



# THE SENATE OF PAKISTAN DEBATES

## OFFICIAL REPORT

Wednesday, April 2, 1974

### CONTENTS

	PAGES
Inauguration of new Senate Chamber ... ..	149
Starred Questions and Answers ... ..	160
Leave of Absence ... ..	161
Message from N. A. Secretariat Re : Adoption of the Centres of Excellence Bill, 1974—(Read out) ... ..	162
Message from N.A. Secretariat Re : Adoption of the West Pakisian Industrial Development Corporation (Transfer of Projects and Companies) Bill, 1974—(Read out) ... ..	162
The Criminal Procedure (Amendment) Bill, 1974—(Adopted)... ..	163
The Electoral Rolls Bill, 1974—(Adopted) ... ..	171
The Members of Parliament (Salaries and Allowances) Bill, 1974—(Referred to Standing Committee) ... ..	183

PRINTED BY THE MANAGER, READING PRINTING PRESS 4 - URDU BAZAR, LAHORE  
PUBLISHED BY THE MANAGER OF PUBLICATIONS, KARACHI

Price : Ps. 50

SENATE DEBATES  
SENATE OF PAKISTAN

---

Tuesday, April 2, 1974

---

The Senate of Pakistan met in the Senate Chamber, (State Bank Building), Islamabad, at ten of the clock in the morning, Mr. Chairman (Mr. Habibullah Khan) in the Chair.

---

*(Recitation from the Holy Quran)*

---

INAUGURATION OF NEW SENATE CHAMBER

**Mr. Chairman :** Honourable Members of the Senate, with the commencement of the Constitution on the 14th of August, 1973, and the restoration of full parliamentary democracy for the first time in the history of the country, a bicameral legislature, consisting of the Senate and the National Assembly, was set up. The Senate was elected soon after the enactment. There was no separate Chamber for it. Various alternatives were explored for housing its Chamber and Secretariat. After a full consideration of all factors Government ultimately decided that the new Chamber and its Secretariat should sit in the same building in which the National Assembly sits which has now become parliament building. I would like to thank the Governor of the State Bank and the Speaker of the National Assembly for the unstinted cooperation extended by them personally in enabling the new arrangements to be put into effect.

We were fortunate that for its normal functioning the National Assembly had a large enough Chamber in which both the Houses could meet jointly and by adjustment of the hours of sitting the Senate and the National Assembly have been meeting in the same Chamber. Although this was by no means an ideal situation but the Senate was able to dispose of legislative business and establish healthy traditions of its own.

The Senate has an important constitutional role to play, a role inherent in the very concept of a Federal Parliamentary system. For ensuring fullest participation of the provinces in national affairs in the Federation and to create a judicious balance between the three organs of Government the Senate has a positive role to play in furthering the cause of parliamentary democracy and protecting the interests of the federating units. On the basis of our performance over the last 8 or 9 months, I have no doubt that the Senate will play a vital role in Constitutional procedures.

Until the construction of a permanent building for the Senate, suitable premises had to be found and equipped for the Senate to meet in its own

[Mr. Chairman]

Chamber. I am happy that we now have our own premises which will be the seat of the Senate until a permanent building for the Senate is constructed.

Our Senate Chamber is both comfortable as well as functional, although embellishments might be missing. This should not hinder us from devoting our energy and minds to accomplishing the business of the Senate. Let us hope and pray that this shall be remembered as the hallowed place where we upheld democratic values and parliamentary traditions worthy of parliamentary institutions anywhere in the world.

In the end I should like to express my appreciation and thanks to all those associated with the work of making these premises available to us with all the necessary facilities, in such short time, particularly the Secretariat of the Senate and the National Assembly, the engineering staff of the State Bank of Pakistan, the Philips Electrical Company and the firms which fabricated the furniture. In the end I would request the honourable Members of the Senate to join me in offering their thanks to Almighty Allah for His beneficence and to pray that He may guide our steps and make us worthy of the trust and confidence that has been reposed in us.

جناب محمد ہاشم غلزی - (قائد حزب اختلاف) : جناب چیئرمین ! یہ خوشی کا مقام ہے کہ آج ہم پہلی بار اس نئے چیئرمین میں اکٹھے ہوئے ہیں۔ پاکستان کی تاریخ میں پہلی بار وفاقی طرز حکومت کی ابتداء دو ایوانی مقننہ کی حیثیت سے موجودہ حزب اقتدار کے وقت میں معرض وجود میں آیا۔ میں اس بات کو کہنے میں کوئی جھجک محسوس نہیں کرتا کہ دو ایوانی مقننہ کو آئینی جگہ دینے کا سہرا موجودہ حزب اقتدار کے سر ہے۔ مگر مجھے یہ بھی امید رکھنی چاہئے کہ یہ ایک وفاقی مقننہ کا جو وقار عام طور پر جمہوری طرز حکومت میں ہوا کرتا ہے، وہ اس موجودہ ایوان میں ملحوظ خاطر رکھا جائے گا۔ میرا مقصد یہ ہے کہ bicameral legislature میں دونوں ایوانوں کا دائرہ اختیار برابر ہوتا ہے۔ اسے قانونی طور پر accept کرنے کے بعد حق دیا جا سکتا ہے کہ آئندہ ان میں اس قسم کی ترمیم کی جا سکتی ہے جس سے ایوان بالا کو بھی وہی اختیارات حاصل ہوں جو کہ ایوان زیریں کو ہوا کرتے ہیں، جیسا کہ آسٹریلیا، کینیڈا اور یورپ کے ملکوں میں ہیں۔ میں چیئرمین کے ان جذبات کی قدر کرتا ہوں جو انہوں نے اس ایوان کے سامنے بیان کئے ہیں اور میں ان کے ساتھ شریک ہوں اور ان ممبران کا شکریہ ادا کرتا ہوں جنہوں نے senate کے لیے علاحدہ ہال تعمیر کرنے میں ہماری مدد کی اور جناب چیئرمین کو یہ یقین دلاتا ہوں حزب اختلاف کی طرف سے کہ ملک کے لیے جمہوری اور ترقی پسند قوانین لانے میں حزب اختلاف ہمیشہ تعاون کرے گی مگر ساتھ ہی ساتھ حزب اختلاف کے نمائندے خواہ مخواہ ہر ایک بات کی آنکھیں بند کر کے تائید نہیں کر سکیں گے۔ جو ملکی مفاد اور جمہوری اصولوں کی راہ میں رکاوٹ بن سکے۔ میں ان الفاظ کے

ساتھ جناب چیئرمین کا شکریہ ادا کرتا ہوں کہ انہوں نے مجھے اظہار کا موقع دیا۔

**Mr. Chairman :** Yes, Mr. Qamaruz Zaman Shah.

**Mr. Qamaruz Zaman Shah :** Mr. Chairman, for any federal democracy, bi-cameral legislature is a basic pre-requisite. In a federation there are bigger units and smaller units and many a time federations have found difficulty in running because the smaller units are apprehensive that if there is only one legislature for which representation is on the basis of one-man-one-vote, the majority provinces may ignore the rights of the minority provinces. That is exactly why the present party in power in the National Assembly, in the new Constitution put in a provision for having Senate and Upper House with equal representation from all provinces, big or small. I think, if Pakistan had a Senate right from the beginning, many of our problems could have been solved and many of our tragedies could have been avoided. Anyway, since the Senate has come into existence, let us prove its usefulness. Whether the Senate is useful or not, is entirely for us to build ; we are to work hard and we have to show that the legislation that comes to us from the National Assembly needs a little improvement and that once we are able to show that, I think, the National Assembly would never mind our sending back the Bills. Merely by saying that we should get more rights, merely by saying that the Constitution should be amended, merely by saying that we should be given powers of an Upper Chamber of A, B or C country is not enough. I think that we should build our own traditions. We should see the Upper Houses of other countries. At some places we find that the Upper Houses have been going stronger day by day and at other places, we have found that the Upper Houses are almost reducing their utility like the House of Lords.

Anyway, Sir, I think, we should all be grateful to Almighty Allah that a task has been assigned to this House to keep our country united, to keep our country strong, to make the minority provinces feel that their interests are safeguarded and that we are here to safeguard their interests and to work hard and show our usefulness. Thank you, Sir.

**Mr. Chairman :** Yes, Mr. Law Minister.

**Mr. Abdul Hafeez Pirzada (Minister for Law and Parliamentary Affairs)** Sir, with your permission, I would like to join on the solemn occasion by placing my views along with my colleagues on the record. It is indeed a matter of great satisfaction for the Members of Parliament including yourself and the Federal Government, headed by the Prime Minister of Pakistan, that within a short span of time, since the commencement of the permanent Constitution of Pakistan, we have been able to provide an improvised place for the Senate to meet. I deliberately use the word 'improvised' because it is really improvised. This does not absolve those entrusted with the executive authority of the Federation, from providing a permanent arrangement. Only last night the Prime Minister of Pakistan made it absolutely clear that the work for the construction of a permanent building of Parliament would be speeded up, and it would be given the highest priority because in a republic the three organs of the State, as envisaged by the Constitution of Pakistan as well as the constitutions of other civilised countries, are equally important and responsible. You have yourself mentioned the present state of arrangements and both the National Assembly and the Senate since after the 14th day of August, 1973, have been making use of these make-shift arrangements and working in very difficult conditions, not only the Members of the Senate and the National Assembly but also the Secretariats of the Senate

[Mr. Abdul Hafeez Pirzada]

and the National Assembly, with the result that there has been considerable amount of overlapping resulting in stresses and strains on individuals, who are assigned various tasks and responsibilities in discharging the functions and help discharging the functions of one of the organs of the State i.e. the Legislature. Sir, as you have rightly said and some Members have pointed out, this is the first Senate of Pakistan and this is the first time that we have a bi-cameral legislature, the concept of a bi-cameral legislature in a federal structure is absolutely necessary. It is a valid subject, because unlike a unitary form of government, in a Federation the Upper House or the Senate or the Upper Chamber, as it is called respectively from country to country, the Senate has to meet the task of preserving and protecting the interests of the Federating Provinces or Federating Units. It is really a watch-dog for the Provinces, to see that their interests are safeguarded and also to see that the Federal Legislature does not over-step its area of authority or jurisdiction to encroach upon the rights and functions of the Provincial spheres of legislation and executive authority.

The honourable Leader of the Opposition in the Senate has referred to the inadequacy of the powers of the Senate. With respect, I would like to differ in joining issues with him. He has expressed the hope that in future the powers of the Senate, jurisdiction and authority of the Senate, would be extended, and he has referred to some prevailing practices in other countries. Let me at the very outset submit with humility that no two countries in the world have identical objective conditions. In all fields and spheres of life and activity, whether they be political, social or economic, conditions change from country to country and conditions are normally dictated by the local genius and local sensitivity of the people and their long history and tradition. To say that what is good for a country is also good for Pakistan would be fallacy of the highest order. We would be misleading ourselves if we followed the examples of other countries. If you make a study of the constitution of Pakistan, you would see that we have not followed the pattern of any particular country. We may have been talking about parliamentary democracy as practised in Westminster. You might find provisions lifted bodily from constitutions of some European countries and incorporated into the Constitution of Pakistan, but in totality, you cannot say that our Constitution follows the constitutional pattern of any particular country. That is not possible. What might be a perfect constitutional solution for one developing or under-developed country would not be a suitable solution for another developing or under-developed country. Even if they have a common background, the local genius of the people differs from area to area and from country to country. Particularly those who say that this difference is evident even within a country, and those who talk of different cultural and ethnic background, they should accept this more readily. What we have provided in our Constitution was, in our humble opinion, best suited to the present conditions judged and assessed and analysed objectively. That does not mean that a constitutional instrument or a constitutional document is permanent or rigid. If a constitutional instrument or a constitutional document were made too rigid, then it would defeat its own purpose. Therefore, in good Constitutions, Constitutions which have stood the test of time, you will find provisions which make that Constitution flexible—flexible so that it can adopt itself to the changing conditions within the country. That is precisely what our Constitution provides for, which makes it quite possible to bring about amendments if and when conditions in the best national interests so require. Whether the provisions relating to the constitution and composition of the Upper House, i.e. the Senate, are adequate or not, only time will tell, only history can tell, but so far you have noticed, Mr. Chairman, and the Members would join me in expressing this view, that the provisions of the Constitution with regard to

the functioning, establishment, composition and powers and jurisdiction of the Senate have posed no problem whatsoever. Senate has been able to, and shall continue to exercise its influence on the Lower House and only yesterday we witnessed the influence of the Senate on the National Assembly of Pakistan because a Bill passed by the Senate was brought to the National Assembly, and I am very happy to bring it to your notice and to the notice of the honourable Members, that apart from not moving the amendments to the Bill as passed by the Senate, the National Assembly went on, proceeded to pass that Bill almost without a debate, only on the consideration that the Senate had passed this Bill. So these were the views, observations, which in my humble opinion, were called for in reply to what the Leader of the Opposition said, and we are all extremely happy that the Senate has come into this House and as I said, only last night, the Prime Minister of Pakistan said that the construction of the new building of Parliament will receive the top-most priority. Thank you very much, Mr. Chairman.

**Mr. Chairman :** Yes, Leader of the House.

راؤ عبدالستار (قائد ایوان) : آج میرے لیے خوشی کا مقام ہے کہ سینٹ کی عمارت جو زیر تعمیر تھی بن گئی ہے۔ ہمارا پہلا اجلاس اس میں ہو رہا ہے۔ سینٹ کے اختیارات جو تھے موجودہ آئین میں اس لیے رکھے گئے تھے کہ ہمارا وفاق جو ہے اس کے آئین میں یہ چیز موجود ہے تاکہ ہمارے چھوٹے صوبے جو ہیں۔ ان کو یکساں نمائندگی دی جائے یہ ہماری خوش قسمتی ہے کہ ہم پاکستان کی پہلی سینٹ کے ممبر ہیں۔ ہم پر یہ ذمہ داری عائد ہوتی ہے کہ ہم اچھی روایات اچھی traditions اس سینٹ میں قائم کریں تاکہ وہ آئندہ آنے والوں کے لیے باعث آرام ہوں۔ جناب چیئرمین! میرے دوست حزب اختلاف کے قائد نے کچھ خدشات ظاہر کیے ہیں۔ جناب والا! میں انہیں یہ گوش گزار کرنا چاہتا ہوں کہ یہ آئین خوش آئند ہے۔ یہ عوامی حکومت کا کارنامہ ہے۔ موجودہ وزیر اعظم صاحب نے اس ملک کو یہ وفاق آئین دیا ہے۔ اس ملک کو جمہوریت دی، اس ملک کو یہ حق دیا کہ ہم اپنے مسائل کا حل اپنی اسمبلیوں میں جا کر تلاش کریں۔ انہیں ان خدشات کا اظہار نہیں کرنا چاہیے۔ عوامی حکومت کی جدوجہد کی کامیابی کے لیے پرائم منسٹر صاحب جو جدوجہد کر رہے ہیں، انہیں ان کا ہاتھ بٹانا چاہیے اور ان کو اچھی traditions قائم کرنی چاہیں۔ ان جذبات اور خواہشات کے ساتھ آپ نے جو ریمارکس پاس کئے ہیں ان میں اپنے آپ کو associate کرتا ہوں۔

**Mr. Zulfiqar Ali Bhutto (Prime Minister) :** Mr. Chairman, honourable Senators, I have only a few points to make. In the first place, I would like to offer my felicitation to the Senate, to the Members of this House for coming into this temporary abode. And, secondly, I would like to make a few observations on the principle involved in the formation of a second House in our constitutional arrangement. On the first point I have already said, Sir, that I am happy that the Senate has moved into its own House and this is the way it should be, but at the same time it is a temporary House. Unfortunately, from the

[Mr. Zulfikar Ali Bhutto (Prime Minister)]

beginning, from 1947, from the time our State was created, we have been moving from one temporary arrangement to another temporary arrangement and when a people live on the basis of temporary arrangement it becomes difficult to create permanent course of influence and of stability. It is understandable that in the first few years of the partition in that very great upheaval, which uprooted millions of people and which brought about misery and anguish of an unparalleled nature that make-shift arrangements were necessary. The capital of the country moved then to the modest and small city of Karachi, which is no longer modest or small any more but which at that time was a small provincial capital. The Central Government was housed in barracks, discarded by the British forces, who left the sub-continent. Foreign Offices were established under sheds and the important Ministry of Defence and of Industries, the whole Central Government was put in temporary quarters. As I said in the beginning, that was understandable, but now twenty-seven years have passed, and if you look at the period we have gone through, it has still remained temporary in many ways. We had temporary capital, then we had a permanent capital and I hope that this remains for ever the permanent capital of Pakistan. We had temporary Constitutions and now we have a permanent Constitution, and I hope that this Constitution will remain for a very very long time. We hope that it endures for ever and that it means the test of time for generations to come. It is flexible enough to call for necessary adaptations and amendments with the growth and passage of time. So the necessary ingredients have at long last been put on firm foundation for the Government to think in permanent terms, to think in settled terms and not to be in favour all the time with temporary arrangements causing one dislocation and upheaval after another. It is in the same spirit that my Government thought it necessary that the Supreme Court of Pakistan should be located in the capital of the country. If the capital of the country was in some other place, it would follow that the Supreme Court must also be in that place because as much as the Central Government has to be in the capital, as much as the Executive functions from the capital of the State, as much as the Legislature operates and functions from the capital of the State, so also the judiciary, the highest seat of judiciary, the highest tribunal of the judiciary should also be placed and function from the capital. This is how our harmonious development and growth will take place between the different branches of the Government constituting the basic structure of the State. This is what happens in all countries. This is the normal and natural scheme of things in every State but in our country, due to certain historical reasons and due to certain other factors, which were not altogether historical, we did not move in this organised and systematic fashion. If the mind is not organised, if the objectives are not clear, it is not possible for society to consolidate itself either; if we are now engaged in this great and colossal task of bringing synthesis in our pluralistic society, we have to at least fulfil the essential requirements, the ordinary and necessary requirements which make a State function efficiently and efficaciously.

We also have the Ministry of Defence. It is by power the most important Ministry in terms of the security and integrity of the country, in its objective to defend the motherland, in its task to combat aggression and international subversion. Even this Ministry of Defence, which needs perhaps more integrated thought and integrated action than any other Ministry of the Central Government, was bifurcated or trifurcated and was functioning from two or three places. This action calls for ordinary development of the Defence potential of the country. With the Naval Headquarters in Karachi, the Headquarters of the Air Force located in Peshawar and the G.H.Q. in Rawalpindi, how is it possible for a small State with much less resources than its neighbouring

countries and its adversaries endowed with much greater resources, much more advance technological skills and much more advance infra-structure requirements and needs to be able to combat with a situation in which the rudimentary requirements of defence planning, defence strategy, are not so placed as to bring it to optimum use. The arrangements of the Ministry of Defence should be such that the three Chiefs of Staff or the three Services Chiefs should be in one Headquarters placed in such a way that they can consult each other every minute, every moment, at any time when necessity arises. It is not possible with this kind of arrangement with the Naval Headquarters in Karachi, Air Headquarters in Peshawar and the Army Headquarters in Rawalpindi. It is regrettable, it is a great pity that in the last war of 1971, the Naval Chief of Staff, who is the present Chief of Staff, was not aware that the war had taken place and he had to hear this on the radio when he was listening to the news of a foreign country. With this kind of arrangement, you cannot expect to meet the basic requirements. We are very great people in talking, we are very eloquent in making speeches, heroic speeches but when it comes to the elementary requirements, we either lack behind or we do not act in time.

I am looking at this arrangement of the Senate in the same way with this broader outlook that the Senate be housed in a place which was a cafeteria yesterday of the National Assembly and this is not even National Assembly of Pakistan, this is the State Bank of Pakistan. Again, as I have told you, temporary arrangement may be to go from somewhere to somewhere else which will create chaos, uncertainty, instability, etc. We do not then go to the root. How can a nation develop and organise itself when we do not water the roots? If we do not allow the roots to spread, the tree will not blossom and not bloom, adversary will come and cut its branches, bad weather will make the leaves fall and weaken the tree because we are not nursing the basic roots in grandiose term. I suppose there are very few to match us but when it comes to a test of building, of developing, of creating a united society, of bringing about progressive thought, of creating enlightenment of removing bitterness, of creating concord and harmony, in that unfortunately and tragically history has shown that you have on many occasions failed to meet the test to overcome the challenge. So, I hope that this temporary arrangement, both for the National Assembly of Pakistan and for the Senate, will not remain in this make shift nature for a very long time.

After all it is a Legislature of Pakistan, it is Parliament of Pakistan, both Houses of Pakistan put together create laws of the country. If this rule of law is to be respected, if democracy is really to go ahead; whether I have made any contribution to democracy or not; whether I have been an enemy of democracy, that is not a matter for debate, that is a matter for the future to tell and I am not here now to talk about my contribution to democracy or my disservice to democracy but on the fundamental matters, and the fundamental matters are that laws are made by these two Houses and we know that nothing is more supreme than law. If there is no sanctity of laws, society cannot call itself a civilized society. Now after 27 years of Independence, we are building many places; we are building the Presidential Houses; we are building Islamabad; the Foreign Office, but we have really to respect the rule of law. If we really knew the meaning of supremacy of the rule of law, the first thing we should have done was that we should have built the National Assembly for the country and if the Constitution required it, a Senate where the two could work closely and together either in one building or two connected buildings, where they could develop their fraternity and a sense of understanding. I hope that this will be achieved. I have already directed that, within the resources of the country, we must give it the highest priority.

**[Mr. Zulfiqar Ali Bhutto (Prime Minister)]**

The second point, Mr. Chairman, that I want to refer and touch is the question of Senate itself, the creation of the Senate. Here again, I think that unfortunately in the past we have not given proper thought to the need of Senate. Many extraneous and side considerations have been given to the need for an Upper House or a second House. The honourable Leader of the House just now mentioned that we have a Senate and this fulfils the needs and requirements of the smaller provinces. That is one way of looking at it. But personally, I would not look at it in that way. I have always felt the need for an Upper House and a genuine Upper House. I say a genuine Upper House because in the past in 1953-54 in the Basic Principles Committee's Report there was a reference to Upper House but that was not a genuine composition of an Upper House to meet the requirement of fundamental principles. That is again how we could bring about internal mechanism and manipulation to create a balance between eastern and the western wing. The trouble was again that we looked at the problem not from its own virtue but from the point of view of a political cover; and that is why the composition as proposed in the Basic Principles Committee's Report was not for a genuine Upper House. I would submit that the Senate should be looked upon in terms of its own inherent needs and virtue.

Now what is the inherent need and virtue of Senate? I will not go into federal constitutions of other countries because every country has its own peculiar requirements and needs for federal structure. Australia has its own, Canada has its own and United States has its own history. Looking at the composition of our country and looking at our past experience, it becomes necessary that if we were to have a federal constitution in Pakistan, there must be an Upper House. If we were not to have a federal constitution then obviously there is no need to have an Upper House. There is no need to have Provincial Governments. It then can become a unitary Constitution with a unitary arrangement. But when we have opted for the federal principle and when we have opted for the federal structure, it becomes absolutely imperative to create an Upper House in order to fulfil the requirements of universally accepted principles of constitutional law and of constitutional requirements — not basically a question of balancing smaller provinces with the larger provinces. These balances simply do not work finally. If they are based on the expediency of outlook these pulleys will fall down if this is to be the outlook. If you are to have federal constitution taking into account the composition of Pakistan, taking into account the geographical shape of Pakistan, taking into account the historical forces in Pakistan, it is absolutely necessary to have an Upper House to give it its necessary respect, its necessary due, its necessary place; and in this connection the Upper House is not competing with the Lower House. There is no rivalry between the two. If this mentality develops, it will do injury and harm to the federal structure.

The federal structure, Mr. Chairman, as you know, I have not come here to lecture either to you or to the honourable Members of this House, the federal structure is a very complicated structure; it is a structure which requires a great deal of patience, adjustment, thought and discipline to be able to maintain that harmonious and equitable equilibrium. It is not a straight arrangement like unitary state or unitary system. It is easiest to run a unitary system which does not call for complication, adjustment, division of subjects, where we are encroaching on the provinces or where the provinces are encroaching on the subject of Centre. This is an arrangement of a higher evaluation. The federal principle and federal arrangement is an evaluation of higher political maturity. If political maturity is not forthcoming, if the necessary disciplines are not forthcoming, even if you have an Upper House, even if you have federal constitution that federal constitution will not

work. It is the individual, it is the mind of an individual which makes this arrangement work. It is not that the arrangement is sacrosanct—the basic document will make the mind of the people to work. Yes, there is interconnection. There is interconnection and institution that influence the mind of men and women ; influence also the growth and development of this institution. There is a complimentary relationship between the human factor and the institution.

We have now a Constitution. We hope that this Constitution will have a salutary effect on the minds of men inasmuch as we hope that the minds will see that these institutions function properly and efficiently. So I would say there is no conflict and rivalry between the Upper House and the Lower House ; both complement each other ; both must be working in a co-ordinated fashion to be able to produce the necessary laws which are good for our society, both derive their own strength from their own direct composition on the basis of the verdict of the population. The Upper House derives its own strength from the same fact. This is a reflection of the will of the people. It is the custodian of the equality of the rights of the Provinces and this is how equitable assessment balances. Without this it will not be possible for us to proceed further and to make these arrangements work successfully. I have taken too much of your time. I wanted the shortest speech. Why I have spoken at length is not only that the day is auspicious for us to celebrate and to be happy over this new development which strengthens our institutions, but also because I do not get that kind of opportunity to meet my brothers, Senators and parliamentarians due to my other engagements, but whenever I get the opportunity as this, I will have in the future more normal debates and I will take part in the discussions.

In this connection, finally, I would like to say that I have been a believer in provincial autonomy for historical reasons, for reasons of our country's conditions, for the pluralistic nature of our society, and I have felt and it has been my conviction that with a right modicum of provincial autonomy slowly an evolution will take place, where we will all emerge and mesh together into one final entity, one final nation, where we can say that we are Pakistanis, we believe in Pakistan ; that we are the final embodiment of this evolution. And now today we stand as genuine Pakistan's citizens. It is a long lugubrious process having settled and that I believe firmly in provincial autonomy, and in genuine provincial autonomy, where the Provinces are able to flourish in their spheres of interest. I have, at the same, time, to express some more fears for some of the tendencies that I see are developing, that after all, if the national unity is to be strengthened, they must think twice before national unity. Now, there is a place for provincial ego, there is a place for provincial chauvinism. I would not say that our people are not chauvinists but there is a point where to draw the line. As Prime Minister, I go to all the four Provinces and I see the manifestation of this growing tendency amongst them. All of us must be sensible, must put our heads together, because today I might be sitting as a member that I am making a point, I am making a correct mark, but finally if this democracy is to work, then we will have to sit here for that, but if we, being in the Opposition, may mark or score a point, which is not for the bigger national interest, then it will be something putting a nail in the coffin. I know it is very well to say because I am speaking as a Prime Minister and from the Treasury Benches. I know the minority in the Opposition gets sensitive, they get angry and get into it easily ; and then in their anger, in their passion might say something to make a point, but we must all think it well, and finally while making a point we should not do a thing which might go against Pakistan. We can blame many individuals for having disintegrated Pakistan, for having destroyed Pakistan, but the point is that individuals cannot destroy nations. No matter how hard they might try to disintegrate, it is not possible for individuals to destroy a nation. I would like to say that no matter how powerful, how well endowed with talents

[Mr. Zulfikar Ali Bhutto (Prime Minister)]

of the world, they are unable to destroy a State. But a State like United States or State like France, Soviet Union, individually or grouped together, cannot destroy a nation at all. We have ourselves brought this present pass. Well it is a deeper study of history that will show that it has been in a way a total failure, a sense of not having done the essential fundamental things to build the nation into one entity. As I have said already that we have attacked, we have opposed, but I think we have not made even a modest contribution collectively to that grand concept, to that magnificent edifice of a State.

This is the position, and I have gone into this matter, because I have seen tendencies, certain propensities developing at the moment which I would say would be harmful to the whole country. It is about time that we learn a lesson from the traumatic tragedy that took place in 1970. Even if we do not sit back, then think of the consequences of further weakening of the national edifice. I am afraid it will be a day of destruction for all of us without exception. I can see the picture quite clearly that if these tendencies develop, if we do not curb these tendencies, it will not leave a single pocket of this country from catastrophe and disaster that will be fallen on us. It is our sacred duty, it is the sacred duty of everyone of us to prevent that catastrophe, to make this country successful, function properly, to make it a progressive State. We have the ingredients and approach of the whole situation: we have the men, we have the ability, we have the hardworking people, we have the resources, limited as they are, to husband them for this very great and progressive development. We can do it. The choice is before us. There are two roads open to us: there is one of folly, of fanaticism, of chauvinism. If we continue to adopt that role, even God in His heaven will not save us. If after all we continue to play such a role, who will suffer? We ourselves. We have to blame ourselves and not everyone else. We have to change our whole outlook and composition, wherefrom we get any power. But there is, however, the other road and that is the clearest road. This is also open to us, and men of vision will certainly put their hands together, put their shoulders together, and it is the choice for a free people to have a way. We have to take that choice.

We believe that in the two and a half years we have made a humble contribution to lead the nation on that road of national unity on national basis with a progressive outlook. We have done certain things and I want to give much greater momentum, and I also want this controversy to come to an end for all time in future. If Pakistan does not last, what would happen in that Province, in the situation that we have been confronting with since 1947. Now we have a Constitution and a democracy which is functioning already. It has certain weaknesses and we will put them right in due course. Our institutions are now functioning. Our economy has been revived and will continue to accelerate. Our people are filled with enthusiasm. Let us not again fail them. The people have been failed in the past. Let us not fail in the future. Let us act with some element of grace and magnanimity. Let us not create provincial warlords; let us have a national structure, a national constitution. If all Provinces function smoothly if they make progress it will make us happier. We are more satisfied, if they compete and co-operate with one another for the greater good and for the greater benefit of Pakistan.

So, in this connection when we have debates like whether the heavy industries, whether the basic industries should go to the Provinces and that they must go to the Provinces, these things Mr. Chairman, do not happen everywhere. Basic industries, fundamental industries, industries that make industries even in the most opulent states remain a central responsibility as much as there is Central Armed Forces, as much as there is Central Secretariat, as much as there is a Central Foreign Office. These are all the ingredients that make the state into a nation

state. We do not say that the Provinces should not have industries. Provinces have industries. Industries are provincial subject as well but if every refinery, if every steel mill is to be brought up in each province to bring about the same balance, the same obsession which we used to hear about for the last 25 years, parity—what have you got in East Pakistan, what have you got in West Pakistan, have you got a petrol pump in this village there is no petrol pump in that village, have you got two bags of cement in that thana, there are 3 bags of cement in that thana—and that led us to where? We know to the final event. If we are again to repeat the same performance and look at problems in the same way, then that poison is bound to spread again in our body politic.

After 26 years we have a steel mill in the country. Why could we not have had a steel mill earlier? Because we did not have the resources to have a steel mill. It is not an ordinary matter to generate resources to have a steel mill. Even today with the Soviet assistance that we are getting, we are still making desperate efforts to collect the remainder of the finances in order to put up one steel mill of one million tons. Other countries have gone to a production of 300 million tons, 400 million tons. We are still talking in terms of 1 million tons steel mill for which we do not have yet the resources and we have debates like this—this must be pulled in this direction, that must be pulled in that direction, something else must be pulled in another direction. In the NWFP, to make you realise the importance of this problem, one Saw Mill they have been debating about for two years: whether it should be in one district or whether it should be in another district. Two years have passed. Had in these two years that Saw Mill, and if I may be permitted to say, that damned Saw Mill at least functioned, it would have given employment to the people, it would have brought prosperity to that Province and to the country. University—another, a second University—the question has been whether it should be in Dera Ismail Khan or in Bannu. For two years the controversy has been going on whether it should be in Dera Ismail Khan, Dera Ismail Khan pulling in one way, Bannu pulling in another way. How can this nation in that case progress like that? We have to take decisions. The whole nation will benefit if we have five or six steel mills.

I will give another example—take Multan Refinery and Multan Fertilizer Factory. All the foreign experts without exception advised my Government that we should not have a refinery in Multan because a refinery should be in a port so that the produce comes and it is refined immediately at the port. I said 'No'. Never mind, if we have to build a pipeline, it must be in Multan because Multan is a central location. There is already a refinery in Karachi. Every now and then in the Punjab people feel the scarcity of products of petroleum and oil and lubricants and why should they feel the scarcity? If we have to pay something more, if we have to create a pipeline, I do not mind if it is uneconomical but it will contribute to national unity, It would solve a major headache of the major province, and that is why we insisted that the refinery should be in Multan. Certain sections said this is surrender to the dictates of the majority Province. Nothing of the kind. I tell you, God above me, with a clear conscience we try to decide every issue on merits and that these issues are determined in the overall national interest because we have to build this nation. If we have failed in the past we want to have this much satisfaction that with all the abuses being levelled against us of dictatorship' of tyrant, Zalim and all that, we made a turn from the negative path to a positive path, and we led this brave and this great nation, this gallant nation, to the right destiny and that destiny will not be denied to the people no matter what we on the smaller level, on the political level, on the quarrelling level might say or do today or tomorrow, because the answers are not to be found by what we say today, what I say today or what my friend Khawaja Safdar says tomorrow, the

[Mr. Zulfiqar Ali Bhutto (Prime Minister)]

answer is to be found totally by the people of Pakistan, and I believe, and I am confident that they are aware of the crisis, they are aware of the problems, they are aware of the intrigues, and Inshaallah-Taala they will overcome them. I thank you.

### STARRED QUESTIONS AND ANSWERS

Mr. Chairman : Now, we get down to the formal business on the agenda. Item No. 2 — Questions entered in the list. Yes, Khawaja Mohammad Safdar. Question No. 8.

### APPLICATIONS FOR LOANS TO PICIC

8. \*Khawaja Mohammad Safdar : Will the Minister for Finance be pleased to state :
- (a) The number of applications for loans received by the Pakistan Industrial Credit and Investment Corporation from 1st January, 1972 to 31st of December, 1973 for setting up industrial units in the Punjab, Sind, NWFP, Baluchistan and the Capital area (Islamabad) separately ;
  - (b) The number of applications mentioned in (a) above approved by the Pakistan Industrial Credit and Investment Corporation ;
  - (c) The number of applications mentioned in (a) above rejected by the Pakistan Industrial Credit and Investment Corporation ; and
  - (d) The number of applications mentioned in (a) above pending with the Pakistan Industrial Credit and Investment Corporation ?

Dr. Mubashir Hassan (Read by Mr. Abdul Hafeez Pirzada) :

- (a) PICIC received a total of 152 applications during 1st January, 1972 to 31st December, 1973. These consisted of eighty applications for Punjab, thirty-eight for Sind, Twenty-six for NWFP, four for Baluchistan and four for Islamabad.
- (b) The number of applications approved by PICIC was twenty five.
- (c) The number of applications rejected was one hundred three.
- (d) The number of applications pending is twenty-four.

Mr. Chairman : Khawaja Mohammad Safdar, Question No. 9.

Khawaja Mohammad Safdar : Sir, I do not want to ask this question as this matter has already been decided by the Election Commission.

Mr. Chairman : Then we move to the next question—No. 10.

### PARTICULARS OF MANAGING DIRECTORS, BANKS

10. \*Khawaja Mohammad Safdar : Will the Minister for Finance be pleased

to state the names of the Managing Directors of the Banks after their nationalisation and their respective provinces of Domicile ?

Dr. Mubashir Hassan (Read by Mr. Abdul Hafeez Pirzada) : The requisite information is as follows :—

Name of Managing Director (Now redesignated as President)	Name of Bank	Province of domicile.
1. Mr. A. Jamail Nishtar.	1. National Bank of Pakistan.	NWFP
	2. Bank of Bahawalpur Ltd.	
	3. Premier Bank Ltd.	
	4. Lahore Commercial Bank Ltd.	
	5. Pak Bank Ltd.	
	6. Punjab Provincial Co-operative Bank Ltd.	
2. Mr. Shaikh Mustafa Ismail.	1. Habib Bank Ltd.	Sind
	2. Habib Bank (Overseas) Ltd.	
	3. Standard Bank Ltd.	
3. Mr. M.A.K. Yousufi.	United Bank Ltd.	Sind
4. Mr. S. Iradat Hussain.	Muslim Commercial Bank Ltd.	Sind
5. Mr. E.A. Garda.	Commerce Bank Ltd.	Sind
6. Mr. Iqbal Ahmad	Australasia Bank Ltd.	Sind
7. Mr. S.U. Deshmukh.	Sarhad Bank Ltd.	Sind.

## LEAVE OF ABSENCE

Mr. Chairman : There is a leave application by Senator Maulvi Zahoorul Haq. He has sent a telegram which reads : "I am unable to attend session. Kindly grant leave till 2nd instant." This is upto the House to grant or not to grant. He has mentioned no reason. "Can't attend session. "Kindly grant leave till 2nd instant". What is the reaction of the House ? Are you prepared to grant this leave ?

**Mr. Zulfiqar Ali Bhutto :** Leave can be granted on this occasion but you would have noticed and I am sure the Speaker of the National Assembly would have also observed that Members are not attending the Assemblies and on many occasions quorum is lacking. This is not a good development. The institutions are there for Members of the Assemblies to partake in the debates and to fulfil their duties. I would say that in this case you may kindly grant leave but at the same time it should be made clear to both the Members of the Senate as well as the Members of the National Assembly that leave should be granted and can be applied for rather in genuine cases, in really extraordinary cases and not as a matter of course when somebody does not feel inclined to attend the House.

**Mr. Chairman :** I quite agree with the Prime Minister that the leave should not be granted for mere asking. If there are genuine cases in which leave is really needed and there are good grounds, for example illness.....

**Mr. M. Zahurul Huq :** I think, leave should be granted in this case.

**Mr. Chairman :** ...but if there are other circumstances which force the Senator to remain absent, then, of course, it is a genuine case and the leave should be granted. That is my personal view. Anyhow, the decision is in the hands of the House. It is for them to grant or to refuse the grant of leave. For this very reason that I pointed out while reading the contents of the telegram to the House that he has given no reason. He has only said : "I am able to attend session. Kindly grant leave". He has given no reason. So, I am constrained to differ with the Prime Minister. Had I been in his place sitting in the House as a Member, I would have taken steps, simply because he has given no reason. It is upto you to grant leave. I put it to the House. Is the House prepared to grant leave ?

*(The leave was granted)*

**Mr. Chairman :** All right, leave is granted.

MESSAGE FROM N. A. SECRETARIAT RE : ADOPTION  
OF THE CENTRES OF EXCELLENCE BILL, 1974

**Mr. Chairman :** Then, honourable Members, there is a message from the Secretary of the National Assembly addressed to the Secretary, Senate Secretariat :

"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 Centres of Excellence Bill, 1974, on the 1st April 1974. A copy of the Bill is transmitted. Kindly acknowledge receipt".

MESSAGE FROM N.A. SECRETARIAT RE : ADOPTION OF  
THE WEST PAKISTAN INDUSTRIAL DEVELOPMENT  
CORPORATION (TRANSFER OF PROJECTS AND  
COMPANIES) BILL, 1974

**Mr. Chairman :** There is also a second message. This is also from the

Secretary of the National Assembly to the Secretary of the Senate Secretariat :—

“Sir, in pursuance of Rule 109 of the Rules of Procedure and Conduct of Business of the National Assembly 1973, I have the honour to inform the Senate Secretariat that National Assembly passed the West Pakistan Industrial Development Corporation (Transfer of Projects and Companies) Bill, 1974, on the 1st April, 1974. A copy of the Bill is transmitted here. Kindly acknowledge receipt”.

### THE CRIMINAL PROCEDURE (AMENDMENT) BILL, 1974

**Mr. Chairman :** Now, we take up Item No. 3—Legislative Business. The motion was made yesterday and now we have to consider the motion moved by Mr. Pirzada that the Bill further to amend certain laws relating to Criminal Procedure, namely that the Criminal Procedure Amendment Bill be passed. This motion was made yesterday.

**Mr. Abdul Hafeez Pirzada :** Yes. From the Orders of the Day, it appears, that this motion was made and I recall that I made this motion. Because it was getting about 3 p.m. and that is why we considered to adjourn for the day. Amendments had been disposed of. This has been the second reading.

**Mr. Chairman :** Would you like to make a speech ?

**Mr. Abdul Hafeez Pirzada :** I think, we had a very exhaustive debate on this Bill. Two or three distinct features of the Bill have been thoroughly gone into. One was relating to special procedure for trial of defamation cases against public representatives, office-bearers and government servants. Those have been explained and I have also said that this provision also exists in the neighbouring country over a long time. Notice for prosecution for grant of bail is served before actual grant of bail in cases involving offences, the punishment for which is prescribed as 10 years' rigorous imprisonment or more or death. These were the two aspects and the third was permission because of a provision earlier brought out, *i.e.*, that bail was to be granted as a matter of course in case the trial did not complete within the specified time. This has been withdrawn from the present law, because it is above all powers as well as it cannot look all cases which are nearly half a million. One cannot dispose of so many cases within one year. These are the reasons and I have nothing further to add.

**Mr. Chairman :** Yes, Khawaja Mohammad Safdar.

خواجہ محمد صفدر : جناب چیئرمین ! جیسا کہ محترم وزیر قانون نے ارشاد فرمایا ہے اس بل کی دوسری خواندگی کے دوران بہاری جانب سے موٹے موٹے جتنے اعتراضات تھے وہ اٹھائے گئے۔ اس موقع پر باوجود اس بات کے کہ کل بعض اوقات محترم وزیر قانون ہمارے اعتراضات کا جواب دیتے رہے لیکن پھر بھی اس موقع پر میں ایوان کا وقت اس لیے لے رہا ہوں کہ میرے نکتہ نظر سے یہ بل فنی اعتبار سے اس قابل نہیں کہ اسے Statute Book میں شامل کیا جائے۔ یہ بل

[Khawaja Mohammad Safdar]

آئین سے متحارب ہے ، اس کے خلاف ہے یعنی آرٹیکل ۲۵ کے خلاف ہے ۔ اس بل کے ذریعے سے عوام کے مختلف طبقوں میں تفریق پیدا کی جا رہی ہے ۔ میں نے یہ بھی عرض کیا تھا کہ اس بل کے ذریعے قانون کے بنیادی اصولوں کو مٹایا جا رہا ہے کہ جب تک کسی شخص کے خلاف جرم ثابت نہیں ہوتا وہ قابل تعزیر نہیں ۔ جناب والا ! میں ان مسائل کے متعلق سرسری سی بات کر رہا ہوں کیونکہ یہ تیسری خواندگی ہے اور مجھے معلوم ہے کہ دوسری خواندگی کے مقابلے میں تیسری خواندگی میں بحث کا دائرہ محدود ہوتا ہے ۔ جناب والا ! جہاں تک فنی خامیوں کا تعلق ہے میں پھر اس ایوان کو یاد دلانا چاہتا ہوں کہ اگر محترم وزیر قانون کا یہ دعویٰ تسلیم کر لیا جائے کہ Law Reforms Ordinance, 1972 پر چونکہ عملدرآمد ابھی شروع نہیں ہوا اور جہاں تک کہ ضابطہ فوجداری کا تعلق ہے ، وہ غیر مؤثر قانون ہے اور اس کی موجودگی اور عدم موجودگی ایک برابر ہے گو میں اسی دعویٰ کو تسلیم نہیں کرتا لیکن اگر اس دعویٰ کو بوائے بحث تسلیم کر لیا جائے تو پھر جناب والا ! کیا میں وزیر قانون سے پوچھ سکتا ہوں کہ اگر یہ قانون جس کا نام لاء ریفارمز آرڈیننس ہے اس کی کم و بیش ۱۸ شکوں کو کیوں اس مسودہ قانون کے ذریعے حذف کیا جا رہا ہے ؟

**Mr. Abdul Hafeez Pirzada :** I rise on a point of order. These matters have been gone into in great detail in the first reading. I draw your attention to Rule 98. We have got a lot of business before us. The Rule 98 says :—

“The discussion on a motion that the Bill be passed shall be confined to the submission of arguments either in support of the Bill or for the rejection of the Bill. In making his speech a member shall not refer to the details of the Bill further than is necessary for the purpose of his arguments which shall be of a general character”.

These matters are specific matters, which have been debated and each amendment has been moved. Whether Law Reforms Ordinance has come into force or not, whether it is a good law or a bad law, it will continue to be there and these will be enforced through a notification. Others have come into force, which are being adopted in the present law. And those which are struck off from the Law Reforms Ordinance have to be consolidated.

خواجہ محمد صفدر : جناب چیئرمین ! مجھے اس پوائنٹ آف آرڈر کے متعلق کچھ عرض کرنے کی اجازت ہے ؟

**Mr. Abdul Hafeez Pirzada :** I have raised the point of order that this is another debate during the third reading which cannot be allowed and needs your ruling.

خواجہ محمد صفدر : میں یہ عرض کرنا چاہتا ہوں کہ میری اس بات اور گزارش کا تعلق اس پوائنٹ آف آرڈر سے ہے۔ میں آپ کے سامنے رولنگ پیش کرنا چاہتا ہوں کہ تیسری خواندگی کے دوران کیا کہا جا سکتا ہے اور کیا نہیں اگر اجازت ہو تو عرض کروں۔

**Mr. Abdul Hafeez Pirzada :** I withdraw my point of order. I know what is the intention of raising these points again. The intention is not to allow legislation. We have seen this in the beginning. I withdraw my point of order.

**Mr. Chairman :** His stand is based on Rule 98.

**Mr. Niamatullah Khan :** Sir, the Law Minister has rightly clarified that these points more than hundred times have been debated by all the people and to repeat them again and again is not worthwhile.

**Mr. Chairman :** Thank you. Khawaja Sahib, you see, the objection raised was that at the stage of third reading.....

(Interruption)

**Mr. Chairman :** Khawaja Sahib, are you maintaining the decorum of the House? You are speaking while sitting in your seat and are interrupting me.

**Khawaja Mohammad Safdar :** I am very sorry, Sir.

**Mr. Chairman :** So, his objection was that during the third reading of the Bill you can either argue that the Bill should be accepted or it should be rejected—in support of it or against it and it should be of general character. So, you confine your remarks, your speech only to the general principles and within the scope of the Bill, underlying the Bill. And if you go into the details and particularly if you repeat the the arguments which you had advanced yesterday, that would not strengthen your case. So, I would just request you on behalf of the House and on my own behalf as well, that you need not repeat your arguments which you had advanced yesterday. That will be just a waste of our precious time. And secondly you should please confine your remarks to the general principles of the Bill. It won't be necessary for you to go into the details because we have heard of them sufficient yesterday.

خواجہ محمد صفدر : جناب والا ! میں جناب کی خدمت میں وہ کتاب پیش کر دوں یا پڑھ دوں ایک یا دو سطر ؟

**Mr. Chairman :** Well, I allow you, but even if it is true, you need not go into the whole chapter.

**Khawaja Mohammad Safdar :** No, no. Sir.

**Mr. Abdul Hafeez Pirzada :** I have already said that I withdraw my point of order. What is he quoting? You can allow him to continue. I withdraw my point of order.

**Khawaja Mohammad Safdar :** With your permission may I continue, Sir.

**Mr. Chairman :** You may continue, but not in the manner as you are doing.

خواجہ محمد صفدر : میں آپ کے حکم کی تعمیل کروں گا میں یہ عرض کرنا چاہتا تھا کہ

“The third reading is the repetition of the second reading”.

These are the words used by Jorrings in his Parliament.

حضور والا ! میں عرض کر رہا تھا کہ اگر Law Reforms Ordinance, 1972 کا وجود اور عدم وجود برابر ہے اور یہ ایک dead letter ہے تو پھر اس کی کسی دفعہ میں اس کی کسی شق میں ترمیم کی ضرورت نہیں تھی لیکن جس طور پر بل اس وقت ہمارے سامنے ہے دوسری خواندگی کے بعد تو میں دیکھتا ہوں کہ ۱۸ مقامات پر ہم نے Law Reforms Ordinance, 1972 میں ترمیم کی ہے -

**Mr. Chairman :** You are again repeating.

خواجہ محمد صفدر : میں نے یہ موضوع چھوڑ دیا ہے -

**Mr. Chairman :** Why don't you take trouble of confining yourself to the general principle.

خواجہ محمد صفدر : جنرل پرنسپل جو آپ سمجھ سکتے ہیں وہ یہ ہے کہ ایک قانون مر چکا ہے اس میں زندگی ابھی پیدا ہونی ہے تو اس میں پھر ترمیم کی کیا ضرورت ہے؟ یہ ہے جو انہوں نے ارشاد فرمایا ہے - میری رائے اس سے مختلف ہے - میں کہتا ہوں کہ وہ قانون بالکل زندہ ہے اور اس میں ترمیمیں ضروری ہیں اور جن جن مقامات پر ہم نے ترمیمیں کی ہیں وہ اس بل میں فنی خامی کا باعث ہیں -

**Mr. Chairman :** Khawaja Sahib, you see, rightly or wrongly, the points that you are now raising, the House once and for all has decided and it is the decision of the House that all your amendments have been rejected. I say, rightly or wrongly' you see, the House has taken in consideration all your amendments. They have been fully debated, discussed threadbare in the House and have finally been rejected by the House. Now, if you dig them up again in support of your arguments, then that will simply be waste of time.

**Khawaja Mohammad Safdar :** I beg your pardon, Sir ?

**Mr. Chairman :** I am very sorry for the trouble that I have not the full say. I say, all your amendments have been rejected by the House and that is the decision of the House. It is binding on you also, and if you again during the course of third reading rack up those complaints or objections, technical or otherwise, you see, then you will be reverting to the debate again in the third reading.

خواجہ محمد صفدر : جناب والا! مجھے نہایت ادب سے یہ گزارش کرنے کی اجازت دیجیے کہ third reading کے موقع پر مسودہ قانون کو جس طرح کہ وہ دوسری خواندگی کے بعد سامنے آتا ہے۔ زیر بحث لایا جاتا ہے اور بحث کرتے وقت دونوں اطراف سے بحث ہو سکتی ہے۔ ایک طرف سے یہ بحث ہو سکتی ہے کہ اس کو پاس کر دیا جائے اور دوسری طرف سے یہ کہ اس بل کو مسترد کر دیا جائے۔ بدقسمتی سے کہہ لیجئے کہ میں اس وقت یہ عرض کرنے کی کوشش کر رہا ہوں کہ اس بل کی خامیوں اور کوتاہیوں کی بنا پر اس کو مسترد کر دیا جائے۔ اگر تیسری خواندگی کا مطلب صرف یہ ہے کہ میں کہہ دوں کہ اسے مسترد کر دیا جائے اور بیٹھ جاؤں تو میں اس سے اتفاق نہیں کروں گا کیوں کہ میری تائید میں بہت سی rulings مل سکتی ہیں کہ تیسری خواندگی سے کیا مراد ہے اور اگر دوسری طرف سے میرے دوست صرف اتنا کہنا پسند کریں کہ اس کو پاس کر دیا جائے تو وہ تقریر نہیں ہوگی بلکہ وہ تو ووٹ ہوگا اور اگر وہ تقریر کریں گے تو اس بل کی خوبیاں بیان کریں گے اور کہیں گے کہ ان وجوہات کی بناء پر اور ان خوبیوں کی وجہ سے اس بل کو منظور کر لیا جائے۔ میں خامیاں بیان کرنے کے لیے آٹھا ہوں اس لیے میں جب کہتا ہوں کہ اس بل کو مسترد کر دیا جائے تو مجھے اس کی خامیاں بتانا پڑیں گی کیوں کہ میں ولی تو ہوں نہیں کہ میرے دوست کہیں کہ چونکہ اس نے کہہ دیا ہے کہ اس بل کو مسترد کر دیا جائے اس لیے اس کو مسترد کر دیا جائے تو اس لیے مجھے دلائل دینا پڑیں گے کہ اس کو کیوں مسترد کر دیا جائے۔

(Interruption)

**Mr. Chairman :** Really, Haji Sahib, it is our misfortune that Khawaja Sahib, just as I have been telling the House, he is a *de facto* leader, not *de jure*. Certain people complain that Khawaja Sahib does not listen. He does not listen to the friendly advice of a person like Mr. Niamatullah Khan. At least you should have some regard for his advice. I can say you can argue but that argument should be of a general character.

خواجہ محمد صفدر : وہ میرے دوست ہیں ، اگر وہ کہتے ہیں تو میں بیٹھ جاتا ہوں ۔

(مداخلت)

**Mr. Chairman :** Sometimes Khawaja Safdar is not very reasonable. I have found that on some occasions he is very reasonable and very amiable.

خواجہ محمد صفدر : حاجی صاحب کہتے ہیں تو میں بیٹھ جاتا ہوں - اس میں کون سی بات ہے ؟

جناب نعمت اللہ خان : بیٹھ جائیں -

Mr. Chairman : It is very kind of you to have responded to the wishes of a learned man like Haji Niamatullah Khan. Somebody else to speak ? Do you want to say something ?

Mr. Shahzad Gul : Yes, Sir.

جناب شہزاد گل : جناب والا ! بل کی مخالفت میں چند باتیں کروں گا - ایک تو یہ ہے کہ سیکشن ۴۹۷ میں یہ پروویژن تھی کہ ضمانت عام طور پر عدالت کی ڈسکریژن پر ہوتی ہے سیکشن ۴۹۷ میں یہ صاف طور پر پروویژن موجود ہے - عدالت کے پاس اگر reasonable grounds موجود ہوں تو وہ non-bailable ملزم کو ضمانت پر رہا کر سکتی ہے - جناب والا ! لاء ریفامز آرڈیننس میں یہ رعایت دی گئی ہے - عدالت کی ڈسکریژن ہے اگر ایک ملزم کے کیس کی فائل یا چالان عدالت میں ۶ مہینے کے اندر نہ داخل ہو سکے تو عدالت پر لازم تھا کہ وہ اس ملزم کو اگر اس کے پاس reasonable grounds موجود ہوں تو سیکشن ۴۹۷ میں لازمی قرار دیا گیا ہے کہ ملزم کو عدالت ضمانت پر رہا کر دے - یہ ملزم کو رعایت دی گئی تھی - وزیر قانون نے بھی فرمایا ہے کہ ہزاروں کیس عدالتوں میں pending پڑے ہیں - پنجاب میں ، سندھ میں ، بلوچستان میں اور سرحد میں ہر جگہ کیس pending پڑے ہیں - ہزاروں کیس زیر بحث ہیں - عدالتوں میں جگہ نہیں ہے - Criminal Procedure Code کا بنیادی اصول ہے کہ ایک شخص اس وقت تک مجرم قرار نہیں دیا جا سکتا جب تک اس کے خلاف charge sheet عائد نہ ہو ، اسے بے گناہ تصور کیا جاتا تھا لیکن یہ رعایت جو دی گئی تھی ، اس کو withdraw کر لیا گیا ہے -

Mr. Chairman : No, no, - ایسا نہیں

جناب شہزاد گل : جناب والا ! ۱۹۴ میں اس کو omit کیا گیا ہے - procedure میں اس کو حذف کیا گیا ہے -

دوسری بات جناب والا ! اس کے ساتھ ہی ساتھ یہ بہتر ہوتا اگر لاء منسٹر صاحب اس کو ترمیم کے ساتھ لاتے تو یہ عوام کے مفاد میں بھی تھا کہ ایک ملزم جتنا عرصہ جیل میں رہے اس کی سیمعاد قید کو بھی اس کی سزا میں شامل کیا جائے -

Mr. Chairman : No, no. The only thing is that notice has to be given to the prosecution.

(Interruption)

جناب شہزاد گل : اس قسم کا طریقہ ترتیب دیا جاتا تو یہ بھی بہتر طریقہ ہوتا۔ موجودہ صورت بہتر نہیں ہے، جناب والا ! دوسری بات defamation کے متعلق ہے۔ اس پر کافی بحث ہوئی ہے۔ اس لیے میں تفصیل میں نہیں جانا چاہتا۔ اس لیے مختصر گزارش ہے کہ ہمارے وزراء صاحبان ہمارے وزیراعظم پبلک نمائندے منتخب ہو کر اس ہاؤس میں یا اسمبلی میں آتے ہیں، اس لیے ہر شخص کو معیاری تنقید کا بنیادی حق ہے کہ وہ اپنے وزراء پر اور حکومت پر اور حکومت کی پالیسیوں پر معیاری تنقید کریں۔ لیکن موجودہ بل کو دیکھیں defamation میں اور اس میں فرق نہیں ہے۔ ہر ایک بات defamation میں آ سکتی ہے اور لائی جا سکتی ہے۔

Mr. Chairman : Mr. Shahzad Gul, you know what is the difference between criticism and defamation. Criticism is not made an offence under this Bill or any other law. You are perfectly permitted to criticise anybody in the world but you cannot resort to defamation, which has been made an offence. You may have your say but please do not misrepresent. You are misrepresenting the correct position. It is not criticism of Prime Minister or Minister or anybody in the world that is disallowed. You are free to criticise anyone. But you are trying to tell the House that even criticism is banned and that is being made actionable, penal and punishable. It is not a fact. It is only defamation that is prohibited. It is already punishable. Nobody can say that everybody is free to defame. Defamation is an offence. It is actionable ; it is punishable ; it is penal already. It is not this Bill which has made it an offence. Defamation is already punishable. The punishment for defamation is already there. It has not been made penal by this Bill. But you say criticism has been made punishable. That is not correct. I give you complete freedom to criticise but that must be constructive, non-defamatory criticism, and so on and so forth. Do not give this impression to the House that it is the criticism which is being banned. That would not be correct representation of the principle and the details of the Bill.

جناب شہزاد گل : میں یہ گزارش کرنا چاہتا ہوں کہ اس کا ناجائز استعمال نہ کیا جائے۔ جناب والا ! اس کے ساتھ ساتھ defamation سے متعلق پرویزن جو اس بل میں ترمیم کے ذریعے لا رہے ہیں اس سے سیشن کورٹ میں کام کا burden بڑھ جائے گا۔ defamation کے متعلق جتنی شکایات آئیں گی direct سیشن کورٹ میں ان کے مقدمات آئیں گے اس لیے اور پی پی مقرر کرنے پڑیں گے۔ جو پہلے سے قتل کے متعلق کیس ہوں گے جن کی سماعت ہونی ہے وہ pending پڑے رہیں گے اور قتل کے کیسوں کا نمبر نہیں آئے گا۔ defamation کے کیس direct سیشن کورٹ میں آئیں گے تو اس طرح سے اور پی پی رکھنے سے خزانہ پر کافی بوجھ

[Mr. Shahzad Gul]

پڑے گا۔ اس صورت میں اس پرویژن کو لانا مناسب نہیں تھا۔ ویسے، تو پریڈیڈنٹ، گورنر اور پرائم منسٹر کے لیے personal arrangement ہوتا ہے۔ یہ procedure تو پہلے سے ہے۔ ان کے لیے پی پی کی ضرورت نہیں رہتی۔ اس طرح سے یہ جو پرویژن رکھی ہے اس کو نکال دینا چاہیے۔

**Mr. Chairman :** This should not be tried by Session Court, you mean ?

جناب شہزاد گل : ۵۰۰ اور ۵۰۱ میں پرویژن ہے کہ فرسٹ کلاس مجسٹریٹ کو اس کا اختیار تھا، اب اس کو حذف کر دیا گیا ہے۔

**Mr. Chairman :** You excuse me, suppose if you commit an offence, would you like to be tried by a Magistrate or by the Sessions Judge ?

جناب شہزاد گل : ان کو مجسٹریٹ کہئے۔

**Mr. Chairman :** No, no. Would you like to be tried by a Magistrate or by a Session Judge ? Now you realise it.

جناب شہزاد گل : جناب والا ! میری ایک گزارش ہے۔ جو لاء ریفارم آرڈیننس میں تجویز کیا گیا ہے اس کے متعلق سارے Commitment proceeding میں جو provision ہے، وہ حذف کیا جائے اور murder کیس directly سیشن کورٹ میں آنے چاہیں اور انکوائری stage کو ختم کیا جائے۔ لیکن اس پر عمل نہیں ہو رہا ہے۔ یہ directly لائے جائیں۔ اس لیے چاہیے تھا کہ لامنسٹر صاحب already Commitment Proceeding کا جو Provision ہے اس کو حذف کرتے۔ directly murder cases کم مدت میں لائے جا سکتے اور انصاف جلدی حاصل کیا جا سکتا۔ ساتھ ہی ساتھ میں یہ گزارش کروں گا کہ جیسا کہ محترم وزیر قانون کا موقف ہے کہ لاء ریفارم آرڈیننس کے بعض Provision ابھی بل میں نہیں آئے، لہذا ان کو چاہیے کہ یہ سارے Criminal Procedure پر نظر ثانی کریں اور ایک دوسرا بل لائیں اور موجودہ بل جس طرح یہ لائے ہیں اس میں یہ کوئی ترمیم قبول کرنے کے لیے تیار نہیں ہیں۔ وہ کوئی دوسرا بل لائیں، موجودہ بل پر تو کافی discussion ہو چکی ہے۔ ہم اس کو ناقص تصور کرتے ہیں کیونکہ اس سے انصاف کے تقاضے پورے نہیں ہوتے۔ اس واسطے میں اس بل کی مخالفت کرتا ہوں۔

**Mr. Chairman :** Thank you. Now, I would put the question. The question is :

"That the Bill further to amend certain laws relating to criminal procedure [The Criminal Procedure (Amendment) Bill, 1974] be passed."

*(The motion was adopted)*

Mr. Chairman : The Bill stands passed.

### THE ELECTORAL ROLLS BILL, 1974

Mr. Chairman : Now, we move on to item 4, Mr. Abdul Hafeez Pirzada.

Mr. Abdul Hafeez Pirzada : I beg to move :

"That the Bill to provide for the preparation and revision of electoral rolls for elections to the National Assembly and the Provincial Assemblies [The Electoral Rolls Bill, 1974], as passed by the National Assembly, be taken into consideration."

Mr. Chairman : Motion moved :

"That the Bill to provide for the preparation and revision of electoral rolls for elections to the National Assembly and Provincial Assemblies [The Electoral Rolls Bill, 1974], as passed by the National Assembly, be taken into consideration."

Mr. Shahzad Gul : Opposed.

Khawaja Mohammad Safdar : There is an amendment standing in my name.

Mr. Chairman : Yes.

Mr. Abdul Hafeez Pirzada : It is the stage and if he does not move it now, he cannot move it later on.

Mr. Chairman : You have given notice of the amendment. Please move it.

Khawaja Mohammad Safdar : I beg to move :

"That the Electoral Rolls Bill, 1974, as passed by the National Assembly, be referred to the Standing Committee concerned."

Mr. Chairman : Motion moved is :

"That the Electoral Rolls Bill, 1974, as passed by the National Assembly, be referred to the Standing Committee concerned."

Mr. Abdul Hafeez Pirzada : Opposed.

خواجہ محمد صفدر : جناب چیئرمین ! مجھے محترم وزیر قانون کی جانب سے لفظ oppose سن کر حیرت ہوئی ہے۔ حیرت اس لیے ہوئی ہے کہ کل جبکہ وہ بل جو اس ایوان نے ابھی ابھی پاس کیا ہے اس معزز ایوان میں پیش ہوا تھا تو میری ایک تحریک اس قسم کی تھی کہ اس بل کو اسٹینڈنگ کمیٹی کے حوالے کیا جائے۔ جب میں نے یہ تحریک پیش کی تو محترم وزیر قانون صاحب نے ارشاد فرمایا اور مجھے یہ پیش کش کی کہ آج کے آرڈر آف ڈے پر اس وقت دو مسودہ ہائے قانون ہیں جن میں سے ایک کو آج اگر زیر بحث لے آیا جائے، تو وہ دوسرے کو اسٹینڈنگ کمیٹی کے حوالے کرنے کے لیے تیار ہیں۔ میں نے ان کی اس پیش کش کو قبول کیا اور اپنی ترمیم ایوان کی اجازت سے واپس لے لی اور جناب چیئرمین ! آپ کو یاد ہوگا کہ

the contact between myself and the Law Minister was complete. He made an offer and I accepted it.

تو اس کے بعد انہوں نے کہا کہ میں اپنی commitment واپس لیتا ہوں۔ وہ نہیں لے سکتے۔ قانونی لحاظ سے وہ واپس نہیں لے سکتے۔ اخلاقاً نہیں لے سکتے۔ اس وقت میں اس جھگڑے میں نہیں پڑا۔ میں آپ کو یاد دلاتا ہوں کہ انہوں نے مجھے یہ پیش کش کی اور میں نے یہ پیش کش قبول کی تھی اور اب اسی بناء پر اصرار کروں گا کہ وہ اپنی پیش کش کو اپنے وعدے کو پورا کریں۔ اپنے وعدے سے انحراف نہ کریں کیونکہ وہ نہایت معزز و محترم عہدے پر فائز ہیں۔ یہ ایوان نہایت معزز و محترم ہے۔ اس ایوان کے سامنے آپ کم از کم جو بات کریں تو پھر اس بات پر جم جائیں۔

جناب عبدالحفیظ پیرزادہ : میں یہ تو نہیں کہتا کہ وہ دروغ گوئی سے کام لے رہے ہیں کیونکہ یہ un-parliamentary ہو جائے گا۔ آپ ریکارڈ دیکھ سکتے ہیں۔ میں نے کہا تھا کہ دونوں بلوں میں سے ایک کو refer کر دیں۔ Criminal Procedure (Amendment) Bill کو refer کر دیں۔ Electoral Rolls بل کو اسٹینڈنگ کمیٹی کے حوالے کرنے پر میں agree نہیں کروں گا۔ میں Electoral Rolls بل پر راضی نہیں ہوا تھا۔ اس پر خواجہ صاحب نے کھڑے ہو کر یہ کہا تھا کہ ہم اس بل پر discussion کرنا چاہتے ہیں۔ Electoral Rolls پر discussion نہیں کرنا چاہتے۔ میں نے یہ کہا تھا کہ اگر وہ Criminal Procedure (Amendment) Bill کو اسٹینڈنگ کمیٹی کے حوالے کرنا چاہتے ہیں تو وہ اسٹینڈنگ کمیٹی کو refer کر دیں۔ لیکن میں Electoral Rolls بل کو اسٹینڈنگ کمیٹی کو refer نہیں کرنے دوں گا۔ اگر refer کیا گیا تو میں اس کو

oppose کروں گا۔ یہ ریکارڈ میں موجود ہے۔ آپ ریکارڈ دیکھ سکتے ہیں۔ اس کے بعد جو خواجہ صاحب نے اپنی تحریک کو withdraw کر لیا تھا تو میں نے کھڑے ہو کر کہا تھا کہ وہ اپنی تحریک کو withdraw نہ کریں۔ پھر اس کے بعد ووٹ put ہوا تھا۔ اس لیے کل میں نے واضح کر دیا تھا کہ Electoral Rolls بل اسٹینڈنگ کمیٹی کو نہیں جا سکتا کیونکہ نیشنل اسمبلی کی اسٹینڈنگ کمیٹی نے اس پر کافی بحث کی ہے۔ اس میں amendment کی ہے۔ دو دن تک یہ نیشنل اسمبلی میں چلتا رہا ہے۔

We are extending courtesy to each other. Why should they duplicate the work? If one Standing Committee has considered the Bill, why should it go to the Standing Committee of another House? The Standing Committee of the Senate considered the Centres of Excellence Bill but the National Assembly did not consider it necessary to debate this Bill. They passed the Bill as a matter of course. So, unless you find fault with the Bill, you should not deviate from the normal practice. If a Bill originates in a House, then it is the right ordinarily of a Member to ask that the Bill should go to the Standing Committee but if a Bill has originated in the other House and is passed by that House, the normal course is that you accept the Bill unless you find fault with it. The Electoral Rolls Bill has been passed by the National Assembly after a thorough debate and after a report of the Standing Committee had been submitted to that House. So, what is now special about this Bill in which there are normal provisions that it should be referred to the Standing Committee of the Senate? Therefore, I oppose it. Let it be put to the House.

(Khawaja Mohammad Safdar stood up to reply)

**Mr. Abdul Hafeez Pirzada :** Where is the question of reply? He has already spoken on it.

خواجہ محمد صفدر : میں نے تو صرف انہیں وعدہ یاد دلایا ہے۔

**Mr. Abdul Hafeez Pirzada :** Have you allowed this procedure in the past? I am on a point of order. Have you allowed multiple right of speech to the Members? The honourable Member made a motion. He spoke on it. I have replied to it. The matter is closed. The motion should be put to the House.

**Mr. Chairman :** He moved the motion, but instead of speaking on the motion, you made a diversion that he said this and that, that he had made promise, and was not keeping his promise. He spoke something about extraordinary procedure. Khawaja Sahib, you please be very brief. Let us transact some business. You can speak because you have got a right to speak on it, but it has been discussed thoroughly in the National Assembly.

جناب محمد ہاشم غلڑی : میں آپ کی خدمت میں گزارش کروں گا کہ یہ ممبروں پر پابندی نہ لگائیں ، ہر ایک ممبر کو موقع دیں کہ وہ اپنے خیالات کا اظہار کرسکے۔ ہمارے اوپر یہ پابندی نہ لگائیں کہ ہم پانچ منٹ یا دس منٹ سے زیادہ نہیں بول سکتے۔

جناب چیئرمین : میں نے ان کو بولنے سے تو نہیں روکا ، میں نے کہا ہے کہ ذرا اختصار کے ساتھ بولیں ۔

خواجہ محمد صفدر : حضور والا ! نہایت ادب سے مجھے آپ سے اختلاف کرنا ہے کہ اگر کوئی ممبر کسی موضوع پر اپنے خیالات کا اظہار کرنا چاہے ۔۔۔۔۔

**Mr. Chairman :** Will you please resume your seat for one minute ? Khawaja Sahib, you are quite correct, but then you have to blame yourself for that. When you moved the motion you should have started speaking on the motion. Instead of speaking on the motion you, as I say, brought extraneous matter which was not a part of your argument. You said he said this I said this and he made this promise. You moved your motion. Then I asked you to make your speech and you did not make speech on the motion. You said so many things which were irrelevant to the consideration of the Bill—absolutely irrelevant. It is not my fault. You should have confined yourself to the discussion. That you did not do. I allow you again, I say I allow you to speak on the motion. But even this is not a parliamentary practice that when you move your motion and I ask you to make a speech then you bring in some other matter absolutely unrelated, disconnected, having no bearing on the motion. Am I correct or not ? I am, because you yourself say in reply to Mr. Pirzada's objection that you have not spoken on this motion. Well, if you did not speak on this motion, it is not my fault. You spoke on your motion and that speech was not related to the motion. It was something about what had happened yesterday. I think, we should close this chapter. Now, you speak on this motion.

خواجہ محمد صفدر : حضور والا ! میں جناب کی توجہ Rule 106 کی طرف دلانا چاہتا ہوں :

“Any member may move as an amendment that the Bill be referred to a Standing Committee and if such motion is carried, the Bill shall stand referred to a Standing Committee, and the rules regarding Bills originating in the Senate and referred to the Standing Committee shall then apply.”

میری ترمیم اس قاعدے کے تحت ہے ۔ حضور والا ! قواعد و ضوابط اس غرض کے لیے بنائے جاتے ہیں کہ ان پر عمل کیا جائے اس لیے نہیں بنائے جاتے کہ انہیں ردی کے ٹکڑے سمجھ کر ادھر ادھر پھینک دیا جائے ۔ مجھے افسوس سے کہنا پڑتا ہے کہ ان قواعد میں بہت سی ترامیم کی ضرورت تھی لیکن محترم وزیر قانون صاحب کی ضد نے جو کام کیا ہے وہ تمام کے سامنے ہے ۔ میں نے محترم وزیر قانون اور اس معزز ایوان سے جو درخواست کی ہے وہ Rule 104 کے تحت ہے اور قاعدہ نمبر ۱۰۴ کے الفاظ یہ ہیں :-

“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”.

حضور والا ! غور فرمائیے اس بل کی نقول ہمیں کب ملیں۔ پرسوں شام کو ساڑھے آٹھ بجے اس بل کی کاپی ملی۔ حضور والا ! آپ سے چیمبر میں میرے محترم راہنما قائد حزب اختلاف یہ درخواست کرچکے ہیں کہ ہمیں پورا موقع نہیں دیا جاتا کہ ہم مسودہ قانون پر پورے غور و فکر کے بعد اس ایوان کے سامنے خیالات کا اظہار کریں۔ میں اسی اجلاس کی بات کرتا ہوں، ۲۸ تاریخ کو اس معزز ایوان کا اجلاس شروع ہونا تھا تو میں تین دن پہلے سے یہاں بیٹھا تھا اور آپ کا پورا سیکرٹیریٹ شاید ہے۔ میں ہر روز ان کی خدمت میں حاضر ہوتا اور ۲۸ تاریخ کو ہونے والے اجلاس کے ایجنڈے کے متعلق پوچھتا رہا مگر کسی نے کچھ نہ بتایا کیونکہ ان کو خود بھی معلوم نہیں تھا، لہذا میرا گھر سے تین دن پہلے آنا بیکار ثابت ہوا اور اس کا ایجنڈا مجھے رات کے دس بجے ملا اور میں نے دس بجے اپنی ترامیم بھی دفتر میں دے دیں۔ اب دوسرا بل جو کہ اس بل کے بعد ایجنڈے میں درج ہے controversial بل ہے۔ یہ بل اس ایوان کے معزز ارکان کی تنخواہوں اور الاؤنس کے متعلق ہے۔ یہ ایجنڈا ہمیں کل رات ۱۲ بجے کے بعد ملا ہے۔ حضور والا ! آپ انصاف فرمائیں اگر آپ میری جگہ ہوتے یا میرے کسی معزز دوست کی جگہ ہوتے تو کیا اس قلیل وقت میں اپنا موقف اس ایوان کے سامنے پیش کر سکتے؟ کیا یہ ممکن ہے؟ حضور والا ! ہمیں مجبور کیا جا رہا ہے کہ ہم Rubber Stamp بن جائیں۔ ابھی محترم وزیر صاحب نے ارشاد فرمایا ہے، کہ اس ایوان کا اپنا منصب اور اپنے فرائض ہیں، اگر آپ سمجھتے ہیں کہ بل صرف نیشنل اسمبلی ہی پاس کر سکتی ہے تو پھر حضور والا ! گورنمنٹ اس ایوان پر لاکھوں روپے کیوں صرف کر رہی ہے؟ حضور والا ! میں آپ کی خدمت میں نہایت ادب کے ساتھ درخواست کروں گا کہ یہ طریق کار صحیح نہیں ہے۔ ساری دنیا میں ایوان بالا میں جب کوئی مسودہ قانون جاتا ہے تو اس پر ایوان زیریں کے مقابلہ میں کہیں زیادہ وقت صرف کیا جاتا ہے۔ اتفاق سے اس وقت میرے پاس تین چار کتابیں ایوان بالا میں طریقہ کار کے متعلق موجود ہیں۔

جناب چیئرمین : مجھے معاف فرمائیے میں بعد میں آپ کو بولنے دوں گا۔

آپ کی پارٹی والے ترسوں تشریف لائے تھے۔ انہوں نے شکایت کی تھی جو آپ کر رہے ہیں کہ ہمیں وقت پر نوٹس نہیں ملتا۔ ہمیں وقت پر کاغذات

[Mr. Chairman]

نہیں دیتے ، ہمیں دقت ہوتی ہے ۔ کل میں نے ان کو کہا کہ آپ مہربانی کر کے خواجہ صاحب کو کہہ دیجیے کہ وہ لکھ کر مجھے شکایت دے دیں تاکہ میں سیکرٹیریٹ کو آرڈر دے دوں ۔ میں نے ان کو کہا کہ آپ نے زبانی بات کی ہے ۔ میں جاتا ہوں تو اور دھندوں میں پھنس جاتا ہوں ۔ پہلے تو adjournment motion سے ہماری علیک سلیک ہوتی ہے تو میں نے ان کو کہا کہ دو الفاظ لکھ کر مجھے بھیج دیں کہ ہمیں دستاویزات بل یا نقول وغیرہ وقت پر دے دیں ۔ میں نے ان کو کہا کہ آپ کی یہ شکایت بجا نہیں ہے جا ہے وہ سر ہلا رہے ہیں کہ میں درست کہہ رہا ہوں ۔

خواجہ محمد صفدر : میں بھی سر ہلا رہا ہوں ۔

جناب چیئرمین : وہ ان کو کہہ دیا جائے ۔ سیکرٹیریٹ کو میں آرڈر دے دوں گا ۔ جہاں تک ممکن ہو سکے ، ان کو کاغذات وقت پر دے دیے جائیں ۔ اگر آپ نے یہ شکایت مجھے لکھ کر نہیں دی تو میں کیسے ان کو حکم دیتا ۔ اب بھی میں تیار ہوں ۔ دو الفاظ وہ لکھ کر مجھے دے دیں ۔ جہاں تک میرے بس میں ہوا میری بھی مجبوریاں ہیں آپ کی بھی مجبوریاں ہوتی ہیں unlimited تو کوئی چیز ہے نہیں جہاں تک ممکن ہو سکا ، جہاں تک میرے بس میں ہے وہ ان کی تعمیل کریں گے ۔ آپ مجھے لکھ کر دیں ۔

خواجہ محمد صفدر : یہ میری غلطی ہے ، یہ میری کوتاہی ہے ، میرے لیڈر نے مجھے کہا لیکن حضور خدا شاہد ہے کہ وقت کی کمی کی وجہ سے میں وہ ڈرافٹ تیار نہیں کر سکا ۔ میں دن بھر میں ۱۸ گھنٹے کام کر رہا ہوں ۔

جناب چیئرمین : سوا اٹھارہ گھنٹے کر لیتے ۔

خواجہ محمد صفدر : یہ میری کوتاہی ہے لیکن ایک حد ہوتی ہے ۔ میں بوڑھا آدمی ہوں اب اتنا کام نہیں کر سکتا ۔

جناب چیئرمین : کیا کہتے ہیں کہ آپ بوڑھے ہیں تو میں پھر کیا ہوا ؟

خواجہ محمد صفدر : آپ جوان ہیں ماشاء اللہ ۔

جناب چیئرمین : آپ ہمیں لکھ کر دیں ۔

خواجہ محمد صفدر : حضور والا ! اس میں سیکرٹیریٹ کا کوئی کام نہیں ہے ۔ جب تک پارلیمانی ایئرز ڈویژن کی طرف سے سینٹ کے دفتر کو ایجنڈا نہیں آئے گا ، وہ کچھ نہیں کر سکتے کیونکہ ایجنڈا پارلیمانی امور کی ڈویژن کے کہنے کے مطابق تیار ہوگا ۔

جناب چیئرمین : میرا یہ مطلب نہیں ہے کہ ہمارے جائنٹ سیکرٹری ڈپٹی سیکرٹری کس نے کرنا ہے۔ They will consult this matter unanimously وہ اب تک موشن پر نہیں بولے۔

جناب عبدالحفیظ پیرزادہ : وہ تو بولیں گے ہی نہیں۔ خدا کی مہربانی سے نہیں بولیں گے کیونکہ ان کا مقصد ہی ایک ہے کہ کام نہ ہو۔

خواجہ محمد صفدر : محترم وزیر قانون کا حسن ظن کہیے کہ ان کو خیال ہے کہ میں بولوں گا بھی نہیں۔ بہر حال یہ چند باتیں ضروری تھیں جو میں چاہتا تھا کہ وزیر قانون صاحب کے گوش گزار کردوں اور آپ کے بھی اس لیے کہ وزیر صاحب اب بھی یہ کہتے ہیں کہ اس مسئلہ کا تعلق ان کی وزارت سے نہیں ہے۔ حقیقت یہ ہے کہ تمام دنیا کے ایوانوں کے قواعد کے تحت ان ایوانوں کا پروگرام جہاں تک گورنمنٹ بزنس کا تعلق ہے، پارلیمانی امور کی وزارت تیار کرتی ہے اور پارلیمانی سیکرٹریٹ تو محض وزارت پارلیمانی امور کے لیے اس کے مطابق ایجنڈا تیار کر کے تقسیم کر دیتا ہے۔ اس کے علاوہ کچھ نہیں کر سکتا۔ جناب والا ! تو میں یہ گزارش کر رہا تھا کہ چونکہ ہمارے پاس وقت نہیں تھا اس لیے ہم اس بل کے متعلق کوئی تیاری نہیں کر سکے، ہمیں وقت نہیں ملا، ہم اس وقت اس بل پر بحث کرنے کی پوزیشن میں نہیں ہیں۔ اس لیے میں نے یہ درخواست کی ہے کہ اگر یہ بل اسٹینڈنگ کمیٹی کو بھیج دیا جائے تو بہتر ہوگا اور مجھے خوشی ہے اس بات پر کہ وزیر قانون صاحب نے میری گزارشات کو قبول کر لیا ہے۔ وہاں ماحول اور ہوتا ہے یہ ماحول بالکل مختلف ہوتا ہے۔ اس لیے بھی ضروری ہے کہ ہم ان قواعد کی پابندی کریں اور ان قواعد کے مطابق اس بل کو اسٹینڈنگ کمیٹی کے حوالے کریں، کل کریں بلکہ پرسوں صبح کریں اور اس کے بعد کمیٹی کی رپورٹ ایوان کے سامنے آجائے گی تو ہم حاضر ہیں۔ اس پر اعتراض نہیں۔

Mr. Abdul Hafeez Pirzada : If you like, I can produce the record of yesterday's debate in the Senate, if you like I can do that, because he has misstated facts. Sir, I would only say one sentence and not more than that. It is erroneous to rely upon the rules of the House governing the Bills which originate in the Senate because the rules for the Bills originating in the National Assembly and transmitted to the Senate start from Rule 102, and nothing can come on the Orders of the Day of the Senate without your permission. You are the Chairman of the Senate and you determine what forms the Orders of the Day. Therefore, under Rule 104, this Bill came yesterday on the Orders of the Day as transmitted from the National Assembly and not from the Parliamentary Affairs Division. Before a Bill is instituted either of the two Houses is responsible for communication and not the Parliamentary Affairs Division.

[Mr. Abdul Hafeez Pirzada]

Once it is lodged, any one of the two Houses within the Secretariat of the National Assembly or the Secretariat of the Senate is responsible because no transmission takes place through the Ministry. This came yesterday and to allege that they had no time, is also totally incorrect. Yesterday they have lodged all their amendments and not today. You can see that all their amendments are dated 1st April and not today. Therefore, I oppose this motion.

Mr. Chairman : So, I will put the question. The question before the House is :

“That the Electoral Rolls Bill, as passed by the National Assembly, be referred to the Standing Committee.”

*(The motion was negatived)*

Mr. Chairman : The motion is rejected :

جناب محمد ہاشم غلزئی : مسٹر چیئرمین ! چونکہ ہمارا جائز مطالبہ تسلیم نہیں کیا گیا اس لیے ہم بطور احتجاج واک آؤٹ کرتے ہیں۔

*(Opposition walked out)*

(At this stage the Chair vacated by Mr. Chairman and occupied by Mr. Deputy Chairman).

Mr. Deputy Chairman ; I think, the motion was made.

Mr. Abdul Hafeez Pirzada : Sir, Article 51 of the Constitution of Pakistan provides that :

- “(1) The National Assembly shall consist of two hundred members to be elected by direct and free vote in accordance with law.
- (2) A person shall be entitled to vote if—
- he is a citizen of Pakistan ;
  - he is not less than eighteen years of age ;
  - his name appears on the electoral roll ; and
  - he is not declared by a competent court to be of unsound mind.”

Now, this involves the preparation of electoral rolls, and as far as electoral rolls are concerned, the provisions are contained in Article 219 of the Constitution which places the obligation on the Commissioner, i.e., the Chief Election Commissioner, for the preparation of the electoral rolls by providing that the Commissioner shall be charged with the duty of preparing electoral rolls for elections to the National Assembly and the Provincial Assemblies and revising such rolls annually, organising and conducting elections to the Senate or to fill casual vacancies in a House of Provincial Assembly and appointing Election Tribunals. Finally we come to Article 222 of the Constitution which says that :

“Subject to the Constitution, Parliament may by law provide for—

- (a) the allocation of seats in the National Assembly as required by clauses (3) and (4) of Article 51 ;
- (b) the delimitation of constituencies by the Election Commission ;
- (c) the preparation of electoral rolls, the requirements as to residence in a constituency, the determination of objections pertaining to and the commencement of electoral rolls.”

Therefore, in order to enable the Chief Election Commissioner to discharge his duties and obligations under the Constitution relating to the preparation of electoral rolls, as a first step to the holding of the general elections under the Constitution, Parliament is also discharging its duty by passing this Bill, for preparation of electoral rolls. Now, as far as the salient features of the Bill are concerned, I would like to explain, Sir, that the electoral rolls of 1969 are being taken as a mere basis for effecting the revision, not because we accept their validity, they may or may not have been valid at the time when they were made. They have been continued to be operated upon for the holding of general elections and for the holding of the Provincial Assembly elections. They might have been erroneously made, but there is one factor pertaining to these rolls which can be a great help in saving time inasmuch as electoral areas have been demarcated and we can save a considerable amount of time by resorting to and by accepting the same electoral areas for carrying out revision. I know that almost five years have passed since these electoral rolls were made and a considerable segment of the nation would be entitled by now to be enrolled as electors, and therefore, the task is of an enormous magnitude and it will take a considerable time, so we should facilitate the task rather than create impediments in the way of Chief Election Commissioner for bringing these rolls afresh. Now, it is contemplated that every person who is a citizen of Pakistan, subject to qualifying as a resident etc shall be enrolled, provided that he is of the age of 18 years or above, but this age of 18 years becomes operative by virtue of the proviso contained in the Constitution as well as this Bill from the second general elections to be held. For the purposes of the first general elections, that takes place under the permanent Constitution and all bye-elections that take place thereafter to the same House, which is returned after the first general elections, the operative age, the qualifying age for an elector shall continue to be 21 years, and as I said at the time of second general elections there would be another revision.

Now, apart from bringing a roll on these basis, there shall also be an annual revision to see that the names of those persons who have since then become qualified to be enrolled are included in the rolls without any delay and also the names of those persons who have since died or have become disqualified by virtue of losing citizenship or by virtue of losing residence or residential qualifications, are deleted from the electoral rolls, so that an all time process of revision of the rolls goes on and rolls are maintained in perfect order and up-to-date. Now, we have had some other provisions which have been taken from the old days and we have also introduced some new provisions to facilitate the task of the Registration Officers to enrol people, and also to enable those whose names are incorrectly recorded or those whose names are not recorded or names which are recorded without any justification can also be removed. The first stage comes of the Registration. The Registration Officers on the basis of the rolls of 1969 shall carry out a general revision in the rolls, deleting the names of those who are dead or have become disqualified and including the

**Mr. Deputy Chairman :** Clause 7 : There are some amendments. Khawaja Mohammad Safdar—not present ; not moved.

Mr. Shahzad Gul—not present ; not moved. There is no other amendment in Clauses 7, 8 and 9. Therefore, I put all the three clauses together. The question is :

“That Clauses 7, 8 and 9 form part of the Bill.”

*(The motion was adopted)*

**Mr. Deputy Chairman :** Clause 10 : Amendment to be moved by Mr. Shahzad Gul and Khawaja Mohammad Safdar. Both are not present—amendments not moved. Therefore, I put Clauses 10, 11 and 12 to the House. The question is :

“That Clauses 10, 11 and 12 form part of the Bill.”

*(The motion was adopted)*

**Mr. Deputy Chairman :** Clause 13 : There are two amendments. Mr. Shahzad Gul—not present ; not moved. Mr. Khawaja Mohammad Safdar to move his amendment : He is not present ; amendment not moved. There is no other amendment in Clauses 13, 14, 15 and 16. Therefore, I put the clauses together. The question is :

“That Clauses 13, 14, 15 and 16 form part of the Bill.”

*(The motion was adopted)*

**Mr. Deputy Chairman :** Clause 17 : Mr. Shahzad Gul and Khawaja Mohammad Safdar to move amendments They are not present, amendments not moved. There is no other amendment in Clause 17, 18, I put them together. The question is :

“That Clauses 17 and 18 form part of the Bill.”

*(The motion was adopted)*

**Mr. Deputy Chairman :** Clause 19. Mr. Shahzad Gul to move his amendment. He is not present, amendment not moved. The question is :

“That Clause 19 forms part of the Bill.”

*(The motion was adopted)*

**Mr. Deputy Chairman :** Clause 20 Mr. Shahzad Gul to move his amendment. He is not present, amendment not moved. There is no other amendment in Clauses 20 and 21. Therefore, I put Clauses 20 and 21 to the House. The question is :

“The Clauses 20 and 21 form part of the Bill.”

*(The motion was adopted)*

**Mr. Deputy Chairman :** Clause 22, Mr. Shahzad Gul to move his amend-

ment. He is not present, amendment not moved. There is no other amendment in Clauses 22 and 23. I put them together to the House. The question is :

“That Clauses 22 and 23 form part of the Bill.”

*(The motion was adopted)*

**Mr. Deputy Chairman :** Clause 24. Mr. Shahzad Gul to move his amendment. He is not present, not moved. There is no other amendment in Clauses 24, 25 and 26. I put all these clauses together. The question is :

“That Clauses 24, 25 and 26 form part of the Bill.”

*(The motion was adopted)*

**Mr. Deputy Chairman :** Clause 27. Mr. Shahzad Gul to move his amendment. Not present, amendment not moved. There is no other amendment in Clauses 27, 28, 29 and 30. The question is :

“That Clauses 27, 28, 29 and 30 form part of the Bill.”

*(The motion was adopted)*

**Mr. Deputy Chairman :** The question is :

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

*(The motion was adopted)*

**Mr. Deputy Chairman :** Yes, Mr. Pirzada.

**Mr. Addul Hafeez Pirzada :** I beg to move :

“That the Bill to provide for the preparation and revision of electoral rolls for elections to the National Assembly and the Provincial Assemblies [The Electoral Rolls Bill, 1974], be passed.”

**Mr. Deputy Chairman :** Motion moved :

“That the Bill to provide for the preparation and revision of electoral rolls for elections to the National Assembly and the Provincial Assemblies [The Electoral Roll Bill, 1974], be passed.”

No objection ? So I put the question. The question before the House is :

“That the Bill to provide for the preparation and revision of electoral rolls for elections to the National Assembly and the Provincial Assemblies [The Electoral Rolls Bill, 1974], be passed.”

*(The motion was adopted)*

**Mr. Deputy Chairman :** The Bill stands passed. Yes, Mr. Pirzada.

## THE MEMBERS OF PARLIAMENT (SALARIES AND ALLOWANCES) BILL, 1974

**Mr. Abdul Hafeez Pirzada :** May I be allowed to move an amendment to my own motion with regard to the Salaries and Allowances of Members Bill ?

**Mr. Deputy Chairman :** Whether the House grants leave to the Law Minister to amend his motion ?

**Members :** Yes.

**Mr. Deputy Chairman :** Leave is granted.

**Mr. Abdul Hafeez Pirzada :** I beg to move :

“That the Bill to consolidate and amend the law relating to salaries and allowances of Members of Parliament and to provide for certain privileges of the Leaders of the House and the Leaders of the Opposition in the two Houses of Parliament [The Members of Parliament (Salaries and Allowances) Bill, 1974], be referred to the Standing Committee concerned.”

**Mr. Deputy Chairman :** Motion moved :

“That the Bill to consolidate and amend the law relating to salaries and allowances of Members of Parliament and to provide for certain privileges of the Leaders of the House and the Leaders of the Opposition in the two Houses of the Parliament [The Members of Parliament (salaries and allowances) Bill, 1974] be referred to the standing Committee concerned.”

*(The motion was adopted)*

**Mr. Deputy Chairman :** The Bill stands referred to the Standing Committee. There is no other item.

**Mr. Abdul Hafeez Pirzada :** There is none.

**Mr. Deputy Chairman :** The House stands adjourned to meet again at ten a.m. tomorrow.

(The Senate then adjourned till ten of the clock in the morning on Wednesday, April 3, 1974)