



THE SENATE OF PAKISTAN DEBATES

OFFICIAL REPORT

Monday, April 8, 1974

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SENATE DEBATES
SENATE OF PAKISTAN

Monday, April 8, 1974

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

(Recitation from the Holy Quran)

Mr. Deputy Chairman : There is no adjournment motion or privilege motion today. We take up Questions. Question No. 16.

RAILWAY BRIDGE IN SIALKOT

16. ***Khawaja Mohammad Safdar :** Will the Minister of Communications be pleased to state :

(a) Whether it is a fact that the public of Sialkot is put to great inconvenience while going to and coming from the Civil Lines, the District Courts and Offices, due to the railway level, crossing on the Kutchery Road, Sialkot ; and

(b) Whether the Federal Government is prepared to construct an over-bridge or an under-bridge, whichever be feasible, to save the public from the inconvenience and hardship faced by them ; and if so, when ?

Mr. Khurshid Hasan Meer : (a) A special class level-crossing No. 39 on Kutchery Road is located in Railway Station Yard at Sialkot and the gates of this level-crossing have to be closed for short intervals for the reception and despatch of trains to and from Sialkot Station.

(b) There is no proposal, at present, to construct either a road-bridge or an under-bridge in replacement of this level-crossing.

خواجہ محمد صفدر : کیا مستقبل قریب میں محترم وزیر صاحب اس امر پر غور کرنے کے لیے تیار ہیں کہ اس مقام پر over-bridge یا under-bridge بنانے کی اشد ضرورت ہے ؟

Mr. Khurshid Hasan Meer : This has to be a combined operation between either the Municipal Committee and the Railway Authority or the Provincial Government and the Railway Department. Our experience is that even where the Railway agrees to undergo some expenses, the corresponding expenses that have to be borne either by the Municipal Committee or the Provincial Government is not forthcoming.

خواجہ محمد صفدر : ایسے اخراجات کتنے ہوں گے جو میونسپل کمیٹی یا صوبائی گورنمنٹ نے اس ضمن میں برداشت کرنا ہوں گے ؟

Mr. Khurshid Hasan Meer : There is no ratio fixed. The point is that there are two types of work. The Railway does its own work and the road portion has to be built either by Municipal Committee or the Provincial Government. It is not a question of sharing the percentage of expense. In this particular case, a special class level-crossing No. 30 on Kutchery Road is situated within the Station Yard at Sialkot and the gates of this level-crossing have to be closed for traffic. The construction of a bridge or a road-bridge or an under-bridge is the concern either of the Railway or the Provincial Government, and as to how much the Railway can bear or what items, it is not a discretionary matter with us. If a level-crossing is required to be replaced by a road over-bridge or under-bridge for reason of railway or road traffic, the railway will bear expenses. If for the convenience of the public the Municipal Committee or the Provincial Government desire it, then they will have to bear the cost. At present there is no proposal.

Mr. Deputy Chairman : No further supplementary, Khawaja Sahib ?

Khawaja Mohammad Safdar : No. 17.

RESERVATION QUOTA ALLOWED TO RAILWAY BOOKING AGENCIES

17. ***Khawaja Mohammad Safdar :** Will the Minister for Communications be pleased to state :

(a) Whether it is a fact that the Railway Booking Agencies in Lahore had a certain quota for the reservation of seats and berths in Awami Express ;

(b) Whether similar quotas were also allowed to the Railway Booking Agencies at Peshawar, Rawalpindi, Multan and Karachi ;

(c) Whether the quota for the reservation of seats and berths till recently utilised by the Railway Booking Agencies in Lahore, has been withdrawn by the Railway Authorities, while the remaining Railway Booking Agencies, are still utilising their quotas ; and

(d) if answer to (c) above be in the affirmative, the reasons for this discrimination, which has resulted in hardship to the public of Lahore, who has to travel to the Railway Headquarters for such reservation ?

Mr. Khurshid Hasan Meer : (a) No.

(b) Yes.

(c) Yes.

(d) The reason for withdrawal of the quota from the City Booking Agencies at Lahore is that all reservation work is now centralised in the Reservation Office located in the Headquarters Office. This was done to remove numerous complaints of malpractices in issue of tickets and reservation of seats for Awami Express which were taking place both at the Railway Station Booking Offices and in City Booking Agencies. It is proposed, similarly, to centralise the reservation work at Karachi and Rawalpindi at one place, and after that has been done, the quotas of the City Booking Agents of these cities will also be withdrawn.

It may also be mentioned that quotas are allotted to City Booking Agents with a view to developing additional traffic for the Railway. In this case, since there is already very heavy demand by Awami Express, there is no reason why the Railway should give commission to City Booking Agents and lose its revenue, when the traffic would, in any case, come to the Railway.

Mr. Deputy Chairman : Next question.

REINSTATEMENT OF P. A. F. OFFICERS

18. **Mr. Kamran Khan :** Will the Minister for Defence be pleased to state whether the officers of the Pakistan Air Force acquitted in the General Court Martial at Badaber have been reinstated in their respective ranks in the P.A.F ?

Mr. Khurshid Hasan Meer : (On behalf of Mr. Aziz Ahmed) No. The matter is still under examination.

Mr. Kamran Khan : Will the honourable Minister be pleased to state whether it is a fact that there is a ban on the employment of these acquitted Air Force Officers in semi-Government organisations like the P.I.A.

Mr. Khurshid Hasan Meer : The honourable Senator is presuming things. Those who have been acquitted are still in the Air Force service. It is only when they are not in the Air Force that, the question of employment may arise.

Mr. Kamran Khan : Is it also a fact that there is a ban on going abroad for seeking employment, Sir ?

Mr. Khurshid Hasan Meer : How can a Defence personnel go abroad when he is in Defence Services ; I don't understand ?

Mr. Kamran Khan : My question is clear. I just wanted to know whether there was a ban.

Mr. Khurshid Hasan Meer : How can any Government official go abroad ?

Mr. Deputy Chairman : The answer is clear that they are Government employees and ordinarily they cannot go unless permitted by the Government.

Mr. Kamran Khan : Shall I take it that they are still Government employees ?

Mr. Khurshid Hasan Meer : The point is very simple. The question asked was "Will the Minister for Defence be pleased to state whether the officers of the Pakistan Air Force acquitted in the General Court Martial at Badaber have

[Mr. Khurshid Hasan Meer]

be en reinstated in their respective ranks.”

The answer is that the question is under examination. How have you presumed that they are out of service ?

Mr. Deputy Chairman : Yes, next question.

Khawaja Mohammad Safdar : No. 2, Sir.

DEFERRED STARRED QUESTIONS AND ANSWERS

(Originally set down for 30th March, 1974)

ALLOCATION OF RAILWAY WAGONS FOR COAL TRANSPORTATION

2. *Khawaja Mohammad Safdar : Will the Minister for Communications be pleased to state :

(a) the number of wagons daily supplied for the transport of coal from Baluchistan to the Punjab and N.W.F.P. during the month of January, 1974.

(b) Whether it is a fact that the Chief Minister of the Punjab had, as reported in the Press, demanded an allocation of 200 wagons daily from the Pakistan Western Railway with a view to meet the acute shortage of coal in the Punjab ; and

(c) whether it is a fact that the primary cause of the steep rise in the Price of burnt bricks is the acute shortage of coal in the Punjab ?

Mr. Khurshid Hasan Meer : (a) Out of a total loading of 2224 wagons of coal from Baluchistan, 1648 wagons were loaded for the Punjab and 103 wagons for N.W.F.P. during January, 1974. The daily average comes to just over 53 wagons for the Punjab and 3 for N.W.-F.P.

(b) No such demand has been received by the Railway for the allocation of 200 wagons daily for coal loading.

(c) It is not correct to say that shortage of coal is the primary cause for the steep rise in the price of burnt bricks. There are many factors responsible for this rise ; such as high cost of coal in Baluchistan, high cost of labour, very heavy demand of bricks for reconstruction in flood affected areas and other development works. Sir, in elaboration of the answer at (a) and (b), I must explain that it is not for the Railways to allocate wagons for this Province or that Province. The wagons are made available to the consignors and is for the consignors to despatch the coal wherever they have business. I would also like to add that the despatch of coal wagons from Baluchistan has been the same, the same number of wagons as before the floods. Therefore, it is not the shortage of coal which is responsible for the rise in prices. The rise in prices is due to the reasons which I have stated.

خواجہ محمد صفدر : وزیر موصوف کی نظر سے پنجاب کے سابق وزیر اعلیٰ
مسٹر غلام مصطفیٰ کھر کا یہ بیان گزرا ہوگا کہ پنجاب کو دو سو ویگن اکوئلہ

یومیہ درکار ہے اور اس کے لیے وہ مرکزی حکومت سے مطالبہ کر رہے ہیں۔
اسی بنا پر میں نے یہ سوال کیا تھا۔

جناب ڈپٹی چیئرمین : آپ کا سوال کیا ہے ؟

خواجہ محمد صفدر : میرا سوال یہ ہے کہ کیا ان کی نظر سے سابق وزیر اعلیٰ
پنجاب کا وہ بیان گزرا ہے ؟

جناب خورشید حسن میر : (بی) میں میں نے جواب دیا ہے۔ ہم اخباری بیانات
سے کچھ تعلق نہیں رکھتے، ہمارے پاس کوئی ایسی ڈیمانڈ نہیں آئی۔ اگر ہمارے
پاس کوئی ایسی ڈیمانڈ آتی تو ہم ان سے عرض کرتے۔ کوئلے کا بزنس حکومت کے
کنٹرول میں نہیں ہے۔ بلوچستان کے ٹھیکیدار خریدار کی ڈیمانڈ پر چاہیں تو بھیج
سکتے ہیں۔ اگر انہیں کوئی ایسی دقت پیش آتی ہے تو وہ اپنے good offices استعمال
کرتے اور پرائیویٹ کاروبار کرنے والوں سے بات کرتے۔ میں عرض کر چکا ہوں
کہ ۲۲۲۴ ویگنیں بلوچستان سے Laod کی گئی تھیں ۱۶۴۸ پنجاب کے لیے ۵۳
روزانہ کے حساب سے بنتے ہیں اور تین روزانہ فرنٹیئر کے لیے بنتے ہیں۔ میرے
خیال میں اگر یہ تفصیل پنجاب کے موجودہ وزیر اعلیٰ اخبار میں پڑھیں گے تو وہ
مطمئن ہوں گے کہ کافی ویگنیں ملی ہیں۔

خواجہ محمد صفدر : میں یہ عرض کر رہا ہوں کہ اس عرصے میں جس کا کہ
میں نے ذکر کیا ہے بیوپاریوں کی طرف سے کل کتنی ویگنوں کا مطالبہ کیا
گیا ہے ؟

جناب خورشید حسن میر : ٹوٹل مطالبے کا تو مجھے علم نہیں۔ آپ علحدہ
سوال کیجئے۔ میرے پاس figures نہیں ہیں۔ میں عرض کر چکا ہوں کہ سیلاب
سے پہلے جتنی ویگنیں آتی تھیں اتنی ہی آج بھی آرہی ہیں۔

Mr. Deputy Chairman : He is more interested because he is in coal trade.

حاجی سید حسین شاہ : وزیر موصوف یہ فرمائیں گے کہ مائن اونرز
ایسوسی ایشن بلوچستان کی طرف سے کتنی بار مطالبہ ہوا ہے کہ ۲۰۰ ویگنیں روزانہ
سپلائی کی جائیں ؟

جناب ڈپٹی چیئرمین : کیا ایسا کوئی مطالبہ ہوا ہے اور اگر ہوا ہے تو
کتنی بار ہوا ہے ؟

جناب خورشید حسن میر : میں نے عرض کیا ہے کہ flood سے پہلے جتنی بھی

[Mr. Khurshid Hasan Meer]

سیلاٹی ہوتی تھی وہ اب بھی جا رہی ہے۔ پرسوں قومی اسمبلی میں تحریک التوا پیش ہوئی تھی جس میں پوری تفصیل کے ساتھ میں نے عرض کیا تھا کہ ہمارے پاس ویگنوں کی کمی ہے لیکن ویگنوں سے زیادہ Locomotives کی کمی ہے۔ ہم ان کے حصول کے لیے کوشش کر رہے ہیں۔ کینڈا نے اس سلسلے میں وعدہ کیا تھا لیکن کچھ دقتیں پیش آرہی ہیں۔ آرسی ڈی کے پراجیکٹ میں بھی دونوں ممالک ترکی اور پاکستان مل کر Locomotives بنائیں گے۔ اسی طرح فرانس کی گانڈینس کے تحت proto type engine بنائیں گے اور انہیں ہم چلا کر دیکھیں گے۔ اس طرح ہم سے جو کچھ ہو سکے گا کریں گے۔

خواجہ محمد صفدر: تا تریاق از عراق آوردہ شود، مارگزیدہ مردہ شود۔

جناب خورشید حسن میر: مصیبت تو یہ ہے کہ ہماری سابقہ حکومتوں نے اسٹیل مل نہیں لگائی۔ اب جب اسٹیل مل لگ جائے گی تو یہ دقت نہ رہے گی۔

WIDENING OF RAILWAY LEVEL-CROSSING IN SIALKOT

3. *Khawaja Mohammad Safdar: Will the Minister for Communications be pleased to state:

(a) Whether in view of the constant traffic congestion on the Khadim Ali Road, Sialkot, due to the narrow Railway level-crossing, the Sialkot Municipality moved the Railway Authorities to widen the level-crossing;

(b) Whether in the initial correspondence between the Sialkot Municipality and the Railway Administration, the latter demanded the cost of widening the level-crossing amounting to Rs. 80,000.00 from the former who agreed to this unjustified demand;

(c) Whether later on, the Railway Authorities revised their demand upwards and also demanded that the Sialkot Municipality should pay the salary and allowances of a gateman for all times to come, to which the Sialkot Municipality did not agree; and

(d) Whether it is not the duty of the Railway Authorities to widen the present 100 years old narrow level-crossing to meet the present day requirements and to ameliorate the hardships to the public?

Mr. Khurshid Hasan Meer: (a) Yes.

(b) The Municipal Committee had initially agreed to bear the cost of widening the level-crossing but later on when asked to pay Rs. 44,869/- which included widening and safety devices etc., it declined to pay.

(c) No. The Railway Administration revised the scheme for simply widening the gates to 24, deleting the cost of additional safety measures and reduced the above cost down to only Rs. 10,000/- but the Municipal Committee was not prepared to pay even this reduced cost.

(d) No. According to Railway Rules, the cost of improvement of this level-crossing which is necessitated by increase in road traffic and local conditions, is to be borne by the Municipal Committee who demanded the facility.

خواجہ صاحب کی خدمت میں یہ عرض کر دوں کہ وہ اپنا اثر و رسوخ استعمال کریں اور میونسپل کمیٹی سے کہیں کہ وہ دس ہزار روپیہ دے۔

خواجہ محمد صفدر : اگر دس ہزار روپیہ اب بھی میونسپل کمیٹی ادا کر دے تو یہ پھانک وسیع کر دیا جائے گا؟

جناب خورشید حسن میر : اگر صرف توسیع چاہتے ہیں تو دس ہزار روپیہ دے دیں ہم کر دیں گے۔

خواجہ محمد صفدر : میں کوشش کروں گا کہ میونسپل کمیٹی دس ہزار روپے ادا کر دے۔

RAIL-LINK BETWEEN LAHORE AND NAROWAL

4. ***Khawaja Mohammad Safdar** : Will the Minister for Communications be pleased to state :

(a) Whether it is a fact that railway is the only direct means of communication between Lahore and Narowal ;

(b) Whether it is a fact that railway trains on Lahore—Narowal section are overcrowded, and the passengers have to climb on the roof of the carriages to reach their destinations, resulting in several accidents ;

(c) Whether it is a fact that despite repeated representations made by the public of this section to the railway authorities to increase the number of carriages in each train, no action has so far been taken by the railway authorities ; and

(d) if answer to (c) above be in the affirmative, the reasons thereof ?

Mr. Khurshid Hasan Meer : (a) No. It is not correct that railway is the only means of Communications between Lahore and Narowal.

(b) At times, trains on Lahore—Narowal section do not run with full composition, resulting sometimes in overcrowding. Occasionally some passenger coaches, are withdrawn to meet urgent demands for transporting POWs and for other important special moves, on account of shortage of passenger coaches.

No accident has, however, been reported to have occurred on this section during the past one year to a passenger riding on the roof of a passenger coach.

(c) It is correct that there have been some representations from the public for running additional trains and for strengthening the composition of existing trains. No additional trains could be arranged due to Paucity of coaching stock and engines. However, efforts are being made to run trains on this section with full composition.

[Mr. Khurshid Hasan Meer]

(d) It has not been possible to provide additional trains or to increase the number of carriages on the existing trains due to shortage of passenger Coaches.

خواجہ محمد صفدر : میں سوال کے جواب کے پیرا (الف) کی طرف محترم وزیر کی توجہ دلاتا ہوں اور درخواست کرتا ہوں کہ مجھے بتائیں کہ نارووال اور لاہور کے درمیان direct آنے جانے کے لیے کون سی سیدھی سڑک ہے ؟

Mr. Khurshid Hasan Meer : In addition to the direct rail-link between Lahore, and Narowal, there is an alternate route from Lahore to Narowal via Gujranwala Town and Pasrur. Further small road-link exists between Lahore and Nairang via Murid Kay. And there is another Road-link between Kala Khatai running almost parallel to the railway-track.

خواجہ محمد صفدر : اگر میں محترم وزیر صاحب کی خدمت میں عرض کروں کہ براستہ گوجرانوالہ ، نارووال سے لاہور جانے کا فاصلہ کم از کم ۱۲۵ میل ہے جب کہ ریلوے کے ذریعے صرف ۳۰ میل فاصلہ ہے تو کیا وہ اس کو سیدھا راستہ کہیں گے؟ ویسے تو نارووال کے دوسرے راستوں سے بھی لاہور جایا جاسکتا ہے۔ میں نے تو سیدھے اور قریبی راستہ کے متعلق پوچھا ہے۔

جناب خورشید حسن میر : میں نے عرض کیا ہے کہ ریلوے ٹریک کے ساتھ ساتھ ایک سڑک لاہور کو جاتی ہے۔

خواجہ محمد صفدر : اگر میں محترم وزیر صاحب کی خدمت میں یہ عرض کروں کہ ان کی یہ اطلاع غلط ہے ، قطعی طور پر ریلوے لائن کے ساتھ کوئی سڑک نہیں ہے ، البتہ کچی سڑک ہے کوئی پختہ سڑک نہیں ہے تو کیا وہ اس بات سے اتفاق کریں گے؟

جناب خورشید حسن میر : کچی سڑک ہے تو اس کو پختہ کرادیجیے صوبائی حکومت سے کہہ کر۔

خواجہ محمد صفدر : ہم تو آپ سے کہہ رہے ہیں کہ آپ کچھ انتظام کریں۔

جناب خورشید حسن میر : اب تو صوبائی خود مختاری بھی ہے۔

خواجہ محمد صفدر : آپ وہ میل کے اس ٹکڑے پر مزید گاڑیاں چلا دیں لوگوں کو کافی تکالیف کا سامنا کرنا پڑتا ہے۔

جناب خورشید حسن میر : ٹرینیں واقعی کم ہیں ہم مجبور ہیں coaches بھی

کم ہیں ، پرانی ہو گئی ہیں اب سارا کام بہاری حکومت کو کرنا پڑ رہا ہے
آہستہ آہستہ سب کچھ ٹھیک ہو جائے گا آپ تھوڑا سا انتظار کریں ۔

خواجہ محمد صفدر : میں آپ کی وساطت سے محترم وزیر صاحب کو یاد دلاتا
ہوں کہ دو ماہ ہوئے ہیں نے ایک موشن inefficiency of the Railway پر اس
ایوان میں پیش کیا تھا تو میرے محترم وزیر صاحب نے نہایت ہی زوردار الفاظ
میں یہ کہا تھا کہ یہ سوال ہی پیدا نہیں ہوتا کہ ریلوے میں بدنظمی ہے ۔
ریلوے کی کارکردگی نہایت شاندار ہے ۔ کیا ان کے اس جواب اور اس جواب
میں کوئی مطابقت ہے ؟

جناب خورشید حسن میر : ہم سے جو پہلے کی حکومتیں تھیں انہوں نے
ریلوے پر کوئی توجہ نہ دی further investment کے سلسلے میں لا پرواہی
برقی گئی coaches پرانے ہو گئے ، ٹریکس پرانے ہو گئے ۔ ہم ریلوے کی طرف
مناسب توجہ دے رہے ہیں ۔ اس پر وقت لگے گا اور میں دعوے سے کہتا ہوں
کہ آپ پاکستان کا انگلینڈ سے جاپان سے اور بھارت سے مقابلہ کریں اور آپ کو
پتہ چل جائے گا کہ پاکستان کی کارکردگی سب سے اچھی ہے ۔

خواجہ محمد صفدر : میں اتنا عرض کر دوں ۔ ۔ ۔

جناب ڈپٹی چیئرمین : آپ ریلوے پر کسی دن تفصیلی گفتگو کر لیں ۔

جناب خورشید حسن میر : جب ریلوے بجٹ پیش ہوگا تو اس پر آپ
بول لینا ۔

جناب ڈپٹی چیئرمین : بجٹ سے تو ہمیں محروم کر دیا گیا ہے ۔

جناب خورشید حسن میر : قومی اسمبلی میں تو پیش ہوگا ۔

LEAVE OF ABSENCE

Mr. Deputy Chairman : There are two leave applications : one is of
Senator Ihsan-ul Haq and other is of Senator Zahur ul Haq. Senator Ihsan ul-
Haq says :

“As I leave for Nairobi with a Parliamentary Delegation to attend the
International Parliamentary Conference, please grant leave from 8th
till 18th April”.

I think, leave may be granted.

Please grant leave from 8th till 18th April.

Mr. Deputy Chairman : The leave is granted.

The second, is by Mr. Zahur ul Haq. It has been said :

“I will be proceeding to Kenya on 6th April as Member of the Parliamentary Delegation at the International Parliamentary Conference, being held at Nairobi from 8th April 1974. Kindly grant me leave from 8th to 20th April”.

I think, the leave be granted.

(The leave was granted)

Mr. Deputy Chairman : The leave is granted.

MESSAGE FROM THE NATIONAL ASSEMBLY SECRETARIAT
RE : ADOPTION OF THE WEIGHTS AND MEASURES
(METRIC SYSTEM) BILL, 1974

Mr. Deputy Chairman : There is a message from the National Assembly to the Secretary, Senate Secretariat :

“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 to the Senate Secretariat that the National Assembly passed the Weights and Measures (Metric System) Bill, 1974, on the 5th of April 1974. A copy of the Bill is transmitted herewith. Kindly acknowledge receipt. Joint Secretary, National Assembly”.

MESSAGE FROM THE NATIONAL ASSEMBLY SECRETARIAT
RE : ADOPTION OF THE SERVICE TRIBUNAL
(AMENDMENT) BILL, 1974

Mr. Deputy Chairman : Now, this is the second message from the National Assembly :

“In pursuance of Rule 109 of the Rules of Procedure and Conduct of Business in the National Assembly, 1974, I have the honour to inform the Senate Secretariat that the National Assembly passed the Services Tribunal (Amendment) Bill, 1974, on the 5th of April 1974. A copy of the Bill is transmitted herewith. Joint Secretary, National Assembly”.

Yes, now item No. 2(a). Ch. Mohammad. Hanif.

THE SUKKUR BARRAGE (VALIDATION OF ORDERS) BILL, 1974

Mr. Khurshid Hasan Meer : Sir, on behalf of the Minister for Works, Labour and Local Bodies, I beg to introduce a Bill to validate certain orders passed by the Sukkur Barrage Authorities [The Sukkur Barrage (Validation of Order) Bill, 1974].

Mr. Deputy Chairman : A Bill to validate certain orders passed by the Sukkur Barrage Authorities [The Sukkur Barrage (Validation of Orders) Bill, 1974] is introduced in the Senate.

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

Mr. Khurshid Hasan Meer : Sir, on behalf of the Minister for Law and Parliamentary Affairs, 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], as reported by the Standing Committee, be taken into consideration.”

Mr. Deputy Chairman : The motion moved is :

“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], as reported by the Standing Committee, be taken into consideration.”

Mr. Mohammad Hashim Ghilzai : Opposed.

Mr. Deputy Chairman : The motion is opposed.

Would you like to elaborate, Mr. Khurshid Hasan Meer ?

Mr. Khurshid Hasan Meer : I think, it will be better if the Law Minister, who is expected in the House, winds up the debate.

Mr. Deputy Chairman : No, he is not in the town. He is expected to be back in the evening.

Mr. Khurshid Hasan Meer : I hope the Leader of the House would like to say something.

Mr. Deputy Chairman : No, it is not necessary. Anybody can speak. Yes, Rao Sahib.

جناب راؤ عبدالستار : (قائد ایوان) جناب والا ! یہ بل اسلامی جمہوریہ پاکستان کے آئین کی آرٹیکل ۱۵۴ کے عین مطابق ہے کہ نیشنل اسمبلی اور سینٹ کے کم سے کم ورکنگ ڈیز ۱۳۰ دن ہوں گے۔ اس ملک میں مہنگائی بہت زیادہ ہو گئی ہے اور ممبر صاحبان اس کے علاوہ اور کوئی کام نہیں کر سکیں گے تو ان حالات کو مدنظر رکھتے ہوئے یہ بل اس معزز ایوان میں پیش کیا گیا ہے تاکہ ممبروں کی تنخواہیں اور الاؤنسز موجودہ حالات کے مطابق بڑھائے جائیں اور ان کو دوسری سہولتیں بھی مہیا کی جائیں۔ جن ممبروں کو ہوسٹل میں جگہ نہیں ملتی ان کو ۶۵ روپے یومیہ کی شرح سے رقم ادا کی جائے گی۔ ممبروں کی تنخواہ ۱۵۰۰ روپے ماہانہ اس بل میں مقرر کی گئی ہے۔ اس کے علاوہ ان کو

[Mr. Rao Abdus Sattar]

سفر کرنے کی بھی سہولتیں مہیا کی گئی ہیں اور اس کے لیے ساڑھے چھ ہزار روپے سالانہ کی مالیت کے ووچرز ان کو ایشو کیے جائیں گے۔ قائد ایوان اگر وہ منسٹر نہ ہو اور قائد حزب اختلاف کی دو ہزار روپے ماہانہ تنخواہ مقرر کی گئی ہے۔ نشینل اسمبلی اس بل کو پہلے ہی پاس کر چکی ہے اسٹینڈنگ کمیٹی نے بھی اس بل کے بارے میں اپنی رپورٹ پیش کر دی ہے تو میں اس ایوان سے استدعا کروں گا کہ موجودہ حالات کو مدنظر رکھتے ہوئے اس بل کو جلد سے جلد پاس کریں۔

جناب ڈپٹی چیئرمین : میں جاننا چاہتا ہوں کہ اس بل پر کون کون سے ممبران اظہار خیال کریں گے؟ خواجہ صاحب آپ بولیں گے؟

خواجہ محمد صفدر : صرف حزب اختلاف کے قائد تقریر فرمائیں گے۔

جناب ڈپٹی چیئرمین : حاجی صاحب آپ بولیں گے؟

جناب نعمت اللہ خان : نہیں۔

جناب ڈپٹی چیئرمین : وحید صاحب آپ بولیں گے؟

احمد وحید اختر : جب اپوزیشن کی طرف سے لیڈر آف دی اپوزیشن ہی بولیں گے تو اس طرف سے ایک ہی بولے گا۔

جناب محمد ہاشم غلڑی : جناب والا! میں اس بل کی اصولی طور پر مخالفت کرتا ہوں۔ مخالفت کرنے کی پہلی بات یہ ہے کہ پاکستان ایک غریب ملک ہے اس بل کا مزید بوجھ اٹھانا انصاف نہیں ہے۔ ہم یہاں سینٹ میں یا اسمبلی میں اس غرض کے لیے نہیں آتے ہیں کہ ہم یہاں اپنے لیے قانون اس قسم کے بنائیں جس سے مالی طور پر ہمیں فائدہ پہنچے۔ ہم یہاں اس غرض سے آتے ہیں کہ عوام کی خدمت کریں، ان کی حالت بہتر بناسکیں، اور ملک کی آمدنی کو عوام کی بہبودی پر خرچ کریں۔ ہم یہاں اپنے لیے مراعات حاصل کرنے کے لیے نہیں آتے ہیں۔ خاص طور پر جب تک ملک تقریباً ۴۰ ارب روپے کا مقروض ہو اور جب سوا دو لاکھ روپے سالانہ سود ادا کرنا پڑتا ہے تو ایسے حالات میں پاکستان کے خزانے پر محض سینٹ اور اسمبلی کے ارکان کو خوش کرنے کے لیے مزید بوجھ ڈالیں یہ انصاف نہیں ہے۔ میں یہ عرض کروں گا اپنے باقی دوستوں سے بھی کہ وہ عوام کی خدمت کے لیے یہاں آئے ہیں اپنی مراعات حاصل کرنے کے لیے نہیں آئے ہیں اس لیے اس کی مخالفت کریں گے اور اسے لینے سے انکار کریں گے۔

دوسری بات جو عرض کروں گا وہ یہ ہے کہ اس بل میں ایک شق رکھی

گئی ہے جس میں اس ایوان کے ممبران کے اختیارات پر حملہ کیا گیا ہے۔ لیڈر آف دی ہاؤس اور لیڈر آف دی اپوزیشن کے انتخاب کا حق ممبران کو حاصل ہوا کرتا ہے نہ کہ حزب اقتدار کے ارکان جسے چاہتے ہیں اسے اپنا لیڈر آف دی ہاؤس منتخب کرتے ہیں اور اس طرف حزب مخالف کے ارکان جسے مناسب سمجھتے ہوں اسے اپنا لیڈر آف دی اپوزیشن منتخب کریں یہاں پر انہوں نے یہ اختیار اسپیکر اور چیئرمین کو دیا ہے۔ مجھے ان کی ذات سے کوئی گلا نہیں ہے کیونکہ چیئرمین اور اسپیکر کافی ذمہ دار آدمی ہیں وہ اس اختیار کو غلط استعمال نہیں کریں گے۔ ہوسکتا ہے کہ ان کے بعد میں آنے والے اسے غلط استعمال کریں۔

جناب والا! یہ ملک میں پہلی سینٹ ہے ہم نے وعدے کیے ہیں اس لیے ہمیں چاہیے کہ ہم جمہوری قدروں کو فروغ دیں یہ بات جمہوری اصولوں کے خلاف ہے کہ ہم ممبران اپنے اختیارات کسی اور کے حوالے کر دیں۔ یہ ممبران کے اختیارات پر حملہ کی کوشش ہے۔ لیڈر کے چننے کا کام خواہ حزب مخالف میں ہو یا حزب اقتدار میں ہو ارکان کا کام ہے کہ جسے چاہیں منتخب کر لیں۔ باقی دنیا میں ایسا ہی ہوتا ہے۔ ہمیں ایسی روایات قائم نہیں کرنی چاہیں کہ اراکین کے اختیارات لے کر کسی ایک فرد کے حوالے کر دیے جائیں۔ مجھے کسی کی ذات سے اختلاف نہیں ہے ہوسکتا ہے بعد میں آنے والے اس کو غلط استعمال کریں ہوسکتا ہے کہ اس طریقے سے کسی وزیر کو مقرر کر دیں یا کسی سرکاری آدمی کو مقرر کر دیں اس لیے میں اس کی مخالفت کروں گا اور امید کروں گا کہ باقی ممبران بھی میری حمایت کریں گے۔ ان وجوہات کی بنا پر میں اس بل کی مخالفت کروں گا اور امید کرتا ہوں کہ باقی ممبران بھی ذاتی مفادات کو قربان کر کے قومی مفادات کی خاطر ان مراعات کو لینے سے کنارہ کش یا سبکدوش ہوجائیں گے۔

Mr. Deputy Chairman : Yes, Mr. Rafi Raza, Mr. Pirzada is not here. You are the Chairman of the Standing Committee concerned. I think, in his absence, you should pilot the Bill as well.

Mr. M. Rafi Raza : I don't think I can pilot it. Only a Minister can do it.

Mr. Deputy Chairman : In piloting the Bill, I mean that there are some amendments as well and you have to deal with these amendments.

Mr. M. Rafi Raza : But I think under the rules only a Minister can pilot a Bill. If the Chair wants me, I will do it but, I think, it is to be a Minister of the Government who does it.

Mr. Deputy Chairman : What about the Opposition ?

[Mr. Deputy Chairman]

I want to know the names of the Members who want to speak. With their speeches the First Reading will finish. Then the Second Reading will start. During the Second Reading you will propose your amendments but who will reply on behalf of Government?

Khawaja Mohammad Safdar : Anybody can. Anybody may reply.

Mr. Deputy Chairman : He is not piloting, I think.

A Senator : Anybody can oppose the amendments.

Mr. Deputy Chairman : Anybody can reply. That is what I think.

Mr. M. Rafi Raza : Mr. Chairman, the Leader of the Opposition has very rightly pointed out that the country is poor, and that Members who are elected, whether directly in the National Assembly or indirectly in the Senate, have come to serve and that as far as possible the poor country's exchequer should not be further taxed. But I do feel that he has made a completely incorrect, an almost false accusation that this Bill is only being put to the House and passed through the House in order to make the Members happy. If this were so, I am sure that all the Members would vote against it, especially if this were the only reason:

Khawaja Mohammad Safdar : Point of order.

Mr. Deputy Chairman : You may substitute the word incorrect with baseless.

Khawaja Mohammad Safdar : Also 'false' is unparliamentary.

Mr. M. Rafi Raza : Incorrect and baseless.

Mr. Deputy Chairman : Let us not go into the dispute whether it is parliamentary or not ; say incorrect.

Mr. M. Rafi Raza : Sir, I do want to emphasise that we as the Legislature constitute one of the most important arms, and a main structure of the state. For the first time in our history, Constitutional provision has been made for almost permanent sittings of each House. The requirement of 130 days of sittings for each House and also the provision made for Joint sittings would in effect take each Member's time for about 190 to 200 days a year.

In order to fully discharge the Constitutional functions, in order to make attendance regular, and also to see that the quorum bell does not ring for hours on end—and not that people should be paid handsomely or kept happy to attend, but that they should be interested in their continued contribution to the running of the state, that this provision for increased remuneration is being made. Sir, in the past most of the Members had private means. The Assemblies consisted of the landlord class, the feudal class, the Khans from the Frontier, the Sardars from Baluchistan but today...

A Senator : Somebody from Sind also should be mentioned.

Mr. M. Rafi Raza : Vaderas from Sind, whoever it is, and Jagirdars from Punjab, but today you only have to look through the list of Members to realise that a change has come about, mainly because of the Peoples Party's manifesto, election campaign and post struggle. Today we have Members who come from

the middle classes, lower middle class, professional classes and others who do not have private means of livelihood, who cannot supplement the income that they get from being Members and the allowances that they get by attending this House. Before this it was a luxury for people to be Members, or the landlord class treated this as just another item of expenditure. They would come to the Assembly and go home again but it did not matter because the system, the Government and work continued just as usual because in the past not many laws had to be passed, as only the vested interests were protected. The social structure had not to be changed, economic measures that the Government is now introducing were not necessary.

So, in the light of the requirement for more sessions of the National Assembly and the Senate, in the light of the need of the Members who do not have private means to supplement their incomes, for whom this is a job to be done, a job for which they do not have to receive handsome remuneration, this Bill is necessary. They just ask for fair compensation for services rendered, for services rendered in the Parliament of Pakistan for State of Pakistan. After all, what is this Bill in terms of increase in remuneration? It has provided for two main items; a free telephone installation which today in terms of communication is absolutely necessary plus Rs. 200 a month towards telephone bills. I think, no Member would say that Rs. 200 per month for telephone is excessive in view of the charges for telephones. The other addition is of travelling allowance under clause 5 of this Bill. There is provision that vouchers of Rs. 6,600 a year for each Member be given to him which comes to Rs. 500 or so a month for each Member. In case of Members who come from Karachi and go to Karachi, or who come and go to Sind, or for that matter to Baluchistan, these vouchers would be spent on 12 extra trips, one trip a month. Such a provision particularly, in terms of Sind Members, I can say with all honesty, is not an excessive increase in the remuneration of the Members of Parliament. So, I feel that this increase is legitimate. Moreover, this increase has been worked out by the Committee on Rules of Procedure of the National Assembly. It was recommended by them unanimously. They have sat in session now for over a year. They have experienced whatever difficulties there are, more than we have. They know the exact implications of its working and they have recommended certain increases, and subsequently the proposal was passed unanimously by the House. I do not feel that we, sitting here in the Senate should attempt to change what the National Assembly Members have recommended. So, Sir, so much for the first point, raised by the honourable Leader of the Opposition.

Sir, the second point taken by the Leader of the Opposition described as a matter of principle, is the question of how the Leader of the Opposition is to be chosen. He said that the right of the Members of the House has been taken away by this Bill. I do not see how, Mr. Chairman, this can be maintained by him. In the case of the Leader of the House, the Bill provides that it is a Member who is nominated by the Prime Minister. In the case of the National Assembly, the Prime Minister commands a majority. In the case of Senate, it is the Leader of the Government Party, who is Leader of the House, who leads the business of the House.

Sir, in the case of choosing the Leader of the Opposition, the Leader of the Opposition has said that the right of the House has been taken away. He might possibly have said that it is the right of the Opposition itself to elect him.

Mr. Mohammad Hasim Ghilzai : Right of the Members of the House.

Mr. M. Rafi Raza : I think, we have discussed this. I am not sure Khawaja Safdar Sahib will be able to enlighten us about rules, whether we can put

[Mr. M. Rafi Raza]

before the House what was discussed in the Committee or not, but this was thrashed out at considerable length and in detail in the Committee. We have no doubt that there is some point in what the Leader of the Opposition has made out, and we discussed the possibility of it being done in some other way. But, in fact, there are practical difficulties which are such that it cannot be left to a choice outside the House. The legal, Constitutional and practical difficulties are such that the vote cannot be left to a mechanism or procedure which is outside the House or outside the Constitution. But that apart, in any case one feels that there is enough in the nature of a safeguard here in clause 2 (f) itself. It is not left to the absolute discretion of the Chairman of the Senate or of the Speaker of the National Assembly. It is very clearly stated in clause 2(f) :

“Leader of the Opposition” means a member of a House who, in the opinion of the Speaker of the Assembly or, as the case may be, the Chairman of the Senate, is for the time being the leader of the members in Opposition to the Government in that House”.

So, if the Opposition parties say that they have chosen ‘X’ as their leader or ‘Y’ as their leader, there can be no question of the Chairman saying, “No, ‘X’ or ‘Y’ is not your leader”. I firmly feel that the fear expressed by the Leader of the Opposition, the word used by him, is baseless. With these words, I think, I have fully dealt with both the points raised by the Leader of the Opposition.

Mr. Deputy Chairman : Thank you. Now, I put the question before the House. The question is :

“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], as reported by the Standing Committee, be taken into consideration at once.”

(The motion was adopted)

Mr. Deputy Chairman : Now, we take up clause by clause discussion of the Bill. Clause 2. There are some amendments.

Khawaja Mohammad Safdar : Sir, I beg to move:

“That para (f) of Clause 2 be substituted by the following:—

(f) Leader of the Opposition in the National Assembly means a member of the National Assembly who is elected by the majority of the members of the National Assembly for the time being in opposition to the Government in the National Assembly as their leader,

(ff) Leader of the Opposition in the Senate means a member of the Senate who is elected by the majority in the Senate as their Leader. The Leader of the

Opposition in the National Assembly shall be Leader of the Opposition whenever the two Houses sit together."

Mr. Deputy Chairman : Motion moved is :

"That Para (f) of Clause 2 be substituted by the following :—

"(f) Leader of the Opposition in the National Assembly means a member of the National Assembly who is elected by the majority of the members of the National Assembly for the time being in opposition to the Government in the National Assembly as their leader,

(ff) Leader of the Opposition in the Senate means a member of the Senate who is elected by the majority in the Senate as their Leader. The Leader of the Opposition in the National Assembly shall be Leader of the Opposition whenever the two Houses sit together.

Rao Abdus Sattar : Opposed.

Mr. Deputy Chairman : The motion is opposed.

خواجہ محمد صفدر : جناب ڈپٹی چیئرمین ! جیسا کہ ابھی ابھی حزب اختلاف کے رہنما نے ارشاد فرمایا کہ ہمیں اس بل سے دو اختلاف ہیں۔ ایک اختلاف کی بنیاد یہ سب-کلاز (الف) ہے جس میں میں نے یہ ترمیم پیش کی ہے اس کلاز کو حذف کر کے ہماری یہ ترمیم قبول کر لی جائے۔ جناب والا! یہ ایک بڑا بنیادی امر ہے جس کی جانب میں نے اس ترمیم کے ذریعے اس ایوان کی توجہ دلانے کی کوشش کی ہے۔ یقین مانئے اگر ہمارا موجودہ آئین اس شکل میں نہ ہوتا جس شکل میں اس وقت ہے، اگر یہ دنیا بھر کی بیشتر آئینی دستاویزات سے مختلف نہ ہوتا، یعنی ایک خاص اعتبار سے دنیا کے عام دساتیر کے مطابق ہوتا تو میں ہرگز یہ ترمیم پیش نہ کرتا۔ وہ طریقہ کون سا ہے جس کی جانب میں اشارہ کر رہا ہوں؟ جناب والا! بہت سے دوست جانتے ہیں کہ دنیا بھر کے دساتیر جہاں پارلیمانی اور جمہوری نظام قائم ہے، جہاں پریذیڈنٹ ہے، بادشاہت ہے جیسے انگلستان میں ہے وہ اپنی صوابدید کے مطابق اکثریتی پارٹی کے رہنما کو بلا کر اس کے ذمے حکومت سازی کا فرض عائد کرتے ہیں۔ انگلستان ہو، بھارت ہو، آسٹریلیا ہو، نیوزی لینڈ ہو غرضیکہ جہاں کہیں بھی پارلیمانی جمہوری نظام قائم ہے، وہاں یہ اختیار اس ملک کے صدر کو یا اس ملک کے بادشاہ کو ہے کہ وہ عام انتخابات کے بعد یا اس کے بعد جس وقت بھی وزارت ٹوٹ جائے تو اس صورت میں وہی اکثریتی پارٹی کے جو اس کے خیال میں اکثریتی پارٹی ہو لیڈر کو بلائے۔

[Khawaja Mohammad Safdar]

صوابدید محض صدر کی ہے یا دوسری صورت میں بادشاہ کی ہے کہ جس پارٹی کو وہ اکثریتی پارٹی تصور کرے اس کے راہنما کو بلا کر وزارت سازی کی ذمہ داری اس کے کندھوں پر ڈال دے۔ لیکن ہمارے آئین میں ہم نے عام روایات سے ہٹ کر یہ فیصلہ کیا ہے کہ ہم اس کام کے لیے صدر مملکت پر مکمل طور پر اعتماد کا اظہار نہیں کرتے اور ان کی صوابدید پر وزیراعظم کی نامزدگی کو نہیں چھوڑتے بلکہ ایوان کو یہ اختیار دیا ہے۔ اکثریتی پارٹی کو اختیار ہے کہ وہ وزیراعظم کو اپنے ووٹوں سے چنے یعنی نیشنل اسمبلی وزیراعظم کا چناؤ کرے گی۔ دنیا بھر کے دساتیر سے ہٹ کر ہم نے یہ نئی بات یا نیا اصول وضع کیا ہے کہ جو پارٹی اکثریت میں ہوگی وہ وزیراعظم کو منتخب کرے گی۔ عام جمہوری طریقے سے ہٹ کر ہم نے صدر کو یہ اختیار نہیں دیا کہ وہ وزیراعظم کو نامزد کرے، بلکہ آئین کی رو سے وزیراعظم کو نیشنل اسمبلی منتخب کرے گی۔ اگر حکمران پارٹی کا یہ خیال ہے کہ وزیراعظم کا جو چناؤ ہوگا اس میں صدر مملکت کو قطعاً کوئی اختیار نہیں ہوگا اور جس شخص کو اکثریتی پارٹی اپنا لیڈر چنے اسی شخص کو صدر مملکت وزارت سازی کی دعوت دے گا۔ صدر کو اب کوئی اختیار نہیں ہوگا۔ میں بڑے ادب سے اس اصول کو مدنظر رکھتے ہوئے اپنے دوستوں سے جو باتیں ہاتھ بیٹھے ہوئے ہیں، جو حکمران پارٹی سے تعلق رکھتے ہیں۔ جو اس معزز ایوان میں اکثریت میں ہیں ان سے میں استدعا کروں گا کہ وہ ایک اصول اپنا لیں اور اس اصول پر مستحکم ہو جائیں۔ یہ نہ ہو کہ جب ضرورت پڑے تو اس کو بدل دیں اور دوسروں کی باری آئے تو اس کو ترک کر دیں اور کوئی نیا اصول وضع کر دیں۔ وہ کسی ایک اصول پر جم جائیں۔ جس چیز کو وہ اپنے لیے پسند کریں وہی چیز دوسروں کے لیے پسند کریں۔ یہ نہ ہو کہ ایک طرف سے ایک چیز پسند کر لیں اور دوسری طرف سے دوسری چیز پسند کر لیں۔

ہر آنچہ پسندی پر دیگران پسند

اس لیے میں نے یہ درخواست کی ہے کہ اس اصول کے تحت جو کہ ہماری موجودہ حکومتی پارٹی نے وضع کیا ہے، اس کے تحت اس ایوان میں اس طرف بیٹھے ہوئے چند دوست خواہ وہ چار ہیں، دس ہیں یا بارہ ہیں، وہ اپنا راہنما جسے مناسب سمجھیں منتخب کر سکتے ہیں۔ نیشنل اسمبلی میں بھی یہی طریقہ رائج ہو جو اس ترمیم کی فروگداشت تھی وہ میں نے پر کرنے کی کوشش کی ہے۔ اگر دونوں ایوانوں کا مشترکہ اجلاس یا پارلیمنٹ کا اجلاس ہو تو پھر کون صاحب لیڈر آف اپوزیشن ہوں گے؟ کیا وہی صاحب ہوں گے جو کہ نیشنل اسمبلی میں قائد حزب اختلاف ہیں یا۔۔۔؟

Mr. Deputy Chairman : For the purpose of this Bill, I do not think that there is any necessity to advocate about the Leader of the Opposition in the Joint Sitting.

خواجہ محمد صفدر : اس بل کے سلسلے میں نیا قانون بنانا پڑتا ہے۔ معمولی سا معاملہ ہے میں نے سوچا یہیں ہو جائے تو بہتر ہے، میں نہایت ادب سے گزارش کروں گا کہ میری اس ترمیم کو قبول فرمایا جائے۔

Mr. M. Rafi Raza : Sir, of the two main points that Khawaja Safdar Sahib has raised, one is that the Constitutional formula that we have adopted in Pakistan for the election of the Prime Minister is unique, and that no other country has such a formula. This is not correct. The pattern that Pakistan has followed in the past and the pattern that Khawaja Sahib is now advocating is a pattern which depended on the right of the Queen to choose her Prime Minister or the right of the King to choose his Prime Minister, what is called the Royal Prerogative of the King to choose his Prime Minister or Queen's Prerogative to choose her Prime Minister. Hence, the example that Khawaja Sahib has quoted of the countries like Newzealand, the United Kingdom and India, have that pattern, as indeed Pakistan had in the previous Constitution before our present permanent Constitution.

Sir, in terms of a federal parliamentary Constitution, I think, it is universally accepted that, in fact it has now become classic, though it is not an old Constitution, the Constitution of the Federal Republic of Germany is the best. It has become a model for all federal parliamentary systems. In that Constitution, the Chancellor, that is our Prime Minister, is elected by the House; and it is that pattern, because it has been universally acclaimed as the best parliamentary federal Constitution, that Pakistan's new Constitution has followed. So, it is not unique. It has followed what is now acclaimed as the best.

Sir, the other point which Khawaja Sahib has raised is that if the choice of the Prime Minister is made in one manner then the same principle should be followed in the choice of the Leader of the Opposition—when I say the Prime Minister it means the Leader of the House—then the same pattern should follow in choosing the Leader of the Opposition. Sir, there is a fundamental difference here. One is that the whole House elects its Prime Minister, I repeat, the whole House. You might vote against or you might vote for, but this is the right of the House, this is what the Constitution has conferred upon the House, that it is a sovereign body which itself chooses its Leader of the House, who then becomes the Chief Executive of the country. Whereas what Khawaja Sahib is now advocating is that a part of the House—that is not the whole House not the sovereign Parliament, no sovereignty of the Senate, no sovereignty of the National Assembly is in question—a part of the House, should by some process, which cannot be a procedure or process of the House, choose a Leader of the Opposition. Now, as I said in my previous intervention, who would accept this situation which cannot find its form in any law because this would become an act or action or election or choice or whatever you call it, outside the House, it would be completely outside the House? A minority, whether small or big, in a democracy is still a constituent part of the House. And, so, I feel that the parallel drawn by the Member from the Opposition is not a correct parallel at all. Secondly, as I have already pointed out, Sir, sub-clause (f) of clause 2 makes the position quite clear. It says, he must be a leader of the members of those in opposition to the Government. In view of the difficulties I have pointed out you cannot incorporate a decision of a part or minority part of the House into the House's rules and procedure or for that matter the Constitu-

[Mr. Mr. Rafi Raza].
 tion. I think, Sir, that there is enough safeguard and the provisions of clause (f) of section 2 are quite clear and do not derogate at all from the right of the members of the Opposition to choose their own leader. Thank you, Sir.

Mr. Deputy Chairman : The question is :

“(f) Leader of the Opposition in the National Assembly means a member of the National Assembly who is elected by the majority of the members of the National Assembly for the time being in opposition to the Government in the National Assembly as their leader,

(ff) Leader of the Opposition in the Senate means a member of the Senate who is elected by the majority in the Senate as their leader. The Leader of the Opposition in the National Assembly shall be Leader of the Opposition whenever the two Houses sit together.”

Members : Ayes. Noes.

Khawaja Mohammad Saffdar : Ayes have it, Sir.

Mr. Deputy Chairman : Do you want a decision ? Noes have it.

(The motion was negatived)

جناب ڈپٹی چیئرمین : او اور کچھ آدمی بولیں گے اس پر ؟
 جناب محمد یاشم غازی : جناب والا !

Mr. Deputy Chairman : Will you let me put Clause 2?
 جناب محمد یاشم غازی : جناب چیئرمین ! چونکہ ہمارا ایک بہت ہی چارٹر

مطالبہ تھا اور House نے اسے مسترد کر دیا ہے اس لیے ہم بطور احتجاج House سے walkout کرتے ہیں۔
 (At this stage the Opposition Members staged walk-out).

جناب ڈپٹی چیئرمین : یہ روایت کوئی اچھی تو نہیں ہے۔ آپ ہاؤس کی presence کو ignore کرتے ہیں۔

The question before the House is :
 That Clause 2 stands part of the Bill.
 (The motion was adopted)

Mr. Deputy Chairman : Clause 3. Mr. Kamran Khan to move. Not present, not moved. Therefore, I put Clause 3 to the House.

The question is :

“That Clause 3 stands part of the Bill”.

(The motion was adopted)

Mr. Deputy Chairman : Clause 4. Amendment in the name of Khawaja Mohammad Safdar, not present, not moved. Mr. Kamran Khan, not present, not moved. Khawaja Mohammad Safdar, not present, not moved. Next Khawaja Mohammad Safdar, not present, not moved. No other amendment. Therefore, I put Clause 4 to the House.

The question is :

“That Clause 4 stands part of the Bill”.

(The motion was adopted)

Mr. Deputy Chairman : Clause 5. Khawaja Mohammad Safdar, not present, not moved. Next Khawaja Mohammad Safdar, not present, not moved. There is no other amendment in Clauses 5, 6, 7 and 8. Therefore, I put the clauses to the House.

The question is :

“That Clauses 5, 6, 7 and 8 stand part of the Bill”.

(The motion was adopted)

Mr. Deputy Chairman : Clause 9. There is an amendment which Khawaja Mohammad Safdar has to move. Not present, not moved. There is no other amendment in Clause 9. Therefore, I put Clause 9 to the House.

The question before the House is :

“That Clause 9 stands part of the Bill”.

(The motion was adopted)

Mr. Deputy Chairman : Clause 10. Khawaja Mohammad Safdar to move. Not present, not moved. There is no other amendment in Clause 10. Therefore, I put Clause 10 to the House.

The question before the House is :

“That Clause 10 stands part of the Bill”.

(The motion was adopted)

Mr. Deputy Chairman : Clause 11. Khawaja Mohammad Safdar to move. Not present, not moved. There is no other amendment to Clauses 11, 12, 13, 14 and 15. Therefore, I put all the clauses to the House.

The question before the House is :

[Mr. Deputy Chairman]

“That Clauses 11, 12, 13, 14 and 15 stand part of the Bill.”

(The motion was adopted)

Mr. Deputy Chairman : Clauses 11, 12, 13, 14 and 15 stand part of the Bill.

The question before the House is :

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

(The motion was adopted)

Mr. Deputy Chairman : Yes, No. 4.

Mr. Khurshid Hasan Meer : Sir, 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 passed.”

Mr. Deputy Chairman : The motion moved is :

“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 passed”.

Not opposed? Yes, not opposed. Therefore, I put the question before the House.

The question before the House is that :

“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 passed”.

(The motion was adopted)

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

Mr. Chairman : Now, we take up item 5, Mr. Abdul Hafeez Pirzada.

THE LAND REFORMS (AMENDMENT) BILL, 1974

Mr. Khurshid Hasan Meer : Sir, on behalf of the Minister for Law and Parliamentary Affairs, I beg to move :

“That the Bill further to amend certain Regulations [The Land Reforms (Amendment) Bill, 1974], as passed by the National Assembly, be taken into consideration”.

Mr. Chairman : The motion before the House is :

“That the Bill further to amend certain Regulations [The Land Reforms (Amendment) Bill, 1974], as passed by the National Assembly, be taken into consideration”.

POINT OF ORDER RE : PREVIOUS SANCTION OF PRESIDENT NECESSARY TO AMEND LAWS ENUMERATED IN SIXTH SCHEDULE

Khawaja Mohammad Safdar : Point of order, Sir.

جناب والا ! میرا پوائنٹ آف آرڈر یہ ہے کہ اس ترمیم کے ذریعے چار ریگولیشنز میں ترمیم کرنا مقصود ہے :-

1. The Land Reforms Regulation, 1972 ;
2. The Dir and Swat (Devolution and Distribution of Property) Regulation, 1972 ;
3. The Dir and Swat (Settlement of Disputes of Immovable Property) Regulation, 1972 ; and
4. The Land Reforms (Baluchistan Pat Feeder Canal) Regulation 1972.

جناب ! یہ چاروں ریگولیشن ہمارے ملک کے آئین کے جھٹے شیڈول میں درج ہیں ۔

Mr. Chairman : You read the whole of it.

Khawaja Mohammad Safdar : Sir, I read.....

Mr. Khurshid Hasan Meer : Sir, if the Chair is pleased to permit me, I would say that the objection raised is valid and perfectly clear. I have just enquired and I am told that the sanction has been obtained and to satisfy myself and the honourable Member, I have sent for the sanction, and we will place the sanction before the Chair.

Mr. Chairman : Your objection is upheld.

Mr. Khurshid Hasan Meer : I have sent for it, and I am told that the sanction has been obtained.

Khawaja Mohammad Safdar : Should we adjourn till then ?

Mr. Chairman : It is up to you.

A Member : Let the sanction come.

خواجہ محمد صفدر : جناب والا ! آپ شیڈول نمبر ۶ میں آٹھ نمبر ۱۳ ملاحظہ فرمائیں اور پھر ۱۵، ۱۸ اور ۱۹ - اب جناب والا ! آرٹیکل ۲۶۸ سے آرٹیکل (۲) ملاحظہ فرمائیے جیسا کہ شیڈول چھ کے عنوان میں لکھا ہے صفحہ ایک سو بتیس -

Mr. Khurshid Hasan Meer : You are right. If the House is pleased and if the Chair is pleased, I think, this Bill should be deferred to the next sitting and the House may be adjourned because there is no other business before the House.

Mr. Chairman : Do you agree with this ?

Mr. Khurshid Hasan Meer : I have sent for the file, and there is no other business before the House.

Mr. Chairman : Then, we have to adjourn the House and, I think, you all agree. There will be no Senate session tomorrow. I propose to adjourn it for day-after-tomorrow ; if you agree and if you have no objection ?

Khawaja Mohammad Safdar : No objection.

Mr. Chairman : We have no sitting tomorrow, and I propose to adjourn it until day-after-tomorrow *i.e.*, the 10th. Do you agree ?

Members : Yes, Sir.

Mr. Chairman : Meer Sahib, anything else ?

Mr. Khurshid Hasan Meer : I think, the best thing would be that the Law Minister should be present. So far as my understanding of the law goes, I take the objection to be valid but the Law Minister may have something else to say because, after all, he is the Minister incharge and he can take the position that the objection is not valid.

خواجہ محمد صفدر : جناب والا ! ہمیں یہ بھی دیکھنا ہوگا کہ صدر مملکت کی منظوری کب حاصل کی گئی ہے کیونکہ یہ بل قومی اسمبلی سے منظور ہو چکا ہوا ہے اس لیے میرا خیال ہے کہ ہمیں انتظار کرنا چاہیے -

Mr. Khurshid Hasan Meer : I thought that it apparently needs a more careful study and I have also made a statement what I am told, but I myself have not clarified the position.

Mr. Chairman : I would like to make one thing clear. Their objection is that these 4 laws cannot be modified, altered, repealed or otherwise tampered with without the sanction of the President. The other objection which is very significant and which should be taken notice of is this that sanction of the President today would not rectify the thing, because it has been already passed by the National Assembly, even, according to them, that can also be held to be an illegal adaptation of the law.

Mr. Khurshid Hasan Meer : We shall cross the bridge when we come to it.

Mr. Chairman : What I meant to suggest is that the Law Minister should come prepared for both the objections. Thank you very much.

Mr. Khurshid Hasan Meer : I shall certainly convey it to him.

Mr. Chairman : Their objection is that this sanction should have been obtained from the President before passing it in the National Assembly. Now, the House is adjourned to meet on Wednesday at 10.00 a.m.

The House adjourned to meet again at ten of the clock in the morning on Wednesday, April 10, 1974.
