



THE SENATE OF PAKISTAN DEBATES

OFFICIAL REPORT

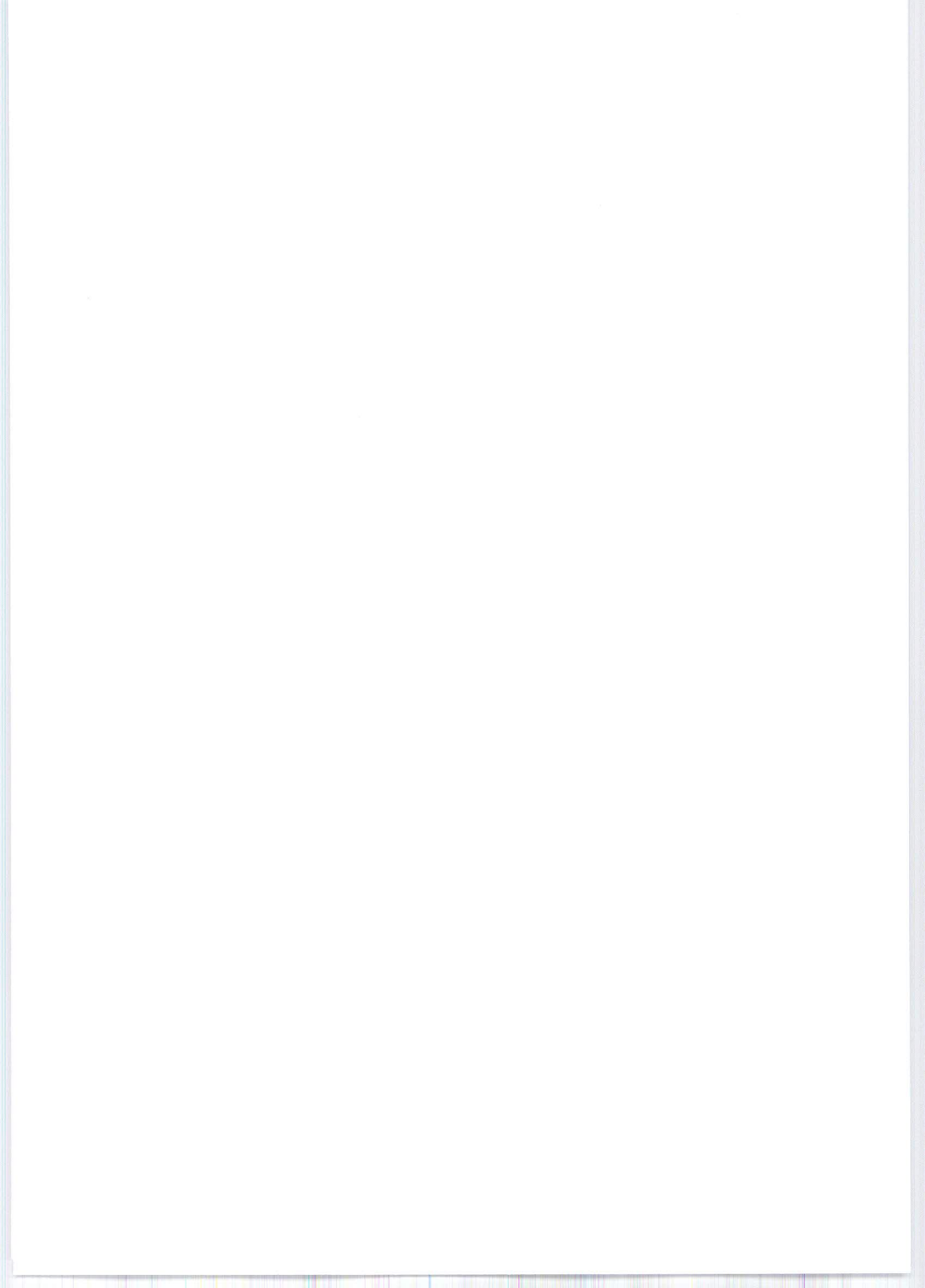
Wednesday, the 12th December, 1973

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SENATE DEBATES
SENATE OF PAKISTAN

Wednesday, December 12, 1973

The Senate of Pakistan met in the Senate Chamber, Islamabad, at Ten of the clock, in the Morning, on Wednesday, December 12, 1973, Mr. Chairman (Mr. Habibullah Khan) in the Chair.

—————
(Recitation from the Holy Quran)
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STARRED QUESTIONS AND ANSWERS

Mr. Chairman : We now take up questions.

Maulana Kausar Niazi will not be able to attend the session this morning because of unavoidable occupation. So, he has requested that question Nos. 15 and 16 may be postponed to some other convenient date. I hope you have no objection to the postponement.

Members : No.

Mr. Chairman : Question Nos. 15 and 16 stand postponed to some other date.

Question Nos. 15 and 16 (deferred).

Mr. Chairman : So, we skip over to question No. 17

SUGAR MILLS FOR SIALKOT

17. ***Khawaja Muhammad Safdar :** Will the Minister for Industries be pleased to state :

(a) whether it is a fact that the Prime Minister, then President of Pakistan, while on tour of the war-affected areas of Sialkot district in 1972, announced in a public meeting that two sugar mills had been sanctioned for the district of Sialkot as a measure of relief for the war-affected people of the district ; if so,

(b) the steps so far taken by the Government in the matter ?

Mr. Ghulam Mustafa Khan Jatoi : No. What the Prime Minister (the then President) said in the meeting at Shakargarh on January 29, 1973 was that Punjab would be allocated another sugar factory and that it would be located at Pasrur.

(b) The anticipatory approval of the Federal Government to the establishment of the mill at Pasrur has been given to the Government of the

[Mr. Ghulam Mustafa Khan Jatoi]

Punjab. This mill is estimated to cost Rs. 7.11 crore. It will have a daily cane crushing capacity of 1500 ton and will produce about 20,400 tons of sugar per annum. The mill will be based on local machinery to be fabricated by HMC, Taxila. It is expected to go into full production during 1977-78.

خواجہ محمد صفدر: کیا وزیر موصوف اپنی پارٹی کے ان معزز ایم۔ این۔ اے اور ایم۔ پی۔ اے کے متعلق بتانے کی زحمت گوارا کریں گے کہ وزیر اعظم جو آس وقت صدر تھے انہوں نے شکر گڑھ کے جلسہ عام میں فرمایا تھا کہ سیالکوٹ کے لیے میں ایک اور شوگر مل منظور کرتا ہوں یا پنجاب کے لیے۔ اس Fact کو Verify کرنے کے لیے اپنی پارٹی کے ایم۔ این۔ اے اور ایم۔ پی۔ اے صاحبان سے پوچھیں گے؟

Mr. Ghulam Mustafa Khan Jatoi: It is a fact that the President did address a gathering at Shakargarh but he was addressing the people who had come from Pasrur. These people had placards with the demand that a sugar mill be located at Pasrur and on this demand the people made and raised slogans and had these placards, the then President assured them that there will be an additional sugar mill in the Punjab and that it will be located at Pasrur.

Khawaja Mohammad Safdar: I again repeat my old supplementary question which has not been answered and which has been rather brushed aside.

جناب والا! میرا سوال یہ ہے کہ کیا وزیر موصوف اپنی پارٹی کے معزز ارکان قومی اسمبلی و صوبائی اسمبلی سے جو کہ اس پبلک میٹنگ میں موجود تھے پوچھنے کی زحمت گوارا کریں گے کہ کیا وزیر اعظم صاحب نے یہ بات کہی۔ جو اس سوال کے جواب میں وزیر متعلقہ نے فرمائی ہے۔

Mr. Ghulam Mustafa Khan Jatoi: Firstly it is not relevant to consult the MNAs and MPAs or to get their 'Shahadat' for this matter but the thing is that as the honourable Member has said, the then President had said a mill will be located in the District. And Pasrur is also in the same District.

خواجہ محمد صفدر: میرے محترم وزیر صاحب میرے سوال کا جواب دینے سے احتراز کر رہے ہیں۔ آپ نے یہ جواب دیا ہے کہ پنجاب کو ایک مل ضرور دی جائے گی۔ میرے سوال میں یہ بات ہے کہ ایک مل اس وقت موجود ہے۔ صدر مملکت نے شکر گڑھ کے لیے پبلک میٹنگ میں ارشاد فرمایا تھا کہ سیالکوٹ کے لیے ایک نئی مل پہلی کے علاوہ اور مل یعنی دو ملیں لگائی جائیں گی۔

جناب غلام مصطفیٰ خان جتوئی: اس میں اس کے علاوہ سیالکوٹ کے لیے اور کوئی مل نہیں۔

خواجہ محمد صفدر: ایک مل تو ہمیں مل چکی ہے کیا وزیر موصوف ارشاد فرمائیں گے کہ اس مل کی منظوری کے علاوہ اور مل کی منظوری دی جائے گی؟

STARRED QUESTIONS AND ANSWERS

جناب غلام مصطفیٰ خان جتوئی : جب ضرورت پڑی تو ایک کی بجائے دو تین ملین لگائی جائیں گی ۔

Mr. Chairman : Yes, Mr. Kamran Khan, Question No. 18.

Mr. Kamran Khan : Question No. 18.

SKIING-CUM-SUMMER RESORT PROJECT

18. ***Mr. Kamran Khan :** Will the Minister for Minorities Affairs and Tourism be pleased to state the reasons for delay in completion of the Ski Resort at Malam Jabba, Swat ?

Raja Tridev Roy : The implementation of the Skiing-Cum-Summer Resort Project at Malam Jabba has been delayed because the foreign Aid Agreement has not been approved by the Government of Austria. The matter is being processed vigorously with that Government and the project would be taken in hand as soon as the agreement is approved. We have a provision of Rs. 8.00 lacs during the current financial year to meet the Rupee cost of the scheme.

Mr. Kamran Khan : Supplementary, Sir. Will the Honourable Minister be pleased to state the foreign exchange component of the cost of this project ?

Mr. Ghaus Bakhsh Raisani : The foreign exchange component will be Rs. 40 lakhs.

Mr. Kamran Khan : Would the Government consider meeting the foreign exchange cost of the project from its own resources or enter into some sort of agreement with another country if the Austrian Government is not coming forward to finance this project ?

Mr. Ghaus Bakhsh Raisani : That question does not arise because the Austrian Government is considering the matter and a decision will be taken some time in January.

Mr. Chairman : Next question, Mr. Kamran Khan, you ask your second question.

Mr. Kamran Khan : Question No. 19.

INDUSTRIES IN EACH PROVINCE

19. ***Mr. Kamran Khan :** Will the Minister for Industries be pleased to state the number of small, medium and large size industries operating in each province and the value of their annual production ?

Mr. Ghulam Mustafa Khan Jatoi : The information is being collected and will be placed on the table of the House.

Mr. Kamran Khan : Will the honourable Minister be pleased to state as to how long will he take to lay the information before the House ?

Mr. Ghulam Mustafa Khan Jatoi : As you know this question requires a lot of information to be collected. The honourable Member wants detailed information in this regard. I assure him that as soon as possible we shall do it.

Mr. Kamran Khan : Will it be possible to lay before the House this information during the current session ?

Mr. Ghulam Mustafa Khan Jatoi : I hope so.

Mr. Chairman : Question time is over.

LEAVE APPLICATION

Mr. Chairman : There is a leave application by Senator Mohammad Zaman Khan Achakzai. He requests that he is proceeding for Haj on 12th December. His absence from the current Senate session may be allowed. Has he the leave of the House. No objection ?

Some Members : No objection.

Mr. Chairman : The leave is granted.

PRIVILEGE MOTION RE : ARREST OF SENATOR MIR MAHMOOD AZIZ KURD

Mr. Chairman : Now Khawaja Mohammad Safdar to move his privilege motion.

Khawaja Mohammad Safdar : I beg to raise a question of privilege of a Senator, namely, Senator Mahmood Aziz Kurd who was arrested in August, 1973 and is lodged in the District Jail Quetta. Notwithstanding several representations by him he is being treated as a B class prisoner. The Provincial Government of Baluchistan by refusing to accord Senator Mahmood Aziz Kurd the requisite status as a prisoner has committed a serious breach of privilege of the Senator.

Rao Abdus Sattar : I beg to oppose it, Sir.

Khawaja Mohammad Safdar : My learned friend has not disclosed the grounds of his opposition.

Mr. Chairman : You may say a word or two whether you oppose it on technical grounds or on facts.

Rao Abdus Sattar : On grounds of facts as well as on technical grounds. I will oppose.

Mr. Chairman : What do you mean on grounds of facts ? He is not in jail ?

Rao Abdus Sattar : He is in jail.

Mr. Chairman : He is not in B class ?

Rao Abdus Sattar : He is in B class.

Mr. Chairman : Say a few words why do you oppose so that he may be able to give a reply ?

Rao Abdus Sattar : The resolution decided by the House yesterday was of the same nature.

Mr. Chairman : There was no resolution yesterday. No resolution was debated by the House yesterday.

Rao Abdus Sattar : On Zammurrud Hussain, another gentleman.

Mr. Chairman : No gentleman moved any resolution yesterday. It was not non-official day. No resolution was moved by any non-official member. There was no resolution on this subject yesterday moved by any gentleman to my knowledge. To the best of my recollection and to the best of my knowledge there was no resolution debated yesterday or decided yesterday or given notice of yesterday on this subject so far as I know. You can consult your colleagues.

Rao Abdus Sattar : I have been informed that such a resolution was moved yesterday about a Senator, Zammurrud Hussain.

Mr. Chairman : I can inform you that to the best of my recollection and to the best of my knowledge no such resolution was debated.

Rao Abdus Sattar : Then all right Sir.

Mr. Chairman : What do you mean by all right ? You concede this privilege motion ?

Rao Abdus Sattar : I will oppose it later.

Sardar Mohammad Aslam : There was no breach of privilege.

Mr. Chairman : It is open to anyone who wants to oppose.

Sardar Mohammad Aslam : There is no statutory provision that a Senator shall be given A class or B class in jail. It is the discretion of the authority and the court concerned.

Mr. Abdul Qaiyum Khan : (*Minister for Interior*) *There are two grounds. This is a matter which was debated as an adjournment motion yesterday while I was here, if I remember correctly. It is for

*Speech not corrected by the honourable Minister.

[Mr. Abdul Qaiyum Khan]

the honourable Member who moved the motion to cite under what provision of the Constitution or under what law or rules a member of the Senate has got a certain privilege which in his opinion has been violated. He has not cited that. He must cite some law, some rules, some constitutional provision which has been violated by the mere fact that a Senator has been given B class. Secondly I respectfully invite the Chair's attention to Chapter VIII, Privilege, and again quote 59 (2)—The question shall relate to a specific matter and shall be raised at the earliest opportunity. This gentleman was arrested in August and now in the middle of December this question is being agitated. Therefore, this provision is mandatory. It could have been raised when the Senate started its session. So, I am attacking it on two grounds. Firstly on the ground of inordinate delay and secondly the honourable Member has failed to cite any provision of law under which any specific privilege which he claims for the Senator has been violated.

خواجہ محمد صفدر : جناب چیئرمین ! میں محترم وزیر داخلہ صاحب کے اعتراضات کا اسی ترتیب سے جواب دوں گا جس طرح انہوں نے یہ اعتراضات کیے ہیں۔ پہلا اعتراض ان کا یہ ہے کہ یہ مسئلہ Recent نہیں ہے۔ Senator مذکورہ جس کا ذکر اس تحریک استحقاق میں ہے، اسے اگست میں گرفتار کیا گیا ہے۔ اس لیے یہ مسئلہ پرانا ہو چکا ہے، یہ اب نہیں اٹھایا جاسکتا۔

جناب چیئرمین ! میرے پاس پرسوں ایک خط کی نقل آئی جو خط کہ جناب چیئرمین ! آپ کے نام تحریر ہوا تھا۔ مجھے یقین ہے کہ وہ خط آپ کو بھی مل چکا ہو گا۔ پرسوں مجھے یہ خط ملا اور کل اسمبلی شروع ہونے سے پہلے میں نے یہ موشن دائر کر دیا۔ اس لیے میرے نکتہ نظر سے یہ Recent ہے۔ اب میں اس Contention کی تائید میں ایک رولنگ پیش کرتا ہوں۔

Selection from the Decisions of the Chair, Legislative Assembly, Central 1921-40, page 9. This is the decision numbering 16. While admitting an adjournment motion sought to be moved by a Member on the 14th September 1922 the Chair defined the scope of the word 'recent' in Rule 12 (2) of the Indian Legislative Assembly Rules as follows :

"I do not wish to give a hard and fast interpretation of the word 'recent' in the rule but the intention of the rule is" and this is important Sir, "as soon as a matter of this kind is brought to the notice of the Honourable Member and he wishes discussion thereon, he should have the first available opportunity to bring it before the Assembly."

مجھے جناب - یہ تو یاد نہیں ہے۔ اب میں اصل ڈیویٹ لایا ہوں۔

Mr. Chairman : This ruling was given about an adjournment motion and not privilege motion.

Khawaja Mohammad Safdar : The word 'recent' is under discussion. What is meant by the word 'recent'.

Mr. Chairman : I am not stopping you from continuing your speech

but I only wanted to know as apparently I heard you saying about adjournment motion. Now you have to raise this point and also satisfy the House that the word 'recent' may mean one thing for adjournment motion and another for privilege motion.

That you want to adjourn the proceedings of the House in order to discuss a matter of recent occurrence and of urgent public importance. Now you see there are no such requirements in case of a privilege motion. That is a different matter. I would like to know how this rule will apply to privilege motion.

Khawaja Mohammad Safdar : Sir, I refer your honour to rule 59 part (ii). The words used are "and shall be raised at the earliest opportunity."

Mr. Chairman : But in case of adjournment motion it is 'recent'.

Khawaja Mohammad Safdar : It will be restricted to a matter of recent occurrence. Am I clear ?

Mr. Chairman : You are referring to rule 59 (ii) ?

Khawaja Mohammad Safdar : and 71.

59 کا تعلق تحریک استحقاق سے ہے اور 71 کا تعلق تحریک التواء سے ہے ۔

(Interruption)

Mr. Abdul Qaiyum Khan : *I have raised a point of order, Sir. That there are specific rules about privileges. It is absolutely irrelevant to refer to rule about adjournment motion. We are dealing with privilege motion on which there are specific rules and the honourable Member is straying away and referring to adjournment motion. If the two things have been identical there have been no point in having different rules for privilege and adjournment motions. And the words used are 'earliest opportunity' and the Indian ruling is about 'recent occurrence'.

Now I come to another point. The man was arrested in August while the honourable Member thinks that this is the earliest opportunity. If the letters are to be considered as giving a reasonable excuse for moving a privilege motion then anybody can at the tail end of the session arrange a letter to be sent to him and on the basis of that letter he may say that I have only come to know about it now. Here the honourable Member has stated that the man was arrested in August. It cannot be the earliest opportunity. There are clear rules.

خواجہ محمد صفدر : جناب چیئرمین ! میں نہایت ادب سے درخواست کروں گا ۔

Mr. Chairman : Khawaja Sahib, listen to me, please. You know the rules more than anybody. When I am addressing you, you should resume your seat. Unless you hear me, how you can appreciate my argument.

*Speech not corrected by the honourable Minister.

[Mr. Chairman]

This is my request just now. As pointed out earlier, 59 deals with privilege motion and the conditions are not more than one question shall be raised by the same member at the same sitting. The question shall relate to a specific matter and shall be raised at the earliest opportunity. The matter shall be such as requires the intervention of the Senate and lastly, the question shall not reflect on the personal conduct of the President. Now you must have noticed that there is no word 'recent,' the word 'recent' is nowhere used in Rule 59 because it is one of the requirements of this rule that the matter must be of recent occurrence whereas against this if you give Rule 71, which deals with the adjournment motion, it requires in (c) it shall be restricted to a matter of recent occurrence. Now you see the difference between requirements of privilege motion and adjournment motion. While for adjournment motion it must be a matter of recent occurrence. There is no such condition in case of privilege motion. That is why I said the honourable speaker had given ruling in that case with regard to an adjournment motion. As I pointed out earlier that it is very important thing and you want to adjourn the House to discuss certain matter which is of urgency and of recent occurrence but in your recent privilege motion these conditions are not fulfilled. So on this ground I thought that the two are distinguishable from each other. This is an objection raised by the Home Minister.

خواجہ محمد صفدر: جناب چیئرمین! سب سے پہلے تو میں یہ درخواست آپ کی خدمت میں نہایت ادب سے کروں گا کہ کوئی ایک معزز وزیر صاحب اگر یہ کہہ دے اٹھ کر کہ Point of Order تو وہ تقریر شروع کر دیتا ہے۔ کم از کم وزراء صاحبان اور دوسرے صاحبان سب سے میں یہ درخواست کروں گا کہ قواعد و ضوابط کے مطابق کام کیا جائے مجھے یقین ہے کہ آپ ان صاحبان سے یعنی سب صاحبان سے قواعد و ضوابط کا احترام کراتے رہیں گے۔

جناب چیئرمین: ایک احترام میں آپ سے بھی چاہتا ہوں وہ یہ ہے کہ جب بھی مجھے آپ سے کچھ کہنے کی ضرورت ہو اور میں کہتا ہوں تو آپ سنا کریں۔ اس طرح وقت ضائع نہیں ہو گا اور میرے خیال میں بہت سا کام مکمل ہو سکے گا۔

خواجہ محمد صفدر: جناب چیئرمین! آپ کی عمر بطور وکیل اور بطور جج گزری ہے۔ محترم وزیر داخلہ بھی ماہر قانون دان ہیں۔

جناب چیئرمین: اپنے آپ کو نہیں کہتے۔

خواجہ محمد صفدر: میں اس Category میں نہیں آتا۔ میں تو ابھی سیکھ رہا ہوں۔ میں نے تو آپ سے سیکھنا ہے۔ تو میں یہ گزارش کروں گا کہ جب آپ کو کسی لفظ کی یا الفاظ کی یا کسی Phrase کی Interpretation یا اس کے معانی کی ضرورت پڑتی ہے معلوم کرنے کی تو کوشش کی جاتی ہے کہ وہ کہیں سے دستیاب ہو اور اس کو مناسب معانی پہنائے جا سکتے ہوں تو وہ Interpretation قبول کر لی جاتی ہے۔ جہاں تک میں جانتا ہوں اگرچہ میرا علم جناب چیئرمین! بہت قلیل ہے، محدود ہے، کم ہے۔ Recent Occurrence اور Earliest Opportunity دونوں ہم معنی ہیں اور میں جناب چیئرمین! آپ کو یاد دلانا چاہتا ہوں کہ ابھی محترم وزیر داخلہ نے اپنا اعتراض فرماتے

ہوئے یہ کہا تھا کہ یہ Senator اگست میں گرفتار ہوا اگر یہ پہلے دن اس کو پیش کر دیتے جس دن یہ سینٹ کا اجلاس شروع ہوا تو یہ درست تھا۔ اب چونکہ بہت دن گزر چکے ہیں اس لیے تاخیر ہو چکی ہے، اور ایسی تاخیر ہے جس کا کوئی جواز نہیں یہ ان کے الفاظ ہیں۔

جناب چیئرمین : یہ ان کے الفاظ نہیں۔ یہ رول کے الفاظ ہیں۔

خواجہ محمد صفدر : رول کے ہی سہی تو جناب میں نے آپ کو بتایا کہ مجھے Opportunity کب دستیاب ہوئی۔ یہ میں آپ کی خدمت میں گزارش کرنا چاہتا ہوں کہ مجھے یہ موقع کب دستیاب ہوا اور مجھے اس معزز رکن سینٹ کے متعلق یہ اطلاع ملی کہ میں اس تحریک استحقاق کو پیش کر سکوں۔ وہ کب سلا۔ وہ پرسوں ملا۔ جناب والا ! جب آپ کے خط کی نقل میسر آئی۔ مجھے اس سے پہلے قطعی علم نہیں تھا کہ سینٹر محمود عزیز کرد آیا ہی کلاس میں ہے یا سی کلاس میں ہے۔ کسی اخبار میں پنجاب کے پریس میں اس قسم کی کوئی خبر شائع نہیں ہوئی نہ میرے علم میں آ سکا۔ اس لیے میں اس کے متعلق مجبور ہوں۔ اس لیے میں جناب گزارش کر رہا ہوں اور میں آپ کو یقین دلاتا ہوں کہ میں ان Privilege Motion اور Adjournment Motion کے لیے پونے آٹھ بجے اس ایوان میں اس اسمبلی میں آیا تاکہ میں Adjournment Motion دو گھنٹے پہلے دائر کر سکوں۔ اس لیے میں نے اپنی طاقت کے مطابق، اپنی بساط کے مطابق اولین فرصت میں اس کو دائر کیا ہے۔ دوسری بات اس کے متعلق جو اعتراض ہے، کل بھی اس پر بحث ہوئی ٹھیک ہے۔ لیکن I am better equipped today جناب والا ! میں آپ کی توجہ آپ کے سیکریٹریٹ کی چھٹی نمبر 30/73 F. 5 مورخہ چھ اکتوبر 1973ء کی طرف دلاتا ہوں۔

I should say I am better equipped today. I quote letter No. F.5 (30)/73—Senate, dated 6th October, 1973. Subject: Privileges of the Chairman, Deputy Chairman and Members of the Senate.

Sir, I have the honour to state that as provided in the Members of the Senate, Salaries, Allowances and Privileges Order, 1973 and the Chairman and Deputy Chairman of the Senate, Salaries and Allowances and Privileges Order, 1973, the Members of the Senate, its Deputy Chairman and Chairman were elected after the enactment of the new Constitution are entitled to the same privileges and courtesies as are admissible to the Members of the National Assembly, its Deputy Speaker and Speaker.

These privileges and courtesies are as follows :

کل میں نے جناب کی خدمت میں یہ حوالہ دیا تھا۔ لیکن محترم وزیر قانون اور محترم وزیر داخلہ نے یہ اعتراض کیا تھا کہ اس کی Application یا اس کا اطلاق صرف نیشنل اسمبلی کے ارکان پر ہوتا ہے۔ اس کا اطلاق ابھی تک اس معزز ایوان کے معزز ارکان پر ہوتا ہے۔ اس لیے میں یہ عرض کرتا ہوں کہ یہ غلط فہمی کی بناء پر کیا گیا تھا۔ میں یہ نہیں کہہ سکتا کہ دیدہ دانستہ کیا کیا تھا۔ غالباً یہ چٹھی ان کے ذہن سے نکل گئی ہوگی اور تیسری بات اس کے بعد آگے چلئے۔ وہ باقی ہے۔

[Khawaja Mohammad Safdar]

Courtesies extended to M.N.As by virtue of their inclusion in Article 10 of the Warrant of Precedence for Pakistan.

اور جناب اس کے ساتھ ہی منسٹری آف ہوم کا نوٹیفکیشن آپ کی خدمت میں پیش کرتا ہوں اور آپ کی وساطت سے وزیر داخلہ کی خدمت میں۔

Exemption from preventive detention of civilians from revenue courts for a period of fourteen days before and after the session. Now I draw your attention to Ministry of Home Notification. "In supersession of the Home Affairs Notification No. so and so as amended from time to time the following Warrant of Precedence for Pakistan is published for general information.

ان ہی کے ساتھ ممبرز آف دی سینٹ تو اس آرڈر کے تحت اور اصلی آرڈر بھی میرے پاس ہے۔ یہ شائع ہوا ہے نومبر 1973ء کو اس کا صفحہ

Central Statute Presidents Order Page 627 No. 18 of 1973 Members of the Senate, Salaries and Allowances and Privileges Order, 1973

میرا خیال ہے کہ اس کو اکر پڑھا جائے تو یہ توضیح اوقات ہوگا Repetition ہوگی کیونکہ یہ اس کے Extract ہیں اس سے شائع ہوئے ہیں۔

اس لیے جناب چیئرمین جناب وزیر داخلہ کا یہ اعتراض ہے کہ ہم کس Constitution کے تحت یہ مراعات مانگ رہے ہیں۔ وزیر داخلہ کو معلوم ہے کہ Privileges میں Constitution نہیں دئے گئے ہیں۔ بلکہ وہاں یہ لکھا ہوا ہے کہ قانون کے ذریعہ جو Privileges اور جو استحقاق نیشنل اسمبلی کے ارکان کو حاصل ہوں گے انہی Privileges اور ویسے ہی استحقاق Senators کو بھی حاصل ہوں گے۔ چنانچہ اس کے تحت صدر مملکت نے ایک آرڈر کے ذریعے وہ Privileges اور وہ تمام استحقاق جو ممبران نیشنل اسمبلی کو حاصل ہیں۔ وہی استحقاق اور وہی مراعات ان ارکان سینٹ کو جو یہاں تشریف فرما ہیں یا غیر حاضر ہیں ان کو بھی عطا کئے ہیں۔ اس لیے میری گزارش ہے کہ ایک طرف جب ایک Senator کو یہ کہا جاتا ہے کہ وہ V.I.P. ہے تو اس کی گرفتاری کے وقت اس کے ساتھ V.I.P. کے جیسا سلوک روا رکھنا چاہئے کیسا ہی سخت اس نے جرم کیوں نہ کیا ہو۔ کم از کم اس کے مرتبے کے مطابق جیل میں جگہ دی جانی چاہئے۔ آپ کی توجہ جناب والا میں Jail Manual کی طرف دلانا چاہتا ہوں۔ جس میں یہ لکھا ہوا ہے کہ اس کا تعلیمی معیار۔ اس سینٹر کے رہن سہن کا طریقہ اور ساتھ ہی اس کا Status۔ یہ چیزیں پیش نظر رکھنا ضروری ہیں۔ اب جناب سینٹر کا مرتبہ اور اس کا Status ایک Lt. General یا Secretary سے بہتر ہے۔ اور جہاں تک کہ اس کی آمدنی کا تعلق ہے جیل منیول میں پانچ سو روپے آمدنی لکھی ہوئی ہے۔ اسپیشل کلاس کے لیے جب کہ اس کو 15 سو روپیہ ماہوار بطور سینیئر الاؤنس ملتا ہے۔ اس کے علاوہ وہ پڑھا لکھا آدمی بھی ہے۔ اور اپنی Political Party جس کے ساتھ تعلق رکھتا ہے۔ اس کی وہ ایک اہم شخصیت ہے۔ وہ اس کا جنرل سیکریٹری ہے۔ اس کے باوجود اگر آپ اس کو V.I.P. کا Treatment نہیں دیتے ہیں تو ظاہر ہے کہ اس سے زیادہ اس ایوان کا حق کس طرح مجروح کیا جاسکتا ہے۔ چنانچہ جو جو اعتراضات جناب وزیر داخلہ نے اٹھائے تھے۔ ان کے جوابات میں نے مختصراً پیش کر دئے ہیں۔

Mr. Chairman : Let us now hear the Home Minister.

Mr. Abdul Qaiyum Khan : (*Minister for Interior*): *Sir, the honourable Member has referred to the prestige, to the rules and to the Jail Manual but he has not quoted any specific provision under which it is laid down, to which class a person is entitled under the law. If it is a Jail Manual then there must be some provision for going to some other forum for getting a better class. Whatever laws he has read—he has gone to PLD, to the Warrant of Precedence—but nowhere it is laid down as to whether 'A' or 'B' class has been set down as the privilege of a Senator. Therefore, I submit that unless there is a clear provision, he cannot claim that privilege as a matter of right and there must be some other forum because I have not been in practice but if a man is entitled to 'A' class or 'B' class and he is not given that class then he should go to the higher authorities and they will provide him the class to his entitlement. There is no difficulty about it.

But my first objection still holds good that there has been a lot of inordinate delay because my learned friend says that in the Punjab newspapers the arrest of the Senator was not mentioned. My learned friend should also try to read the papers which are published in other parts of Pakistan and the Senator's arrest must have been reported in all the newspapers and he has admitted that he was arrested in August, 1973. The arrest took place as early as 17th August and there has been a lot of delay and the rule has been violated. The rule is very clear "and shall be raised at the earliest opportunity". Now, in my opinion, it is within the knowledge of the honourable mover that the Senator was arrested and given Class 'B' in August, 1973.

Then there is a lot of delay and it hits the privilege motion and on that score alone the privilege motion should be ruled out. But if it is intended that the Senator should have 'A' Class and no less than 'A' Class, then, I think, this matter can be attended to and the concerned authorities should be approached. We have no objection to that, we have no objection to the Senator's getting even a still better class. But I do still object on both the points that there is no specific provision at present and the omission can be rectified by making up the deficiency and secondly my objection on the score of delay has not been answered.

جناب شہزاد گل : اس سلسلے میں میں بھی دو منٹ کچھ آپ سے گزارش کرنا چاہتا

ہوں ۔

Mr. Chairman : But I will request you not to indulge in repetitional arguments which have been already advanced. If there is any new point you can raise.

جناب شہزاد گل : جناب والا ! ہم سب کو علم بھی ہے اور آپ کے بھی علم میں

یہ ہوگا کہ میر غوث بخش بزنجو اور عطی اللہ مینگل اور دیگر بلوچستان کے M.P.A.'s اور M.N.A.'s کو نظر بند کیا گیا ہے ۔ ان کو گرفتار کیا گیا ہے ۔ میجر جنرل جیلانی کو لاہور کے Rest House میں رکھا گیا ہے ۔ اور باقی ان تینوں کو سہ ماہہ ریست ہاؤس میں رکھا گیا ہے ۔

Mr. Chairman : Please resume your seat. He is on a point of order.

(Interruptions)

Sardar Mohammad Aslam : Sir, it has got nothing to do with this motion. The honourable Member is discussing the arrest of Mr. Bazanjo and of Mr. Jilani. It has got nothing to do with this motion.

جناب شہزاد گل : نیشنل اسمبلی کے ممبران اور سینٹ کے ممبران دونوں کے Privileges ایک جیسی ہیں۔ وہ برابر ہیں۔ سہ ماہی ریسٹ ہاؤس کو جیل کے طور پر بنایا گیا ہے۔ M.N.A's کو ریسٹ ہاؤس میں رکھا گیا ہے۔ اس طرح سے جیلانی کو Rest House میں رکھا گیا ہے اور اس ہاؤس کو جیل کا حصہ بنایا گیا ہے۔ اس طرح سے محمود عزیز کو بھی ریسٹ ہاؤس میں رکھا جا سکتا ہے اور اسے بھی جیل کا حصہ بنایا جا سکتا ہے۔ کیونکہ Senator ڈاک بنگلے کو As a matter of right استعمال کر سکتے ہیں۔ لہذا اگر ان کو Rest House میں رکھا جائے جس طرح سے بزنجو کے کیس میں کیا گیا ہے تو میرے خیال میں یہ مسئلہ حل ہو سکتا ہے۔

Mr. Chairman : Thank you. There is no doubt in my mind that every Senator whether he belongs to Government Party or to the Opposition Party is a dignitary and is a person of high status. There is no doubt about it.

Personally I don't feel any doubt on this point and he is entitled to this. I mean to say, as a matter of right, under the law, but under the ordinary circumstances, he should be treated at par with the other dignitaries. But this is again a question of opinion whether a certain prisoner is entitled to be granted C class or B class or is entitled to A class. So technically speaking, I think, the objections raised by the Minister should prevail for three reasons. Firstly, no law, no provision of Constitution, no rule, has been cited wherein it has been specifically laid down that the member of the Senate must be classified as an A class prisoner. Now he has referred to the rule, to the order, where it has been given that the privileges to the members of the National Assembly are also available to the members of the Senate. That is all right, but privilege means from A to B, or from B to C, but it is not clear from that whether he is entitled to a privilege of being granted A class or B class. It is still left undefined. As you know, B class is better than C class which is given to ordinary prisoners, you know that certain political prisoners are granted class C, certain are granted class B, and certain are granted class A, but that all depends upon the status, upon the standard of education, the standard of living, and so many other things have to be taken into consideration. But this is, after all, in the discretion of the executive government. So far as I know of, the Senate is not entitled to, I do not think we can issue any order to the Executive. I know there are three organs; Judiciary, Legislature and Executive. They are, and we are trying to keep them, separate and independent of Judiciary. Now, how the Senate can give order to the Executive to grant class A or class B or class C to a certain individual under trial or prisoner because there it is said "the matters shall be such as require intervention of the Senate."

Now, your privilege motion. The Senators' privileges are defined, and if any breach of those privileges is committed, we can intervene, this House

can intervene and take steps to remedy them, but in this case, I do not understand how the Senate has got any power to order the Executive to grant class A or B or C to any under trial or to any prisoner. So on technical grounds, I do not think the argument advanced by the honourable Member, the *de facto* Leader of the Opposition, is tenable. Secondly, I cannot shut my eyes also to the objections of delay. The delay is there. He did not take the first opportunity. Mere argument that he did not know of this earlier, therefore he could not bring it to the notice of the House at the earliest opportunity, is no excuse for taking up such a question after weeks and months. Somebody may come up after one year and bring a privilege motion and he may say that I did not know of this breach of privilege of a certain member earlier, therefore I may be given permission. This is no excuse. But all the same, having on technical grounds ruled the motion out of order, I must point out one thing, that after all, the status or dignity of this House and also the status and dignity and the privileges of every Member of this House must be dear to everyone and I am sure it is dear to everyone, although as I have pointed out, technically I cannot do anything in the matter, I cannot hold it in order, but I must suggest to the Government to consider this question very favourably, and it should be given due consideration ; due consideration which it deserves. Technical objections are quite different from other objections. After all, he is a member of this House, he is an honourable member, he is a man of status, he is a man of dignity, he is educated ; naturally his standard of living must be above the average man. So I will only request and suggest, I cannot force the Executive government who are represented here by the Minister, and in this case particularly, I will suggest and I will request the honourable Home Minister to consider this question, not from the point of view of the privilege motion which has been moved by the *de facto* Leader of the Opposition, but on humanitarian grounds, on some other grounds, keeping in view the status of the House and the Senators. I hope and trust, confidently, that the Home Minister will give due consideration, due weight to my suggestion and also to the feelings, though unexpressed, of many members of this House, that the Senators should in no case be treated at a level less than that accorded to other dignitaries. So on technical grounds I rule the motion out of the order, but at the same time I must impress upon the honourable Home Minister to give due consideration to this question, and I hope that he will take up this matter with the authorities concerned and award and grant a better class to these two under trial prisoners and I think that will be approved by the whole House.

Khawaja Mohammad Safadar : Yes, Sir.

Mr. Abdul Qaiyum Khan : *Mr. Chairman, the very weighty remarks which fell from your lips will receive full consideration of the Federal Government. I wish to point out that the arrest of the Senator has been ordered by the Provincial Government if I am correct, I think I will ask the Leader of the Opposition. And it is well known that in view of the fact that the Provinces enjoy full autonomy and law and order is also a Provincial subject, they determine the classes. And now that it has been brought to our notice, we will certainly look into the matter, but I may also point out in many cases where people had not been granted A class, they have gone to the courts and the courts have very freely given them A class. I think in the case of Gen. Jilani, it was the court which ordered

*Speech not corrected by the honourable Minister.

[Mr. Abdul Qaiyum Khan]

that he should be given A class, if I remember correctly. So we will consider the matter, sir, as you have stated very rightly, but I may point out that this is not a case where the Central Government has ordered the arrest or the Central Government has given him the class. It was the Provincial Government and, as is well known, the Provincial Governments are also very powerful governments, they are very jealous about the fact of their autonomous status; and the fact that they are conscious that law and order is their affair, but we will bring this to their notice and we will do the best we can.

Khawaja Mohammad Safdar : Thank you very much.

Mr. Chairman : I did not expect that the honourable Minister will again take shelter behind technicality. I know that law and order is a Provincial subject. Probably it may also be correct that he has been arrested at the instance of the Provincial Government. I did not mean to suggest that you got him arrested and it is you who awarded him C class. I did not mean to say that. After all, as you know, and I should also know as a Home Minister, you cannot give orders, but you can suggest it to the Provincial Government to give him all the dignity to which he is entitled, his dignity should be upheld, his status should be upheld, you can suggest. I have been doing so when I was Home Minister. And law and order is always a Provincial subject, I know that. In spite of that there are cases, when I was Home Minister, I suggested to the Provincial Government to give him a better class than he was put in and they were kind enough to agree to my suggestion and to accept my request. So I do not mean to say that it is you who put him in jail or it is you who can award him class A or class B. I mean to say this, that I think it will be quite reasonable and desirable on your part to suggest to the Provincial Government that he is a member of the Senate, he should be treated at par with other dignitaries.

Mr. Abdul Qaiyum Khan : Sir, we will do all that we can do.

Mr. Chairman : Thank you very much.

خواجہ محمد صفدر : جناب چیئرمین ! میں آپ کا دلی شکریہ ادا کرتا ہوں ۔ اس معزز ایوان کا بھی شکر گزار ہوں کہ آپ نے خیرات کا اور جذبات کا اظہار فرمایا ہے ۔

Mr. Chairman : Yes, Khawaja Sahib. As you know, you have moved a privilege motion. One way or the other it has already been disposed of. I have no doubt in my mind and I know the honourable Home Minister will give due consideration and attention to this motion whether you move it or not because both are more or less of the same nature. According to you he should be given better treatment, I have no doubt, but I am sorry really I am bound by the rules that I cannot allow the same Member.....

خواجہ محمد صفدر : میں کل عرض کر دوں گا ۔ محترم لیڈر سے مشورہ کرنے کے بعد کل عرض کر دوں گا ۔

ADJOURNMENT MOTION RE : GRAVE SITUATION IN BALUCHISTAN

Mr. Chairman : There are two adjournment motions. I am sorry, I did

not know. I have been reminded that there are two adjournment motions. They are given notice of by Khawaja Safdar. This is with regard to the grave situation in Baluchistan.

Khawaja Mohammad Safdar : Sir, I beg leave of the House to move a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance and of recent occurrence, namely, the grave situation in Baluchistan, as disclosed in a Press release of the Inter-Services Public Relations Directorate, published in the National Press on the 9th of December, 1973. It has disclosed a serious clash of troops with the outlaws in the Marri area of Baluchistan, where one soldier was killed and another wounded and the casualties of outlaws could not be ascertained. This news of such a serious clash between the army and the outlaws in Baluchistan has caused grave alarm throughout Pakistan.

Mr. Chairman : Yes, any objection to the admissibility of this motion.

Mr. Abdul Qaiyum Khan : I have not received any notice of this adjournment motion. I think the Defence Department or probably the Ministry of Political Affairs will deal with it. It is not the function of the Home Ministry.

Mr. Chairman : But that is between you and the Ministry of Political Affairs. Any gentleman can raise objection. There is no bar.

Mr. Abdul Qaiyum Khan : I don't mind if any one objects.

Mr. Chairman : I did not mean to say that this is to be opposed or given support. I thought if anybody on the Government side object to it.

Mr. Abdul Qaiyum Khan : I object to it.

Mr. Chairman : But you are not in charge.

Mr. Abdul Qaiyum Khan : I am not in charge, so it may be put off. No honourable Member from the Government side or the Minister has received a notice of this adjournment motion.

Mir Afzal Khan : We have not received the notice of the adjournment motion.

Mr. Chairman : You have not received.

Mir Afzal Khan : Not received.

Mr. Chairman : Well, notice has been issued. This is on record.

Mir Afzal Khan : Sir, to whom it was issued. We have not received even a copy.

Mr. Chairman : It was not issued by name. It was issued to the

[Mr. Chairman]

Ministry concerned. Then have you got any objection to its postponement?

Khawaja Mohammad Safdar : Not the least. You can postpone it for tomorrow or day after tomorrow.

Mr. Chairman: All right, we will take it up tomorrow and timely notice will be issued to the Ministry concerned.

MESSAGE

Mr. Chairman : Now there is a message from the Secretary, National Assembly to the Secretary of the Senate. The message reads: Sir, in pursuance of Rule 109 of the Rules of Procedure and Conduct of Business in the National Assembly, 1973, I have the honour to inform the Senate Secretariat that the National Assembly passed the Private Military Organisations (Abolition and Prohibition) Bill, 1973 on the 10th December, 1973, a copy of the Bill is transmitted herewith. Kindly acknowledge receipt. Now we proceed to the Legislative business.

THE PRIVATE MILITARY ORGANISATIONS (ABOLITION AND PROHIBITION BILL, 1973

Mr. Abdul Qaiyum Khan : Sir, I beg to move :

“That the Bill to abolish, and provide a penalty for the formation of certain organisations prohibited by the Constitution [The Private Military Organisations (Abolition and Prohibition) Bill, 1973], as passed by the National Assembly, be taken into consideration.”

Mr. Chairman : Motion moved :

“That the Bill to abolish, and provide a penalty for the formation of certain organisations prohibited by the Constitution [The Private Military Organisations (Abolition and Prohibition) Bill, 1973], as passed by the National Assembly, be taken into consideration.”

Khawaja Mohammad Safdar : There is an amendment in my name. May I read it, sir?

Mr. Chairman : You want to move your amendment?

Khawaja Mohammad Sadfar : Yes sir, I beg to move :

“That the Private Military Organisations (Abolition and Prohibition) Bill, 1973, be referred to the Standing Committee concerned.”

Mr. Chairman : Motion moved :

“That the Private Military Organisations (Abolition and Prohibition) Bill, 1973, be referred to the Standing Committee concerned.”

Mr. Abdul Qaiyum Khan (*Minister for Interior*): Sir, I wish to make a suggestion to the honourable Member. Is the honourable Member aware that this matter was discussed threadbare in the National Assembly? If he would agree not to press his motion for Standing Committee, I would agree to adjournment of this and give them two days for sending in their amendments. There is no business left for the day in the Senate. That is why I was asked to bring this Bill. It was just to fill up the gap that have brought this Bill. I don't want to deprive the honourable Members of their right. They have a right to refer it to the Standing Committee. They have a right to have two days for sending in their amendments and then we will take up after two days.

Mr. Chairman: What I understand is that instead of delaying the passage of Bill by the Standing Committee, and if you are serious about it, you want to move some substantive amendments and then you can move and the Bill can be taken up after two days.

Khawaja Mohammad Safdar: That means on Thursday next.

Mr. Chairman: Why not on Friday? But I am sorry there is no...

Khawaja Mohammad Safdar: If you can take it possibly on Tuesday, I will not have any objection.

Mr. Chairman: Next Tuesday.

Khawaja Muhammad Safdar: I have no objection.

Mr. Chairman: Mr. Qaiyum Khan, you come to some understanding.

Mr. Abdul Qaiyum Khan: I have no objection.

خواجہ محمد صفدر: میں جناب چیئرمین سے درخواست کروں گا کہ اتوار کو ہم نے باہر جانے کا پروگرام بنایا ہوا ہے اور ہمارا پروگرام Upset ہو جائے گا۔ میں یہ درخواست کروں گا کہ یہ آئندہ کسی دن پر رکھ دیا جائے۔ مجھے کوئی اعتراض نہیں ہوگا۔

Mr. Abdul Qaiyum Khan: We are here all the time even Sundays.

Mr. Chairman: All right we can take it up on Tuesday.

Khawaja Mohammad Safdar: I beg leave of the House to withdraw my motion.

Mr. Chairman: I put it to the House.

Khawaja Mohammad Safdar:

آپ نے موشن put کر دیا ہے اور مجھے یہ اجازت ہے کہ میں اپنی یہ موشن واپس لے لوں۔

Mr. Chairman: Khawaja Mohammad Safdar had moved an amendment: "That the Private Military Organisations (Abolition and Prohibition) Bill, 1973, be referred to the Standing Committee concerned."

Now he wants to withdraw it. Has the House any objection to the amendment being withdrawn.

Members : No.

Mr. Chairman : So, he has leave to withdraw it ?

Members : Yes.

Mr. Chairman : Leave is granted. The amendment is withdrawn. It has been decided that the Bill will be taken up on next Tuesday ; Khawaja Safdar would move his substantive motion.

Mr. Chairman : Question Nos. 15 and 16 have neither been put nor replied by the Information Minister. These questions have been postponed under rule 54. The Press will not publish them as they have not been put.

There is no business left. So, we adjourn the House till 10 a.m. tomorrow.

The Senate adjourned to meet again at Ten of the clock in the morning, on Thursday, December 13, 1973.
