



THE
SENATE OF PAKISTAN
DEBATES

OFFICIAL REPORT

Friday, September 7, 1973

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SENATE DEBATES

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Friday, September 7, 1973

The Senate of Pakistan met in the Senate Chamber at half past five of the clock, in the evening, Mr. Chairman (Mr. Habibullah Khan) in the Chair.

(Recitation from the Holy Quran)

LEAVE OF ABSENCE

Mr. Chairman : Certain Members of the Senate have asked for leave of absence from the House. There are three gentlemen, namely :

Mr. Niamatullah Khan has asked for leave from 7th to 10th September in connection with the marriage of his younger brother. Should he have the leave of the House ?

Members : Yes.

Mr. Chairman : Leave is granted. Then second gentleman is Mir Hazoor Bakhsh. He writes :

“On account of the marriage of his brother on the 6th September unable to attend Senate session.”

Mr. Chairman : Should he have the leave of the House ?

Members : Yes.

Mr. Chairman : Leave is granted. The third is not marriage.

Mr. Abdul Nabi Khan says that he :

“Cannot attend session as Prime Minister on tour to Baluchistan of this area.”

Mr. Chairman : Should he have the leave of the House ?

Members : Yes.

Mr. Chairman : Leave is granted. Now, the question is that the three said members be granted leave ?

Members : Yes.

Mr. Chairman : Leave is granted.

ELECTION OF MEMBERS TO COMMITTEES

Mr. Chairman : Now, we come to the second item, *i.e.*, election of the members of the Committees.

Mr. J. A. Rahim (Minister for Production and Commerce) : Mr. Chairman, Sir, according to rule 137 of the Rules of Procedure and Conduct of Business in the Senate, I beg to move the composition of the Committee of the Senate as follows :—

Committee No. 1, *i.e.*, on Cabinet, Establishment, Law and Parliamentary Affairs, Education and Provincial Coordination, National Affairs and Overseas Pakistanis, Tourism and Minority Affairs.

1. The Minister Incharge.
2. Mr. Rafi Raza.
3. Mr. Qamaruz Zaman Shah.
4. Mr. Ahmad Waheed Akhtar.
5. Mr. Tahir Mohammad Khan, and
6. Mr. Zafar Ahmad Qureshi.

Two seats are left open for the Opposition.

Mr. Chairman : Does the House agree to the election of these gentlemen to the Committee ?

Members : Yes.

Mr. J. A. Rahim : Mr. Chairman, Sir, I beg to place before you through the House the composition of Committee No. 2, *viz.*, on Food and Agriculture and Under-developed Areas, Works, Rehabilitation, Local Bodies, Health and Social Welfare, Population Planning. Members—

1. Chairman, *ex-officio* Member Incharge.
2. Mr. Qazi Mohammad Shahid.
3. Mr. Khayal Said.
4. Mr. Qurban Ali Shah.
5. Mr. Sher Muhammad Khan.
6. Mr. Nargis Zaman Khan.

Two seats are left open for the Opposition.

Mr. Chairman : Any objection ? You agree to the election of these members.

Members : Yes.

Mr. Chairman : Alright.

Mr. J. A. Rahim : I beg to place before you the composition of Committee No. 3, *i.e.*, on Foreign Affairs, Information and Broadcasting, Auqaf and Hai, Interior, Kashmir Affairs and States and Frontier Regions :

1. Minister Incharge.
2. Mian Arif Iftikhar.
3. Maulvi Zahoorul Haq.
4. Malik Nasrullah Khan Afridie.
5. Mir Hazoor Bakhsh.

Two seats are left open for the Opposition.

Mr. Chairman : Do the members agree ?

Members : Yes.

Mr. Chairman : Alright.

Mr. J. A. Rahim : Committee No. 4. The composition is of the Committee on Finance, Planning and Development, Economic Affairs and Statistical Division as follows—

1. Minister Incharge.
2. Mr. Ihsanul Haq.
3. Mir Nabi Bakhsh Zehri.
4. Mir Afzal Khan
5. Mr. Gulab Khan.
6. Mrs. Samia Usman Fatah.

Two seats are left open for the Opposition.

Mr. Chairman : Any objection ?

Members : No.

Mr. Chairman : Yes, carry on.

Mr. J. A. Rahim : Committee No. 5 on Production and Presidential Affairs, Commerce, Industries, Fuel, Power and Natural Resources.

1. Minister Incharge, Ch. Muhammad Aslam.
2. Mr. Mohammad Suleman M. Samejo.
3. Mr. Niamatullah Khan.
4. Mir Abdul Nabi Khan.
5. Mr. Ihsanul Haq.

Two seats are left open for the Opposition.

Mr. Chairman : Again, any objection ?

Members : No.

Mr. Chairman : Yes.

Mr. J. A. Rahim : Committee No. 6—

1. Minister Incharge, *ex-officio* Mr. Md. Suleman M. Samejo.
2. Mr. Mehran Khan.
3. Ch. Muhamad Aslam.
4. Mir Afzal Khan.
5. Mian Arif Iftikhar.

Two seats are left open for the Opposition.

Mr. Chairman : No objection.

Mr. J. A. Rahim : Committee No. 7.

Mr. Chairman : What is this Committee ?

Mr. J. A. Rahim : I am sorry, it is Committee No. 6 on Science, Technology and Defence.

1. Minister Incharge, Mr. Muhammad Suleman M. Samejo.
2. Mr. Mehran Khan.
3. Ch. Mohammad Aslam.
4. Mir Afzal Khan.
5. Mian Arif Iftikhar.

Two seats are left open for the Opposition, *i.e.*, Science, Technology, Defence and Production including Civil Aviation, Political Affairs and Communications.

Mr. Chairman : Is it agreed ?

Hon'ble Members : Yes.

Mr. J. A. Rahim : Composition of Committee No. 7, *i.e.*, Committee on Rules of Procedure and Privileges, *i.e.*, under rule 141.

1. Minister for Law & Parliamentary Affairs, *ex-officio*.
2. Agha Ghulam Nabi Khan.
3. Mr. Mehran Khan.
4. Mr. Ahmad Waheed Akhtar.
5. Mir Nabi Bakhsh Zehri.
6. Sardar Mohammad Aslam.
7. Mr. Qamaruz Zaman Shah.

Two seats are left open for the Opposition.

Mr. Chairman : Do the members agree ?

Members : Yes.

Mr. Chairman : Alright.

Mr. J. A. Rahim : House Committee, under rule 143. The Deputy Chairman shall be the *ex-officio* member of the Committee. The composition is :

1. Deputy Chairman, Senate, *ex-officio* member.
2. Mr. Fazal Elahi Piracha.
3. Sardar Ghulam Mohammad Khan Mehar.
4. Rao Abdus Sattar.
5. Mir Abdul Nabi Khan.

Mr. Chairman : You have said four names. Two have been left for the Opposition.

Mr. J. A. Rahim : The House Committee shall be of not more than six members and two have been left for the Opposition.

Mr. Chairman : You have proposed four names.

Mr. J. A. Rahim : We have proposed four members because we have left seats open for the Opposition.

Mr. Chairman : I hope you agree to the composition of this Committee also.

Members : Yes.

Mr. Chairman : Now, Committee No. 1. The question is that this Committee should consist of—

1. Mr. Rafi Raza.
2. Mr. Qamaruz Zaman Shah.
3. Mr. Ahmad Wahid Akhtar.
4. Mr. Tahir Mohammad Khan.
5. Mr. Zafar Ahmad Qureshi.

Two seats are left open for the Opposition, and the Minister Incharge, *ex-officio* Member of this Committee.

Mr. Chairman : Do you agree ?

Members : Yes.

Mr. Chairman : The motion is adopted. Committee No. 2.

1. Qazi Mohammad Shahid.
2. Mr. Khayal Said.
3. Mr. Qurban Ali Shah.
4. Mr. Sher Mohammad Khan.
5. Mr. Nargis Zaman Khan.
6. Minister-in-Charge *ex-officio* Member of this Committee.

Two seats have been left open for the Opposition.

The question is that the motion be adopted.

Members : Yes.

Mr. Chairman : The motion is adopted. Third Committee :

1. Rao Abdus Sattar.
2. Mian Arif Iftikhar.

If I do not say honourable Member, it is understood that every member is an honourable member. Let it be understood that every one here is an honourable member and 'Mr.' also.

3. Maulvi Zahoorul Haq.
4. Malik Nasrullah Khan Afridie.
5. Mir Hazoor Bakhsh.

Two seats are left open for the Opposition. The question is that the motion be adopted.

Members : Yes.

Mr. Chairman : The motion is adopted.

Mr. Chairman : Committee No. 4. This Committee is proposed to be composed of :

1. Mr. Ihsanul Haq.
2. Mir Nabi Bakhsh Zehri.
3. Mir Afzal Khan.
4. Mr. Gulab Khan.
5. Mrs. Samia Usman Fatah.

Two seats are left open for the Opposition.

The question is :

"That the above names for Committee No. 4 be adopted." The motion is adopted.

Mr. Chairman : Committee No. 5 :

1. Ch. Mohammad Aslam.
2. Mr. Mohammad Suleman M. Samejo.
3. Mr. Niamatullah Khan.
4. Mir Abdul Nabi Khan.
5. Mr. Ihsanul Haq.

Two seats are left open for the Opposition. The question is :

"That the above names for Committee No. 5 be adopted." The motion is adopted.

Mr. Chairman : Committee No. 6 :

1. Mr. Mohammad Suleman M. Samejo.
2. Mr. Mehran Khan.
3. Ch. Mohammad Aslam.
4. Mir Afzal Khan.
5. Mian Arif Iftikhar.

Two seats are left open for the Opposition. The question is :

"That the above names for Committee No. 6 be adopted."

(Members did not speak loudly)

Mr. Chairman : I did not hear. Let it be said loudly.

Members : Yes.

The motion is adopted.

Mr. Chairman : Committee No. 7 : This is Privileges Committee.

1. The Minister for Parliamentary Affairs (*Ex-Officio* Member).
2. Agha Ghulam Nabi Khan
3. Mr. Mehran Khan
4. Mr. Ahmad Waheed Akhtar
5. Mir Nabi Bakhsh Zehri
6. Sardar Mohammad Aslam
7. Mr. Qamaruz Zaman Shah.

Two seats are left open for the Opposition. The question is :

"That the above names for Committee No. 7 be adopted." The motion is adopted.

Mr. Chairman : House Committee No. 8 :

Deputy Chairman of the Senate is *ex-officio* Member of this Committee.

The other Members are :

1. Shaikh Fazal-i-Elahi Piracha
2. Sardar Ghulam Mohammad Khan Mahar
3. Rao Abdus Sattar
4. Mir Abdul Nabi Khan.

Two seats are left open for the Opposition. The question is :

"That the above names for Committee No. 8 be adopted." The motion is adopted.

Mr. Chairman : Now there is no private Members' business. So we come to the Government legislative business, Mr. Abdul Hafeez Pirzada. He has to make his motion.

A Member : I may suggest that since the Law Minister is not here....

Mr. Chairman : The Law Minister is not here, I know but any Minister can act on behalf of any other Minister.

Mr. Khurshid Hasan Meer : Sir, I may request that item No. 4 may be taken up and items 2 and 3 can be taken up later.

A Member : Item 3 may be taken up.

Chairman : You want me to hold over items No. 1 and 2, for the time being. So we take up item No. 3.

Mr. J. A. Rahim : This is economic reforms amendment Bill.

Mr. Chairman : All right Mr. J. A. Rahim.

THE ECONOMIC REFORMS (AMENDMENT) BILL, 1973

Mr. J. A. Rahim (Minister for Production and Commerce): Sir, move :

“That the Bill further to amend the Economic Reforms Order, 1973 and Economic Reforms (Amendment) Bill, 1973], as passed by the National Assembly, be taken into consideration.”

Mr. Chairman : Motion moved :

“That the Bill further to amend the Economic Reforms Order, 1973 and Economic Reforms (Amendment) Bill, 1973], as passed by the National Assembly, be taken into consideration.”

Mr. J. A. Rahim : May I say a few introductory words about this Bill?

The object of the Bill is to empower the Government to buy shares and to participate in the capital of companies we have taken over under the Economic Reforms Order. It is to enable the Government to buy shares. For this purpose certain provisions have been made. In the schedule of the Bill the method to be applied has been set out. Now the object of this Bill is to enable the State which is responsible for running these industries to exercise the powers also for organizing these industries, but in this respect the position was anomalous. The position was, so to speak frozen. Even in the private sector the companies can reform themselves, can amalgamate, can liquidate, whereas according to the unamended economic reforms order the position was completely frozen. We know that state management has saved many industries from bankruptcy. In the short period these industries have been under state management their production has increased, the profitability has increased, the labour today is better paid than anywhere else in the industry sector compared with the private sector. Moreover, these industries which were under state management have been cleaned of many malpractices such as tax evasion, e.g., far less taxes were being paid under the old management than under private owners. These industries are running more efficiently yielding more taxes and for electricity and gas. In other words these malpractices which were so marked before have disappeared. We have brought net savings to the country.

Now, people may think that if we acquired the authority to buy and sell shares, the shareholders will be hurt. I can assure you that, in fact, small shareholders will not be hurt but will be protected. In fact, a provision has been made to exempt from acquisition the shares of small value. Small shareholders, in this manner that it can be prescribed above will have their shares would be acquired. There are in this Bill certain technical amendments too. For example, the definition of ‘Establishment’ in the unamended Economic Reforms Order was unsatisfactory. It did not cover companies properly. Now that lacuna has been removed. What we are bringing

now is a healthy reform in line with our desire to make the public sector efficient, and to provide the country with a sound development basis and a sound industrial base, no doubt, in heavy industry particularly. That cannot be done unless the state acquires a right in the companies too and not purely the management side. It is not the wish of Government either to own hundred per cent capital in every company. What the Government must own, the State must own, is the controlling interest. In the notification we have left out one major engineering concern, Bela Engineers. As far as the shares of this Government corporation, under Government management or under the Board of Industrial Management, which were floated, are concerned, they had a great success. The shares were not only over-subscribed but their value in the share market is at a premium and above the face value. I am quite certain that as things settle down, we shall be able to attract private investment into state controlled industries. As we expand, we shall follow a system by which private capital particularly of small investors will be joined together with state management and state ownership, part ownership. That is the general outline of policy and substance of the Bill.

Ch. Muhammad Aslam : On a point of order, Sir.

Mr. Chairman : The book is in your hand. Which rule you are referring to ?

Ch. Muhammad Aslam : Rule 82.

“Upon introduction, a Bill shall stand referred to the Standing Committee concerned with the subject-matter of the Bill.”

جناب چیرمین : آپ کا Objection کیا ہے۔

چوہدری محمد اسلم : میری گزارش یہ ہے کہ اسٹینڈنگ کمیٹی آج بنی ہے اور بل جو پہلے Introduce ہوئے تھے، اس ایوان کے معزز ممبران کو نہ تو Bills کی Copies دی گئی ہیں اور نہ Original Bills مہیا کئے گئے ہیں کہ وہ کوئی Amendment یا اپنی تجویز یا اپنی تقاریر کے ذریعے اس ہاؤس میں کوئی مفید Contribution کر سکیں۔ تو میں اس کے متعلق یہ عرض کروں گا۔

Mr. J. A. Rahim : On a point of order, Sir. This rule does not apply to bills coming from the National Assembly. It applies to bills originating in the Senate.

Mr. Chairman : Let him finish. If he is wrong, he will be self-defeated. Suspend چوہدری محمد اسلم : تو میں یہ عرض کر رہا تھا کہ نہ تو یہ

کیا گیا ہے According to this proviso

“Provided that the member-in-charge may move that the requirement of this rule be dispensed with and, if the motion is carried, the provisions of rule 83 shall apply to the Bill as if it were received back from the Standing Committee on the day on which the motion is carried.”

تو پھر میرا وہی اعتراض ہے کہ چونکہ Bills کی کاپیاں ممبران کو نہیں دی گئیں لہذا جو متعلقہ بل ہیں وہ Standing Committee کو Refer ہونے چاہئیں۔ اس کے علاوہ یہ بھی ہے کہ...

“Even if according to rule 83(1) this provision was dispensed with, even then according to rule 83 (2) “At least 2 clear days shall intervene between the day of supply of copies of the Bill to members and the day for setting down of the bill for a motion under rule 84.”

جناب چئیرمین : بہ آپ حوالہ دے رہے ہیں رول ۸۲ کا۔

چودھری محمد اسلم : میں رول ۸۲ اور ۸۳ کا حوالہ دے رہا ہوں۔

جناب چئیرمین : آپ ذرا رولز اپنے سامنے رکھیں۔ یہ صفحہ ۴۹ پر ہے۔ آپ ذرا صفحے پیچھے چلے جائیں تو آپ دیکھیں گے کہ یہ Chapter 10 کے نیچے، یعنی

Legislation in Page 46 chapter 10, Legislation part 1, bill originating in the Sen

آپ نے رول ۸۲ کا حوالہ دیا ہے۔ تو یہ رول اصل میں Chapter 10 کا ایک

Originate ہے اور یہ رول اس وقت حاوی ہوتا ہے جب کہ کوئی بل Senate میں

اگر یہاں پر کوئی نیا بل پیش کیا جائے اور اس کی ابتدا سینٹ سے ہو تو پھر تو ٹھیک ہے۔

۸۲ اور ۸۳ کا اطلاق اس پر ہوگا۔ لیکن آپ کو یاد رکھنا چاہیے کہ یہ بل

Originate سے نہیں ہوا۔ اس کی ابتدا یہاں سے نہیں ہوئی

In the terms of this Chapter, this is not a Bill originating in the Senate. It is a Bill transferred from the National Assembly to the Senate.

مجھے آپ۔ آپ نے مجھے سنا بھی یا نہیں۔ جس رول کا آپ نے حوالہ دیا ہے وہ

Chapter کا ایک حصہ ہے اور اس Chapter کا معہ رولز ۸۲ اور ۸۳ کے اطلاق

بلوں پر ہوتا ہے جو بل سینٹ سے Originate ہوتے ہیں، یعنی اگر

کی ابتدا یہاں سے ہوتی پھر اس کا اطلاق ان پر ہوتا۔ لیکن یہ تمام بل تو نیشنل

سے آئے ہیں، اس لئے یہ باب اور یہ رول جس کا آپ حوالہ دے رہے ہیں ان پر حاوی

ہوئے۔ تو آپ کا یہ اعتراض اگر آپ ناراض نہ ہوں، میں رد کر دیتا ہوں۔

Mian Arif Ittikhar : *On a point of order, Sir.

With your permission while I am supporting the Bill or the amendment of the Bill that the honourable Minister has submitted. I have a submission to make. Again with your permission I may submit that it is natural and in consonance with the policy of the party and it goes to his credit that he has brought this Bill before the House. You have rightly said, mentioned in your speech, that you have brought to the notice of the House that only Bills originating in the Senate, which have followed you correctly, are those that require two days' clear notice. Needless to say, you are right but I would beg to point out that with regard to amendments, or Bills received from the National Assembly, it is quite difficult, as you will appreciate, to understand what it is, if the original copy of the Bill is received by us just while entering this honourable House. In that matter I would like to point out that we shall certainly amend it, at least this member's vote will go towards its amendment. But I do not understand although the Minister has made clear the intention in no uncertain terms that the amendment has to be made to the Bill for which not even 24 hours earlier the Bill has been circulated amongst the members. Well, Sir, in such a situation we do not know where we are and what we are amending. One would want to amend if but not so recklessly. I hope it would be appreciated by the honourable Minister. It would not be in our interest.

*Speech not corrected by the honourable Member.

Mr. Tahir Mohammad Khan : On a point of order.

Mr. Chairman : Mr. Tahir, you should know that I have not given my ruling on the point of order already raised. I am trying to explain what my friend said. One point is still vague. But you should know that there cannot be a second point of order to a point of order. You can raise it after it has been disposed of. So while transacting this business we are concerned with Part III—Bills originating in the Assembly and transmitted to the Senate.

You will bear with me when I read rule 104 : On the day on which the motion for consideration is set down in the Orders of the Day which shall, unless the Chairman otherwise directs, be not less than two days from the receipt of the notice, the Minister or, as the case be, the member giving notice may move that the Bill be taken into consideration.

So, you will note that the Chairman has the authority and the power to waive the requirement of two days notice. I have already said that the two days requirement has been waived. This Bill in the shape of ordinance was published and everybody knows it. It has not sprung up as a surprise. As this Bill has been reproduced in the news papers, every body has come to know of it. So, there is nothing new in it.

Mian Arif Iftikhar : Your ruling is no doubt correct, but I would remind you of your own ruling in this matter and that of the Speaker of the National Assembly that as far as the newspapers are concerned, they are not officially considered as a source of information for the honourable members of the National Assembly or of the Senate. Further, it is quite possible honourable Members in this House may wish to ask for further clarification from the honourable Minister which would require more and more industries to be added. With regard to the amendment, it has been received today, even if it had originated from the National Assembly. It is absolutely necessary that one should be given some time to read it. The honourable Minister has moved this as a Bill whereas you say that it is an ordinance. The answer is very simple to say—those who are in favour of the Bill say AYES and those against say NOES; and the matter is closed. It is your honourable jurisdiction to waive two days discussion.

Mr. Chairman : Thank you for reminding me of my earlier ruling and that of the honourable Speaker but I would also remind you that there is an old legal saying that equity is measured by the Chancellor's foot. As regards the amendment, I would ask the honourable Minister whether he would welcome an oral amendment.

Mr. J. A. Rahim : As a matter of fact, Rules of Business only permit any changes in the course of discussion; I do not see how an amendment, even valid, can be moved unless it has been carefully studied. I think the honourable member has made a careful study. It appears that his opposition to this Bill is not due to the fact that he did not have earlier knowledge of it. I would personally say that the Bill has been very carefully scrutinised by the Standing Committee of the National Assembly which has very carefully looked at every word making a slight necessary amendment in the text. Moreover it has been published; although it may be true that it is permissible for a member of the Senate not to read newspapers and not to know the world around them.

Mian Arif Iftikhar : The amendment itself was received by the honourable members when they came to their seats in this House. We did not have a chance to study it and discuss it.

Mr. J. A. Rahim : It was published in the official Gazette.

Mr. Chairman : What is the point of order ? I may submit Sir.

سردار محمد اسلم : پوائنٹ آف آرڈر جناب - جیسا کہ مینسٹر صاحب نے فرمایا ہے - انہوں نے خود میاں عارف افتخار کی Support کی ہے - اور یہ کہتے ہیں - اور اسوقت جو Oral amendment پیش کی ہے - اسکے کوئی معنی نہیں ہیں - اسوقت تک جب تک پوری طرح Original Bill اور Amendment کا مطالعہ نہ کیا جائے - اور Original Order نہ دیکھا جائے - جب تک ان سب دستاویزات کو نہ دیکھا جائے What amendment can be suggested by any member ? جو کچھ میاں صاحب نے کہا ہے - اسی کو مینسٹر صاحب نے خود Support کیا ہے - اسوقت اس پر Discussion کرنا یا اس کے اندر کوئی Amendment پیش کرنیکا کوئی فائدہ نہیں ہے -

Mr. Chairman : I have asked you that if they move an amendment that the Bill be referred to the Standing Committee, will you accept that amendment.

Mr. J. A. Rahim : I think motion for reference to Standing Committee is not necessary. If such an amendment is moved, I would point out that it would delay the passage of the Bill so considerably and it will do injury to the industry. I am sure it would not be the desire of the honourable member who is a member of my party as well, to delay the reform which he value so highly. He cannot make it a reason for this strange contradiction that actually...

Mian Arif Iftikhar : On a personal explanation ! On a point of personal explanation !

Mr. Chairman : Mr. Arif, I will hear you ; let him say what he wants to say.

Mr. J. A. Rahim : He has tried to stop the reform from going through by delaying procedure. In that case the Bill will have to be referred back again to the National Assembly and the Senate will not be able to pass it without referring it back again.

Mian Arif Iftikhar : Now may I point out and say to the Secretary-General, Leader of the House and leader of my party that I can hardly be accused of having said anything in favour of private sector in this industry, considering that I have had the singular honour of being part of an industry which was amongst the first to be nationalized in this country, during the last 13 years, namely, Progressive Papers limited. I am not the owner of any industry and do not have the desire to own any industry that belongs to the working class. Therefore, I submit that the question of any impression that I am moving this as a matter of delay is something that I suggest to be removed from the record. I am perfectly willing to abide by his decision that any further delay will damage the party. As it would cast an aspersion, I would suggest that it should be expunged from the record.

Mr. J. A. Rahim : It is not an aspersion at all. Anyway, I am very glad to take a step to placete the honourable member by proposing that the Bill be taken up tomorrow.

Mian Arif Iftikhar : I only pointed out a lacuna about amendments, which can be moved orally. I only want to request the honourable Minister concerned that in future such incidents should not take place. But I do not want one minute to be wasted and the honourable Minister should continue with, what I consider in my humble opinion, to be a very important piece of legislation.

Mr. J. A. Rahim : What are the amendments that he would like to move ?

Mr. Chairman : Well, I am not going to give my ruling. This is my suggestion that there can be no give and take without meeting half way. Let him move the amendment orally and I adjourn the consideration of this Bill for tomorrow. There is no harm. That I think will be acceptable and that will serve your purpose as well as the purpose of Mr. Arif Iftikhar.

Mr. Khurshid Hasan Meer : May I submit . . .

Mr. Chairman : You are making an amendment to my suggestion.

A Member : Point of order.

Mr. Khurshid Hasan Meer : I was merely trying to submit that the honourable member himself is not keen on getting the consideration of this Bill adjourned for tomorrow. He only wants to be permitted to move oral amendments as we go along.

A Member : I think the Minister-in-charge will have no objection.

Mian Arif Iftikhar : That is what I suggested and I made the Minister agree to this ; that is all I wanted.

Mr. J. A. Rahim : I feel I may be helped if the amendment is given to me on paper.

Mr. Chairman : If the honourable member wants to move an oral motion or oral amendment, he can do so. Mian Arif Iftikhar, you are quite welcome to move an amendment orally. After that I adjourn the House and we meet tomorrow again. There is no harm, you can move your amendment.

(Interruption)

Mr. J. A. Rahim : May I make a submission. There is no need to adjourn.

Mr. Ghulam Mustafa Khan Jatoi : Mr. Chairman, it is always open for the Chair after I make my submissions either to accept it or amend it. The Bill can be taken up today but the members should be given one day to study the Bill and submit their amendments tomorrow.

Mr. Chairman : The first thing is, and I quite agree, that it is the consensus of the House that the consideration should be adjourned till tomorrow.

Mr. Khurshid Hasan Meer : If I am not wrong the consensus appears to be that we take up the consideration of the Bill and as we go along during the consideration of the Bill and when we come to clause by clause consideration, if any honourable member wants to move any oral amendment, we will consider that.

Mian Arif Iftikhar : The Minister should proceed with the Bill and if there are any oral amendments, they can be moved or made by the honourable members today; let us not delay the passage of the legislation.

A Member : I may submit that there be a ruling now.

Mr. J. A. Rahim : My point is this that if we take up the Bill tomorrow, then the members will have enough time to put on paper their amendments, and we shall be able to consider them. If any member wants to move orally as we proceed, there is no need to adjourn the Bill for tomorrow. In either case I would prefer to get in writing the amendments so that we give some thought to the amendments. Therefore, I myself propose that the Bill be taken up tomorrow.

Mr. Chairman : You want to move your amendment ?

Mian Arif Iftikhar : *I have never said that I have an amendment. I have pointed out most respectfully that there has been a departure, unintentionally no doubt, from the spirit and letter of the law, of which your goodself can be the better judge and I again repeat that it has been unintentional. I do not necessarily have an amendment even if it is postponed for tomorrow and if there is any amendment, it will be moved later. I suggest and I am merely saying that in future bills, whether originating in the Lower House or in this House, should be, as your goodself has agreed, circulated to members at least 48 hours earlier and if they have any amendments to that motion, they may be able to move them. At the moment the Minister should continue with what is a vital business for it is wholly an emergency situation in our country and delay is a luxury that we cannot afford at this juncture.

Mr. Chairman : The honourable Minister will note it for future guidance.

Mr. Qamaruz Zaman Shah : *I am merely trying to point out that my friend had referred to rule 82 and said that this Bill be referred to the Standing Committee, and the ruling was that this Bill cannot be referred to the standing Committee because it has originated in the Assembly. I would like to refer to rule 106 on page 61, Sir, which says that even when the Bills originate in the Assembly and they are referred to the Senate, any member can move an amendment that the Bill be referred to a Standing Committee, and then it can be referred to the Standing Committee.

Mr. Chairman : You are referring to rule 106 and he was basing his stand on rule 84.

Mr. Qamaruz Zaman Shah : There is no such provision as 106.

Mr. Chairman : If he did not, he was wrong.

Mr. Qamaruz Zaman Shah : I am not saying with all due respect that it is wrong.

Mr. Chairman : He should have referred that, I pointed out. So far as rule 82 is concerned, that was, and so far as rule 106 is concerned, that has been raised by that honourable Member and we are discussing it. As you must have

*Speech not corrected by the honourable Member.

noted, Mian Iftikhar has given a bit of advice to the Minister that in future they should do the thing properly. What he means to suggest is this that the notice required by the rule should be given in advance, so that they may come over prepared. I hope the Minister must have noted that.

Mr. Khurshid Hasan Meer (Minister without Portfolio): I may assure the honourable members of the Senate that we have no such intention. We want always to have full consideration by the Senate. Our difficulty is very simple, these Bills were passed by the National Assembly this morning. That is the only difficulty. As we proceed alongwith more business available if there had been for the Senate we would certainly defer consideration of these Bills to a later date and would have given time and all that. But since except this Bill there was no other business for the Senate we will seek indulgence only for this one, and we will arrange in such manner that the honourable members of the Senate get enough time to consider the Bills.

Mr. Chairman: I do not think Mian Iftikhar questioned your *bona fide*. He did not do that.

And we should not say that this is a binding advice, there should be no objection to the advice, if this advice is for the good order and in the interest of the legislation only. If it is possible, you should accept that advice; if it is not possible and there are practical difficulties, you are not bound by that.

سردار محمد اسلم: جیسے کہ منسٹر صاحب نے کہا ہے کہ یہ بل آج اسمبلی سے پاس ہوا ہے۔

جناب چیئرمین: کس منسٹر صاحب نے کہا ہے؟

سردار محمد اسلم: خورشید حسن میر صاحب نے کہا ہے۔

جناب چیئرمین: کیا کہا ہے؟

سردار محمد اسلم: یہ بل آج پاس ہوا ہے تو ہمیں دو دن کا نوٹس پہلے دیا گیا تھا

Notices were given two days earlier, after passing the Bill by the National Assembly it has come to us. Rule 84 shall apply in this case.

جناب چیئرمین: میں نے پہلے بنا دیا ہے کہ دو دن کا نوٹس تو ضروری تھا۔

سردار محمد اسلم: دو دن کا نوٹس ضروری تھا۔

When the Bill was originated in the Senate.

جناب چیئرمین: یہ کیا فرما رہے ہیں۔ یہ تو نیشنل اسمبلی سے بل آیا ہے۔

سردار محمد اسلم: جب نوٹس دیا گیا تھا تو اسوقت بل اسمبلی سے پاس نہیں ہوا تھا۔

آرڈیننس دیا گیا تھا۔ یہ سمجھا جا رہا تھا کہ بل سینٹ میں Originate ہو رہا ہے۔

Mr. Chairman: Well, my memory has been refreshed that this Bill in the form of Ordinance was laid before the House on the 4th, on the first day of the meeting. This Bill, which I have told you, is now placed before the House as an Ordinance. As a matter of fact, it is an Ordinance and the Ordinance was laid on the table of the House on the 4th. Thank you very much.

Mr. J. A. Rahim : Sir, actually when we are taking consideration of the Bill as passed by the National Assembly, it is simply that. And now, Sir, I have already had my say on the first motion and now I will request that the Bill be taken into consideration.

Mr. Chairman : Any objection? No. All right. Mian Sahib, you have no objection.

Now before I take the Bill clause by clause I will just put the motion before the House.

The motion is that the Bill be taken into consideration at once.

The motion was adopted.

Mr. Chairman : Now we take up the Bill clause by clause.

Now Clause 2 : General amendment.

Is it necessary for me to read? Well, if honourable members want to read the clauses, I will do it. But I do not think it will be absolutely necessary. So I first take Clause 2—General amendment, P.O. No. 1 of 1972.

The motion before the House is that Clause 2 do form part of the Bill.

The motion is adopted.

Clause 2 of the Bill forms part of the Bill.

Mr. Chairman : Now we come to Clause 3—Amendment of Article 2, P.O. No. 1 of 1972.

So the motion before the House is that Clause 3 do form part of the Bill.

The motion is adopted.

Clause 3 of the Bill forms part of the Bill.

Mr. Chairman : Now Clause 4—Amendment of Article 3, P.O. No. 1 of 1972.

The motion before the House is that Clause 4 do form part of the Bill.

The motion is adopted.

Clause 4 of the Bill forms part of the Bill.

Mr. Chairman : Clause 5—Amendment of Article 4, P.O. No. 1 of 1972.

The motion before the House is that Clause 5 do form part of the Bill.

The motion is adopted.

Clause 5 of the Bill forms part of the Bill.

Mr. Chairman : Next is Clause 6—Insertion of new Articles, P.O. No. 1 of 1972.

Now the motion before the House is that Clause 6 do form part of the Bill.

The motion is adopted.

Clause 6 of the Bill forms part of the Bill.

Mr. Chairman : Now we come to Clause 7—Amendment of Article 9, P.O. No. 1 of 1972.

The motion before the House is that Clause 7 do form part of the Bill.

The motion is adopted.

Clause 7 of the Bill forms part of the Bill.

Mr. Chairman : Clause 8—Amendment of Article 12, P.O. No. 1 of 1972.

The motion before the House is that Clause 8 do form part of the Bill.

The motion is adopted.

Clause 8 of the Bill forms part of the Bill.

Mr. Chairman : Now we come to clause 9. This is with regard to the amendment of the Schedule. The motion before the House is that Clause 9 do form part of the Bill.

The motion is adopted. Clause 9 forms part of the Bill.

Mr. Chairman : Clause 10. This is an addition to the Second Schedule. The motion before the House is that Clause 10 do form part of the Bill. The motion is adopted. Clause 10 forms part of the Bill.

Mr. Chairman : Clause 11. This is with regard to the proposal of the Economic Reforms amendment. The motion before the House is that Clause 11 do form part of the Bill. The motion is adopted.

Clause 11 forms part of the Bill.

Mr. J. A. Rahim : Sir, I beg to move that the Bill further to amend the Economic Reforms Order, 1972, be passed.

Mr. Chairman : The motion before the House is that the Bill further to amend the Economic Reforms Order, 1972 be passed. The motion is adopted. The Bill is passed. Now item 1 and 2. We are getting late for Maghrib prayer. So we must adjourn for Maghrib prayer.

Mr. J. A. Rahim : It is for you, Sir, to adjourn the House till 7.30 p.m.

Mr. Chairman : Is there any objection to the House being adjourned.

Voices : No.

Mr. Chairman : The House is adjourned till 7.15 p.m.

The House re-assembled after Maghrib prayers, Mr. Deputy Chairman (Mr. Tahir Mohammad Khan) in the chair.

Mr. Deputy Chairman : Item No. 1 of the Order of the Day. Mr. Abdul Hafeez Pirzada.

THE REMOVAL OF ACCUSED PERSONS BILL, 1973

Mr. Khurshid Hasan Meer (Minister without Portfolio) : Sir, I will take up the Ordinance on his behalf, with your permission.

Sir, I beg to move—

“That the Bill to provide for the removal of accused persons from one Province to another [The Removal of Accused Persons Bill, 1973], as passed by the National Assembly, be taken into consideration.”

Mr. Deputy Chairman : The motion moved is—

“That the Bill to provide for the removal of accused persons from one Province to another [The Removal of Accused Persons Bill, 1973], as passed by the National Assembly, be taken into consideration.”

Would you like to explain the Bill ?

Mr. Khurshid Hasan Meer : Sir, this is a very simple Bill. It seeks to empower the Federal Government by general or special order to provide for the removal of any accused person or class of accused persons held in custody in any province to any other province. It repeals the accused persons Ordinance, 1973. This is very simple and the necessity is so obvious that I cannot really add anything to what the text of the Bill itself states.

Mr. Deputy Chairman : Is there any Member who wants to speak about the Bill ?

(PAUSE)

Mr. Deputy Chairman : There is none. Now, the question is that the Bill to provide for the removal of accused persons from one province to another province [The Removal of accused persons Bill, 1973], as passed by the National Assembly, be taken into consideration.

Those who are in favour of the motion may say Ayes and those who are against it may say No.

The motion is adopted.

Now, I put each clause of the Bill for the consideration of this House.

Now, we take clause 2. The question is that clause 2 do form part of the Bill. Those in favour of the motion may say Ayes and those against it may say No.

Clause 2 forms part of the Bill.

Mr. Deputy Chairman : Now, clause 3. The question is that clause 3 do form part of the Bill. Those in favour of it may say Ayes and those who are against it may say No.

Clause 3 forms part of the Bill.

Mr. Deputy Chairman : Short Title, extent and commencement. The question is :

“That Clause 1, and the Preamble do form part of the Bill”.

The motion is adopted.

Clause 1 and the Preamble form part of the Bill.

Mr. Khurshid Hasan Meer : Sir, I beg to move :

“That the Bill to provide for the removal of accused persons from one Province to another [The Removal of Accused Persons Bill, 1973], be passed.”

Mr. Deputy Chairman : The question is :

“That the Bill to provide for the removal of accused persons from one Province to another [The Removal of Accused Persons Bill, 1973], be passed.”

The motion is adopted. The Bill is passed.

THE FEDERAL PUBLIC SERVICE COMMISSION BILL, 1973

Mr. Deputy Chairman : Item No. 5, Mr. Khurshid Hasan Meer.

Mr. Khurshid Hasan Meer : Sir, I beg to move :

“That the Bill to provide for a Federal Public Service Commission [The Federal Public Service Commission Bill, 1973], as passed by the National Assembly, be taken into consideration.”

Mr. Deputy Chairman : Motion moved :

“That the Bill to provide for a Federal Public Service Commission [The Federal Public Service Commission Bill, 1973] as passed by the National Assembly, be taken into consideration.”

Would you like to explain the Bill, Mr. Khurshid Hasan Meer.

Mr. Khurshid Hasan Meer : *Sir, the Constitution of Pakistan lays down that the Federal Public Service Commission may be constituted and set up under the law passed by the Parliament and similarly it empowers the Provincial Legislatures to provide by law for the constitution of a Provincial Public Service Commission. Sir, this Bill seeks to provide for the Federal Public Service Commission and its constitution ; and for that purpose this Bill has been brought. Under this the powers of the Federal Public Service Commission would be the same as they were previously with some changes that have become necessary as a consequence of the administrative reforms. It seeks to empower the Government to constitute the Federal Public Service Commission, comprising at least three members—the members may be more than three. In addition, it empowers the Government to nominate some persons in the service of Pakistan as *ex-officio* members of the Federal Public Service Commission to perform such functions as may be entrusted to them. The idea behind that is that under the previous system the representatives of the Departments concerned for whom selections were to be made, were invited as observers to meetings of the Public Service Commission. They could give their views but they did not have a say in the selection as they did not have a right of vote. Now, Sir, as I have stated earlier, the administrative reforms introduced in our country by the People's Government, are

*Speech not corrected by the honourable Minister.

based on recommendations of various Committees and Commissions and expert Commission set up by the previous Governments to advise them on administrative reforms. These were not implemented. We have inherited our administrative system from the British. In England also there was, as they call it, the Fulton Committee, headed by Lord Fulton. They made certain recommendations with regard to the functioning of the Public Service Commission, which is known in the U.K. as Civil Service Commission. The Fulton Committee came to the conclusion that the departments concerned for which recruitment is to be made should have a major say in the selection of the personnel. We have, therefore, sought in this Bill to make the provision that the official representatives of various departments would become *ex-officio* members of the Commission like other members of the Commission. They would have the same say and their opinion would have the same weight as that of other members. That is one change. Another welcome change, I think, and that will be welcomed all over the country, is that the purview of the Public Service Commission is sought to be enlarged to bring recruitments for the autonomous bodies and public corporations also within the purview of Public Service Commission. These are two major changes. I hope that this honourable House will appreciate these improvements and with these words I submit that the House will take up the consideration of the Bill clause by clause.

Mr. Qamaruz Zaman Shah : Mr. Chairman, I have a point of order, Sir.

Mr. Deputy Chairman : Excuse me, Mr. Qamaruz Zaman, you must speak from your own seat.

Mr. Qamaruzzaman Shah : *Sir, the point of order is that the provisions of Rule 104 have not been complied with in placing the present bill before this house. The Orders of the Day of the 4th September, 1973, placed only three Ordinances before the House and we had the notice of those three. They were the Removal of Accused Persons Ordinance, 1973. The Economic Reforms (Amendment) Ordinance, 1973, and The Hydrogenated Vegetable Oil Industries (Control and Development) Ordinance, 1973. This was neither placed nor circulated. It is for the first time today that this Bill has been placed before the House and I think two days' notice is required for discussing this particular Bill. Therefore, my point of order is that this Bill cannot be considered today as it has been placed today or that we have been given notice today.

Mr. Deputy Chairman : Will you kindly refer to clause 104 of the Rules of Business of the Senate which says that on the day on which the motion for consideration is set down in the Orders of the Day which shall, unless the Chairman otherwise directs, be not less than two days from the receipt of the notice. In this case the Secretary has obtained the permission of the Chair for putting this item on the agenda for today. Therefore, if the Members feel that they must get some time to study the Bill it is up to them. Mr. Khurshid Meer what do you say about it.

Mr. Khurshid Hasan Meer : †Sir, I think there is nothing much that needs to be considered in leisure as the Constitution said that the law had to be framed. Previously, that was not the case. Previously, the provisions existed in the Constitution itself. Now the law has to be framed and for that purpose the law has been brought unless there is any special reason to study any particular

*Speech not corrected by the honourable Member.

†Speech not corrected by the honourable Minister.

aspect of this Bill, for instance, if any honourable member wants any clarification about any provision as we go along or any honourable member wants to move any oral amendment, I shall have no objection. Those amendments can be considered or any matter be clarified, I will be only too willing to do that as we go along.

Mr. Deputy Chairman : Mr. Qamaruzzaman, do you still press your point after the expression given by the Minister ?

Mr. Qamaruz Zaman Shah : *Sir, the point is not whether we want to study this or that. We might like to suggest some amendment today or that we agree or we do not agree to that. The whole point is that there is a feeling which was expressed even in the earlier session of this House that the Bill should not be brought like this and just placed before us that very moment and we may be told only to okay it though we know that the Bills are from our party and we agree to these but the members of the Senate and I think when I say I am merely voicing their feeling that the Bills may please be brought in order so that we should have sufficient notice. We are new to the Parliament. We would ourselves like to study them even if we do not have anything to suggest. We would like to have time to study and go to the Library to study previous law with regard to that, the provisions of earlier Constitution and maybe we might have discerned certain points which the National Assembly might have skipped. So it is not that we have any serious objection to this particular Bill or that I want some amendment to suggest. I am merely saying that this kind of procedure is really too rough for us because we are new and we would want time to study each and everything that is brought before us.

Mr. Deputy Chairman : I agree with you. On the day on which such motion is made or on any subsequent day to which the discussion is postponed, the principles of the Bill and its general provisions may be discussed, but the details of the Bill shall not be discussed further than is necessary to explain its principles. There is a provision in the rules that if the other members think that they must be given some opportunity to consider or to study the Bill I can put it to the House.

Mr. Khurshid Hasan Meer : †Sir, before you do that, I would like to make one thing clear with your permission. The procedure for requesting the House to consider a Bill on the day on which it is brought has on a number of occasions been adopted in the National Assembly also for two reasons : one, to have the urgent passage of any legislation and then the House is requested to waive the rules requiring adjournment and to take up the consideration at once. This has been happening quite often, and secondly, when there is no other legislative business before the House. Now the matter here is of the second category only. This morning these Bills were passed by the National Assembly. There was no other legislative business for the Senate for today. For that very reason and no other reason at all these Bills were brought here and in the National Assembly and these were introduced this very morning and the rules requiring notice of a few days were waived and the Bills were passed. Therefore, the same procedure being adopted in respect of the Senate which was adopted this morning in the National Assembly and there is no invidious distinction, that I would like to make clear.

Mr. Deputy Chairman : I think that Mr. Shah has not challenged your *bona fide*. He thinks it is perhaps for his convenience, rather for the convenience

*Speech not corrected by the honourable Member

†Speech not corrected by the honourable Minister.

other members if it is postponed, but let me know the views of the other members.

Mian Arif Iftikhar : Sir, point of order.

جناب قربان علی شاہ : جناب والا۔ میرا خیال ہے کہ مسٹر قمرالزمان صاحب کی Suggestion پر عمل کرنا چاہئے اور وہی طریقہ اختیار کرنا چاہئے۔ Rule کو Waive کرنیکی غلط روایت قائم نہیں کرنی چاہئے۔ بہتر یہ ہوگا کہ ممبران کو بل کا مطالعہ کرنیکا مناسب موقع دیا جائے۔ تاکہ وہ تیار ہو کر بحث میں حصہ لے سکیں پرانے طریق کی طرح ...

Mian Arif Iftikhar : *Mr. Speaker, Sir, with your permission I have a suggestion to make. Needless to say, I am wholeheartedly in agreement with the honourable Minister and the honourable Minister himself is, it is no use for anybody both inside the House and outside the House, the seasoned Parliamentarian and political leader—no, I would prefer the word political worker—the leaders we have many of, but I think that by suggesting that the National Assembly this morning has adopted this procedure and that, therefore, we should adopt that as well.

I would think in my humble opinion that two wrongs do not make a right. That is point (a). Point (b) is the fact that there is always a privilege of being in the 1965 Assembly and in this Senate. Therefore, the honourable Minister is correct and I may merely point out that either the rule with regard to the Standing Committee be waived or, alternatively, the time for discussion be waived. Senate has nothing to do this evening, so this Bill must be rushed through. This is a very unhealthy precedent and may I point out with respect to the Chair as well as to the honourable Minister that if the National Assembly decides not to discuss a Bill at all, will the Senate follow that procedure? Senate enjoys an independent entity. We have the highest respect for those who have been chosen on the basis of adult franchise. We have the highest respect for the Minister who is piloting the Bill, whom I have known for a considerable period of time. The question is that the members should be allowed to study the Bill and this Bill be taken up on Monday.

Mr. Khurshid Hasan Meer : †I never said for a single moment that I would not abide by the wish of the House, if the House wants to adjourn consideration. I never said and I had no intention of saying and I will never say that because the National Assembly has adopted a certain procedure, the Senate should also do that. On the contrary, I merely tried to remove the impression which it appeared to me existed that the Senate is taken for granted; that the Senate is being asked to adopt an expeditious procedure; that a separate method is being adopted for the Senate. I wish only to remove that impression when I said that the National Assembly this morning waived certain rules to do its own business to take up consideration of those Bills and I would like to suggest something that would be useful for future policy and that is this—that the Government against its desire many times is forced to bring legislation to the Parliament and ask for waiving of the rules. This has been happening quite often in the National Assembly. We do not like it. We would like to give the Parliament as much time as possible, but sometimes it is not possible because

*Speech not corrected by the honourable member.

†Speech not corrected by the honourable Minister.

expeditious adoption of a law is required. Secondly, National Assembly is asked to waive the rule when there was no other legislative business because the country expects the members and the National Assembly to do legislative work for them. In this matter I have not got up and requested for waiving of any rules.

Mr. Deputy Chairman : Actually, honourable members want that they should be given some time so that they may be able to contribute towards the Bill. There is no harm if we adjourn the House.

Mr. Khurshid Hasan Meer : I will request that a proper motion should be moved to postpone consideration of this Bill.

Mr. Qamaruz Zaman Shah : I beg to move :

“That the Federal Public Service Commission Bill, 1973, as passed by the National Assembly, be postponed till the next sitting of the Senate.”

Mr. Deputy Chairman : Motion moved :

“That the Federal Public Service Commission Bill, 1973, as passed by the National Assembly, be postponed till the next sitting of the Senate.”

The motion was adopted.

Mr. Deputy Chairman : The Bill is postponed till the next sitting of the Senate.

Mr. Deputy Chairman : The rest of the Bills cannot be taken until they are passed by the National Assembly, I adjourn the Senate till 5.30 p.m. on Monday the 10th September, 1973.

The Senate adjourned to meet again at half past five of the clock, in the evening, on Monday, September 10, 1973.