



THE SENATE OF PAKISTAN DEBATES

OFFICIAL REPORT

Monday, April 15, 1974

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SENATE DEBATES

SENATE OF PAKISTAN

Monday, April 15, 1974

The Senate of Pakistan met in 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)

OBITUARY REFERENCE

Mr. Chairman : Yes.

Rao Abdus Sattar : I request that a reference may be made on the sad demise of the late Munir Ahmed Arain, Member of Provincial Assembly of Sindh, and our feeling be conveyed to the bereaved family, and we should pray for his soul.

خواجہ محمد صفدر : جناب والا ! میں مرحوم سے ذاتی طور پر تو واقف نہیں تھا لیکن احباب سے بہت تعریف سنی ہے وہ پیشے کے لحاظ سے وکیل تھے اور اب گذشتہ انتخاب میں وہ صوبائی اسمبلی سندھ کے رکن منتخب ہوئے۔ انہوں نے بحیثیت رکن اسمبلی نہایت محنت اور جانفشانی سے اور بغیر کسی خوف و خطر اور لالچ کے فرائض سرانجام دیے میں سمجھتا ہوں کہ یہ ایک بہت بڑی خوبی ہے اور ایسے اوصاف آدمی اس دور میں بہت کم ملتے ہیں جو کہ ان میں تھے۔ میں محترم قائد ایون کے ان جذبات کی ہمنوائی کرتا ہوں جن کا اظہار ابھی انہوں نے انہوں نے کیا ہے۔ اور مرحوم کے لیے اللہ تعالیٰ کے حضور میں دعا کرتا ہوں کہ اللہ تعالیٰ انہیں جوار رحمت میں جگہ دے اور ان کے پسندگن کو صبر جمیل عطا فرمائے۔ میں آپ کی خدمت میں درخواست کروں گا کہ ہمارے دونوں طرف کے جذبات مرحوم کے ورثاء تک پہنچا دیے جائیں۔ شکریہ۔

Mr. Chairman : It is not necessary, normally, to make a long speech ; one has to be brief in such a case. I fully associate myself with the sentiments

[Mr. Chairman]

expressed by both sides of the House. It shocked us to hear of the death of the Munir Ahmed Arain, MPA. A message of condolence should be duly sent to the members of his bereaved family. I would request Mufti Zafar Ali Nomani to offer Fateha.

(Fateha was offered by Mufti Zafar Ali Nomani)

STARRED QUESTIONS AND ANSWERS

Mr. Chairman : Now, we take up questions.

SHIFTING OF RAILWAY WORKSHOP

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

(a) whether some Railway Workshops are being shifted from Mughalpora to Sukkur ; if so, which are those workshops ; and

(b) the reasons for the shifting ?

Ch. Mohammad Hanif Khan : [On behalf of Mr. Khurshid Hasan Meer] (a) & (b) No. However, a proposal is under examination to set up a new Carriage & Wagon Shop at Sukkur with the object of de-centralizing Carriage and Wagon maintenance.

خواجہ محمد صفدر : ضمنی سوال جناب ! کیا میں محترم وزیر صاحب سے استفسار کر سکتا ہوں کہ یہ نئی کیرج اور ویگن ورکشاپ جو کہ سکھر میں تعمیر کرنا زیر تجویز ہے اس کے لیے مشینری باہر کے ملکوں سے درآمد کی جائے گی یا کہ موجودہ ورکشاپوں سے مشینری نکال کر وہاں لے جائی جائے گی ؟

چودھری محمد حنیف خان : مشینری یہاں سے تو نکال کر نہیں لے جائی جائے گی۔ یہ تو یہاں پر ہی رہے گی۔ اب سکھر کے حالات کے مطابق وہاں اور بھی بہت سی چیزیں کرنا ہیں کیونکہ سکھر میں دراصل ورکشاپ پہلے تھی لیکن ۱۹۴۲ء میں ختم کر دی گئی تھی۔ اب دوبارہ پھر بنانے کا خیال ہے۔ لیکن جہاں پر ورکشاپ تھی اب وہاں پر بہت سی چیزیں بن گئی ہیں۔ اب پیشتر اس کے کہ وہاں پر ورکشاپ بنائی جائے وہاں پر نئی جگہ کا بھی تعین کرنا ہے کہ کس جگہ پر بنانی ہے۔ دوسری سہولیات بھی دیکھنی ہیں۔ یہ پلانٹ اور مشینری یہاں سے جا سکتی ہے یا نہیں اس کا بھی اندازہ لگایا جانا ہے۔ یہ کوئی فیصلہ نہیں ہوا کہ باہر سے منگوائی جائے گی۔ پھر سٹاف کے کواٹرز کا بھی مسئلہ ہے یہ سب چیزیں دیکھنا ہیں ابھی میں یقینی طور پر نہیں کہہ سکتا کہ یہاں سے کوئی چیز جائے گی یا نہیں۔

خواجہ محمد صفدر : کیا میں محترم وزیر صاحب سے استفسار کر سکتا ہوں کہ لاہور مغل پورہ ورکشاپ کی مشینری بہت پرانی ہے۔ کیا یہ بہتر نہیں ہوگا کہ ہم مکمل طور پر سکھر میں ایک نئی ورکشاپ قائم کریں۔ اس کے لیے بھی بہتر مشینری باہر سے منگوائیں تاکہ پہاری Carriage کی مرمت میں ہمیں آسانی رہے۔

چوہدری محمد حنیف خاں : یہ تو ان کی رائے ہے suggestion ہے یہ سوال تو تو نہیں ہے ۔

خواجہ محمد صفدر : کیا آپ اتفاق کرتے ہیں ؟

چوہدری محمد حنیف خاں : میں نے تو عرض کیا ہے کہ ابھی ہم اس اسٹیج پر پہنچے ہی نہیں۔

جناب چیئرمین : انہوں نے پہلے ہی کہا ہے کہ under examination ہے۔

RAILWAY LINK BETWEEN ISLAMABAD AND RAWALPINDI

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

(a) whether a Scheme for constructing a rail link connecting Islamabad with Rawalpindi was approved ;

(b) the year of the approval of the Scheme ;

(c) the reasons for the postponement of its implementations ; and

(d) the year when the work on this Scheme is proposed to be taken in hand ?

Ch. Mohammad Hanif Khan : (On behalf of Mr. Khurshid Hasan Meer) (a) Yes.

(b) 1967.

(c) Inadequate funds available for this project in the past have caused a set back in the completion of this work.

(d) The project has, however, been reviewed and it has now been decided to construct the railway line upto Dhok Zakir as Phase—I. It is expected that this Phase—I of the Project will be completed during 1974-75.

خواجہ محمد صفدر : کیا محترم وزیر صاحب بتائیں گے کہ Phase No. 1 پر کام شروع ہو چکا ہے ؟

چوہدری محمد حنیف خاں : جی ہاں Earthwork has already been completed

خواجہ محمد صفدر : اس کام کے لیے موجودہ مالی سال میں کس قدر رقم بجٹ میں رکھی گئی ہے ؟

Ch. Mohammad Hanif Khan : During 1973-74 allotment of Rs. 15 lac was made and the work has been taken in hand.

CONTROVERSY OVER FLIGHT-SAFETY OF DC-10

31. **Khawaja Mohammad Safdar :** Will the Minister for Defence be pleased to state :

(a) whether the Federal Government is aware that a great controversy has arisen regarding the flight-safety of D.C. 10 after the D.C. 10 accident on the 3rd March, 1974, near Paris ;

(b) whether the P.I.A. has entered into a contract with the Douglas Aircraft Company for the supply of several D.C. 10 ; and

(c) whether the P.I.A. is prepared to reconsider its plans for the purchase of the said planes in view of the risks involved ?

Ch. Mohammad Hanif Khan : (On behalf of Mr. Aziz Ahmed) (a) Yes.

(b) P.I.A. has entered into a contract with Douglas Aircraft Company for the purchase of three D.C.—10—30 aircraft. The contract has a provision for further three aircraft on option. This option has not been exercised by PIA, to date.

(c) P.I.A. is already committed to the purchase of three aircrafts continue to be certified as airworthy at the time of manufacture, by the Federal Aviation Agency of America, and during operation by the office of Director General of Civil Aviation, Pakistan.

خواجہ محمد صفدر : کیا میں محترم وزیر صاحب سے پوچھ سکتا ہوں کہ کیا یہ امر واقع نہیں ہے کہ پیرس کے حادثے کے بعد اس قسم کے جہاز یعنی ڈی - سی - 10 کے luggage hold کے دروازے میں نقص پایا گیا اور وہ نقص ابھی تک رفع نہیں ہوا ؟

Mr. Chairman : Where is the defect ?

Khawaja Mohammad Safdar : At the luggage hold.

Ch. Mohammad Hanif Khan : Information received from the P.I.A. is as follows :

“The portions of the bulk cargo compartment door were found several miles from the main site. Much of the investigation has been directed towards this door by the French authorities who are in charge of investigation. United States National Safety Board, Federal Aviation Administration and Douglas' representatives on the investigating team are assisting the French authorities. While it would be premature to draw conclusions from the investigations to-date, Douglas has acted immediately to ensure appropriate precautions by DC—10 Operators, regarding adherence to proper and previously issued cargo door latching procedures and compliance with previously issued cargo door

modification changes. United States FAA has issued an Air worthiness directive on March 6, 1974, requiring mandatory compliance, prior to further flight, with Douglas service Bulletins, and witnessing of every "cargo door-closure and latch security by a flight crew member, prior to each flight. All these modifications were incorporated by Douglas on P.I.A. DC-10 aircraft before delivery."

خواجہ محمد صفدر : جناب والا ! کیا یہ امر واقعہ نہیں ہے کہ ڈوگلس ایئر کرافٹ کارپوریشن نے محض ہدایات جاری کی ہیں کہ کارگو جہاز کے دروازے کی کنڈی میں ترمیم کی جائے اور حقیقت میں آج تک کوئی ترمیم نہیں ہوئی -

Ch. Mohammad Hanif Khan : I can give only information which is available. I cannot add anything more to it.

Mr. Chairman : Next.

RAIL ACCIDENT AT MULTAN STATION

32. Mr. Shahzad Gul (On behalf of Haji Saved Hussain Shah) : Will the Minister for Communications be pleased to state :

(a) whether it is a fact that on the 6th March, 1974, Ghazala Rail Car, while shunting at Multan Cantonment Railway Station, collided with Tezgam, injuring many passengers ; and

(b) if so, the action taken against those responsible for this accident ?

Ch. Mohammad Hanif Khan (On behalf of Mr. Khurshid Hasan Meer) : (a) Yes. In this accident which took place on 5-3-1974, 2 passengers and 3 railway employees received injuries.

(b) As a result of initial investigations held immediately after the accident, the driver and fireman of the Railcar were placed under suspension. A Committee of Senior Railway Officers is probing into the accident and further disciplinary action against the staff will be taken in the light of the Enquiry Committee's finding.

Mr. Shahzad Gul : When the Enquiry Report is expected, because it is now one and a half month of the accident, and up till now nothing has come in the Press or in the Court ?

Ch. Mohammad Hanif Khan : The Enquiry Report is expected to be finalised shortly.

Mr. Chairman : Now, we will take up adjournment motions. There is one in the name of Khawaja Safdar Sahib.

ADJOURNMENT MOTION RE : VICTIMISATION OF WORKERS BY INSURANCE COMPANY

Khawaja Mohammad Safdar : I beg leave of the House to move a motion for the adjournment of the business of the Senate to discuss a definite matter of urgent public importance and of recent occurrence namely, the victimisation and ill-treatment of State Life Field Workers by the management of the State

[Khawaja Mohammad Safdar]

Life Insurance organisation. This victimisation and ill-treatment of the Field Staff workers has resulted in unrest their ranks and a threat of country-wide strike.

The telegram, received by me from the State Life Field Workers Union, Karachi, is enclosed.

Ch. Mohammad Hanif Khan : Sir, I object to this adjournment motion being admitted on these grounds ; and before I give these grounds I would like to make respectfully a submission, that if such matters are made subject-matter of an adjournment motion, then probably we should forget about doing anything else in the National Assembly or the Senate, because, Sir, it is a very well-known fact that so far as the strikes are concerned. . .

Mr. Chairman : You need not worry about the facts. You see yourself to the point of admissibility.

Ch. Mohammad Hanif Khan : *I would like, and for the simple reason I am talking and I just want to bring it to the notice of the Chair and to the notice of the Members through the Chair, Sir, that strikes, where there is trade unionism, is a normal phenomenon, because the workers have got to go on strike under the law, and where there are about lakhs of thousands of industrial workers and unions and the workers have got certain rights ; for example, they feel that their genuine and *bona fide* demands are not being satisfied by the management. Every time, throughout the year we will find that some agitation is continuing here and there, some amount of discontent is going on, because agreements are made at different times, they expire at different times, and whenever an agreement expires the negotiations start. The workers submit their demands and if they remain united some kind of agreement arrives between the management and the workers, and it is a part of that process which has been given to the workers that they can also resort to strike where for example, that their genuine demands are not being met ; and strike is a legal right which the workers can exercise. So I like to make a submission, only one submission that if the honourable Member wants that he would like to bring as many adjournment motions on this point as possible I can supply him a good bit of information. He can discuss them with me in the office. I will let him know where these negotiations are continuing and where it has possibility if the negotiations fail, the workers may go on strike. So I can give sufficient material of substance which will form part of the adjournment motion, but then we will forget everything else ; and in that event we will discuss the strike only.

Mr Chairman : I think, he feels satisfied.

Ch. Mohammad Hanif Khan : *Sir, as far as I am concerned I know so much about it. Strike is something which cannot be called easily, because the workers do not go on strike just like that. It is a part of their right to have negotiations with their employers. Now, they can tell them that look here, we have got this legal right, and if you don't concede our genuine demands then we can go on strike ; and on such threats as these the honourable Members of

*Speech not corrected by the honourable Minister.

the Senate and in the National Assembly come up with adjournment motions. Then the whole job becomes very easy. I have got full information with me where, at this right time, at this time today how many Units are being subject-matter of discussion? How many problems are the subject-matter of different Units between the workers and the employers. I will make the whole job easy. He may have information from somebody. Why do they depend upon others. I will give the correct information, absolutely correct information and say that the negotiations are proceeding and the possibilities of settlement are there. We can discuss these measures. Now, there is nothing happened. I will give the information.

Only a small portion of the Field Staff belonging to 'C' BEMA only and stationed at Lahore and Karachi served the charter of demand and this strike notice was also served in Karachi, but this did not come into effect in cities and they did not serve any charter of demands or strike notice. It cannot therefore, be considered of general public importance; and it has also lost its urgency because Field Staff have not carried their notice of strike. Furthermore, there are certain additional facts and the State Life Insurance is negotiating with the management. In an amicable atmosphere; and it contains inferences about an incident which has not taken place and of which there is absolutely no likelihood at present and finally the motion as a matter of fact deals with a hypothetical case and would also not be admissible under Rule 71 J. Otherwise too. Sir, strikes, etc, and negotiations, do create a lot of tension here and there. Where there is trade unionism, the workers have got the right to press for their demands and this is the legal right in the Industrial Relations Ordinance. Today, there might be hundreds of industrial units where the negotiations might be going on between the workers and employers and there might be hundreds of industrial units where the workers may be contemplating that if the negotiations do not succeed they might like to go on strike but it may not be necessary for them to go on strike because they can still decline to go on strike and they may refer their cases to the courts. So, Sir, these are matters which should not form subject matter of adjournment motions.

Mr. Chairman : Thank you.

خواجہ محمد صفدر : جناب والا ! مجھے محترم وزیر صاحب سے اس بارے میں قطعی اختلاف ہے کہ اس قسم کی تحریک التوا یہاں پیش نہیں ہونی چاہئیں۔ یہ بات بڑی اہم ہے۔ میرے پاس ایک تار آیا ہے اور بھیجنے والوں نے اس پر دس روپے خرچ کیے ہوں گے۔

جناب چیئرمین : ذرا تار پڑھیں۔

خواجہ محمد صفدر : شروع سے پڑھوں۔

جناب چیئرمین : جی ہاں شروع سے پڑھیں۔

Khawaja Mohammad Safdar : "Solicit immediate attention. Nationalised Life Insurance Institution faces grave crisis due to rash and stupid policies of State Life Bureaucrats who have no knowledge or experience of running this class of industry which is the prime source of capital formation in the country."

[Khawaja Mohammad Safdar]

Field Workers throughout the country after months of restlessness and agitation are being forced by Management's attitude to stop work altogether. Numerous Field Workers have had to leave the profession and seek other jobs. Victimization, ill treatment and withdrawal of facilities allowed before nationalisation, gross reduction in commission rates, main causes of unrest. General country-wide strike imminent. Charter of demands submitted last month summarily rejected. Labour Directorate seized of the situation. Request urgent interference by Central Government to prevent disaster."

جناب والا! میں نے بھی اندازہ کیا تھا کہ آیا اس کی کوئی اہمیت ہے۔ حقیقت یہ ہے کہ جیسا کہ اس تار میں لکھا ہے کہ capital formation کا سب سے بڑا ذریعہ ہمارے ملک میں انشورنس کمپنیاں تھیں اور اب سٹیٹ لائف انشورنس ہے اور اس میں اگر اس طرح ایک crisis پیدا ہو جائے اور وہ کام بند کر دیں یا دل چھوڑ بیٹھیں تو اس سے capital formation متاثر ہوگی۔ میں نے سوچ سمجھ کر یہ ایڈجرنمنٹ موشن پیش کی ہے۔ میں ہر روز clams قسم کی چیزیں پڑھتا ہوں لیکن یہ مسئلہ ایسا تھا جس سے کہ ہمارے ملک کی اقتصادیات کا گہرا تعلق ہے اور جیسا کہ آپ جانتے ہیں کہ بہت سے لوگ اس کاروبار کے ساتھ منسلک بھی ہیں اس لیے میں نے اس کی اہمیت کے پیش نظر اس کو پیش کیا ہے۔ جیسا کہ محترم وزیر صاحب نے ارشاد فرمایا ہے انہوں نے strike نہیں کی، مجھے خوشی ہے محترم وزیر صاحب کو بحیثیت وزیر کہ ان چیزوں کا علم ہے لیکن بحیثیت ممبر کے میرا علم محدود ہے میں نے تو انہیں strike پر جانے سے روکنے کے لیے یہ قدم اٹھایا ہے۔ دوسری بات انہوں نے ارشاد فرمائی ہے کہ ان کے کچھ مطالبات مان لیے گئے ہیں، مجھے یہ سن کر بھی خوشی ہوئی ہے۔ negotiations ہو رہی ہیں اور جو باقی ہیں شاید وہ بھی تسام کر لیے جائیں اس لیے میں اس کو زیادہ پریس نہیں کرتا۔

Mr. Chairman : He is not pressing it.

Ch. Mohammad Hanif Khan : *I want to make a small observation. I am very pleased to hear that after all, Khawaja Sahib has appreciated the position but I want to make one point clear. The machinery which has been provided for the workers is so effective and efficient that as a matter of fact nobody has to bother about it now. The machinery is that they can submit all charters of demands to the management and the management can certainly refuse the charter of demands but that does not mean that the workers do not have a remedy at all. The workers can serve the management with a strike notice of 14 days and during these 14 days they can take conciliatory steps. After these 14 days if the workers feel that their charter of demands or their genuine demands are not accepted, they can use the special tactic of strike. This is legal but at the same time they do not have to go on strike because if they

*Speech not corrected by the honourable Minister.

feel that their demands are genuine, they are entitled to a particular right, then certainly they can go to a court of law and I am sure that when they have the right to go to a court of law and have their rights examined, when the courts of law exist for the workers, there is no necessity of using these pressure tactics. They can go on strike and they can remain on strike for as long as they want. They can call off the strike and go to the court of law. The machinery is so efficient and so effective that we should not bother about this, rather we should tell them why waste time; this is the maximum which we can do. Here we cannot give them anything at all. For example if we decide to discuss here what will be the result? Can we say that the workers should be given this and this thing? Can we take that decision here? No, this Honourable House cannot take that decision because the decision has to be taken by the Court which has been empowered to take decision under the law. That is why I made the submission that when the court of law is there, efficacious and very effective, there is no necessity for the workers and their leaders to send this to the National Assembly. Of course, this House and the National Assembly are absolutely within their competence to take notice of a thing when it really becomes a thing of public and national importance. We know at what time to take notice. It is a minor thing which can be ignored.

Mr. Chairman : Honourable Khawaja Safdar was not very serious about the adjournment of the business of the House. He only wanted to invite your attention to this trouble which is brewing since some time and would like you to do something in the matter so that the threatened strike may not take place and he has achieved that objective.

MESSAGE FROM THE NATIONAL ASSEMBLY RE : ADOPTION OF THE PEOPLES OPEN UNIVERSITY BILL, 1974

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

“Sir, in pursuance of the Rule 109 of the Rules of Procedure and Conduct of Business in the National Assembly, I have the honour to inform the Senate Secretariat that the National Assembly passed the Peoples Open University Bill, 1974 on the 12th of April. A copy of the Bill is transmitted herewith. Please acknowledge receipt.”

Mr. Chairman : Now, we take up legislative business. Rana Sahib the first motion is in your name.

SUKKUR BARRAGE (VALIDATION OF ORDERS) BILL, 1974

Ch. Mohammad Hanif Khan : I beg to move :

“That the Bill to validate certain orders passed by the Sukkur Barrage Authorities [The Sukkur Barrage (Validation of Orders) Bill, 1974], as reported by the Standing Committee, be taken into consideration at once.”

Mr. Chairman . The motion is :

“That the Bill to Validate certain orders passed by the Sukkur Barrage Authorities [The Sukkur Barrage (Validation of Orders) Bill, 1974], as reported by the Standing Committee, be taken into consideration at once.”

Khawaja Mohammad Safdar : Opposed, Sir.

Mr. Chairman : Opposed ?

Yes, Rana Mohammad Hanif. Please continue.....

Ch. Mohammad Hanif Khan : *Actually these grants of land, held by evacuee grantees in Sukkur Barrage Area, were cancelled by the Barrage Authorities and the land was granted to locals and this law is being passed to avoid any dislocation to the new grantees, because it has been decided that the grants should not be cancelled in the light of the Supreme Court Ruling, which has held that this land is an evacuee land because evacuees had interest in this land. What happened, actually, is that the transferees of this land had to satisfy certain terms and conditions before they could acquire proprietary rights. And those transferees did not, before migrating to India, satisfy those requirements, with the result that the Barrage Authorities, considering that since those terms and conditions have not been satisfied by the transferees, they are entitled to grant this land to others. So, they made allotments to locals on certain terms and conditions and those locals are now in possession of this Barrage land. They paid the price of the land and for all purposes they think that they are the owners of the land and the proprietors of this land. But at the same time there is a Ruling of the Supreme Court that Evacuee Non-Muslims, who migrated to India, had some amount of interest in this land. Therefore, this is to be considered an evacuee land and can be transferred to the claimants in lieu of their claims. The entire area is not affected. There is about one thousand acres of land, which is affected by this law. But at the same time it is most important that this law should be passed, because under the present circumstances the disputes are cropping up now. The persons, who are in possession of this land, think that they are the owners of this land, because they have paid the value of this land and they cannot be considered the tenants of the allottees or the tenants of the claimants. On the other hand, claimants feel that they are fully entitled to receive the share of the produce from those persons in whose possession this land is and they think that they are tenants.

Now, these disputes are there. In order to avoid these disputes and to get over the situation, which is now cropping up in this particular area, it has been decided that all the orders passed by the Sukkur Barrage Authorities in favour of all those persons (locals) to whom this land is sold, should be regularised and they should become owners of the land. And those persons, who have owned land and are allottees, should be paid either cash compensation or lands somewhere else in lieu of their land.

This is the reason that this law has been brought.

خواجہ محمد صفدر : جناب والا ! میں اس بل کے متعلق آپ کے توسط سے اس ایوان کی خدمت میں چند گزارشات عرض کروں گا اور وہ گزارشات یہ ہیں کہ اگست ۱۹۴۷ء سے قبل کے غیر مسلموں کو سکھر بیراج میں بیراج اتھارٹیز نے حسب معمول شرائط کے مطابق اراضیات دی تھیں۔ وہ لوگ اگست

*Speech not corrected by the honourable Minister.

۱۹۴۷ء میں ترک وطن کر کے گئے جس کے نتیجے میں ان اراضیات کو متروکہ جائداد تصور کرتے ہوئے ۱۹۴۸ء کی ابتدا میں مہاجرین کو وہ اراضیات الاٹ کر دی گئیں۔ اس کے بعد ۱۹۴۹ء میں سکھر بیراج اتھارٹیز نے یہ خیال کرتے ہوئے کہ یہ متروکہ نہیں ہے گذشتہ شرائط کے تحت سکھر بیراج اتھارٹیز نے جن لوگوں کو یہ اراضیات دی تھیں خواہ وہ مسلم تھے یا غیر مسلم انہوں نے وہ شرائط پوری نہیں کیں لہذا یہ اراضیات سکھر بیراج کو واپس لوٹ گئیں۔ اس غلط فہمی کی بناء پر انہوں نے ۱۹۴۹ء میں یہ اراضیات مقامی آباد کاروں یا زمینداروں کو اپنی شرائط پر دے دیں۔ ۱۹۵۹ء میں یعنی دس سال بعد میں یہ مسئلہ Rehabilitation Commissioner کے نوٹس میں آیا اور انہوں نے کہا کہ یہ بالکل غلط ہے۔ Evacuee کا جو بھی حصہ ہے جو بھی interest ہے Evacuee authorities Property Bill میں جب تک Rehabilitation اس کو الاٹ کرنے کی پابند ہیں اور وہ کسی مقامی یا غیر مقامی کو نہیں دی جا سکتیں چہ جائیکہ سکھر بیراج اتھارٹیز اپنی مرضی سے کسی زید یا بکو کو وہ اراضی دے دے اور ۱۹۵۹ء میں Evacuee Trust نے اس اراضی کو لوگوں میں الاٹ کر دیا۔ اب ۱۹۵۹ء سے لے کر آج تک یہ قبضہ ان مہاجرین اور مقامی آبادکاروں کے درمیان جن کو ۱۹۴۹ء میں یہ اراضی سکھر بیراج کی شرائط کے مطابق دی گئی تھی چل رہا ہے۔ کم و بیش اس امر کو آج ۱۶، ۱۷ سال ہو رہے ہیں۔ اور یہ judgement جس کا حوالہ محترم وزیر صاحب نے دیا ہے، یہ ۱۹۷۱ء میں سپریم کورٹ نے دیا تھا کہ Rehabilitation Commissioner درست ہے۔ سکھر بیراج اتھارٹیز نے جو کچھ کیا ہے وہ خلاف قانون کیا ہے اور یہ اراضی مہاجرین کو درست طور پر ۱۹۴۹ء سے دوبارہ درست طور پر الاٹ کی گئیں ہیں۔ اس میں کوئی شک نہیں کہ اس قضیے کو ختم کرنے کے لیے مناسب اقدام کرنا چاہیے۔ اس بل کے objects and reasons میں یہ بات بھی دی گئی ہے کہ جن ہمارے بھائیوں اور زمینداروں کو یہ اراضی ۱۹۴۹ء میں الاٹ ہوئی تھی ان میں کسی نے ٹیوب ویل لگایا ہوگا کسی نے کچھ کیا ہوگا اور اگر کچھ بھی نہیں کیا ہوگا تو ۲۰ سال میں اس پر کاشتکاری کرتے ہوئے اس زمین کی قیمت بڑھ گئی ہوگی۔ اور کچھ نہ کچھ improvement تو ہوئی ہوگی۔ اس لیے ان کا بھی حق بنتا ہے۔ جہاں تک اس غرض کا تعلق ہے تو میں سمجھتا ہوں کہ یہ مناسب ہے گو کہ قانون نے ان کے حق کو زائل کر دیا ہے۔ اب ہم نئے قانون کے ذریعے سے ان کے حقوق کو بحال کرنا چاہتے ہیں۔ لیکن میں اس سلسلے میں جس خدشے کا اظہار کرنا چاہتا تھا وہ یہ ہے کہ آج ہم نے جو تھوڑی سی اراضی جیسا کہ محترم وزیر صاحب نے ارشاد فرمایا ہے کہ یہ ایک ہزار ایکڑ

[Khawaja Mohammad Safdar]

ہے جس میں تارکین وطن کا کوئی حق تھا اور جسے ملک کے قانون کے تحت متروکہ اراضی قرار دیا گیا ہے اور درست طور پر قرار دیا گیا ہے۔ سپریم کورٹ کے فیصلے کو کون چیلنج کر سکتا ہے۔ لیکن مجھے خطرہ ہے کہ کہیں کوئی ایسا راستہ نہ کھل جائے کہ ہم گذشتہ ۲۶، ۲۷ سال سے جن جائیدادوں پر اپنے مہاجرین بھائیوں کو حق دار سمجھتے ہیں، ان کو ہم آج ۲۷ سال کے بعد اس حق سے محروم کرنا شروع کر دیں۔ یہ صورت پیدا ہو سکتی ہے اور مجھے خطرہ ہے اور میں یہ نہیں کہتا کہ ایسا ضرور ہوگا۔ لیکن میں سمجھتا ہوں کہ اس کو آئندہ کے لیے Precedent نہ بنایا جائے۔ یہ موجودہ جو قانون بنایا جا رہا ہے اس کی interpretation کرنا عدالتوں کا کام ہے۔ عدالت جو interpretation کرتی ہے ہمارا فرض ہے اس ملک میں بسنے والوں کا فرض ہے کہ اس interpretation کا احترام کریں کہ جو کچھ بھی عدالت کہے، ٹھیک ہے۔ نئے قوانین کے ذریعے اس interpretation اور judgement کو کالعدم کرنے کی کوشش نہ کریں یہ طریقہ درست نہیں ہے۔ اس سے غلط precedent جنم لے گی۔ غلط مثالیں قائم ہوں گی۔ میں خصوصی طور پر یہ درخواست کروں گا کہ ان مہاجرین کی بحالی کا مسئلہ پر گورنمنٹ کے لیے درد سر چلا آ رہا ہے اس سردردی کو ختم کرنا چاہیے، نہ کہ نئے مسائل پیدا کریں۔ مجھے امید ہے کہ محترم وزیر صاحب اور ان کی گورنمنٹ اس بات کا خیال رکھے گی کہ اس بل کے پاس ہونے کے بعد اس مسئلے کو بطور precedent استعمال نہیں کیا جائے گا۔ جو جائز حق مہاجرین کا ہے ان کو دیا جائے گا اور جو دوسرے لوگوں کا ہے ان کو دیا جائے گا۔ ہم نئے issues پیدا نہیں کریں گے۔

Mr. Chairman : Thank you.

Ch. Mohammad Hanif Khan : Sir, I want to make this submission that it is not the intention of the Government to make this law as a precedent so as to open a flood-gate of such demands from those people to whom the land may have been given by the Government. But, as a matter of fact, I may make a submission that this is an isolated case.

Mr. Chairman : Quite right.

Ch. Mohammad Hanif Khan : And because of its own nature, it has got peculiar circumstances because the Government, the Barrage Authorities, genuinely thought that since the transferees of the land had not paid their instalments had not paid the value of the property, therefore, they had not become the owners of this property and with good intentions, they disposed of this property. The decision was taken by the Supreme Court in 1971 long after this land was sold to the locals. And in the meantime, those persons to whom this land was transferred had spent huge amounts of money on the development of this land. It was a barren land. They have spent a huge amount of money. So, at that

time, the Barrage Authorities could not have anticipated that even this land will fall within the purview of the law and it will be declared as an evacuee property. They could not anticipate this aspect at that time when this land was sold to the locals. So I must say that this is an isolated case where the barrage Authorities have to take this decision. So, it is not going to become a precedent.

Mr. Chairman : It is quite clear.

Yes, Nomani Sahib.

Ch. Mohammad Hanif Khan : I think, he did not understand the point.

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

“That the Bill to validate certain orders passed by the Sukkur Barrage Authorities [The Sukkur Barrage (Validation of Orders) Bill, 1975] be passed.”

Ch. Mohammad Hanif Khan : No, Sir, it should be taken into consideration. First is Item No. 3.

Mr. Chairman : Wait, wait. I am sorry. I was reading Item No. 4 Yes, the question before the House is :

“That the Bill to validate certain orders passed by the Sukkur Barrage Authorities [The Sukkur Barrage (Validation of Orders) Bill, 1974] as reported by the Standing Committee, be taken into consideration at once.”

(The motion was carried)

Mr. Chairman : Now, we take up Second Reading. I think, there is no amendment.

Ch. Mohammad Hanif Khan : There is no amendment, Sir.

Mr. Chairman : Alright. Then I will take up Clause 2.

Ch. Mohammad Hanif Khan : There are only two clauses in this, Sir.

Mr. Chairman : We take up now Clause 2. The question before the House is :—

“That Clause 2 forms part of the Bill.”

(The motion was adopted)

Mr. Chairman : Now we take up Title, Preamble and Clause 1. The question before the House is :

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

(The motion was adopted)

Mr. Chairman : Now, we take up third reading.

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

“That the Bill to validate certain orders passed by the Sukkur Barrage Authorities [The Sukkur Barrage (Validation of Orders) Bill, 1974], be passed.

Mr. Chairman : The question before the House is :

“That the Bill to validate certain orders passed by the Sukkur Barrage Authorities [The Sukkur Barrage (Validation of Orders) Bill, 1974] be Passed.

No speeches ? So, I put the question.

The motion before the House is :

“That the Bill to validate certain orders passed by the Sukkur Barrage Authorities, namely [The Sukkur Barrage (Validation of Orders) Bill, 1974] be passed.

(The motion was adopted)

Mr. Chairman : Now, Mr. Abdul Hafeez Pirzada :

THE DELIMITATION OF CONSTITUENCIES BILL, 1974

Mr. Abdul Hafeez Pirzada : Sir, I beg to move :

“That the Bill to provide for the delimitation of constituencies for elections to the National Assembly and the Provincial Assemblies [The Delimitation of Constituencies Bill, 1974], as passed by the National Assembly, be taken into consideration.

Mr. Chairman : The question before the House is :

“That the Bill to provide for the delimitation of constituencies for elections to the National Assembly and the Provincial Assemblies [The Delimitation of Constituencies Bill, 1974], as passed by the National Assembly, be taken into consideration”.

Mr. Shahzad Gul : I oppose, Sir.

Mr. Chairman : All right. Yes.

Mr. Shahzad Gul : There are amendments Sir.

جناب عبدالحفیظ پیرزادہ : جناب والا ! میں نے کئی بار کہا ہے کہ جب تک امینڈمنٹ نہیں پڑھیں اس وقت تک امینڈمنٹ move نہیں ہوگی ۔

Mr. Chairman : I thought it was a non-controversial Bill. I do not think there is any political elements involved in it.

Mr. Abdul Hafeez Pirzada : I would like to inform my friends because I am saying on the basis of what I have seen in the past that amendments which are moved by the Opposition in the National Assembly are often repeated by the Opposition in the Senate.

Khawaja Mohammad Safdar : I do not know.

Mr. Abdul Hafeez Pirzada : I say often, I do not say invariably. So what we did at the time of the passage of the Bill in the National Assembly, when the Bill came before the National Assembly and it was moved that it should be

جناب عبدالحفیظ پیرزادہ : publish ہو گئے ہیں -

جناب شہزاد گل : ایسی باتیں ہمارے علم میں لائی گئی ہیں کہ بعد میں یہاں دفتروں میں بیٹھ کر بعض علاقوں کی آبادی گھٹا دی گئی ہے تو حضور والا! اس قسم کی باتیں سننے میں آ رہی ہیں۔ میں جناب لاء منسٹر صاحب سے گزارش کروں گا کہ وہ ہمیں satisfy کر دیں کہ یہ تقسیم جو ہوئی ہے seats کی وہ درست ہے تو ہم باقی بل پر اتنا جھگڑا نہیں کریں گے اور قبول کر لیں گے چونکہ اپنے صوبوں کے مفاد کا تحفظ ہمارا سب سے اولین مقصد ہے۔ موجودہ بل میں صوبہ کی ۲۵ سیٹیں دکھائی گئی ہیں جب کہ پہلے ۱۸ تھیں۔

جناب چیئرمین : آپ نے آبادی کا جو ذکر کیا ہے۔

I think, the Census is with the Interior Minister and he comes from the smaller province.

(مداخلت)

آپ میری بات تو سنیں میں کوئی لمبی چوڑی تقریر نہیں کرنا چاہتا ہوں میں صرف یہ بتانا چاہتا ہوں کہ مردم شہاری کا محکمہ Home Minister کے پاس ہوتا ہے اور ہوم منسٹر صاحب یہاں تشریف نہیں رکھتے۔ وہ فرنٹیئر سے آ رہے ہیں۔

After all he represents the Frontier Province. He has not come from India. Frontier is from Pathans.

Mr. Shahzad Gul : From Kashmir which has no representation till now.

Mr. Chairman : Well theoretically Azad Kashmir is part of Pakistan.

Mr. Shahzad Gul : He is not from Azad Kashmir. He is from Srinagar. You know better. I cannot repeat those things in your presence. You know what he is doing.

Mr. Chairman : All right, that can be said somewhere else. Mr. Pirzada, I think, he wants an assurance that there is no hanky-panky in this Bill.

جناب شہزاد گل : جناب چیئرمین ! اگر یہ ہمیں وہاں بیٹھ کر satisfy کر دیں تو ٹھیک ہے۔

جناب عبدالحفیظ پیرزادہ : جناب والا ! انہوں نے amendments تو دی ہوئی نہیں ہیں۔

جناب شہزاد گل : جناب ! میں نے amendments دی ہوئی ہیں۔

Mr. Chairman : There are some amendments I have received just now.

Mr. Abdul Hafeez Pirzada : *Not on population, not on allocation of seats.

*Speech not corrected by the honourable Minister.

The constitutional provision is clear and we have got no discretion in the matter of allocation of seats. Sir, in this case provision is made by Article 51 clause (3) which says :

“The seats in the National Assembly shall be allocated to each Province, the Federally Administered Tribal Areas and the Federal Capital on the basis of population in accordance with the last preceding census officially published.”

Now, last officially published census was of 1972-73. What has happened is that entitlement of provinces has been declared on the basis of the last census and the matter is absolutely free from any controversy.

The entitlement of Punjab comes to 58% ; they have been given 57.5%. Entitlement of NWFP comes to 12.8% ; they have been given 13%. Entitlement of Sind comes to 22.4%, they have been given 22.5%, Baluchistan comes to 3.8% they have been given 3.5% in general seats, so on and so forth.

Now, wherever we have given less than the actual requirement, we have compensated in the women seats. Frontier and Sind got slightly more than their actual entitlement because the fraction was over half. Punjab and Baluchistan got less than their actual entitlement because the fraction was less than half. But we have compensated both Punjab and Baluchistan in the form of women seats. Punjab's entitlement in women seats was less than six but we gave six. So that is made up. Baluchistan's entitlement was less than one seat, so we gave one woman seat. Sind's entitlement was slightly more than two seats for women but we gave 2 seats. Similarly Frontier's entitlement was slightly more than one seat but we gave it one. This is the principle that we have adhered to. If you look at the overall figures, for Punjab it is 121, which fully meet its requirements. Frontier has 27 seats which are in accordance with its population. Sind's 45 seats are strictly in accordance with the population. Therefore, as I said once a matter has been settled by the Constitution, the only difference would be a fraction here or there. That is also by virtue of the constitutional provisions. Somebody said that in women's seat in National Assembly, Provinces are not represented. How can we say that only in Senate Provinces are represented but not in the National Assembly. In the National Assembly people are being elected from the Provinces. No one questioned this in the Standing Committee. I have given this assurance. There has been no hanky-panky whatsoever. The population has increased beyond normal figures in the city of Karachi and that is understandable. It has gone up to 21,35,000. We know why? Because of the industrialization and potential of employment. You have got Pathans, Punjabis, Kachis, Memons, Baluchis, Sindis, Urdu Speaking population etc., in Karachi. You know, Sir, this happens in any metropolitan town or cosmopolitan city. Wherever in Pakistan or any other country employment opportunities are there, people leave their homes and go to big cities to seek employment. This is why population has increased beyond proportion which is applicable to other cities.

Mr. Chairman : Mr. Shahzad Gul, I would also add that in census there cannot be anything hanky-panky in the office. They cannot revise population figures in any Province just by doing paper work on the table. If there is any hanky-panky that is done at the time of enumeration and you cannot hold any one person responsible. If I have 10 members in my family I give the number as 12 or twelve peoples, name, even including the dead or absent or missing. That is done at that stage. There cannot be any hanky-panky in

[Mr. Chairman]

the office, as I told you, that you reduce the population of a certain Province by lakhs and thousands and increase that of another province, that cannot be done.

(Interruption)

That cannot be done. That is physically impossible. Whatever hanky-panky is done, it is done by people at the time of inumeration, So you do not have any force on that score. I think Khawaja Sahib will bear me out in this respect. Yes, are you serious about your motion, Mr. Shahzad Gul, your motion of referring the Bill to the Standing Committee ?

خواجہ صاحب دونوں آپ کی ہیں -

جناب شہزاد گل : جی ہاں - جناب والا ! کچھ ایسی باتیں تھیں جو میں یہاں کہنا مناسب نہیں سمجھتا -

جناب چیئرمین : غیر مناسب ہیں ؟

جناب شہزاد گل : جن کے متعلق مجھے کچھ شکوک و شبہات ہیں - میں ان کے متعلق ان کے علم میں لاتا ہوں اگرچہ میں اس کمیٹی کا ممبر نہیں ہوں -

Mr. Chairman : You can meet him in his office.

جناب شہزاد گل : جناب والا ! اب تو اسٹینڈنگ کمیٹی میں آ سکتا ہے لیکن بل پاس ہونے کے بعد ان سے ملنا بے معنی ہو جائے گا -

جناب عبدالحفیظ پیرزادہ : اگر census تبدیل ہو گئے تو اور census لے آئیں -

The Bill will be amended automatically. We have to respect the constitutional provision. As long as these figures stand, we cannot do anything ; we have to go according to that figure.

جناب شہزاد گل : یہ اس وقت کی تھی -

Mr. Abdul Hafeez Pirzada : This is an official publication and at this time we have to go according to that. I have not got any discretion in that.

Mr. Shahzad Gul : This is provisional but not final.

Mr. Abdul Hafeez Pirzada : It is official whether it is provisional or final. We have to go by it.

جناب شہزاد گل : جناب والا ! اخبار میں آیا تھا - اخبار میرے پاس ہے - اخبار میں بتایا ہے کہ فیڈرل ٹرائیبل ایریا ایک کروڑ ہے - ویسے آپ کو پتہ ہے کہ اب بھی ۸۳ لاکھ ہے -

Federally Administered Tribal Area شامل کیا گیا تھا - جناب عبدالحفیظ پیرزادہ : جناب اخبار میں

Mr. Chairman : So far as I remember, the population in settled districts of the Province minus Central by administered areas is 79 lakh and odd thousands or a little less than 80 lakhs. That figure I took immediately after enumeration. Settled districts 79 lakh and odd thousands.

Khawaja Mohammad Safdar : The figure given to me by the census was 84 lakhs.

A Member : Because of the inclusion of Chitral District etc.

Mr. Abdul Hafeez Pirzada : That may be so.

جناب چیئرمین : ٹھیک ہے ایسا ہو جائے گا -

Then you do not want to move.

خواجہ محمد صفدر : نہیں جناب -

Mr. Chairman : Withdrawn ; all right next.

Khawaja Mohammad Safdar : Not moving.

Mr. Chairman : You are not moving your amendments.

Khawaja Mohammad Safdar : I will be moving other amendments, but not this amendment.

Mr. Abdul Hafeez Pirzada : He will move during the Second Reading of the Bill.

Mr. Chairman : According to the paper which has been given to me there is no other amendment.

(Interruption)

Mr. Chairman : There is an amendment that has been handed over to me just now at the eleventh hour. There is an amendment for referring the Bill to the Standing Committee. Don't you want to move ?

Khawaja Mohammad Safdar : I am not moving this one.

Mr. Chairman : This is not moved. Next.

Khawaja Mohammad Safdar : Let the honourable Minister say something.

Mr. Chairman : There is no amendment up to Clause 5.

Mr. Abdul Hafeez Pirzada : *Sir, I only want to explain to my honourable friends one thing as to what are new provisions that have been added as a result of this discussion we had with the Opposition. In this respect I find Khawaja Sahib's whereby he wants them to be deleted. They have been introduced because the Opposition wanted them. It was done to oblige the

*Speech not corrected by the honourable Minister.

[Mr. Abdul Hafeez Pirzada]

Opposition in the National Assembly and at their instance. Now, if I accept their amendments it will nullify the proposals of the Opposition in the National Assembly, and if I do not oblige my friends in the Senate, they will say I am not prepared to listen to them. This is the difficulty. One was the proviso to Clause 8. It was not considered to be necessary in view of the constitutional provision that women's reserved seats were for 10 years and no law will be effective for more than that period. The procedure that we provided in respect of principles of delimitation and here we made a radical change such as in Clause 9 we say: "Principles of delimitation. All constituencies shall, as far as practicable, be delimited having regard to the distribution of population in geographically compact areas, existing boundaries of administrative units, facilities of communication and public convenience and other cognate factors to ensure homogeneity in the creation of constituencies."

"Provided that for the purpose of delimiting the constituencies for the general seats for the Federally Administered Tribal Areas two or more separated areas may be grouped into one constituency."

Then we said in Clause 10: "For the purpose of delimiting the Constituencies the Commission may receive and consider representations, hold inquiries, summon witnesses and record evidence, and shall prepare and publish in the official gazette a preliminary report and list of constituencies specifying the areas proposed to be included in each constituency. (2) Any person entitled to vote at an election to the National Assembly or a Provincial Assembly may, within thirty days of the publication of the report under sub-section (1), make a representation to the Commission in respect of delimitation of constituencies. (3) The Commission shall, after hearing and considering the representations, if any, received by it, make such amendments alterations or modifications, in the preliminary list published in the official Gazette the final report and list of constituencies showing the areas included in each constituency."

All these were introduced after the Standing Committee report in the National Assembly. What other important principle that has been accepted is that we have said: "As far as may be, the constituencies for election to the same Assembly shall be equal among themselves in population. We have said equal population as far as may be. We have said this in clause (2) of Section 9 of the Bill as passed." As far as may be, the Constituencies for election to the same Assembly shall be equal among themselves in population."

Now, this is also an equitable provision because sometime there will be a constituency with only about 80,000 votes or 100 thousand votes and here like me I had a constituency which had about 280 thousand or 300 thousand votes, and that is something we would like to avoid as far as may be practicable. That cannot be equal in every respect. You may have to break up districts and provinces also.

جناب چیئرمین : ذرا مختصر تقریر کیجئے گا۔

خواجہ محمد صفدر : جناب والا ! میں مختصراً عرض کروں گا۔

جناب چیئرمین : جلدی ختم کریں۔

خواجہ محمد صفدر : محترم وزیر قانون نے ارشاد فرمایا ہے کہ انہیں جلدی کہیں اور جانا ہے جو کہ بہت ضروری کام ہے۔ کوئی بڑی اہم باتیں نہیں ہیں۔ میں صاف بات کرتا ہوں۔ پہلی بات جو میں آپ کی خدمت میں، اور آپ کی وساطت سے ایوان کی خدمت میں پیش کرنا چاہتا ہوں، وہ یہ ہے کہ دو نئی چیزیں ہیں۔ ایک کلاز ۶ کا پارٹ ۲ اور دوسرے کلاز ۷ کا proviso میرے خیال میں، بلکہ میں یقین سے کہہ سکتا ہوں کہ یہ الفاظ بعینہ آئین سے نکال کر یہاں رکھ دیے گئے ہیں۔ اگر کوئی کلاز آئین میں موجود ہو تو اسے کسی قانون میں منتقل کرنے کی ضرورت نہیں ہے۔

Because it is already there.

لیکن وزیر قانون کا کہنا ہے کہ اپوزیشن کے کہنے پر یہ دفعہ خصوصاً رکھی گئی ہے۔ میں اس کے بارے میں تو کچھ نہیں کہہ سکتا، البتہ اس کے متعلق دو ترامیم تھیں کہ ان کو حذف کر دیا جائے، کیونکہ یہ دونوں آئین میں موجود ہیں۔ وہاں سے یہاں لانے کی کیا ضرورت ہے؟ یہ تو تھی ایک بات۔ دوسری بات جس کی طرف میں آپ کی توجہ دلانا چاہتا ہوں، وہ یہ ہے کہ آپ دیکھیں کہ اس بل میں زبان ایک جیسی استعمال نہیں کی گئی۔ مثلاً کلاز 8-A۔

Each Province into as many

یہاں may لکھا ہوا ہے۔ اس کی اصلاح کرنی ہے۔ may نہیں، many۔

جناب چیئرمین : یہ تو ہو جائے گا۔

خواجہ محمد صفدر : میں نے صرف point out کیا ہے کہ miss نہ ہو جائے۔

اس میں یہ ہے :

As many separate territorial constituencies.

یہ territorial کا لفظ اپنے ذہن میں رکھیے۔

جناب چیئرمین : کیا territorial کا لفظ غلط ہے ؟

خواجہ محمد صفدر : یہ صحیح ہے، لیکن دوسری جگہ پر یہ لفظ استعمال نہیں کیا گیا۔ language phraseology ایک ہی طرح ہونی چاہیے۔ اعتراض میرا یہ ہے اس کے پارٹ ۳ میں دیکھیے :

“For the purpose of election to the Provincial Assembly, the commission shall divide each province into as many territorial constituencies”.

اور انہی کے ایک قانون میں جو اسی موضوع پر بنا ہے، یہ phraseology استعمال ہوئی ہے لیکن پتہ نہیں کہ اس کی کیا وجہ ہے؟ سیکشن ۸ کے پارٹ ۲ میں دیکھیے :

"Khawaja, Mr. Chairman, the provinces shall have as many constituencies".

یہاں territorial کا لفظ نہیں ہے۔ اسی طرح یہ میں دیکھیے :

"In addition, each province shall have as many constituencies".

not territorial constituencies تو میری دو ترمیمیں ہیں کہ یہاں دونوں جگہ پر territorial کے لفظ کا اضافہ کیا جائے۔

حضور والا ! شاید وہ مناسب نہیں سمجھتے ، نیشنل اسمبلی میں کسی نے پیش بھی نہیں کی ہوگی اور میں اس later stage پر پیش کرنا بھی نہیں چاہتا۔ صرف ویسے عرض کرنا چاہتا ہوں۔ وہ یہ ہے کہ جہاں تک مستورات کے انتخاب کا تعلق تھا اگر single transferable vote کے ذریعے ہو ، جیسا کہ سینٹ کے معزز اراکین کا ہوتا ہے ، تو شاید مناسب ہوتا۔ ساری جماعتوں کو نمائندگی مل جاتی۔ اب صورت حال انہوں نے یہ کی ہے ، مثلاً پنجاب کی انہوں نے ۶ سیٹیں رکھی ہیں۔ پنجاب کو چھ حصوں میں تقسیم کریں گے۔ یہاں territorial کا لفظ آنا چاہیے تھا جو کہ نہیں آیا۔ آپ تو مجھ سے زیادہ بہتر جانتے ہیں ، زبان ایک جیسی استعمال ہونی چاہیے۔ زبان ایک بل میں ایک جیسی ہونی چاہیے ورنہ عدالت کے ذہن میں یہ بات آ سکتی ہے کہ شاید جان بوجھ کر یہ فرق رکھا گیا ہے۔ دونوں جگہ پر اس کے دو معنی علیحدہ علیحدہ ہو سکتے ہیں۔ یہ تو تھی دوسری بات۔ تیسری بات جو کہ میں گزارش کرنا چاہتا ہوں ، اور اس پر ختم کرتا ہوں وہ یہ ہے کہ ہم ہر روز کوئی نہ کوئی ایک دو تین بل پاس کرتے ہیں یہ ہمارا فرض ہے اس ایوان کا فرض ہے۔ لیکن تقریباً تقریباً ہر بل کے آخر میں bar of jurisdiction دیکھتے ہیں۔ عدالتوں کو یہ کام نہ دیا جائے اس پر مجھے شدید اعتراض ہے اور اس پر میں بار بار عرض کرتا رہا ہوں۔۔۔۔۔

جناب چیئرمین : بے ادبی معاف۔ یہ سپریم کورٹ اور ہائی کورٹ کے جج کریں گے وہ الیکشن کمیشن میں آ کر بدل نہیں جاتے۔ ان کی mentality اور سب کچھ وہی رہتی ہے۔ ہمیں ان پر اتنا اعتماد ہونا چاہیے۔

It is not under discussion.

خواجہ محمد صفدر : حضور والا ! میرے پاس انڈیا کا bar of jurisdiction ہے۔ اس میں بھی ہائی کورٹ اور سپریم کورٹ کے ججوں کا ہوتا ہے۔

Mr. Chairman : Why should we follow India ? Why should we learn from them ? They should learn from us.

خواجہ محمد صفدر : جناب والا ! میں پاکستان کا بھی ایک قانون اپنے ساتھ لایا ہوں Representation of Peoples' Act -

جناب چیئرمین : یہ کس دور کا ہے ؟

خواجہ محمد صفدر : ۱۹۵۷ء کا ہے جناب -

Mr. Abdul Hafeez Pirzada : Electoral Rolls and Peoples' Representation Act اس کے ساتھ ہی بنا رہے ہیں -

خواجہ محمد صفدر : ٹھیک ہے۔ I stand corrected Peoples' Representation Act, 1957 میں bar of jurisdiction رکھی گئی ہے۔ لیکن محدود حد تک - جہاں تک الیکٹورل رول کا تعلق ہے کسی نام کا فہرست رائے دہندگان میں شامل ہونا یا کسی دوسری جگہوں میں ہونا اس پر اعتراض نہیں کیا جا سکتا۔ دوسری بات یہ ہے کہ فہرستوں پر جو نظر ثانی کی جائے تو پھر فہرستوں پر اعتراض نہیں ہو سکتا delimitation پر کوئی bar نہیں ہے۔ یہ چند گزارشات تھیں۔ مجھے امید ہے کہ محترم وزیر قانون صاحب ان پر غور کریں گے۔

Mr. Chairman : Mr. Pirzada, in your absence Mr. Safdar said one thing that in some place you have described constituencies only constituencies while in other place you have described them "territorial constituencies".

He said that tomorrow any court or authority or any member of the Commission or the Commission might say that there is difference between the "territorial constituencies" and the "constituencies". I do not think so. This is a very ordinary thing. In 8(a) the words used are "territorial constituencies" while in (2) the word used is "constituencies".

Mr. Abdul Hafeez Pirzada : *As far as 8(a) is concerned, you would appreciate that the word "territorial" was absolutely necessary in order to avoid overlapping. Not more than one person should represent a particular area. This is the whole thing whereas in reserved women seats, it is not necessary because super-impositioning is coming. In any case women are going to represent some part of the constituency which is already represented by male Members, and I do not see any difficulty in interpretation whatsoever. Another thing that Khawaja Sahib has raised is that proportionate representation for election to the Senate should also be made applicable in the case of women constituencies. Now the different principle underlying the election to the Senate is that when you constitute Senate, the complexion of the Provincial legislature should stand transformed into Senate. That is how the Senate becomes a watchdog or representative of that Provincial Assembly. It is because the members of the Senate from a particular Province do not represent the majority party in that Province, but they represent the complexion of the members in the Provincial Assembly and in that proportion they come

*Speech not corrected by the honourable Minister.

[Mr. Abdul Hafeez Pirzada]

into the Senate. This was done deliberately and consciously so that all the parties represented in the Provincial Legislature, have representation in the Senate from that Province, according to their proportion in that House. This was done deliberately and consciously. We have not extended it to the election of women etc. for another reason, also that being that, seats for women are hardly one, two or three. How do you divide one seat between the members of majority party and the members of opposition party. Take Baluchistan for example where they have got two seats. Now the majority party will say we are more than half therefore, we should have more seats. So, this is the difficulty and similarly minority seats are one, two or three and it is impossible to divide them on proportionate representation. As far as Bar of jurisdiction is concerned, you have yourself observed that Commission is headed by a Judge of the Supreme Court and aided by two members of our Judges of the High Court. Now, another thing is that either you hold elections or you do not hold elections. If these were the executive functions of the Federal Government you can say that there should be some check and balance and you should be able to go to courts of law. But here is an independent agency headed by the Judge of the Supreme Court. At least, give it that much of respect. Whatever decision it takes should have a finality and if you do not give a finality over decision taken by three Judges of whom one Judge will be of the Supreme Court and two will be of the High Court, their decision will be challenged by the court of sub-judge and then you will never have finalisation of your delimitation and it will go on and no elections can be held. This was my submission. As far as constitutional jurisdiction of the Supreme Court and the High Court is concerned, my friend knows that it is not a bar. So, if the principles enunciated in the Constitution for delimitation of constituencies or in this Bill, are not followed by the Election Commission, my friend knows that that decision can be challenged in the Supreme Court or Hight Court and Sir, we should give them that much respect that at least their decision could not be challenged in any court below the High Court. This is what I have to say.

Mr. Chairman : The question is :

“That the Bill to provide for the delimitation of constituencies for elections to the National Assembly and the Provincial Assemblies [The Delimitation of Constituencies Bill, 1974], as passed by the National Assembly, be taken into consideration.”

(The motion was adopted)

Mr. Chairman : Now we take up clause by clause. I think, there is no amendment moved to Clause 2, Clause 3, Clause 4 and Clause 5. We take them together.

The question is :

“That Clause 2, Clause 3, Clause 4 and Clause 5 form part of the Bill.”

(The motion was adopted)

Mr. Chairman : Now, Khawaja Mohammad Safdar, do you want to move?

Khawaja Mohammad Safdar : I am not moving.

Mr. Chairman : All right. Clause 6.

The question is :

“That Clause 6 forms part of the Bill.”

(The motion was adopted)

Mr. Chairman : Clause 7.

Khawaja Mohammad Safdar : Not moving.

Mr. Chairman : You do not want to move.

Mr. Shahzad Gul : There is my amendment.

Mr. Chairman : You also do not want to move ?

Mr. Shahzad Gul : I am moving.

Mr. Chairman : All right. Let me see. You are moving amendment to Clause 7.

Mr. Shahzad Gul : Yes, Sir. Sir, I beg to move :

“That in sub-clause (1) of Clause 7 of the Bill, the figures “26” under the head “General Seats” be substituted by the figures “30” and the figures “115” be substituted by “112” and the figures “43” be substituted by “42”.”

Chairman : Motion moved is :

“That in sub-clause (1) of Clause 7 of the Bill, the figures 26” under the head “General Seats” be substituted by the figures “30” and the figures “115” be substituted by “112” and the figures “43” be substituted by “42”.

جناب شہزاد گل : جناب والا ! اپنے سندھی اور پنجابی بھائیوں اور دوستوں سے معذرت کے ساتھ میں اپنی ناقص رائے ہاؤس کے سامنے پیش کرنا چاہتا ہوں وہ یہ ہے کہ موجودہ وقت میں نیشنل اسمبلی میں 144 سیٹیں ہیں مغربی پاکستان کے چاروں صوبوں کی۔ ان 144 سیٹوں کی تقسیم میں فرنٹیئر کو 18 سیٹیں ملی ہیں۔ ان 18 سیٹوں کی جب ہم percentage لیتے ہیں تو یہ ساڑھے بارہ فیصد آبادی آتی ہے، یعنی حصہ آتا ہے اور موجودہ وقت میں وہی تناسب یعنی گیارہ سال کے بعد 1961ء کی مردم شماری اور 1972ء کی مردم شماری کے بعد اب ہمیں 144 میں سے 18 ملی ہوئی ہیں تو اس حساب سے دو سو میں پچیس بنتی ہیں اور اب ہمیں 26 سیٹیں دی گئی ہیں۔ مطلب یہ ہے کہ 12 سال میں فرنٹیئر میں کوئی دو لاکھ کی آبادی زیادہ ہوئی ہے اور باقی یعنی دوسرے صوبوں میں ایک کروڑ سے بھی زیادہ آبادی میں اضافہ ہوا ہے۔

خواجہ محمد صفدر : پنجاب کی آبادی کم ہو گئی ہے۔

جناب جے۔ اے۔ رحیم : یہ بات فیملی پلاننگ کے بل پر ہوتی تو بہتر تھی۔

جناب شہزاد گل : *۔۔۔ تو اس لحاظ سے ہمیں یہ شک ہے کہ فرنٹیئر کے ساتھ انصاف نہیں کیا گیا۔ سیٹوں کی allocation میں اور اس کے برعکس پنجاب کو 115 سیٹیں اور ایک وفاقی دارالحکومت کی ملا کر 116 سیٹیں دی گئی ہیں۔ اتنی سیٹیں جو ہیں ان کا تناسب 58 فیصد پر بنتا ہے جب کہ اخباروں میں جو خبریں چھپی تھیں preliminary census کے وقت وہ یہ تھیں کہ پنجاب کی آبادی 52 فیصد ہے۔ جھگڑا یہ تھا کہ پہلے پنجاب کی آبادی 58 فیصد تھی اب یہ 52 فیصد کیسے ہو گئی ہے۔ اس میں کمی کیسے ہو گئی۔ اخباروں میں یہ باتیں آتی رہی ہیں اس پر خاصہ جھگڑا ہوتا رہا ہے اس سلسلے میں بیانات آتے رہے ہیں کہ پنجاب کی آبادی کس طرح کم ہو کر 52 فیصد ہو گئی ہے لیکن انہیں نمائندگی جو ہے وہ 58 فیصد کے حساب سے دی جا رہی ہے تو اس وجہ سے میں اپنے بھائیوں سے معذرت کے ساتھ یہ عرض کروں گا کہ ہمیں یعنی چھوٹے صوبوں کو جو پسماندہ صوبے ہیں انہیں اپنی آبادی کے لحاظ سے نمائندگی دی جائے۔ اس غلطی کا ازالہ کر دیا جائے تو چھوٹے صوبے جو ہیں ان کو اطمینان ہو جائے گا، ان کو تسلی ہو جائے گی کہ بہارا جو حق ہے بہاری جو نمائندگی ہے وہ غصب نہیں کی گئی۔

جناب چیئرمین : یہ آپ جو مانگتے ہیں by way of right ہے ؟

جناب شہزاد گل : میں آبادی کے لحاظ سے کہہ رہا ہوں۔

Mr. Chairman : By way of weightage

آپ کہتے ہیں کہ 30 ہو جائیں۔ پنجاب کی 3 کم ہو جائیں سندھ کی ایک کم ہو جائے۔

جناب شہزاد گل : اخبارات میں جو preliminary census چھپے ہیں ان کی بنیاد پر میں نے تقسیم کی ہے۔

Mr. Chairman : There is difference between Preliminary and final.

اس میں بڑا فرق ہوتا ہے۔

جناب شہزاد گل : ابھی تک پرویز نل ہیں final number جو ہیں نہیں چھپے اور گزٹ اس کے متعلق ابھی تک شائع نہیں ہوا۔

خواجہ محمد صفدر : جناب والا ! میں اپنے دوست کی اطلاع کے لیے عرض کرنا چاہتا ہوں کہ 1961ء کی مردم شماری کے مطابق پنجاب اور بہاولپور کی آبادی ملا کر مغربی پاکستان کی آبادی کا 62 فیصد تھی اور موجودہ census کے اعتبار سے 58 فیصد ہے۔ اس پر میں نے خود ایک آرٹیکل لکھا تھا کہ یہ کیا ہوا ہے کہ سارے صوبوں کی آبادی تو بڑھ گئی ہے اور بہاری آبادی 4 فیصد کم ہو گئی ہے تو بہرحال جو فگرز ہیں وہی ہمارے سامنے آتی تھیں دراصل یہ بات تھی جو اس وقت زیر بحث تھی کہ 62 فیصد سے 58 فیصد کیسے ہو گئی چار فیصد کیسے کم ہو گئی کیونکہ عام طور پر کہا تو یہ جا رہا ہے کہ آبادی بڑھ گئی ہے تو پنجاب کی جو percentage تھی وہ 62 سے 58 نہیں ہونی چاہیے تھی شاید پنجابی زیادہ فیملی پلاننگ کرتے ہیں اس وجہ سے آبادی کم ہو گئی ہے۔

Mr. Abdul Hafeez Pirzada : I can explain, Sir, the figures given on page 1 of this publication—Table ; population of North-West Frontier Province was 57,31,000.

Mr. Chairman : When ?

Mr. Abdul Hafeez Pirzada : In 1961. The figure that is given now is 84,02,000, percentage is 46.6 per cent increase.

Mr. Chairman : This includes Chitral also ?

Mr. Abdul Hafeez Pirzada : Yes, Sir.

جناب شہزاد گل : *جناب عالی ! میں وزیر قانون کی خدمت میں گزارش کروں گا اور اس میں شک نہیں کہ وہ آئین کا حوالہ دیں گے کہ آرٹیکل ۸۱ میں اس طرح ہے کہ حلقہ ہائے انتخاب کو مستقل طور پر بنانا چاہیے ان کو دوام دینا چاہیے تاکہ جس علاقہ میں جو لوگ رہتے ہیں وہ وہاں کی نمائندگی کریں یا کوئی سیاسی پارٹی ہو اور اس علاقہ میں کام کرے۔ یورپین ممالک جیسے برطانیہ میں حلقہ ہائے انتخاب مستقل طور پر موجود ہیں۔ وہاں کے باشندوں کو بھی پتہ ہوتا ہے کہ ہمارا یہ علاقہ ہے اور اسی علاقہ کی constituency میں وہ کام کرتے ہیں تو لوگوں کو جب پتہ ہے کہ آئین میں یہ proviso ہے اور سب کلاز (۲) کے ذریعہ ہر مردم شماری کے بعد حلقہ انتخاب تبدیل ہوگا اس کی limits تبدیل ہوں گی۔ کوئی ادھر آ جائے گا کوئی اس علاقہ میں چلا جائے گا یعنی اس میں continuity نہیں ہے اس کو مستقل ہونا چاہیے، حلقہ مستقل ہونا چاہیے۔ وہ ہمیشہ کے لیے ہوں اور ممبران اور وہاں کے عوام میں مستقل رابطہ ہونا چاہیے۔

Mr. Abdul Hafeez Pirzada : *First, I will reply to Mr. Shahzad Gul's argument and then to Khawaja Safdar's both. So, the percentage increase is 46.5% as against the total increase of 51.33%. The total increase of Pakistan's population during this period has been 51.33%, whereas that of Frontier is 46.6%. So, there is the difference of about 5% from the overall national increase. The Centrally administered tribal areas have gone up from 18,47,000 to 25,07,000, an increase of 35.73%. So you would see that the increase in Federal areas is even less. The Federal capital territory of Islamabad has gone up from 94,000 to 2,35,000, an increase of 150%. Punjab province from 2,54,88,000 to 3,73,74,000 *i.e.* an increase of 46.63%, same as the Frontier. Now, Sind province has gone from 83,67,000 to 1,39,65,000, an increase of 66.9%. But, here, Karachi has gone up by 90%, from 21,00,000 to 35,00,000 and we know that Karachi's population has gone up. Look at the city, it is springing all over. The Baluchistan province, again, has gone up from 13,53,000 to 24,09,000 *i.e.* an increase of 78.04%.

Now, as far as the overall percentage is concerned, Frontier comes to 12.95%; Federally administered tribal areas 3.86%; Federal capital territory 0.36%; Punjab province 57.50%; Sind 21.52% and Baluchistan 3.72%. Now, nothing unusual has happened in respect of NWFP because Punjab's increase is also the same but why Punjab's overall percentage has dropped, I will also inform my friend that the overall percentage is dropped, firstly because the Federal territory has been taken out of Punjab which was counted along with Punjab in the old 1962 Census. That has gone out and that has made a difference of about one or two per cent. It makes the difference in the overall percentage also because these areas which were not settled areas, have become settled areas and the population of other provinces has increased. So, these were the submissions I had to make and the variation is hardly significant.

Mr. Chairman : Now, I will put the question.

The question before the House is :

“That in sub-clause (1) of Clause 7 of the Bill, figure 26 under the head General Seats be substituted by 30 and the figure “115” be substituted by “112” and the figure “43” be substituted by “42”.”

(The amendment was rejected)

Mr. Chairman : Now, there is another amendment in your name, 3(b).

Mr. Shahzad Gul : Sir, I beg to move :

“That sub-clause (2) of Clause 7 of the Bill be deleted.”

Mr. Chairman : You want it to be deleted. Was it necessary to move.

Mr. Shahzad Gul : Yes.

Mr. Chairman : So, I will put the question. Do you want to speak ?

جناب شہزاد گل : پھر آپ آزادی زیادہ کر دیں گے -

جناب عبدالحفیظ پیرزادہ : اس وقت شاید آپ کی حکومت ہوگی پھر آپ اسے

کم کر دیں گے -

This will be against the Constitution because it happens all over the world. Britain, during the last elections, had caused re-allocation of seats and delimitation. The moment population complexion changes, you have to have re-allocation. It is not every election, it is every ten years but we had the last census after 12 years.

Mr. Chairman : The question before the House is :

“That Clause 7 forms part of the Bill.”

(Clause 7 was adopted)

Mr. Chairman : Now, you want to move your amendment with regard to Clause 8, Mr. Shahzad Gul? There is no amendment in your name, Khawaja Sahib.

Khawaja Mohammad Safdar : There is in 8.

Mr. Chairman : Where is the amendment in the name of Khawaja Safdar.

Mr. Abdul Hafeez Pirzada : This is a supplementary list, delivered at 8-30.

Mr. Chairman : I am not to blame.

Mr. Abdul Hafeez Pirzada : One was delivered at 8.30 and another at 9-40.

Khawaja Mohammad Safdar : I beg to move :

“That in sub-clause (2) of Clause 8 between the words ‘many’ and ‘constituencies’, the words “separate territorial be inserted”.”

And next, Sir, I beg to move :

“That in sub-clause 4 of Clause 8 of the Bill between the words “many” and “constituencies” the words “separate territorial be inserted”.”

Mr. Chairman : The motion before the House is :

“That in sub-clause (2) of Clause 8 of the Bill between the words “many” and constituencies the words “separate territorial” be inserted.”

(2) “That in sub-clause (4) of Clause 8 between the words “many” and “constituencies”, the words “separate territorial be inserted”.”

Mr. Abdul Hafeez Pirzada : I oppose it because it is not necessary, as I explained earlier on.

Mr. Shahzad Gul : Sir, I beg to move :

“That after sub-clause-4 of Clause 8 of the Bill, the following proviso be added, namely :—

“Provided that the allocation of the seats reserved for women shall not be effective after the 13th day of August, 1983, or the holding of the second general election to the Provincial Assemblies under the Constitution, whichever occurs later”.”

Mr. Chairman : The motion moved is :

“That after sub-clause 4 of Clause 8 of the Bill, the following proviso be added, namely :—

“Provided that the allocation of the seats reserved for women shall not be effective after the 13th day of August, 1983, or the holding of the second general election to the Provincial Assemblies under the Constitution whichever occurs later.”

Mr. Abdul Hafeez Pirzada : I see logic because it has been mentioned earlier when I said that this was actually done at the instance of the Opposition and we explained to them that it is not necessary because the constitutional position is absolutely clear.

Mr. Chairman : This was discussed in the National Assembly also.

Mr. Abdul Hafeez Pirzada : What has happened is that while the Opposition moved an amendment and we have a proviso added to Clause 7, we should have added a proviso to Clause 8 also, I see validity behind it. There is some logic and I said that it is not really very necessary because the constitutional position is absolutely clear and no law can be violative of the constitutional provisions. The Constitution itself says that it is for a particular period ; if we add a proviso here then we will also have to add a proviso in respect of minority community. That is the difficulty.

Mr. Chairman : Would you would like to withdraw or do you want to press it?

جناب شہزاد گل : میری گزارش یہ تھی کہ کلاز (۷) کے ساتھ
موجود تھا تو کلاز (۸) کے ساتھ بھی ضروری تھا - جب صوبائی الیکشن
کے لیے یہ ہے اور قومی اسمبلی کے لیے یہ چیز تھی تو میں نے یہ ترمیم
دے دی -

Mr. Chairman : Do you want to press your amendment or do you want to withdraw. It is up to you.

Mr. Shahzad Gul : I would like to withdraw.

Mr. Chairman : All right, has he leave of the House to withdraw this amendment ?

Members : Yes.

Mr. Chairman : Withdrawn. Then, the question before the House is :

“That Clause 8 forms part of the Bill.”

No, there is Khawaja Safdar's amendment. Do you want to withdraw ?

Khawaja Mohammad Safdar : Yes.

Mr. Chairman : They have given permission to Mr. Shahzad Gul. Has Mr. Safdar also the permission to withdraw his amendment ?

Members : Yes.

Mr. Chairman : So, permission has been given. So, I put the question. The question before the House is :

“That Clause 8 forms part of the Bill.”

(Clause 8 was adopted)

Mr. Chairman : Clause 9. Mr. Shahzad Gul, you want to move ?

Mr. Shahzad Gul : Yes Sir. I beg to move :

“That in the proviso to sub-clause (1) of Clause 9 of the Bill, the word “separated” occurring in the second line be deleted and instead the words and commas, “geographically compact, be inserted”.”

Mr. Chairman : Motion moved is :

“That in the proviso to sub-clause (1) of Clause 9 of the Bill, the word “separated” occurring in the second line be deleted and instead the words and commas, “geographically compact, be inserted”.”

Mr. Abdul Hafeez Pirzada : Sir, I oppose this, because my friend knows that the tribal areas cannot be contiguous in most of the cases. There is no excess. For instance, just because Mehmmand Agency and the Dera might be there, you cannot say that they should be compact, there are roads, but we might have to go from different areas.

Mr. Chairman : This is the difficulty. To retain this compactness to apply this to tribal areas would be difficult.

Mr. Shahzad Gul : Sir, I will explain it. I have moved this amendment because. . .

Mr. Chairman : With regard to certain areas, it is all right.

جناب شہزاد گل : Tribal areas and separated Areas may be grouped اور seperated areas میں اگر آپ وزیرستان ایجنسی اور مہمند ایجنسی کے ساتھ شامل کرنے کے لیے آپ کرم ایجنسی کو خیبر ایجنسی کے ساتھ مالا کنڈ ایجنسی کو باجوڑہ کے ساتھ شامل کیجئے - یہی میرا مدعا ہے -

Mr. Chairman : This is not imaginable. Do you mean that South Waziristan will be taken over and amalgamated with Mehmmand ? No. ?

جناب شہزاد گل : الفاظ تو یہ ہیں -

Mr. Abdul Hafeez Pirzada : What do we do with Dera Adamkhel ? That is separated area.

جناب شہزاد گل : تو اس وجہ سے درہ آدم خیل کو کرم کے ساتھ یا خیبر کے ساتھ شامل کریں اگر ان کی نمائندگی ایک نہ ہو تو پھر اس کے ساتھ دوسری ایجنسی شامل کی جائے تب ہی ہوگا -

[Mr. Chairman]

پہلے نہیں تھا - South Waziristan - North Waziristan اور کرم - مہمند الگ تھے - جو ایک دوسرے سے contiguous ہے ان کو شامل کیا جائے - یہ نہ ہو کہ وہاں کوہستان اور ہزارہ کو اور South Waziristan کو درہ سے شامل کریں - - -

جناب شہزاد گل : اب ڈیرہ اسماعیل خاں اور بنوں ڈسٹرکٹ کے ساتھ قبائلی علاقہ ہے جس کی علیحدہ آبادی ہے اس کی مردم شماری علیحدہ ہوئی ہے اب کوہاٹ ڈسٹرکٹ کا علیحدہ قبائلی علاقہ ہے ایجنسی علیحدہ ہے قبائلی علاقہ علیحدہ ہے اسی طرح پشاور ہے - ہر ایک ڈسٹرکٹ کے ساتھ قبائلی علاقے علیحدہ بھی ہیں - جو ان قبائلی علاقے کے لوگ یہ دیکھیں یہ tribal areas جو بھی ان کو سب کو ایک سیٹ اگر دیتے ہیں تو ۸ سیٹوں میں سے ۷ بچتی ہیں اگر ایجنسی کو آپ ایک ایک سیٹ دیتے ہیں اسی طرح سارے قبائل جو ہیں ڈیرہ اسماعیل خاں سے لے کر چترال تک سب کو ایک سیٹ دیتے ہیں تو مشکل ہوگا -

جناب چیئرمین : اس میں کون سا motive ہو سکتا ہے کہ چترال کو South Waziristan کے ساتھ ملا دیں -

There is no political motive. How can they do so in such a sensitive area? They are not creating trouble, for that will never happen, and that is not meant. They only mean to do that.

جناب شہزاد گل : میں گزارش کرتا ہوں کہ اب جو آپ سوات ڈسٹرکٹ میں یا مردان ڈسٹرکٹ میں مالا کنڈ ایجنسی ایریا ملا دیں - سوات ڈسٹرکٹ پتیل چکر دے اور خودا خیل دامازے کو یہاں سب کو شامل کر کے یہاں ایک حلقہ بتایا گیا ہے -

Mr. Chairman : They are all contiguous.

جناب شہزاد گل : مالا کنڈ خودا خیل کے ساتھ تو نہیں ہے contiguous علاقہ تو نہیں ہے -

Mr. Chairman : There is no other area.

جناب شہزاد گل : دامازے سوات کے ساتھ ہے یہ خیبر کی وجہ سے ایسا نہیں ہے -

Mr. Chairman : He is an authority on this subject. Let him speak.

(Interruption)

Mr. Chairman : You must give him the credit.

جناب شیر محمد خان : ۱۹۷۰ء میں نے الیکشن لڑا ہے مجھے اچھی طرح معلوم ہے مالا کنڈ ایجنسی اور سوات کا وہی حصہ جسے ملا کر ایک حلقہ بنایا گیا تھا وہ ایک دوسرے کے ساتھ ملحقہ ہیں۔ مالا کنڈ ایجنسی سے ان کے ساتھ راستہ ہے جو اس سے بہترین ہے اور اچھی طرح اس سے پہنچ سکتے ہیں۔

Mr. Chairman : All right. Let him speak now.

جناب شہزاد گل : تب ہی تو ہارا ہے ۱۸۰ ووٹوں سے۔

جناب شیر محمد خان : آپ اندازہ لگائیں میں ہارا نہیں جیتا ہوں۔ وہ آدمی disqualify بھی ہوا تھا۔ میں نے withdraw کیا تھا۔

جناب چیئرمین : الیکشن میں ہار نہیں ہوتی۔ ہار بھی ہوتی ہے جیت بھی ہوتی ہے۔

جناب شیر محمد خان : ہار میری نہیں ہوئی۔ ہارا ہوتا تو مبارکباد کیوں پیش کرتے اس لیے وہاں پر ڈٹا رہا۔

Mr. Chairman : All right. Now, the question is :

“That in the proviso to sub-clause (1) of Clause 9 of the Bill, the word “separated” occurring in the second line be deleted and instead the words and commas, “geographically compact, be inserted”.”

(The motion was negatived)

Mr. Chairman : Now, the question is :

“That Clause 9 forms part of the Bill.”

(The motion was adopted)

Mr. Chairman : Next is Clause 10. There is no amendment.

The question is :

“That Clause 10 forms part of the Bill.”

(The motion was adopted)

Mr. Chairman : Now, Clause 11. You have an amendment? I think it is relating to deletion.

Khawaja Mohammad Safdar : Sir, I do not want to move it.

Mr. Chairman : The question is :

“That Clause 11 forms part of the Bill.”

(The motion was adopted)

Mr. Chairman : The question is :

“That the Title, Preamble and Clause 1 forms part of the Bill.”

(The motion was adopted)

Mr. Abdul Hafeez Pirzada : Sir, I beg to move :

“That the Bill to provide for the delimitation of constituencies for elections to the National Assembly and the Provincial Assemblies [The Delimitation of Constituencies Bill, 1974] be passed.”

Mr Chairman : Motion moved is :

“That the Bill to provide for the delimitation of constituencies for elections to the National Assembly and the Provincial Assemblies [The Delimitation of Constituencies Bill, 1974] be passed.”

Mr. Abdul Hafeez Pirzada : Before you put the motion to the House, I would like to point out a printing error which may be taken up during the Third Reading, that is in Clause 8, you have to put “many” instead of “may”. The Secretary may be authorised.

Mr. Chairman : Yes, this can be corrected. Similarly there are two or three other mistakes. These can be corrected.

جناب شہزاد گل : میں مختصر بات کرتا ہوں اس فہرست میں دیکھنے

کے بعد - - -

جناب چیئرمین : مختصر کا کیا مطلب ایک منٹ یا آدھا منٹ ؟

جناب شہزاد گل : *جناب والا ! میں دو منٹ لوں گا لسٹ جو چھپے گی -

official gazette preliminary list, constituency کی تو کہتے ہیں کہ بل میں ہے کہ

agrieved persons اور پھر کو یہ اختیار ہوگا کہ تیس دن

ke اندر وہ اپنی representation کریں۔ official gazette دیہات میں نہیں جاتا۔

official gazette کا کسی کو پتہ نہیں ہوتا ہے۔ جب official gazette میں الیکشن

کمیشن کی لسٹ چھپ جائے گی۔ لہذا ایسی تدبیر کرنا چاہیے کہ اس کی

publicity ہو تھانوں میں وہ list ہو یونین کونسلوں کے آفسوں میں ہو

پٹواری خانوں میں رکھی جائے تاکہ دیہات میں لوگوں کو پتہ لگے کہ کون

کون سے علاقے کس حلقے میں شامل کیئے گئے ہیں تاکہ اگر کوئی representation

کرنا چاہے تو معیاد کے اندر representation کر سکے ہر ایک کو یہ پتہ ہو۔

دوسری میں یہ گزارش کرنا چاہتا ہوں کہ اپیل کا حق نہیں ہے۔ کمیشن کا فیصلہ

فائنل ہوگا تو rule میں provision بھی نہیں ہے اور وہ rules بنائیں گے اس میں

constituency بنائیں گے وہ ایسی ہوں کہ کسی کو اس پر اعتراض نہ ہو اور

Mr. Abdul Hafeez Pirzada : I don't see any relevance of what has been said by the honourable Senator to the contents of the Bill but since he has said this I would like to go on record that in the province of Frontier no one has any cause to complain against the by-elections which have been held only a couple of months ago. The results are before us. The NAP had won the seats in Swabi and Mardan in the Provincial Assembly and in the National Assembly through by-elections. Similarly, Charsadda including Utmanzai seat was won by NAP. Now in Mardan and Swabi they had hardly 800 to 900 votes. If the Government had interfered, I am sure, ways can be found to tilt the result of elections. So this is not relevant to the subject matter of the Bill but since it was said I wanted to bring it to your kind notice.

Mr. Chairman : You were referring to another by-election, you did not mention to these two.

Mr. Abdul Hafeez Pirzada : He should also refer to Charsadda election and see the main difference between the male and the female voting. I think, he is satisfied that they were free and fair elections. The female votes were one thousand and there were four thousand male votes. So equally there was no logic. Let us not talk about that.

Mr. Chairman : Yes let us not enter into controversy. Now I will put the motion.

The question is :

“That the Bill to provide for the delimitation of constituencies for elections to the National Assembly and Provincial Assemblies [The Delimitation of Constituencies Bill, 1974], be passed.”

(The motion was adopted)

Mr. Chairman : Now, we have no other business left to day. The House is adjourned to meet again tomorrow at 10 A.M.

The Senate adjourned to meet again at ten of the clock in the morning on Tuesday, the 16th April, 1974.
