegal activities, so what is the need of parallel Bill and act. He says that government of NWFP is trying to work theoretically. He countered the Government that behind the screen the government is trying to control and censor the media of the province, which is the only source of independent reporting against the improper policies of Government. He says that the act will reorganize the bureaucracy. He says that some immoral activities like Swara and killing on the honor have already been removed by the locals from the society. He stressed the government to include a representative of the local government in the consultative council.

Mr. Khalid Mehmood a representative of Swat Trade Federation says that the government does not taking the public in confidence in this regard and it will effect the image of the government.

Mr. Abdullah Yousaf Zai local leader of ANP says that the people are already facing troubles due to 2 governing system in the province. Now MMA is going to initiate third system in the province through Hasba Bill. He says that the basic problem of the province is the discriminative distribution of resources. He stressed the participants to start struggle for the solutions of such nature of problems. He rejected the bill in very short and clear wards. He says that being Pushtoons we are the nation who accepted the Islam

collectively and we know better the codes and conducts of Islam hence there is not need of such act as we are following the guideline of Islam in real sense.

Mr. Fazal Mabood Chairman Hujra says that it is the matter of great pleasure that the organizer provided an opportunity of discussion. He says that existence of such forum is essential for discussion on local problems.

Sayed Karim Shalmani advocate says that I have find some foulest in the proposed act which need grate attention. He pointed out the following issues.

1. Qualification of the Mohtasib is not mentioned in the act.
2. The Order and Decision of the Mohtasib or Hsaba Court will not be changeable.
3. No body will have the right to filled any petition against Mohtasib in any court.

Sayed karim Shalmani Says that section regarding beggars and child labor are good if implemented properly.

This dialogue was also participated by Mohammad Ismail and Qaisar of Joint Action Committee NWFP.

At the end of the programme Mr. Badar Zaman Saba Member Joint Action Comitte Swat Chapter thanked the participants.

After the programme the participants were served tea.