



THE
SENATE OF PAKISTAN
DEBATES

OFFICIAL REPORT

Monday, the 6th August, 1973

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SENATE OF PAKISTAN

List Of Members

Baluchistan

- ✓1. Mir Nabi Bakhsh Zehri.
- ✓2. Mr. Tahir Mohammad Khan.
- ✓3. Mir Mahmood Aziz Kurd.
- ✓4. Mr. Zamarud Hussain.
- ✓5. Mir Hazoor Bakhsh.
- ✓6. Mir Abdul Nabi Khan.
- ✓7. Mr. Mohammad Zaman Khan Achakzai.

- ✓8. Mir Abdul Wahid.
- ✓9. Mr. Mohammad Hashim Ghilzai.
- ✓10. Haji Sayed Hussain Shah.

N.W.F.P.

- ✓11. Mr. Habibullah Khan.
- ✓12. Mr. Niamatullah Khan.
- ✓13. Sardar Mohammad Aslam.
- ✓14. Mr. Sher Mohammad Khan.
- ✓15. Mir Afzal Khan.
- ✓16. Mr. Shahzad Gul.
- ✓17. Mr. M. Zahurul Haq.
- ✓18. Mr. Kamran Khan.
- ✓19. Mr. Zafar Ahmad Qureshi.
- ✓20. Haji Shabib Shah.

Punjab

- ✓21. Mrs. Samia Usman Fatah.
- ✓22. Mian Arif Iftikhar.
- ✓23. Shaikh Fazal-i-Elahi Piracha.

- ✓24. Mr. Ahmad Waheed Akhtar.
- ✓25. Qazi Mohammad Shahid.
- ✓26. Rao Abdus Sattar.
- ✓27. Mr. Ihsanul Haq.
- ✓28. Ch. Mohammad Aslam.
- ✓29. Moulvi Zahoorul Haq.
- ✓30. Khawaja Mohammad Safdar.

Sind

- ✓31. Mr. Qurban Ali Shah.
- ✓32. Mufti Zafar Ali Nomani.
- ✓33. Agha Ghulam Nabi Khan.
- ✓34. Sardar Ghulam Mohammad Khan.
- ✓35. Mr. Qamaruz Zaman Shah.
- ✓36. Mr. Rafi Raza.
- 37. Mr. Mehran Khan.
- ✓38. Syed Zulfiqar Ali Shah Jamote.
- ✓39. Mr. Muhammad Sulleman M. Samejo.
- ✓40. Mr. J. A. Rahim.

Federal Capital Area

- ✓41. Mr. Aziz Ahmed.
- ✓42. Mr. Nargis Zaman Khan.

Federally Administered Tribal Areas

- ✓43. Mr. Khayal Said.
- ✓44. Malik Nasrullah Khan Afridie.
- ✓45. Mr. Gulab Khan.

SENATE OF PAKISTAN

Chairman

Mr. Habibullah Khan

Deputy Chairman

Mr. Tahir Mohammad Khan

Panel of Presiding Officers

Mian Arif Iftikhar

Agha Ghulam Nabi Khan

Khawaja Mohammad Safdar

Secretary

Mr. Aslam Abdullah Khan

Deputy Secretary

Mr. Z. A. K. Baqai

Section Officers

Mr. Abdul Bari Khan

Mr. Akhtar Husain Khan

Handwritten Urdu text:
عبدالباری خان
۹ ۱۰ ص

GOVERNMENT OF PAKISTAN

Mr. Zulfiqar Ali Bhutto, H.P.K. President.

Mr. Nurul Amin Vice-President.

COUNCIL OF MINISTERS

Mr. J. A. Rahim Minister for Production, Presidential Affairs and Commerce.

Mr. Abdul Qaiyum Khan Minister for Interior, States and Frontier Regions and Kashmir Affairs.

Dr. Mubashir Hasan Minister for Finance, Planning and Development.

Mr. Hayat Mohammad Khan Sherpao. Minister for Fuel, Power and Natural Resources.

Sheikh Muhammad Rashid Minister for Health and Social Welfare.

Mr. Khurshid Hasan Meer Minister without Portfolio.

Mr. Ghulam Mustafa Khan Jatoi Minister for Political Affairs and Communications.

Mr. Abdul Hafeez Pirzada Minister for Law, Parliamentary Affairs and Education and Provincial Co-ordination.

Maulana Kausar Niazi Minister for Information, Broadcasting, Auqaf and Haj.

Sardar Ghaus Bakhsh Raisani Minister for Food and Agriculture and Under-developed Areas.

Ch. Mohammad Hanif Khan Minister for Labour and Works.

Raja Tridiv Roy Minister for Minorities Affairs and Tourism.

MINISTERS OF STATE

Mr. Mahmud Ali Minister of State for National Affairs, Overseas Pakistanis and Prisons.

Maj. General Jamal Dar Minister of State for Public Affairs.

Mr. Aziz Ahmed Minister of State for Foreign Affairs and Defence.

ATTORNEY GENERAL

Mr. Yahya Bakhtiar.

SENATE DEBATES

[Official Report of the First Session of the Senate of Pakistan, 1973]

VOLUME I

SENATE OF PAKISTAN

Monday, the 6th August, 1973

The Senate of Pakistan met in the Senate Chamber, Islamabad, at nine of the clock, in the morning.

(Recitation from the Holy Quran)

NOMINATION OF PRESIDING OFFICER.

Secretary : Hon'ble members of the Senate ^{اسلام علیکم} I will read out the Order of the President regarding the nomination of Mr. Fazal Elahi Chaudhri, Speaker of the National Assembly, as the Presiding Officer for this meeting. The President's Order :—

“ In pursuance of sub-rule (2) of rule 9 of the Rules of Procedure and Conduct of Business in the Senate, 1973, I hereby nominate Mr. Fazal Elahi Chaudhri, Speaker of the National Assembly of Pakistan, to preside over the first meeting of the Senate at 9.00 a.m. on Monday the 6th of August, 1973, till a Chairman of the Senate is elected under clause 1 of Article 60 of the Constitution of the Islamic Republic of Pakistan enacted on the 12th day of April, 1973, and the Chairman so elected enters upon office.”

(Presiding Officer, Mr. Fazal Elahi Chaudhri, Took the Chair)

Presiding Officer : Now, the first item is the taking of oath by Members. Hon'ble Members, ^{اسلام علیکم}, I congratulate all of you on having been elected or chosen as members of this august House. The first item on the agenda is the making of oath. The oath may be taken either in Urdu or in English. The printed oath forms containing both versions are placed on the seats of the members. The Secretary will call out the names of the members in the order given in the list and a copy of which has also been placed on the table before each member. The member whose name is called out will first read the oath from his seat ; he will then come forward to sign the roll of the Members. A printed oath form is placed on the table of each member. After the word “ I ” the member should name himself or herself. I will read the oath so that you may also follow it. You will yourself read. So, please call.

OATH AND SIGNING OF ROLL OF MEMBERS

The following members then took the oath and signed the roll of Members—

- ✓1 Mir Abdul Nabi Khan.
- ✓2 Mir Abdul Wahid.
- ✓3 Mir Hazoor Bakhsh.
- ✓4 Haji Sayed Hussain Shah.
- ✓5 Mir Mahmood Aziz Kurd.
- ✓6 Mr. Mohammad Hashim Ghilzai.
- ✓7 Mr. Tahir Mohammad Khan.
- ✓8 Mr. Mohammad Zaman Khan Achakzai.
- ✓9 Mir Nabi Bakhsh Zehri.
- ✓10 Mr. Zamarud Hussain.
- ✓11 Mir Afzal Khan.
- ✓12 Mr. Habibullah Khan.
- ✓13 Mr. Kamran Khan.
- ✓14 Sardar Mohammad Aslam.
- ✓15 Mr. Niamatullah Khan.
- ✓16 Haji Shabib Shah.
- ✓17 Mr. Shahzad Gul.
- ✓18 Mr. Sher Mohammad Khan.
- ✓19 Mr. Zafar Ahmad Qureshi.
- ✓20 Mr. M. Zahurul Haq.
- ✓21 Rao Abdus Sattar.
- ✓22 Mr. Ahmad Waheed Akhtar.
- ✓23 Mian Arif Iftikhar.
- ✓24 Shaikh Fazal-i-Elahi Piracha.
- ✓25 Mr. Ihsanul Haq.
- ✓26 Ch. Mohammad Aslam.
- ✓27 Khawaja Mohammad Safdar.
- ✓28 Qazi Mohammad Shahid.
- ✓29 Mrs. Samia Usman Fatah.
- ✓30 Moulvi Zahoorul Haq.
- ✓31 Sardar Ghulam Mohammad Khan.
- ✓32 Agha Ghulam Nabi Khan.

POINT OF ORDER

Mr. Kamran Khan : Point of order, Sir. This House has not been constituted in accordance with the provisions of the Constitution. I will refer to clause (2) of Article 59 which says :—

“ Election to fill seats in the Senate allocated to each Province shall be held in accordance with the system of proportional representation by means of the single transferable vote.”

Now here, sir, proportional representation means, and the idea behind this was that the strength of all the parties in the Provincial Assemblies should be reflected in this Senate, whereas we see . . .

Presiding Officer : No, where do you draw this conclusion from ?

Mr. Kamran Khan : It is clearly laid down, because if the proportional representation had been meant for giving representation to the Provinces, that would have been clarified.

Presiding Officer : Your point of order is that the elections to the Senate were not held on the basis of proportional representation ?

Mr. Kamran Khan : Yes, sir.

Presiding Officer : In what way ?

Mr. Kamran Khan : The parties in the Frontier Province and Baluchistan are not represented in this House according to their strength in the Provincial Assemblies.

Presiding Officer : Do you mean to say that there should not have been any elections, somebody should have chosen members of the Senate in proportion to the number of members of each party in the Provincial Assembly ?

Mr. Kamran Khan : No, sir, my submission is that there should have been elections . . .

Presiding Officer : If the elections have been held on the basis of proportional representation with a single transferable vote and the result has been announced by the Chief Election Commissioner, there is no question of it.

Mr. Kamran Khan : I do not question the decision of the Election Commission, sir. The elections were held in all fairness in the Provinces as far as the Election Commission was concerned.

Presiding Officer : You cannot do that due to provisions in the Constitution. But at the moment the members of the Senate who have been elected or chosen, are taking the oath and after the oath ceremony is over and the Chairman is elected, you can raise this point of order.

Mr. Kamran Khan : Thank you, sir.

OATH AND SIGNING OF ROLL OF MEMBERS

(Oath-taking was resumed)

✓ 33 Mr. J. A. Rahim.

- 436 Mr. Rafi Raza.
 437 Mr. Mohammad Sulleman M. Samejo.
 438 Mr. Qamaruz Zaman Shah.
 439 Mr. Qurban Ali Shah.
 440 Mufti Zafar Ali Nomani.
 441 Syed Zulfiqar Ali Shah Jamote.
 442 Mr. Aziz Ahmed.
 443 Mr. Nargis Zaman Khan.
 444 Mr. Gulab Khan.
 445 Mr. Khayal Said.
 446 Malik Nasrullah Khan Afridie.

PROGRAMME FOR ELECTION OF CHAIRMAN AND DEPUTY CHAIRMAN

Presiding Officer : Now I will announce the programme of election of the Chairman and the Deputy Chairman. Those who would like to hear the Urdu translation may do so with the help of ear-phones.

Programme for the election of Chairman and Deputy Chairman will be as follows :

Nomination papers for election of the office of the Chairman and Deputy Chairman will be received by the Secretary of the Senate in his office on the first floor. Any member may propose the name of any other member for election as Chairman or Deputy Chairman, by delivering the nomination paper in the prescribed form duly accompanied by the required statement of candidate to the Secretary before 12 noon today. Copies of nomination forms which have already been supplied to each member are also placed on the table and more copies can be obtained from the office. Scrutiny of nomination papers for election of Chairman and Deputy Chairman will be held by the Secretary at one p.m. today in his office but the candidates and their proposer may attend the scrutiny, if they so like.

Nomination may be withdrawn at any time before the election is held at 5.30 p.m.

If there are more than one candidate for election of Chairman, a ballot will be held between them. The procedure for the ballot will be as follows :

Each member will have one vote only. Ballot paper containing the name of the candidate for election of Chairman of the Senate will be given to each member.

Names of the members will be called out one by one. Before delivering the ballot paper to each member the counter-foil will be signed by office of the Secretary and also stamped on the reverse with the seal of the Senate.

The member will put a tick mark in ink on the ballot paper against the name of the candidate of his choice without being observed and will not divulge the name of the candidate for whom he voted. The ballot paper will be folded before it is inserted in the ballot box which is placed before the table of the House.

If any ballot paper is inadvertently spoilt by a member, he may ask for a fresh ballot paper. The spoilt one should be returned which will be cancelled.

After all the members have voted, Secretary will open the ballot box and count all the ballot papers and submit the result to the Presiding Officer who will announce the name of the member elected as Chairman.

These instructions which I have read in English are attached with the Orders of the Day in Urdu also. Honourable members may get a copy of the Orders of the Day if they so desire. These instructions about election of the Chairman and Deputy Chairman are there.

Presiding Officer : The House stands adjourned to meet again at 5.30 p.m. today.

The Senate adjourned to meet again at half past five of the clock in the evening.

The Senate re-assembled at 5.30 p.m., the Presiding Officer (Mr. Fazal Elahi Chaudhary), in the Chair.

ELECTION OF CHAIRMAN

Presiding Officer : If any candidate for election as Chairman wishes to withdraw his candidature, he can do so even now under rule 9(4) in writing. (*Pause*) The names of the members validly nominated for election as Chairman, who have not withdrawn their candidature are :—

1. Mr. Habibullah Khan .. Proposed by :
 1. Mr. J. A. Rahim.
 2. Mr. Aziz Ahmed.
 3. Mr. Muhammad Sulleman M. Samejo.
 4. Mian Arif Iftikhar, and
 5. Mr. Sher Mohammad Khan.

2. Khawaja Mohammad Safdar. — Proposed by :
 1. Mr. Zamarud Hussain, and
 2. Mr. Shahzad Gul.

The ballot for the election will now take place in the manner already explained this morning. Secretary to call out the names.

Secretary : Before I call out the names of honourable members of the Senate to come forward and vote, the ballot box lying on the table will be locked in your presence to receive ballot papers.

(The ballot box was locked)

The following members cast their vote :

Mir Abdul Nabi Khan.

Mir Abdul Wahid.

Mir Hazoor Bakhsh.

Haji Sayed Hussain Shah.

Mir Mahmood Aziz Kurd.

Mr. Mohammad Hashim Ghilzai.

Mr. Tahir Mohammad Khan.

Mr. Mohammad Zaman Khan Achakzai.

Mir Nabi Bakhsh Zehri.

Mr. Zamarud Hussain.

Mir Afzal Khan.

Mr. Habibullah Khan.

Mr. Kamran Khan.

Sardar Mohammad Aslam.

Mr. Niamatullah Khan.

Haji Shabib Shah.

Mr. Shahzad Gul.

Mr. Sher Mohammad Khan.

Mr. Zafar Ahmad Qureshi.

Mr. M. Zahurul Haq.

Rao Abdus Sattar.

Mr. Ahmad Waheed Akhtar.

Mian Arif Iftikhar.

Shaikh Fazal-i-Elahi Piracha.

Mr. Ihsanul Haq.

Ch. Mohammad Aslam.

Khawaja Mohammad Safdar.

Qazi Mohammad Shahid.

Mrs. Samia Usman Fatah.

Moulvi Zahoorul Haq.

Sardar Ghulam Mohammad Khan,
 Agha Ghulam Nabi Khan,
 Mr. J. A. Rahim,
 Mr. Mehran Khan,
 Mr. Rafi Raza,
 Mr. Muhammad Sulleman M. Samejo,
 Mr. Qamaruz Zaman Shah,
 Mr. Qurban Ali Shah,
 Mufti Zafar Ali Nomani,
 Syed Zulfiqar Ali Shah Jamote.
 Mr. Aziz Ahmed,
 Mr. Nargis Zaman Khan,
 Mr. Gulab Khan,
 Mr. Khayal Said,
 Malik Nasrullah Khan Afridie,

Presiding Officer : As all the members present have voted, the counting will be done by the Secretary. Candidates wishing to observe the count may come forward. Candidates can come forward.

(After Count)

Presiding Officer : The votes have been counted and the result is as follows :

Mr. Habibullah Khan has secured 32 votes.

Khawaja Mohammad Safdar has secured 13 votes.

As Mr. Habibullah Khan has secured more votes than Khawaja Mohammad Safdar, I declare Mr. Habibullah Khan as having been elected as Chairman of the Senate. He may please come forward to the dais to make oath as Chairman and take the Chair.

Mr. Habibullah Khan made oath of office as Chairman of the Senate and took the Chair.

Mr. Chairman : Now, I come to the election of Deputy Chairman.

ایک رکن : عصر کی نماز کا وقت ہے اس لئے نماز کیلئے اجلاس ملتوی کیا جائے۔

Mr. Chairman : Is it the wish of all the hon'ble members that we should suspend the proceedings for *Asar* prayers ?

A member : There is no question of choice in it.

We have got to adjourn, we are bound to do so under the Islamic ideology of the country.

Mr. Chairman : Well, hon'ble members, there is no time fixed for *Asar* prayers but normally for *Maghreb* prayers we adjourn the House at 7.30 p.m. So, I think, we should follow this precedent.

خواجہ محمد صفدر : جناب نماز کا وقت ہو گیا ہے۔ مسٹر چیئرمین آپ نے ارشاد فرمایا ہے نماز مغرب۔ نماز مغرب تو سوا سات بجے ہوگی۔ ابھی انہوں نے نماز عصر کے متعلق کہا ہے اسلئے آپکو چاہئے کہ آپ دس منٹ کیلئے اجلاس ملتوی کر دیں۔ جن دوستوں نے نماز پڑھنی ہے بلکہ میں سمجھتا ہوں کہ ہر ایک نے پڑھنی ہے وہ پڑھ لیں۔

جناب چیئرمین : مجھے تو کوئی اعتراض نہیں ہے اسلئے میں نے آنریبل ممبر سے یہ دریافت کیا عام طور پر جب میں بول رہا ہوں تو سہرانی کر کے مجھے ختم کرنے دیں۔ میں یہ گزارش کر رہا تھا کہ دریافت کرنے سے مجھے یہ معلوم ہوا کہ عام طور پر عصر کی نماز کیلئے ممبران الگ الگ جاتے ہیں۔ نماز پڑھ کر آتے جاتے رہتے ہیں۔ لیکن نماز مغرب کیلئے سوا سات بجے House Adjourn ہوتا ہے۔ تو اسلئے میں نے اس Precedent کے پیش نظر آنریبل ممبر سے دریافت کیا ہے کہ اگر آپکی یہ خواہش ہے کہ نماز عصر کیلئے بھی ہم Adjourn کر لیں۔ تو میں تیار ہوں۔

ایک رکن : ساڑھے پانچ بجے نماز کا وقت ختم ہو چکا ہے۔ اکثر ممبران نماز پڑھ کر آتے ہیں۔ اب نماز عصر کا ٹائم نہیں ہے۔

جناب چیئرمین : یہ تو ان سے پوچھیں۔ کیا حرج ہے اگر ہم اجلاس کو دس منٹ کیلئے Adjourn کر دیں۔

ایک رکن : پھر جناب والا۔ مغرب کیلئے ہماری کارروائی رک جانے گی۔ الیکشن ہم ختم نہیں کر سکیں گے۔

ایک رکن : آپ اگر نماز مغرب کیلئے ملتوی کرتے ہیں تو دس منٹ عصر کیلئے ملتوی کر دیں۔ کیونکہ دونوں کا ایک ہی حکم ہے۔

Mr. Chairman : It should not take more than ten minutes to say our *Asar* prayers.

میں Adjourn کر رہا ہوں۔

So, in deference to the wishes of the honourable members, the meeting stands adjourned for ten minutes.

(The Senate adjourned for ten minutes for *Asar* prayers.)

The Senate re-assembled after *Asar* prayers, Mr. Chairman (Mr. Habibullah Khan) in the Chair.

ELECTION OF DEPUTY CHAIRMAN

Mr. Chairman : Honourable members, if any candidate for election as Deputy Chairman wishes to withdraw his candidature, he may do so now in writing under rule 9 (4) read with rule 10. The following are the candidates for election as Deputy Chairman : Mirza Mohammad Tahir proposed by Mr. Sher Mohammad Khan, Mirza Mohammad Rafi Raza, Mr. Aziz Ahmed, Mir Nabi Bakhsish Zehri, Mr. Qamaruz Zaman Shah and Rao Abdus Sattar. The second gentleman is Mr. M. Zahurul Haq. He is proposed by Syed Zulfiqar Ali Shah

Ja note and Mr. Kamran Khan. The procedure for voting will be the same as observed in the case of the election of Chairman.

Secretary : I will call out the names of the honourable members of the Senate as before :

Mir Abdul Nabi Khan,
 Mir Hazoor Bakhsh,
 Haji Sayed Hussain Shah,
 Mir Mahmood Aziz Kurd,
 Mr. Mohammad Hashim Ghilzai,
 Mr. Tahir Mohammad Khan,
 Mr. Mohammad Zaman Khan Achakzai,
 Mir Nabi Baksh Zehri,
 Mr. Zamarud Hussain,
 Mir Afzal Khan,
 Mr. Habibullah Khan,
 Mr. Kamran Khan,
 Sardar Mohammad Aslam,
 Mr. Niamatullah Khan,
 Haji Shabib Shah,
 Mr. Shahzad Gul,
 Mr. Sher Mohammad Khan,
 Mr. Zafar Ahmad Qureshi,
 Mr. M. Zahurul Haq,
 Rao Abdus Sattar,
 Mr. Ahmad Waheed Akhtar,
 Mian Arif Iftikhar,
 Shaikh Fazal-i-Elahi Piracha,
 Mr. Ihsanul Haq,
 Ch. Mohammad Aslam,
 Khawaja Mohammad Safdar,
 Qazi Mohammad Shahid,
 Mrs. Samia Usman Fatah,
 Moulvi Zahoorul Haq,
 Sardar Ghulam Mohammad Khan,
 Agha Ghulam Nabi Khan,

[Mr. Secretary]

Mr. J. A. Rahim,
Mr. Mehran Khan,
Mr. Rafi Raza,
Mr. Muhammad Sulleman M. Samejo,
Mr. Qamaruz Zaman Shah,
Mr. Qurban Ali Shah,
Mufti Zafar Ali Nomani,
Syed Zulfiqar Ali Shah Jamote,
Mr. Aziz Ahmed,
Mr. Nargis Zaman Khan,
Mr. Gulab Khan,
Mr. Khayal Said,
Malik Nasrullah Khan Afridie.

Mr. Chairman : If there is any honourable member whose name has not been called, he can now cast his vote. (*Pause*). It is all over. Voting is over, the Secretary will now count. If the honourable candidates want to observe, they can come forward.

(*The ballots were then counted*)

Mr. Chairman : Votes have been counted and the result is as follows :

Mirza Mohammad Tahir has secured 32 votes. Mr. M. Zahurul Haq has secured 13 votes. As Mirza Mohammad Tahir has secured more votes, I declare Mirza Mohammad Tahir as having been elected as Deputy Chairman, of the Senate. He may please take the Oath as Deputy Chairman. You may please come over here.

(*Mirza Mohammad Tahir then took the Oath as Deputy Chairman of the Senate*).

FELICITATIONS ON ELECTION OF CHAIRMAN AND DEPUTY CHAIRMAN

خواجہ محمد صفدر: *جناب چیئرمین - میں آپکو بطور چیئرمین منتخب ہونے پر دلی مبارکباد پیش کرتا ہوں۔ جناب چیئرمین - آپ نہ صرف عدالت عالیہ کے رکن رہے ہیں بلکہ مرکزی اور صوبائی حکومتوں کے بھی رکن رہے ہیں۔ اس لحاظ سے آپکو خاصا پارلیمانی تجربہ حاصل ہے۔

جناب چیئرمین - میں اپنے تجربہ اور مطالعہ کی بنا پر یہ کہہ سکتا ہوں کہ جمہوری ملکوں میں عام طور پر ایسے مناصب کیلئے انتخاب نہیں لڑا جاتا۔ اور ایسی روایت قائم کی جاتی ہے کہ برسراقتدار طبقہ اور حزب اختلاف باہمی مشورے کے بعد کسی غیر متنازعہ شخصیت کو جو کہ ایسے منصب کیلئے اہل بھی ہو متفقہ طور پر چن لیا جاتا ہے۔ مگر یہاں ایسا نہیں ہوا۔ کیوں؟

یہ شخص اسلئے کہ جو جماعت ”جمہوریت ہماری سیاست ہے“ کے دائرہ نعرے پر سوار ہو کر مسند اقتدار پر پہنچی۔ اس نے اس ملک میں جمہوریت کا گلا گھونٹ دیا۔

*Speech not corrected by the Senator.

ہمارا آج انتخاب میں بطور امیدوار شامل ہونا اور حصہ لینا معض ایک احتجاج ہے۔ ان جمہوریت کش پالیسیوں کے خلاف جو کہ برسراقتدار طبقہ اس ملک میں اپنائے ہوئے ہے۔ کتنے افسوس کی بات ہے۔ جناب چیئرمین۔ اس ملک کی سب سے بڑی شخصیت اس بات کا اعتراف بھی کرے کہ ایک صوبے میں ایک خاص پارٹی کو اکثریت حاصل ہے صوبائی اسمبلی میں۔ اور اسکے باوجود وہ شخصیت اپنے آئینی اختیارات کو استعمال کرتے ہوئے اس اکثریتی پارٹی کو اسکا حق نہ دے۔ اس قسم کی جمہوریت کش پالیسیوں کے خلاف ہم نے یہ فیصلہ کیا ہے۔ کہ ہم اس معاذ پر اڑیں گے۔ یہ اس فیصلے کا نتیجہ ہے۔ کہ آج ہم نے چیئرمین اور ڈپٹی چیئرمین کیلئے اپنے امیدوار کھڑے کیئے۔ اگرچہ ہمیں معلوم تھا کہ ہمارے پاس صرف تیرہ ووٹ ہیں۔

جناب چیئرمین۔ جب تک حکمران جماعت اپنے وعدوں کو ایفا نہیں کرتی۔ جب تک صرف زبانی دعووں پر اکتفا کیا جاتا ہے۔ اس وقت تک اس ملک کا ہر غمخور شہری اس احتجاج میں ہمارے ساتھ شریک رہے گا۔ ہماری لڑائی کسی کی شخصیت کے ساتھ نہیں ہے۔ ہم نے عمر بھر اصولوں کی لڑائی لڑی ہے اور اصولوں کی جنگ اب بھی جاری رہے گی۔ جناب چیئرمین۔ مجھے توقع ہے کہ آپ اس معزز ایوان اور اسکے معزز اراکین کے حقوق اور ان کے وقار کی حفاظت کریں گے۔ اور مجھے ہرگز آپ سے یہ توقع نہیں کہ آپ چونکہ ایک پارٹی کی مدد سے چیئرمین منتخب ہوئے ہیں۔ اسٹے اپ اس پارٹی کے ایک معکوس خصرصی کی حیثیت اختیار کریں گے اسلئے میں محترم طاہر صاحب کی خدمت میں بھی مبارکباد پیش کرتا ہوں مجھے ان کی صلاحیتوں کا علم نہیں۔ وہ نوجوان ہیں۔ مجھے توقع ہے کہ وہ اس ایوان کے وقار اور اسکے حقوق کے تحفظ کی بھی مقدور بھر کوشش کریں گے۔

Mr. J. A. Rahim : *Mr. Chairman, I would have always with the greatest satisfaction congratulated you on your success in becoming the Chairman of the Senate. I may have had also reasons to do so, but am compelled to rise to correct a wrong impression. The honourable member who just now spoke has used the opportunity to make a political speech, attacking my party on the ground that we are not democratic. I must point out to the honourable member that the convention, to which he referred, of agreed nomination of the Presiding officer of the Assembly is not valid for every democracy. It is almost accidental that when in a Parliament of great experience, a Speaker or a Chairman is elected, he may be by common consent, most often he is not, and I must point out, to talk of democracy, as if democracy was based only upon argument of consensus, is wrong. The instrument of democracy is the ballot box. If you deny the right of vote and decision by majority vote, you deny democracy. The Oppositor today is denying the right of the people of Pakistan to decide issues by the majority vote. This political speech is itself absolutely denial of democracy. He has slapped democracy in the face by denying the process of democracy.

Mr. Chairman, Sir, I would not have used this occasion fit for congratulating a distinguished leader like you on taking this very high position under the new Constitution of Pakistan, had I not been compelled to defend the value of democracy in this House. Sir, in the end, I congratulate you once again.

Mr. M. Zahurul Haq : *Mr. Chairman, I have the honour of congratulating you and your Deputy Chairman being the first office-holders of the Senate of Pakistan. I believe we should have begun with a different note, and a note I am proposing to talk about is that this is the House which is going to set its own traditions and its own functions and customs.

[Mr. Zahurul Haq]

I am rather aggrieved that in the first inaugural speeches we have started on a note which is not going to be conducive for a sober House like the Senate and the functions we are supposed to perform in the course of our constitutional work. Nevertheless, I do have a regard for the tempers of both the gentlemen. But I take a *via media* and I would submit rather that in this House every proposition which comes forward before the members should be discussed dispassionately keeping in view the necessity of every federating unit. We should not be led by sentiments or emotions to lose the significance of the task for which we have been made representatives of the smaller units or the larger units. The functions of the senate are entirely different and I suppose that if we have a dispassionate, non-emotional, non-sentimental approach to the various propositions which are likely to crop up in course of time, we will be performing the duties for which confidence has been reposed in us. I repeat once again that let this House set the example that the functions which are to be performed by the Chairman and the functions which are to be performed by the members should be directly in accordance with the democratic principles. We should not overrule if a genuine point is forthcoming from a party which has been labelled as opposition and we should equally listen to the arguments advanced by the parties which are supposed to be known as the treasury benches. I am not here to deliver a sermon as, Mr. Chairman, I am aware of the fact that you are a very experienced parliamentarians not only an eminent retired judge. But I thought it my duty that in the very first session of this House, we must emphasise and I repeat I should be permitted for the repetition that we must try to leave traditions of this House and a day will come when with the passage of time and history the younger generation will see that this was the first Senate and these were the traditions which with the passage of time will become hardened into law and rules. With that note I once again repeat my congratulations to you and to your Deputy Chairman and to all the members of the Senate that it is the first time in the history of this country that Senate has come into existence and the wishes of the people to have a bicameral legislature or Parliament have come into reality. Thank you, Sir. !

میر نبی بخش زہری * : جناب چیئرمین میں آپ کے انتخاب پر آپ کو دلی مبارکباد

پیش کرتا ہوں خدا کرے آپ اپنی ذمہ داریوں کو پورا کرتے ہوئے ایسا مقام حاصل کریں جو مہمانی ہو اور اس باعزت اور اہم ایوان کے وقار اور ممبران کے حقوق کو پورا کرتے ہوئے آپ ایک مثال قائم کر سکیں۔ جناب والا یہ پہلی سینیٹ پاکستان میں ایک تجربہ کی حیثیت رکھتی ہے۔ ہماری یہ دعا ہے کہ آپ کی سرپرستی میں اور اللہ تعالیٰ کی سہرانی سے ہم اپنی ذمہ داریوں کو خوش اسلوبی کے ساتھ اور پاکستان کے استحکام اور سلامتی کو مد نظر رکھتے ہوئے پورا کر سکیں۔ جناب والا ہماری یہ دلی دعا ہے۔

جناب چیئرمین مجھے اجازت دیجئے کہ میں یہ کہوں کہ ہمارے ایک دوست خواجہ صفدر نے کچھ ایسے پوائنٹ پیش کئے ہیں کہ انکا جواب دینا ضروری ہو گیا ہے۔ میں ذاتی طور پر ان سے واقف ہوں اور انکی عزت اور قدر کرتا ہوں۔ مجھے یاد ہے کہ میں اور وہ مختلف ایوانوں میں اکٹھے رہے ہیں۔ ان کے تجربہ اور صلاحیت کے بارے میں کسی کو شک نہیں ہے۔ بہر حال مجھے یہ کہنے کی اجازت دیجئے اور خواجہ صاحب سے مجھے یہ گہ بھی کرنا چاہئے کہ اس تجربہ اور صلاحیت کا اظہار اتفاق رائے سے ہونا چاہئے تھا۔ چاہئے تو یہ تھا کہ اپوزیشن اور خاص طور سے خواجہ صفدر صاحب اپنی صلاحیت کو استعمال کرتے ہوئے اتفاق رائے سے، آپ جیسے تجربہ کار شخص جسکی صلاحیتوں کا خود انہوں نے ذکر کیا ہے، انتخاب کرنے۔ ان کو اتفاق کرنا چاہئے تھا۔ بلکہ اتفاق کرنے میں پہل انکو

گرفی چاہتی تھی۔ اخلاق اور بردباری صرف حکومت ہی کا فرض نہیں ہے۔ اپوزیشن بھی اپنی مثال پیش کر سکتی تھی۔ جناب والا یہ صوبائی اسمبلی نہیں بلکہ میں عزت کے ساتھ صوبائی و قومی اسمبلی کا ذکر کرونگا۔ مجھے امید ہے کہ خواجہ صفدر صاحب اور ہمارے اپوزیشن کے دوسرے دوست اس ہاؤس کے معیار کو جانتے ہوئے اپنی ذمہ داریاں پوری کریں گے۔ اور ہر لحاظ سے دور اندیشی سے کام لیں گے۔

جناب والا آخر میں میں آپکو اور ڈپٹی چیئرمین کو دلی مبارکباد پیش کرتا ہوں اور اس معزز ایوان کے باقی ممبران کا شکریہ ادا کرتا ہوں کہ انہوں نے اپنا وقت دیا۔ شکریہ۔ خواجہ محمد صفدر: جناب والا میں اپنی نوجہ اس امر کی جانب مبذول کرانا چاہتا ہوں کہ سوا سات بج رہے ہیں نماز مغرب کا وقت ہو رہا ہے۔ از راہ کرم پندرہ منٹ کیلئے اجلاس ملتوی کر دیں۔

جناب چیئرمین: اجلاس پندرہ منٹ کیلئے ملتوی کیا جاتا ہے۔ اب ہم ساڑھے سات بجے اجلاس شروع کریں گے۔

ایک رکن: جناب والا آٹھ بجے صدر صاحب کی طرف سے ڈنر ہے۔ اس بات کا بھی خیال رکھیں۔

جناب چیئرمین: وہ تو مجھے معلوم ہے۔

The House adjourned for *Maghreb* prayers.

The House re-assembled at 7.35 p.m. after *Maghreb* prayers, Mr. Chairman (Mr. Habibullah Khan) in the Chair.

Mr. Chairman: Hon'ble members of the Senate, I cannot find words to express my gratitude to you for the honour you have done me in electing me as the Chairman of this august House. For me it is a double honour to be a member of the first Senate elected under the first Constitution framed by the unanimous vote of the people and at the same time to be elected as its first Chairman. I would also like to congratulate all the hon'ble members on their election to the first Senate in the history of Pakistan. Along with this feeling of gratitude, I feel a deep sense of humility; I am conscious of my limitations and shortcomings but all the same, I shall endeavour to overcome them as best as I can and discharge my onerous duties to the best of my ability and shall try to emulate the role of illustrious persons who keep similar positions in Parliament. I know that the task which I have to face is a challenging one but with your cooperation and the help of Almighty *Allah* I hope and pray that I would be able to acquit myself honourably of the heavy burden of responsibility placed on my shoulders and to create healthy precedents and uphold traditions which will entitle ourselves to be placed in the parliamentary history of democratic countries. We are embarking on a new legislative experience to realise our true role. Your cooperation and support will be a source of strength as without your individual as well as collective effort I cannot hope to succeed. I pray to the Almighty *Allah* that he may guide our steps along the path of justice, impartiality and fairplay. Your election as members of the first Senate in the history of the country is a sacred trust and has caused heavy responsibility to fall on your shoulders. We are members of a free and democratic country linked with each other through bonds of faith and destiny and as such

[Mr. Chairman]

we have to act in accordance with the best traditions of a democratic society. I have every hope that all members of this august House will uphold and preserve the dignity and decorum of the Senate. I will try my best to act with impartiality and always in the interest of this august body. Though democracy in our country did not, unfortunately, have adequate time and suitable climate to grow but if we are honest in our adherence to democratic principles and do not hesitate to sacrifice our personal interest for the larger interest of the country, there is no reason why this plant should not grow strong roots and branches and should not grow into a magnificent tree which will sustain us in our national life. We are faced with innumerable problems. The foremost among these is the evolving of a new national identity. We have also to restore our integrity and solidarity which was shaken by the tragic event of 1971, whose effects still torment and lacerate our hearts and souls. There are humanitarian issues like the release of prisoners of war detained by India, the restoration of peace in the Sub-continent and the improvement of the lot and standard of the life of the masses. Unless these issues are resolutely tackled and settled in a spirit of mutual accommodation, it is difficult to settle down to normalcy in order to concentrate on socio-economic developments.

Honorable colleagues, democracy is only a frame-work and Parliament only a mechanism to achieve the noble ideal of service to the nation and the common people. We shall be failing in our duty as Pakistanis and as Parliamentarians if we do not bend all our energy to the eradication of poverty, disease and ignorance around us. There is so much suffering, disease and ignorance that one feels depressed by the very magnitude of the task. The challenge of removing these evils is, no doubt, a formidable one, but as true representatives of the masses, we should not be discouraged by the odds against us, but should ceaselessly strive and struggle relentlessly to provide a better future to the succeeding generations. Our new Constitution is an expression of the ideals, aspirations of our people. We should make it a living reality and make Pakistan a truly Islamic Republic with a Federal Parliamentary system of Government. We have paid only lip-service in the past to the Islamic teachings and injunctions. It is for the first time that Islam has not only been declared as the State Religion but also an effective machinery has been provided in the Constitution for implementation of the principles of policy that no law shall be enacted which is repugnant to the injunctions of Islam and that all existing laws shall be brought into conformity with the injunctions of Islam within a specified period. As I said in the beginning, the task entrusted to us is of great magnitude and it needs the sincere and unremitting efforts of all individuals, whether in their personal or public capacity, for the achievement and implementation of the glorious goals set before us by the Father of the Nation, Quid-i-Azam Mohammad Ali Jinnah.

In the end, I would like to re-assure you once again that I shall endeavour to conduct myself as a presiding officer of this House in accordance with the principles of justice and fair play, and we will try to hold the scales even between all the sections of this august House. In a parliamentary system, the Opposition has a crucial and vital role to play in the successful functioning of a democratic institution, no matter what its strength, and here I may pause and with your permission say that I cannot conceive of any democracy without a strong Opposition. Opposition is a very great necessity of democratic life. Unless there is Opposition, democracy cannot function successfully, and I personally believe in this on the basis of my training, my experience, and I always welcome constructive criticism and I feel that if I mistake, whether as an individual or as a member of the party of the Government, if I make a mistake, there must be somebody to point out that mistake to me. This is my personal view and I shall be always glad if the Opposition tries to play their constructive role in the deliberations of this House.

It may not be quite easy to act completely free of partisan considerations, but it is not impossible to rise above party politics and sectional interests and to act impartially in the supreme national interest while taking part in the deliberations of the House. I once again thank all of you from the core of my heart for electing me as Chairman of this august House, Thank you.

جناب طاہر محمد طاہر (ڈپٹی چیئرمین) : مجھے اس بات کا احساس ہے کہ آپکی تقریر کے بعد مجھے اس معزز ایوان میں گذارش نہیں کرنا چاہیے تھی۔ لیکن چونکہ اس معزز ایوان کے ممبروں نے آپکو مبارکباد پیش کرنیکے ساتھ ساتھ اس ناچیز کو بھی اس تہنیت سے نوازا ہے۔ اس لئے میں اپنا یہ اخلاقی فرض سمجھتا تھا اور سمجھتا ہوں کہ میں اس ایوان کو اور اس معزز ایوان کے اراکین کا فرداً فرداً شکر یہ ادا کروں میں اپنے ساتھیوں اور اس معزز ایوان کے اراکین کا تہ دل سے ممنون ہوں کہ آپ سب نے مجھے یہ اعزاز بخشا۔ میں اسے صرف اپنے لئے ہی اعزاز نہیں سمجھتا۔ جہاں اس ایوان میں اکثریتی صوبے کے دوست موجود تھے وہ اپنے اس حق سے دستبردار ہوئے اور بلوچستان کو جسے اب تک اس ملک کی پارلیمانی تاریخ میں کوئی ایسا اعزاز نہیں بخشا گیا تھا۔ پہلی دفعہ ان روایات کو توڑ کر ہمیں یہ اعزاز بخشا گیا ہے۔ میں اسکے لئے اپنے ساتھیوں کا تہ دل سے ممنون ہوں۔

جناب والا ! اس ملک کی سابق تاریخ تلخ رہی ہے۔ ماضی میں چھوٹے صوبوں کو یہ احساس رہا ہے کہ انکی حق تلفی ہوئی ہے یا انکے حقوق سے انکو محروم کیا جاتا رہا ہے۔ لیکن جناب والا اسوقت اس ملک میں جو دستور نافذ ہو رہا ہے وہ دستور بنیادی طور پر وفاقی اور پارلیمانی دستور ہے۔ اور وفاقی پارلیمانی دستور کی روح کو برقرار رکھتے ہوئے اس معزز ایوان کی تشکیل کی گئی ہے۔ تو چونکہ اب ہم ممبران صوبوں کی اکائیوں کی حیثیت سے یہاں پر موجود ہیں تو میں یہ توقع کرتا ہوں کہ ہم سب ملکر اس ملک میں نئی جمہوری روایات قائم کرنیگے۔ اور اس ملک میں اس احساس کو ہمیشہ ہمیشہ کے لئے ختم کرنیگے کہ اس ملک میں کسی صوبے نے کسی صوبے کا استحصال کیا ہے۔

جناب والا۔ ایوان بالا کی حیثیت سے ہمارا فرض اس ایوان میں بڑھ گیا ہے کہ چونکہ قومی اسمبلی میں بسا اوقات روا روی میں قوانین Push through ہوتے ہیں پاس ہوتے ہیں تو اسلئے ضرورت اس بات کی تھی کہ ہمارے ملک کے قوانین کو اس ایوان میں Filter کیا جائے اور یہ دیکھا جائے کہ اس میں کوئی سقم تو نہیں رہا۔ اس میں کوئی کمی تو باقی نہیں رہی۔ یا اس میں کوئی ایسی گنجائش نہیں ہے کہ جسکو غلط طریقے سے Interpret کیا جائے۔ تو میں یہ سمجھتا ہوں کہ ہمارے ان ممبران کی ذمہ داری ہمارے ممبران کے فرائض ایوان زیریں کے مقابلے میں یہاں زیادہ ہیں۔ ہمیں بہت زیادہ تن دہی سے بہت زیادہ محنت سے جان فشانی سے کام یہاں کرنا ہوگا تاکہ ہم اس ملک کو ایسے قوانین دے سکیں جو ہمیشہ ہمیشہ کیلئے ایک مثبت معاشرہ کے قیام کا آغاز ہوں۔

جناب والا۔ میں یہ گزارش کرنا اپنا اخلاقی فرض سمجھتا ہوں کہ مجھے جو یہ اعزاز بخشا گیا ہے۔ میں پارلیمانی تاریخ اور اس ملک کی پارلیمانی تاریخ میں نوازا ہوں۔ لیکن میں کوشش کرونگا کہ اپنے ساتھیوں کی مدد کے ذریعے اپنے ساتھیوں کے تعاون کے ذریعے، اپنے بزرگوں کی رہنمائی کے ذریعے اس ملک میں جمہوری روایات قائم کروں

[Mirza Mohammad Tahir]

جمہوری روایات کے لئے احترام و تکریم کے جذبات پیدا کروں اور اس ایوان کا مقام لوگوں کی نظروں میں بلند کروں اور ایسا مقام بناوں کہ لوگ عزت و تکریم سے اس ایوان کو دیکھیں۔ میں آخر میں آپکا اور اپنے معزز سمبران کا تہ دل سے ممنون ہوں کہ آپ نے مجھے یہ اعزاز بخشا۔ میں کوشش کرونگا کہ آپکی توقعات پر پورا آتوں۔ میں ممنون ہوں۔

Mr. Chairman : Honourable members, the Senate now stands adjourned *sine die*. The members will meet again in joint sitting of Parliament on the 10th of August at 8.30 A.M. for election of President of Pakistan under the new Constitution.

The Senate adjourned *sine die*.
