

THE
SENATE OF PAKISTAN
DEBATES

OFFICIAL REPORT

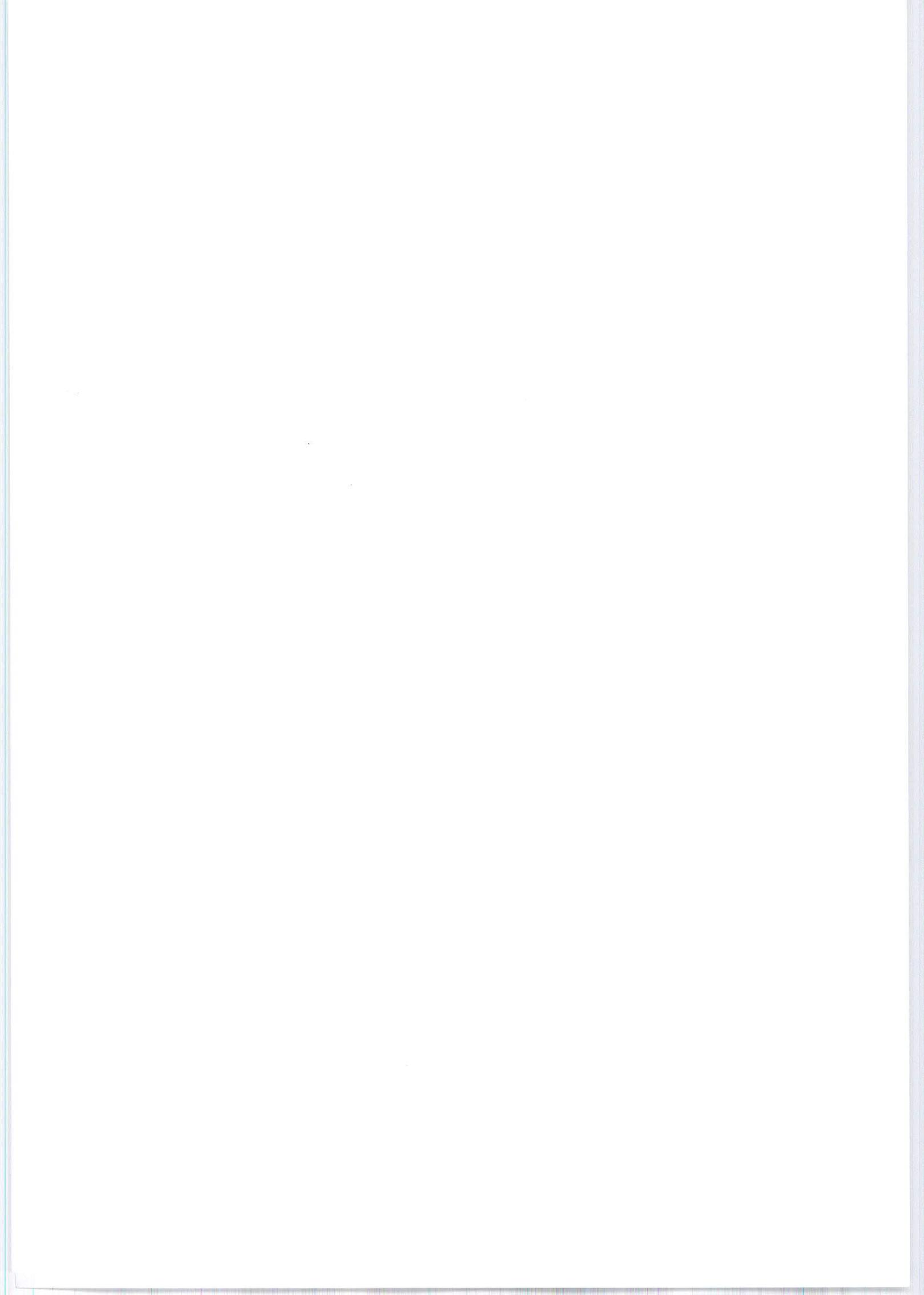
Thursday, the 6th December, 1973

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SENATE BEBATES
SENATE OF PAKISTAN
Thursday, December 6, 1973.

The Senate of Pakistan met in the Senate Chamber, Islamabad, at Ten of the clock, in the Morning, on Thursday, December, 6, 1973, Mr. Chairman (Mr. Habibullah Khan) in the Chair.

(Recitation from the Holy Quran)
QUESTIONS AND ANSWERS

Mr. Chairman: Questions.

Question Nos. 10 and 11. (Deferred).

خواجہ محمد صفدر: جناب چیئرمین! مجھے اجازت ہے؟

Mr. Chairman: Let him first speak.

خواجہ محمد صفدر: جناب والا! میں درخواست کروں گا کہ اگر وزراء صاحبان، کیونکہ ڈاکٹر مبشر حسن صاحب تو اس وقت ایوان میں تشریف نہیں رکھتے، اگر وزراء صاحبان ان سوالوں کے متعلق تیار نہیں ہیں، انہیں قبل از وقت اطلاع نہیں تھی۔ میں قطعی طور پر اعتراض نہیں کروں گا ان کو کسی اگلے دن پر ملتوی فرما دیں۔

Ch. Mohammad Hanif Khan: May I make a submission, Sir. Because Dr. Mubashir Hasan is not here and may be there are certain supplementaries which the honourable members might like to put, therefore, I would request that these questions may be postponed.

Mr. Chairman: Both sides agree to the postponement of these questions. Will the Minister concerned be available tomorrow?

Ch. Mohammad Hanif Khan: Not tomorrow, Sir. We will inquire about it and let the Secretary of the Senate know about it.

خواجہ محمد صفدر: حضور والا! میں آپ کے توسط سے وزیر محترم صاحب کی خدمت میں درخواست کروں گا کہ میرے سوال نمبر گیارہ کا جواب آج تک نہیں آیا۔ اس لئے جب آج سے متعلق سوالات ملتوی ہو رہے ہیں تو مہربانی کر کے اس کا جواب بھی تیار کیا جائے۔

جناب چیئرمین: ان کا جواب یہ ہے کہ

It says that the information is being collected.

Khawaja Mohammad Safdar: It should be collected in a few days.

جناب چیئرمین: میں ان questions کو کب کے لئے ملتوی کروں، کل یا پرسوں۔

Ch. Mohammad Hanif Khan : We will have to inquire about it when the Minister is going to make himself available ?

Mr. Chairman : These questions are being postponed because of the absence of the Minister. I want to know whether he will be present today or day after tomorrow ?

Ch. Mohammad Hanif Khan : Sir, I will find out and inform the Secretary about it.

Mr. Chairman : There will be no sittings on Saturday and Monday.

Ch. Mohammad Hanif Khan : At the moment we cannot be sure about his presence in the Senate. After the session we will be able to inform the Secretary.

Mr. Chairman : For the time being, I propose it to be taken up tomorrow. Is there any objection ?

(Pause)

All right. Fixed for tomorrow. Now next item.

ایک معزز رکن : جناب نے ابھی فرمایا ہے کہ اس سوال کا جواب کل کے لئے رکھا جائے۔ کل Friday ہے۔ There will be no question hour - تو پھر دوسرے دن رکھ دیں تاکہ اس معزز ایوان میں اس دوران سوال کا جواب بھی آجائے۔

جناب چیئر مین : جمعہ کے دن questions نہیں ہوتے۔

Then these questions will have to be postponed till Tuesday. Tuesday is the next sitting day. All right, I amend my decision and postpone them to Tuesday next.

(Pause)

ADJOURNMENT MOTION RE : ABNORMAL RISE IN PRICES OF ESSENTIAL COMMODITIES

Mr. Chairman : Now adjournment motion No. 5 by Mr. Kamran Khan. This adjournment motion is that the business of the Senate be adjourned to discuss a matter of urgent public importance, namely the recent abnormal rise in the prices of essential commodities as a result of which it has become well nigh impossible for the common man to keep body and soul together.

On the 4th December when Senator Kamran Khan read out notice of his adjournment motion as I read out today, an objection was raised from the Government side that as price hike in the essential commodities has been the subject of discussion in the National Assembly during the last six months, the motion could not be admitted under rule 71(d) of the Rules of Procedure. The said rule lays down the condition that the adjournment motion shall not revive discussion on a subject which has been discussed in the same session or in the Assembly within the last six months and I had informed the House that I will make inquiries and let you know the correct position. So inquiries from the National

Assembly Secretariat show that on 19th May, 1973 Mr. Mahmood Azam Farooqui had given notice of an adjournment motion relating to price hike which was discussed and talked out on 4th June, 1973. As the period of six months has expired on the 3rd December 1973 I hold that the motion does not come within the mischief of para 4 of rule 71 of the Senate Rules of Procedure. I, therefore, rule out the objection raised day before yesterday and now invite Senator Kamran Khan to speak on the question of admissibility of his motion.

Mr. Kamran Khan, you confine yourself to the.....

Khawaja Mohammad Safdar : Sir, my request was that whether there is any other objection from the Treasury Benches on the admissibility of this ?

Mr. Ghulam Mustafa Khan Jatoi : I will oppose this.

Mr. Chairman : So far as I remember there were several objections raised but the main objection was this that there has been already a discussion in the National Assembly. So, I first wanted to enquire whether it has been really discussed in the last six months. Fortunately, the six months had expired on the 3rd of December and this was brought on the 4th. So, technically, so far as that objection is concerned, I have already ruled it out of order but so far as the other objection with regard to the admissibility of the motion is concerned, I invite the honourable Mover to have his say. Do you object to this ?

Mr. Ghulam Mustafa Khan Jatoi : Let him say and then I will give my grounds.

Mr. Kamran Khan : Mr. Chairman, Sir, since the debate on the rise in prices was held last in the National Assembly, there has been tremendous rise in the prices of commodities, and essential commodities and even the Government have also raised the prices of essential commodities like sugar.....

Mr. Chairman : You are discussing the merits of the motion but I would like to hear you on the question of admissibility. You will recall what the objections were from the other side that it is not a matter of urgent public importance and it is not a matter of recent occurrence ; it is not a specific matter, it is a continuing process. That was the objection raised from the other side.

Mr. Ghulam Mustafa Khan Jatoi : I was going to submit the same thing that it is not a matter of recent occurrence.

Mr. Chairman : I would first like to inform the House that it is a matter of urgent public importance, it is a definite matter, it is a specific matter and it is a matter of recent occurrence ; something like that. I asked you in the very beginning that you should confine yourself to the admissibility of the motion, that whether there is price hike or not, when it started, how it works, and what is the hardship suffered by the people ? These are the merits of the motion.

Mr. Kamran Khan : Sir, about the fact that it is of urgent public importance, I would like to say that it is no secret from this House and the Members of this House are the public representatives and you know

fully well the economic situation prevailing in the country and the hardships confronting the people, the masses at large

Mr Ghulam Mustafa Khan Jatoi : Sir, again, the honourable Senator is touching the merits. He should speak on the admissibility.

Mr. Kamran Khan : I just wanted to prove that it was a matter of urgent public importance and can the honourable Minister deny that the rise in prices is not a matter of urgent public importance

Mr Chairman : Mr. Kamran Khan, I would first like you to confine yourself to one objection that it is a matter of recent occurrence.

Mr. Karman Khan : It is a matter of recent occurrence because there have been rise in prices since the last Senate session and there could be no doubt about it. If the honourable Minister would deny it then I would prove by facts and figures that there has been definite rise in prices.

Mr. Chairman : Mr. Kamran Khan, you mean to suggest that this price-hike trouble started after the last session was over and there was no such trouble before that. I have already informed you that Mr. Mahmood Azam Farooqi, MNA, had raised this question in the National Assembly and the motion was discussed ; the gist and substance of the adjournment motion was the same and I ruled it out of order saying that it was within six months but now I understand that it is more than six months, which means, in other words, that this price-hike trouble is a continuing one and that it is not of recent occurrence. So, it is not hit by para (d) of rule 71. Now, that this motion is being brought before this House after the lapse of six months, so, on that score I rule that the objection that it is out of order, is not tenable. So far as the other objection is concerned, I would like you to prove that it is a matter of recent occurrence. Now, as you know, this very question was raised in May last and this price-hike is not a matter of recent occurrence, at least it is continuing since May, 1973 and then it was actually discussed in the debate in the National Assembly in June. So, how can you say that it is a matter of recent occurrence ? Does it mean that your suggestion is that the price-hike trouble started after the last sitting ? It is a question of fact and everybody knows

Mr. Kamran Khan : Sir, before I go into this question a suggestion was made day before yesterday in the House by my friend, Khawaja Safdar, that a full addressed debate should be held on the economic situation in the country and I would like to hear the views of the Treasury Benches whether they would agree to a full debate on the economic situation of the country

جناب طاہر محمد خان : پوائنٹ آف آرڈر - جناب والا ! در اصل اگر ہمارے دوست اس رول کی طرف توجہ دیں - انہیں پڑھا کریں - تو شاید آپ کی مشکلات اور اس ہاؤس کی مشکلات میں کسی حد تک کمی پیدا ہو سکتی ہے - ہمارے دوست شاید یہ چاہتے ہیں - یہ situation discuss کی جائے سینٹ میں - جبکہ میرے ایک معزز دوست نے کوئی پانچ چھ رولنگز کے بعد یہ معاملہ انڈر دی رول 187 place کر دیا ہے - ہاؤس کے سامنے جو کہ ریزولیشن discuss کیا جا سکتا ہے - وہ پالیسی اور سٹیٹ منٹ of the situation in

issues which are related to the people and the Country کے اس طرح کے public of Pakistan

تو وہ ہے - چونکہ میرے خیال میں ان کو رد کر دیا۔ انڈر رول 187 ریزولوشن move کریں - انہوں نے کر کے Adjournment موشن کے نام سے رول 69 ہمارے سامنے پیش کر دیا۔ یہ دوست ن دونوں رول کا کل جائزہ لیں۔ تو ان پر رول واضح ہو جائے گا۔ Adjournment موشن کا سکوپ ہی نہیں ہے۔ کہ کس Adjournment Motion کو Discuss کیا جائے۔ جناب والا۔ اس میں جو جواب دیا گیا ہے۔

جناب چیئرمین : آپ کوٹ کر رہے ہیں - 187۔

187. A motion, that the policy or situation or statement or any other matter be taken into consideration, shall not be put to the vote of the Senate, but the Senate shall proceed to discuss such matter immediately after the mover has concluded his speech and no further question shall be put at the conclusion of the debate at the appointed hour unless a member moves a substantive motion in appropriate terms to be approved by the Chairman and the vote of the Senate shall be taken on such motion.

Mr. Tabir Mohammad Khan : He should have made the motion to discuss a certain policy but that is not the motion exactly under section 187. Therefore, under rule 71, this adjournment motion is not regular.

Mr. Chairman : So, you decide between yourselves. It is hit by part (c) of rule 71, that the motion shall be restricted to a matter of recent occurrence.

جناب طاہر محمد خان : آخر میں ایک ہمارے دوست Explain کر رہے ہیں۔ کہ خواجہ محمد صفدر کی assurance دی گئی ہے اور اس issue پر debate ہوگی۔ اس اسمبلی میں debate ہوگی۔ اس سے ہاؤس کا بہت وقت ضائع ہوگا۔ مناسب تو یہ ہے کہ وہ اپنے issue تک محدود رہیں۔

Mr. Chairman : I did not take cognizance of that.

You confine yourself to one particular issues and that is that of recent occurrence ; and if you can, in that case, the purpose of this adjournment motion will be served.

جناب طاہر محمد خان : جناب والا ! گذشتہ دو تین دن سے اس ایران کے معزز اراکین یہ محسوس کر رہے ہیں کہ گفتگو اب بے معنی ہونا شروع ہو گئی ہے۔

خواجہ محمد صفدر : جناب والا ! اس ایوان کے لیے بے معنی کا لفظ استعمال کرنا اس ایوان کی ہتک ہے۔

جناب طاہر محمد خان : میں اس بات کا دعویٰ کرتا ہوں کہ بے معنی گفتگو ہوتی رہی ہے۔

جناب چیئرمین : یہ اس وقت وقت کا اچھا۔ صرف ہو رہا ہے یا وقت ضائع کیا جا رہا ہے۔

جناب طاہر محمد خان : جناب والا ! میں یہ عرض کرتا ہوں کہ آپ اس ایوان کے ممبران سے کہیں کہ وہ اپنی گفتگو کے موضوع کو محدود رکھیں اور موضوع سے باہر نہ نکلیں ۔

Mr. Chairman : I should have by this time decided the matter. I was asking the mover of the adjournment motion to confine his remarks to a particular issue, namely, that the matter is of recent occurrence. It is a very simple matter for him to reply and after I hear from him, I will give my decision.

Khawaja Mohammad Safdar : May I also speak on this matter.

Mr. Chairman : Yes, yes, if you can assist the mover of the motion, but a little later, Mr. Kamran, you just try to convince me that it is a matter of recent occurrence ; in other words, this matter has occurred after the last Senate session.

Mr. Kamran Khan : Take the example of kerosene oil, petrol and diesel ; cost of all these commodities has risen recently.

Ch. Muhammad Hanif Khan : This has already been decided only day before yesterday that the matter is sub-judice.

جناب چیئر مین : جہاں تک sub-judice کا تعلق ہے ۔ حکومت نے جو آرڈر دیا ہے بڑھتی ہوئی قیمتوں پر بحث کی جائے تو آپ نے کہا ہے کہ کس نے اس بات کو چیلنج کیا ہے ؟

That the Government was compelled to order increase in the price of kerosine and diesel and that case is pending in the court.

Mr. Kamran Khan : I have given you an instance of rise of prices which took place only recently.

Mr. Chairman : The rise is there, I and every one know it but what I would like to know is whether the rise has been of recent occurrence ?

Mr. Kamran Khan : Yes, the rise has been of recent occurrence.

Mr. Chairman : The issue is not whether there has been rise or not but whether this rise has been of recent occurrence ? The issue before us is whether the rise in prices is of recent occurrence ?

وہ کہتے ہیں کہ یہاں پاکستان میں قیمتیں بڑھ رہی ہیں اور لوگوں کو اس سے تکلیف ہے ۔ کامران خاں آپ مجھے یہ بتائیں ۔

You satisfy me on this point that this is a matter of recent occurrence. If you fail, then the adjournment motion will not be admissible. Then you can, as indicated by Mr. Tahir, bring a resolution or a Bill, or a motion.

Mr. Kamran Khan : The prices of almost all commodities have risen in between the last and the present session of the Senate.

Mr. Chairman : You mean to say that there has been no rise of prices before.

Mr. Kamran Khan : There has been rise before and thereafter it continued to rise further.

Mr. Kamran Khan : There has been a rise in prices of all other essential commodities of daily life.

جناب چیئرمین : یہ تو مجھے بھی معلوم ہے آپ کو بھی معلوم ہے اور تمام دنیا کو معلوم ہے کہ قیمتیں بڑھ رہی ہیں یہ وبا اتنے دنوں سے پیدا ہوئی ہے ۔

خواجہ محمد صفدر : اس میں اضافہ حال ہی میں ہوا ہے وہ کچھ اور بات ہے ۔

جناب چیئرمین : حال ہی میں ظہور پذیر ہوا ہے ۔

You please satisfy me.

خواجہ محمد صفدر : جناب والا ! میں Recent کی definition کے متعلق کچھ عرض کرنا چاہتا ہوں ۔ یہ قانونی نکتہ زیر بحث ہے اور اس بحث میں تمام ایوان حصہ لے سکتا ہے ۔ جناب والا ! جیسا کہ آپ نے ابھی فرمایا ہے کہ یہ فعل جاریہ ہے اس لئے یہ Recent نہیں ہو سکتا ۔ اور اس کے بعد آپ نے ایک اور اعتراض یہ فرمایا ہے کہ گذشتہ اجلاس اور اس اجلاس کے درمیان میں قیمتوں میں کوئی اضافہ ہوا ہے یا یہ اضافہ ویسے ہی چلا آ رہا ہے ۔ لیکن جناب والا ! میں آپ کی توجہ اس امر کی جانب مبذول کرانا چاہتا ہوں کہ مئی 1973 میں قیمتوں میں پانچ فیصد اضافہ ہوا تھا اور فاروق صاحب ایم این اے کو قومی اسمبلی کے اسپیکر صاحب نے اجازت دے دی تھی کہ وہ اپنی تحریک کو قواعد کے مطابق درست کر کے ایوان میں پیش کریں صرف اس بناء پر کہ قیمتوں میں کچھ اضافہ ہوا تھا ۔ اگرچہ وہ بھی مسلسل اضافہ تھا ۔ یہ Economic عوامل فوری طور پر پیدا نہیں ہوتے بلکہ ایک عرصہ تک محیط ہوتے ہیں ۔ دوسری بات یہ ہے کہ یہ فوری نوعیت کا معاملہ ہے اور حال ہی میں وقوع پذیر ہوا ہے ۔

یہ فوری نوعیت کا ہے ۔ وقوع پذیر ہوا ہے ۔ وہ کیسے ۔ پچھلا اجلاس ختم ہوا ۔ اس کے بعد جناب وزیر اعظم بلکہ یہ کہنا جاہئے کہ جناب صدر کی جانب سے آرڈیننس کے ذریعے اشیاء صرف کی قیمتوں میں بالواسطہ طور پر اضافہ کیا گیا ۔ مثال کے طور پر چینی کی قیمت 8 آنے فی سیر بڑھا دی گئی ہے ۔ یہ مثال دیتا ہوں ۔

جناب چیئرمین : مثال کے بغیر میں سمجھتا ہوں ۔ اب آپ اس کو مختصر کیجئے ۔

خواجہ محمد صفدر : جناب والا ! میں کوشش کرتا ہوں کہ واضح کردوں ۔ محمود اعظم فاروقی صاحب کی اس قرار داد ۔ اس تجویز اس تحریک کے بعد یہ اضافہ کیا گیا ۔ جناب والا ! اس ایوان کو ایسا حق نہیں پہنچتا ۔ لیکن قیمتوں میں اضافہ ایک جاریہ عمل ہے ۔ دوسرے اس معزز ایوان کے اختیارات کو محدود کرنے کی کوشش کی جا رہی ہے ۔ میرے دوستوں کی جانب سے جو بائیں جانب بیٹھے ہوئے ہیں ۔ پچھلے اجلاس اور اس اجلاس کے دوران جو اضافہ ہوا ۔ اس لئے مسئلہ زیر بحث فوری نوعیت کا یقیناً بن جاتا ہے ۔ جسے Recent occurrence کہا جا سکتا ہے ۔ اس لئے جناب والا ! میں گزارش کرتا ہوں ۔ قیمتیں

گذشتہ اجلاس اور اس اجلاس کے دوران بہت بڑھ گئی ہیں۔ بہت بڑھ گئی ہیں۔ اس ایوان میں بہارا یہ حق ہے کہ قیمتوں کے اضافے کو زیر بحث لانے کے لئے اس ایوان میں تحریک التوا پیش کریں۔

It shall be a mater of recent occurrence.

Recent occurrence سے مراد یہ ہے۔ کہ کوئی ہرانا مسئلہ زیر بحث نہیں آسکتا۔ اس میں کوئی شک نہیں گذشتہ 3/2 سال سے قیمتوں میں اضافہ ہوا ہے۔ مگر یہ اضافہ بتدریج اضافہ ہوا ہے۔ لیکن سابقہ دو/تین مہینوں میں جو اضافہ ہوا ہے۔ میں اس کے خلاف احتجاج کرتا ہوں۔

I think it is quiet sufficient.

جناب چیئرمین : وہ جلدیہ عمل کہتے ہیں۔

(مداخلت)

خواجہ محمد صفدر : جناب والا ! اس طرف سے کوئی بات کرے تو وقت ضائع ہوتا ہے۔ اگر اس طرف سے کوئی منہ کھولے تو وقت ضائع نہیں ہوتا۔

(مداخلت)

جناب محمد ہاشم غلڑی : کچھ باتیں جو واضح نہیں ہوئیں۔ ان امور پر میں بحث کرنا چاہتا ہوں۔ یہ Recent occurrence کے متعلق ہیں۔

جناب ڈپٹی چیئرمین : میں اس کے متعلق کچھ نہیں سننا چاہتا۔ میں نے سب باتیں سن لی ہیں۔ اس کے متعلق میں اب کچھ نہیں سنوں گا۔

خواجہ محمد صفدر : جناب والا ! میں جس کے متعلق کچھ کہنا چاہتا ہوں۔

جناب چیئرمین : مجھے ضرورت نہیں۔ اگر ضرورت ہوتی تو میں آپ کو کہتا کہ بحث کریں۔

خواجہ صفدر کی بات سے میں زیادہ اتفاق کرتا ہوں۔ جس وقت فاروقی صاحب یہ موشن یا تحریک لائے نیشنل اسمبلی میں۔ اس وقت قیمتیں نہیں بڑھی تھیں۔ چونکہ اس کے بعد قیمتیں بڑھ گئی ہیں۔ اس لئے یہ نیا مسئلہ ہے۔ یہ Matter of Recent occurrence ہے۔ ٹھیک ہے اس کا دوسرا رخ بھی ہے۔ فاروقی صاحب کے مطابق کس چیز کی قیمت نہیں بڑھی تھی اب بڑھ گئی ہے۔ 6 مہینوں میں قیمتیں کافی چیزوں کی بڑھ گئی ہیں۔ یہ صرف وجہ جواز ہو سکتا ہے اس adjournment motion کو لانے میں۔ اس کا مقصد ہے۔ کہ آئے دن ایک نئی adjournment motion لانے کے لئے وجہ جواز ہے۔ اگر خدا نخواستہ۔ قیمت ایک چیز کی ایک روپیہ ایک پائی ہے۔ ہو سکتا ہے کل اس کی قیمت زیادہ ہو جائے۔ دو دن کے بعد اس کی قیمت ایک روپیہ 6 پیسے ہو گئی ہے۔ یہی وجہ جواز ہے adjournment motion کے لئے۔ کل اور زیادہ ہوگی۔ پرسوں کو اور زیادہ ہوگی۔ پرسوں اور زیادہ ہوگی۔ تو اس کا مطلب ہے کہ ہر روز ایک adjournment motion لائی جا سکتی ہے۔

I would not like to be interrupted. This adjournment motion is hit by part (c) of Rule 71 and I hold it not to be a matter of recent occurrence. On this ground alone I rule it out of order.

I think there is very little time left and we can only take one adjournment motion. Mr. Kamran Khan, you read out your adjournment motion No. 6.

ADJOURNMENT MOTION RE : RESTRICTIONS ON
DAILY "SHAHBAZ"

Mr. Kamran Khan : I beg leave of the House that the business of the Senate be adjourned to discuss a matter of urgent public importance, namely the imposition of restrictions on 'Daily Shahbaz', Peshawar, as a result of which the paper has been forced to cease publication and thus the fundamental rights guaranteed in the Constitution infringed.

Maulana Kausar Niazi : Opposed.

Mr. Chairman : Under what law, please quote the law.

Mr. Kamran Khan : Sir, first the press in which the paper used to be published that was closed by the Government.

Mr. Chairman : Under what law ?

Mr. Kamran Khan : I said restriction. I have used the word 'restriction'.

Mr. Chairman : Under what law these restrictions have been imposed on the paper for closing it ?

Mr. Kamran Khan : Firstly the press in which the paper used to be published was closed.

Mr. Chairman : Under what law ? quote the law. Is it the Press Act or the Penal Code ?

Mr. Kamran Khan : It was the Press and Publications Ordinance or something like that. I am not sure. I am not concerned with the press. I am concerned with the paper.

Mr. Chairman : I am concerned with the law under which this restriction has been imposed. Under what law ? What do you mean by Press and Publication Ordinance or something like that ?

Mr. Kamran Khan : The fact remains that the paper has ceased publication on account of the undue restriction by the Government.

Mr. Chairman : Quote the law. I would help you. Is there any copy of the order placing restrictions on the paper available to you ?

Mr. Kamran Khan : The restrictions have been imposed in an indirect manner.

Mr. Chairman : Verbal or in writing ?

Mr. Kamran Khan : Verbal also. I am coming to it.

Mr. Chairman : When ?

Mr. Kamran Khan : Firstly the Shaheen Press, Peshawar, in which the paper was published.....

Mr. Chairman : This order was conveyed to the proprietor and the publisher or printer or editor of the paper verbally. When was this order conveyed ?

Mr. Kamran Khan : I do not say that the order was conveyed to them verbally. There have been written orders as well as verbal orders.

Mr. Chairman : Where is that written order ? Can I have a look at the copy of that order ?

Mr. Kamran Khan : It was decided by the Court—Peshawar High Court. It is there and the Court held that that order was invalid.

Mr. Chairman : You are evading my question. I say under what law these restrictions were imposed. He must have been taken to a court but under what law the order was given by the Court.

Mr. Kamran Khan : Sir, there is no law. There is no rule of law there. Had there been rule of law there, I would not have raised this question here ?

مولانا کوثر نیازی : پوائنٹ آف آرڈر - جناب والا ! ایدان کا وقت بچانے کے ائمے میں عرض کرتا ہوں کہ یہ پرائونٹشل گورنمنٹ کا کوئی فیصلہ ہوگا - فیڈرل گورنمنٹ کا اس سے کوئی تعلق نہیں ہے - اگر انہوں نے کوئی آرڈر دیکھا ہے تو وہ بتا دیں - تو اس پر آپ ان سے سوال کریں -

جناب چیئرمین : میں نے ان سے پوچھا تھا کہ وہ مجھے آرڈر بتائیں - میں ایک میکنڈ میں فیصلہ کر دوں گا - کیا آپ کا مطلب ہے کہ فیڈرل گورنمنٹ نے کوئی آرڈر دیا ہے - میں نے یہ سوال پوچھے ہیں اب دوسرے طریقے سے پوچھتا ہوں شاید سدیجہ میں آجائے - اگر آپ برا نہ منائیں تو میں آپ سے پوچھتا ہوں کہ آرڈر کی کاپی آپ کے پاس ہے - دوسرا سوال یہ ہے کہ فیڈرل گورنمنٹ نے کوئی آرڈر دیا ہے جس امر کی بابت آپ شکایت کرتے ہیں کہ ”شہباز“ کو بند کر دیا ہے ، اس پر پابندی لگا دی ہے - یہ حکم فیڈرل گورنمنٹ نے جاری کیا تھا یا پرائونٹشل گورنمنٹ نے -

Mr. Kamran Khan : It was done by the Provincial Government but the freedom of the press has been guaranteed in the Constitution.

Mr. Chairman : Your reply to my query that the restriction has been imposed by the Provincial Government makes my task very easy because para (f) of rule 71 lays down that it shall relate to a matter which is primarily the concern of the Government or to a matter in which the Government has substantial financial interest.

Now you are dealing with Federal Government. Since this order has not been passed by the Federal Government, therefore, I hold it inadmissible.

Now we proceed to election to the Committees.

(Pause)

Mr. Finance Minister there were some questions by Khawaja Mohammad Safdar that related to your portfolio and because of your absence it was agreed by both the parties that the questions should be adjourned to some other date and I have postponed these questions to Tuesday next. Now it is between you and Khawaja Mohammad Safdar—if you are prepared to answer these questions today and he is prepared to move them then the matter will be cut short otherwise they stand adjourned.

Dr. Mubashir Hasan : Sir, I am ready to answer them.

Mr. Chairman : Khawaja Sahib are you ready to put the questions ?

خواجہ محمد صفدر : یہ قراعد کے خلاف ہو جائے گا۔ ہم رولز کی خلاف ورزی نہیں کریں گے۔ آپ نے فیصلہ کر دیا ہے کہ ہم منگوار کو بحث کر لیں گے۔
جناب چیئرمین : آپ دونوں کے درمیان فیصلہ نہیں ہوا۔ فیصلہ میرے اور آپ کے درمیان ہوا تھا۔

خواجہ محمد صفدر : میں سمجھتا ہوں کہ وہ وقت گزر گیا ہے۔ ہمیشہ پہلا گھنٹہ اس کے لئے مختص ہوتا ہے۔ یہ رولز کی خلاف ورزی ہے۔
جناب چیئرمین : قانون کی خلاف ورزی نہیں ہوتی۔ اگر آپ کو inconvenience ہے تو alright

All right, Dr. Mubashir Hasan you see I have already adjourned these questions till Tuesday and it is just possible that by that time you might be prepared to answer Q. No. 2 also.

Dr. Mubashir Hasan : I am ready to answer that too today.

Mr. Chairman : But he is not prepared to put it today. His powder may be wet and he is trying to dry it.

All right. We proceed to the next item. Election of members to the Standing Committees. Yes.

ELECTION OF MEMBERS TO THE STANDING COMMITTEES

Ch. Mohammad Hanif Khan : I think, Sir.

Mr. Chairman : Is there any other Minister ?

Ch. Mohammad Hanif Khan : There is no Minister authorised to deal with these motions. The practice shows that there is generally agreement between the Opposition and the Government in regard to the names of the members to be brought on these Committees. Since the Law Minister is not here, I think this matter may also be adjourned to some other day.

Mr. Chairman : Khawaja Sahib, are you in a position to give the names of your members ?

Khawaja Mohammad Safdar : Yes, Sir, my leader has submitted a complete list of the names.

Mr. Chairman : Have you got the list ?

Ch. Mohammad Hanif Khan : No, Sir, I do not have any list at all nor have I any instructions about it.

جناب چیئرمین : میرے پاس تو وہ لسٹ پہنچ چکی ہے جس میں انہوں نے اپنے nominees دیتے ہیں -

Ch. Mohammad Hanif Khan : It is the Law Minister who always deals with these cases. Had I received any instructions from the relevant authorities, I would have been in a position to deal with these motions. Unfortunately I am not in a position to deal with them at this stage.

خواجہ محمد صفدر : جناب چیئرمین ! اس دن لاء مسٹر صاحب نے بھی اور میرے خیال میں انہوں نے گورنمنٹ کے عندیہ کا اظہار فرمایا تھا کہ وہ دو نشستیں جیسا کہ سابقہ اجلاس میں اس ایوان نے فیصلہ کیا تھا کہ اپوزیشن کے لئے خالی چھوڑ دیں - اب یہ بہارا کام ہے کہ ہم جن آدمیوں کو ان نشستوں کو پر کرنے کے لئے پیش کریں وہ قابل قبول ہونے چاہئیں -

Ch. Mohammad Hanif Khan : I certainly remember that the Law Minister had pointed out that as far as the names of the members of the Opposition is concerned they are to be nominated by the Opposition themselves. If this is the case I should have no objection to it.

Mr Chairman : You can consult your colleagues. As far as I remember two seats were left vacant for the Opposition and the names have been furnished.

Ch. Mohammad Hanif Khan : Correct Sir. That is right. We have no objection.

Mr. Chairman : If you agree.

Ch. Mohammad Hanif Khan : I agree.

Mr. Chairman : The first Standing Committee is on Cabinet, Establishment, Law and Parliamentary Affairs, Education and Provincial Co-ordination. You just look at your list. The two members to be elected to this committee are :

Khawaja Mohammad Safdar. Mr. Shahzad Gul.

جناب محمد ہاشم غلزئی : جناب والا ! میں اس میں تردید پیش کرنا چاہتا ہوں کہ شہزاد گل کی جگہ ظہورالحق کو اے میں -

جناب چیئرمین : چوہدری ظہور الہی کو - وہ ایم - این - اے ہیں -

جناب محمد ہاشم غلزئی : نہیں جناب ! ظہورالحق صاحب کو -

Mr. Chairman : Have you any objection.

Ch. Mohammad Hanif Khan : No objection

Mr. Chairman : Khawaja Sahib, you agree to the nomination of Mr. Zahurul Haq in place of Mr. Shahzad Gul.

Khawaja Mohammad Safdar : Certainly I agree.

Mr. Chairman : The question is :

"That Khawaja Mohammad Safdar and Mr Zahur-ul-Haq be elected to the Standing Committee on Cabinet, Establishment, Law, Parliamentary Affairs, Education and Provincial Co-ordination, National Affairs and Overseas Pakistanis, Tourism, Minorities Affairs."

The motion was adopted.

Mr. Chairman : I presume that Mr. Zahur-ul-Haq is the one who is a Barrister.

Khawaja Mohammad Safdar : Yes, sir, the same member from Peshawar.

جناب طاہر محمد خان : اس میں بہتر طریقہ یہ ہو گا کہ اپوزیشن کی طرف سے اب موشن move ہو موشن ہاؤس کے سامنے رکھی جائے۔

جناب چیئرمین : اس سے وقت ضائع ہوگا۔ وہ move کریں پھر میں پڑھوں پھر ان کے سامنے پڑھ کر رکھوں۔ یہ توضیح اوقات ہوگا۔

جناب طاہر محمد خان : ہم تو رولز کے پابند ہوں گے۔ رولز کے مطابق ہی چلیں گے۔

جناب چیئرمین : یہ خلاف قانون نہیں انہیں کوئی اعتراض نہیں۔ وہ میرے پاس لے کر آتے ہیں۔

Mr. Chairman : The second Standing Committee is on Foreign Affairs, Information and Broadcasting, Auqaf and Haj, Interior, Kashmir Affairs, States and Frontier Regions. The names of Mr. Kamran Khan and Mufti Zafar Ali Nomani have been proposed to be elected to this Committee. Am I correct ?

Khawaja Mohammad Safdar : Yes, sir.

Mr. Chairman : The question is :

"That Mr. Kamran Khan and Mufti Zafar Ali Nomani be elected to the Standing Committee on Foreign Affairs, Information and Broadcasting, Auqaf and Haj, Interior, Kashmir Affairs, States and Frontier Regions."

The motion was adopted.

Mr Chairman : The next Standing Committee is on Finance, Planning and Development, Economic Affairs, Statistics. You have proposed the names of Mr Zamarud Hussain and Khawaja Mohammad Safdar.

Mr. Mohammad Hashim Ghilzai : Shahzad Gul's name be included in place of Zamarud Hussain.

Mr. Chairman : You have shifted Shahzad Gul from the first Committee.

Mr. Mohammad Hashim Ghilzai : Yes.

Mr. Chairman : The question is :

“That Mr. Shahzad Gul and Khawaja Mohammad Safdar be elected to the Standing Committee on Finance, Planning and Development, Economic Affairs, Statistics.”

The motion was adopted.

Mr. Chairman : The next Committee is on Production, Town Planning and Agrovilles, Commerce, Industries, Fuel, Power and Natural Resources. The two names before me are of Haji Syed Hussain Shah and Mufti Zafar Ali Nomani. Do you want any change ?

Khawaja Mohammad Safdar : No sir.

Mr. Chairman : The question is :

“That Haji Syed Hussain Shah and Mufti Zafar Ali Nomani be elected to the Standing Committee on Production, Town Planning and Agrovilles, Commerce, Industries, Fuel, Power and Natural Resources.”

The motion was adopted.

Mr. Chairman : The next Committee is on Science and Technology, Defence, Defence Production, Aviation, Political Affairs and Communications. The two names proposed are Mr. Mohammad Hashim Ghilzai and Mir Abdul Wahid. There is no change in the names.

The question is :

“That Mr. Mohammad Hashim Ghilzai and Mir Abdul Wahid be elected to the Standing Committee on Science and Technology Defence, Defence Production, Aviation, Political Affairs and Communications.”

The motion was adopted.

Now election of two members to the Standing Committee on Rules of Procedure and Privileges. The two names are Shahzad Gul and Mr. Zahur ul-Haq.

Mr. Mohammad Hashim Ghilzai : In this the name of Mr. Zamarud Hussain be included in place of Mr. Zahur-ul-Haq.

Mr. Chairman : The question is :

“That Shahzad Gul and Mr. Zamarud Hussain be elected to the Standing Committee on Rules of Procedure and Privileges.”

The motion was adopted.

Mr. Chairman : Now we come to House Committee. The two names proposed are Mir Mahmood Aziz Kurd and Haji Shabib Shah. No change.

The question is :

“That Mir Mahmood Aziz Kurd and Haji Shabib Shah be elected to the House Committee.”

The motion was adopted.

REPORT

Mr. Chairman : Now Mr. Nargis Zaman Khan Kayani will present the report before this House.

جناب نرگس زمان خان : میں ضابطہ کار و انعام کاروائی ۱۹۷۳ء قاعدہ ۱۶۵ء کے مطابق بے خانمان افراد معاوضہ آباد کاری کے ایکٹ مجریہ ۱۹۵۸ء ترمیمی بل مجریہ ۱۹۷۳ء پر متعلقہ قائمہ کمیٹی کی رپورٹ پیش کرتا ہوں۔

Mr. Chairman : Mr. Nargis Zaman Khan Kayani, Chairman, Standing Committee on Food and Agriculture and Rural Development, Works, Rehabilitation, Labour, Local Bodies, Manpower and Health Social Welfare, Population Planning has placed on the Table of the House the report further to amend the Displaced Persons Compensation and Rehabilitation Act, 1958 [(The Displaced Persons (Compensation and Rehabilitation) (Amendment) Bill, 1973)], as passed by the National Assembly.

Now we come to Legislative business.

Now we take up legislative business. Ch. Mohammad Hanif Khan to move his motion.

THE EMPLOYEES' COST OF LIVING (RELIEF) BILL, 1973

Ch. Mohammad Hanif Khan : Sir, I beg to move :

“That the Bill to provide for payment of a cost of living allowance to employees. [The Employees' Cost of Living (Relief) Bill, 1973], as passed by the National Assembly, be taken into consideration.”

Mr. Chairman : Do you want to move your amendments ?

Khawaja Mouammad Safdar : My amendments are there on the orders of the day.

Mr. Chairman : Before you move your amendments, I think, according to rules he has to explain the principles of the Bill. Whatever you want to say, you can say afterwards.

خواجہ محمد صفدر : جناب چیئرمین جہاں تک مجھے معلوم ہے اگر انہوں نے اصرار کیا کہ اس موشن کو فوری طور پر اس ایوان میں پیش کیا جائے اور میری یہ ترمیم اگر معزز ایوان نامنظور کر دے۔ تو پھر آپ ان کو call upon کریں گے۔ کہ اس کے

[Khawaja Mohammad Safdar]

بنیادی اصول بیان کریں جن کے ساخت یہ بل بنایا گیا ہے۔ ورنہ یہ مسئلہ cut short ہو جائے گا۔ میری امینڈمنٹ کے بعد اگر وزیر محترم منظور کرتے ہوئے اس بل کو سلیکٹ کمیٹی کے حوالے کر دیں تو وقت بھی بچ جائے گا۔

Mr. Chairman : Do you accept his amendment ?

Ch. Mohammad Hanif Khan : Actually amendment No. 2 which is going to be moved.....

Khawaja Mohammad Safdar : I am going to move only amendment No. 2.

Ch. Mohammad Hanif Khan : I accept it, Sir.

Mr. Chairman : You opposed amendment No. 1 ?

Ch. Mohammad Hanif Khan : It is not being moved at all. There is no question of opposing it.

Khawaja Mohammad Safdar : I am not going to move amendment No. 1. I am moving amendment No. 2 for referring it to the Standing Committee concerned.

Mr. Chairman : Do you accept it ?

Ch. Mohammad Hanif Khan : I accept this amendment. No objection to the Bill being referred to the Standing Committee.

Khawaja Mohammad Safdar : May I move my second amendment, Sir ?

Mr. Chairman : Yes.

Khawaja Mohammad Safdar : Sir, I beg to move :

“That the Employees’ Cost of Living (Relief) Bill, 1973, be referred to the Standing Committee concerned.”

Mr. Chairman : Motion moved :

“That the Employees’ Cost of Living (Relief) Bill, 1973, be referred to the Standing Committee concerned.”

Ch. Mohammad Hanif Khan : I accept the motion.

Mr. Chairman : The question is :

“That the Employees’ Cost of Living (Relief) Bill, 1973, be referred to the Standing Committee concerned.”

The motion was adopted.

Mr. Chairman : Item No. 12. Dr. Mubashir Hasan.

THE BANKS TRANSFER OF ASSETS AND LIABILITIES BILL, 1973

Dr. Mubashir Hasan : Sir, I beg to move :

“That the Bill to provide for the transfer to the National Bank of Pakistan of certain assets and liabilities of the Eastern Mercantile Bank Limited and the Eastern Banking Corporation Limited [The Banks (Transfer of Assets and Liabilities) Bill, 1973], as passed by the National Assembly, be taken into consideration.”

Mr. Chairman : Motion moved :

“That the Bill to provide for the transfer to the National Bank of Pakistan of certain assets and liabilities of the Eastern Mercantile Bank Limited and the Eastern Banking Corporation Limited. [The Banks (Transfer of Assets and Liabilities) Bill, 1973], as passed by the National Assembly, be taken into consideration.”

Khawaja Mohammad Safdar : Sir, I beg to move :

“That the Banks (Transfer of Assets and Liabilities) Bill, 1973, be referred to the Standing Committee concerned.”

Mr. Chairman : Motion moved :

“That the Banks (Transfer of Assets and Liabilities) Bill, 1973, be referred to the Standing Committee concerned.”

Dr. Mubashir Hasan : No objection, Sir.

Mr. Chairman : The question is :

“That the Banks (Transfer of Assets and Liabilities) Bill, 1973, be referred to the Standing Committee concerned.”

The motion was adopted :

Mr. Chairman : There is no work left. The House stands adjourned to meet tomorrow at 3.00 p.m.

The Senate adjourned to meet at three of the clock, in the evening, on Friday, December 7, 1973.
