



THE SENATE OF PAKISTAN DEBATES

OFFICIAL REPORT

Thursday, April 18, 1974

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SENATE DEBATES
SENATE OF PAKISTAN

Thursday, April 18, 1974

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

(Recitation from the Holy Quran)

LEAVE OF ABSENCE

Mr. Chairman : There is a leave application of Senator Mir Nabi Bakhsh Zehri.

“Due to urgent and unavoidable family affairs I would not be able to attend the session. Kindly grant me leave for 8 days beginning from April 15th. Senator Mir Nabi Bakhsh Zehri.”

What is the reaction of the House ? Are you prepared to grant him leave ?

(The leave was granted)

Mr. Chairman : All right, leave is granted.

ADJOURNMENT MOTION RE : STRIKE OF TRANSPORT WORKERS

Mr. Chairman : There is an adjournment motion. Notice of this motion was given on 16th April, but it could not be taken up.

Khawaja Mohammad Safdar : This adjournment motion has become infructuous because the strike of transporters had been called off.

Mr. Chairman : Yes. Thank you. There is another motion in the name of Mr. Kamran Khan.

ADJOURNMENT MOTION RE : PRESS STATEMENT OF
BALUCHISTAN GOVERNOR

Mr. Kamran Khan : Sir, I beg to move :

“That the business of the Senate be adjourned to discuss a matter of urgent public importance and of recent occurrence, namely, the statement of the Governor of Baluchistan saying that although Mir Ghous Bakhsh

[Mr. Kamran Khan]

Bazanjo, Mr. Mengal and Mr. Khair Bakhsh Marri had been detained by the Baluchistan Government, the question of their release was 'a matter between them and the Prime Minister.'

The Governor's statement militates against the principles of provincial autonomy as laid down in the Constitution and has thus resulted in widespread alarm in the country."

Rao Abdus Sattar (Leader of the House) : *Sir, I beg to oppose this adjournment motion on the following grounds. First of all, it may be stated that under rule 71 of the Rules of Procedure of the Senate, a motion shall not be admissible unless it satisfies the following grounds.

Mr. Chairman : You need not read out the entire rules and paragraphs.

Rao Abdus Sattar : It shall raise an issue of urgent public importance, and be restricted to a matter of recent occurrence. Then, discussion will not be revived on a matter which has been discussed in the same session or in the Assembly Session within the last six months. Moreover, it shall relate to a matter which is primarily the concern of the Federal Government or to a matter in which the Government has substantial financial interest. So, my humble submission is ..

Mr. Chairman : No, which of the paragraphs of rule 71 is attracted or hit ?

Rao Abdus Sattar : Sir, (a), (b), (c) and (d), all these hit this motion.

Mr. Chairman : You first take (d). How is (d) attracted ?

Rao Abdus Sattar : "It shall not revive discussion on a matter which has been discussed in the same session or in the Assembly within the last six months." The question of Baluchistan and the powers of the Federal and Provincial Assemblies have been discussed in this very House and the National Assembly in the last session, Sir, and yesterday and the day before yesterday also.

Mr. Chairman : No, the adjournment motion does not seek to raise discussion on Baluchistan. The adjournment motion, as I read it, seeks discussion on the statement of the Governor of Baluchistan, which he made at the airport to the effect that those three gentlemen, Bazanjo, Mengal and Marri, had been detained by the Baluchistan Government.

Rao Abdus Sattar : The main point in the adjournment motion is that it affects the autonomy of the Provinces.

Mr. Chairman : But was this matter discussed in this House ?

Rao Abdus Sattar : The adjournment motion of the same nature was discussed yesterday and the day before yesterday in this very House.

Mr. Chairman : This thing was not discussed.

Rao Abdus Sattar : Then, let me allow to make a submission Sir, that...

Mr. Chairman : I will allow you. You have my full permission to have your full say, but I wanted to know how (d) is attracted, because (d) says :

*Speech not corrected by the honourable senator.

“The motion shall not revive discussion on a matter which has been already discussed.”

This motion, namely, the statement of the Governor of Baluchistan at the airport was never discussed, and this is the subject-matter of this adjournment motion to which they take exception that according to him, while these three gentlemen had been detained by the Provincial Government, the Governor says that it is a matter between the Prime Minister and those gentlemen. They say this is an encroachment by the Federal Government on the Provincial autonomy.

Rao Abdus Sattar : Sir, the adjournment motion may, therefore, be opposed on the basis that it does not relate to a matter of recent occurrence. It is not a matter with which the Federal Government as such is primarily concerned, and also because the situation in Baluchistan and allied matters have been discussed in the House. As far as the facts of the case are concerned, Sir, the statement of the Governor of Baluchistan has appeared in the Pakistan Times of 17th April, 1974. It is also a well-known fact that the above-named three persons are in custody on account of certain severe criminal charges levelled against them by the Baluchistan Government and they are not in custody under any law of preventive detention under orders issued by or at the instance of the Federal Government. If the Governor has said this that although those persons were detained by the Baluchistan Government, yet the question of their release was a matter between them and the Prime Minister, and Sir, I may emphasize, the Governor said, “the question of their release was a matter between them and the Prime Minister” as it was stated in the Press statement, then the responsibility for giving this statement falls entirely on the Governor, and most probably he has said so because the Federal Government has announced the grant of amnesty in certain cases and because the Prime Minister is the chief executive of the Federal Government, *vide* Article 90 of the Constitution. In any case, it is not a matter of recent occurrence which should be discussed in the Senate. It is primarily a matter of the Baluchistan Government and the Governor. Sir, now I will submit to your honour some ruling on this very situation.

Mr. Shahzad Gul : Point of order. He is discussing the fact whether adjournment motion has been admitted. He has not raised any technical objection so far.

Mr. Chairman : He is arguing the point of inadmissibility but in his own way.

Mr. Shahzad Gul : To which part of rule my learned friend is referring to say that under such and such rule this is inadmissible ?

Mr. Chairman : You are repeating my query. The same thing I asked him. He said under (a), (b), (c) & (d). I particularly pointed (d) and asked how was it hit by (d) because it was not to my knowledge that it was discussed in this House. So far he has not been able to convince me that it has been discussed in the session of the Senate or within the last six months because the statement has been made only recently. How can it be discussed during the last six months and to my knowledge it was never discussed.

Rao Abdus Sattar : It is the primary concern of the Provincial Government, Sir. I have mentioned, Sir, it is not the concern of the Federal Government.

Mr. Chairman : So, you mean to say that it is hit by part (f): “It shall relate to a matter which is primarily the concern of the Federal Government or to a matter in which the Federal Government has substantial financial interest.” You say it is the concern of the Provincial Government but the Governor says it is not our concern, it is the concern of the Prime Minister.

Rao Abdus Sattar : Sir, I want to draw your attention to the statement published in the Pakistan Times when "in reply to a question at the Lahore Airport he said that although Mr. Ghous Bakhsh Bazanjo, Sardar Mengal and Mr. Khair Bakhsh Marri had been detained by the Baluchistan Government, the question of their release was a matter between them and the Prime Minister only."

Mr. Chairman : Let us understand each other. "In reply to a question at the Lahore Airport, the Governor said that although Mr. Ghous Bakhsh Bazanjo, Sardar Mengal and Sardar Khair Bakhsh Marri had been detained by the Baluchistan Government, which means the Provincial Government, the question of their release was a matter between them and the Prime Minister." So, this is the basis of their adjournment motion that if they are detained by the Provincial Government, why should the Prime Minister interfere. That is their objection. I am drawing your attention to the substance of the adjournment motion. Their complaint is that these three gentlemen had been detained by the Baluchistan Government, and if they had been detained by them, then the question of their release or no release should be left to the Governor. But on the contrary so far as the question of their release is concerned, well, it has been stated that it is a question between these three detainees and the Prime Minister. So, they complain that this is interference in or encroachment upon the provincial autonomy rightly or wrongly. You just argue on this point.

Ch. Mohammad Hanif Khan (Minister for Labour, Works and Rehabilitation): *May I say something? The statement has not been made by the Prime Minister, the statement has been made by the Governor, and if a Governor makes statement that he has to consult such and such authority, and has to do such and such thing, it does not mean that the Prime Minister in any way comes into the picture. If the statement had been made by the Prime Minister or if the Prime Minister had stated that although the Baluchistan Government had taken these persons in custody, yet the Governor of Baluchistan was not entitled to release them unless they consult him, then the point would have been entirely different. It is the Governor of Baluchistan, who has made the statement. And how far it is based upon facts as to whether this is really necessary for him as to whether the Prime Minister has ever told him that he could not release unless he consulted him. There is no indication of it at all. If the Prime Minister had made a statement, or if anyone on behalf of the Prime Minister had made a statement, then it would have become a subject-matter of discussion in the House. But this statement has been made by the Governor of Baluchistan, and the Baluchistan Government can make any sort of statement. If any adjournment motion is to be raised on this point, then it is for the Baluchistan Governor to explain that in the Provincial Assembly. The adjournment motion can be discussed in the Provincial Assembly of Baluchistan as to whether it has got any substance or not, and not in the Senate of Pakistan, because this statement is in no way ascribable to the Prime Minister of Pakistan, the Executive Head of the State.

Mr. Chairman : Before we proceed further, I will ask the Minister, who has just argued this point, do you dispute or do you admit that any such statement was made? Have you got any authentic information what actually the Governor stated?

Ch. Mohammad Hanif Khan : It has been published in the newspaper.

*Speech not corrected by the honourable Minister.

Mr. Chairman : I would like to make myself clear to you. The question, which appears to me to be very material and relevant, very important and in order for helping a decision of admissibility, is this that I want authentic information about the actual statement the Governor made, because there is no press release, it is not a regular statement made by the Government functionary ; we have no knowledge whether the Government, the Centre or the Provincial, or the Governor, made any such statement. It is only an airport statement which just appeared in the Pakistan Times that at the airport somebody met some pressman of some newspaper, some journalist or some representative of papers, and they put question to him, and he replied to those question and said something. So, I want to know some authentic report of the statement he actually made.

Mr Shahzad Gul : This statement has not so far been contradicted.

Ch. Mohammad Hanif Khan : My information does not go beyond what appears in the Press and, Sir, you have already observed that somebody at the airport met the Governor and he made a statement, nothing beyond that. And I know the honourable Members from the Opposition cannot also produce any sort of evidence whereby they can establish that any such authentic evidence appeared that he made a statement.

Mr. Shahzad Gul : This has not been contradicted so far.

Ch. Mohammad Hanif Khan : It is not necessary that every statement should be contradicted.

Mr. Chairman : Mr. Shahzad Gul, you are not fair to me. Without asking permission, without my conceding you the floor, you should not interrupt. You should first address me. If I say all right, Mr. Shahzad Gul is on a point of order, point of information or explanation, then you just address me. You ask for my permission to give the floor but when you enter into talks, directly quarrel or fight, how can I be fully attentive ?

Mr. Shahzad Gul : I was addressing your honour, not the Minister.

Mr. Chairman : But I was listening to the Minister. You can address me.

Ch. Mohammad Hanif Khan : There is no authentic statement except what has appeared in the Press. If the question would have been of the Federal concern it could have been possibly discussed in the Senate or in the National Assembly of Pakistan. If there had been the slightest amount of indication that the Prime Minister, or any other authority on behalf of the Prime Minister had made the statement it could have been discussed in the House. The rules are very clear. So far as the law is concerned, the Government of Baluchistan is fully competent to release them, but if the Governor of Baluchistan makes this sort of statement, which has appeared in the Press, that this is between himself and the Prime Minister, then how does it become the concern of the Federal Government ? He has made a statement. He can make any statement. Has the Prime Minister said, "Yes, whatever the Governor of Baluchistan has said is correct and that they cannot release the three detainees unless they consult me" ? So, it is the concern of the Provincial Government, and the Governor of Baluchistan made a statement, this point can be raised there in the Provincial Assembly. It is entirely a provincial subject.

Mr. Mohammad Hashim Ghilzai (Leader of the Opposition) : I want to make a statement.

Mr. Chairman : Yes.

Mr. Mohammad Hashim Ghilzai : I would very much like to ask the honourable Minister as to whether the Governor of Baluchistan is not an agent or representative of the Federal Government. He has made this statement in the capacity of a representative of the Federal Government ; that cannot be denied.

Ch. Mohammad Hanif Khan : The Governor of Baluchistan would not be entitled to make such a statement. The Governor of Baluchistan does not have any authority to pass orders under the Defence of Pakistan Rules the power rests with the Chief Minister of Baluchistan.

Rao Abdus Sattar : Adjournment motion could not primarily be discussed on a press statement.

Mr. Chairman : Where is the rule ?

Ch. Mohammad Hanif Khan : The executive head is the Chief Minister of Baluchistan.

Mr. Chairman : After all the Governor is the agent of the Central Government.

Ch. Mohammad Hanif Khan : He is the Governor of the Province.

Mr. Chairman : You are blowing hot and cold in the same breath. The representative of the Central Government is the Governor. My difficulty is that unless I am satisfied about the authenticity of the information about the statement, I cannot proceed further.

Ch. Mohammad Hanif Khan : We do not have any authentic statement. There is no authentic statement. The information or news which is being discussed is before the Senate and the Opposition do not possess any authentic statement at all.

Mr. Chairman : As you know, you know more than me, there are official statements, there are Government spokesmen, there are press releases, there are announcements, declarations by authorized persons.

Ch. Mohammad Hanif Khan : It is only a news in the press.

Mr. Chairman : Had there been official statement, announcement, declaration, decision of the Federal Government, I would have accepted. But my difficulty is this that the Governor of Baluchistan happens to go to Quetta from Islamabad. On his way he holds a press conference, and some questions may have been put to him, and he just casually answered these questions. I do not have any authentic information about this, and that is why I sought your assistance.

Ch. Mohammad Hanif Khan : I have already made a statement that no one knows about it ; it only appeared in the press. There is no authentic statement.

(Interruptions)

adjourn- میر عبدالنبی خاں : جناب چیئرمین ! جیسے کہ آپ نے کل ایک
take up ment motion نہیں کیا تھا اس میں بھی دو باتیں ہیں -

One is the detention of these people by the Provincial Government.

Second is the interference of Prime Minister in this matter. So, these are two matters, the interference of Prime Minister in the jurisdiction of the Provincial Government and the detention of those people by Provincial Government.

کل آپ نے ایسی ہی تحریک التواء reject کی تھی یہ بھی ایک معاملہ میں دو باتیں
ہیں - میں یہ عرض کروں گا کہ یہ بھی ایسا ہی معاملہ ہے اس میں بھی دو پوائنٹ
ہیں ایک نہیں ہے -

Mr. Chairman : I do not know whether he has or he has not said it ; or uttered those words, or made a statement which has been attributed to him. I am not quite sure. I ask you to make another point clear to me. This adjournment motion seeks discussion on a matter which is very general, very vague and also, at the same time, attempts to raise a discussion on a constitutional matter, namely, powers of the Governor *vis-a-vis* the Central Government; how far the Prime Minister can interfere in the provincial spheres and how far he cannot interfere. It raises a general question of principles as enunciated by the Constitution. Would it make your adjournment motion admissible, Mr. Kamran, I want you to confine to this point only.

Mr. Kamran Khan : It is clear from the statement of the Governor of Baluchistan.

Mr. Chairman : Whether he actually said so?

Mr. Kamran Khan : It has appeared in the Pakistan Times which is an official spokesman of the Federal Government.

Mr. Chairman : Has this statement, which has been made by the Governor of Baluchistan, been contradicted so far ?

Mr. Kamran Khan : Even today I looked in the morning papers for a contradiction. I am not in a position to produce anything from any other source. It is up to the Government to produce the authentic statement. Moreover, the Governor of Baluchistan was on his way from Rawalpindi to Quetta. He held a lengthy press conference on the basis of the discussions he had with the Prime Minister and as a result of which he made the statement. This means that the detenues are not going to be released as they had been detained by the Baluchistan Government on criminal charges, and now if the Baluchistan Government wants to release them, they have to get new powers.

Mr. Chairman : He did not say that.

Mr. Kamran Khan : It amounts to this. What other interpretation would you attach to it ? It is very clear. This is what I gather.

Mr. Chairman : One thing is this that they have been detained by the Provincial Government—that is clear. The second point is how they can be released because the Prime Minister made an earlier statement giving general details of the decisions they have taken the other day—there was the withdrawal of the army and continuation of development work, etc. So, what he wanted to convey probably by making this statement is that before they are

[Mr. Chairman]

released, the Prime Minister will be consulted or he will be informed, because those who are accused of charges involve liability of a criminal nature and very serious criminal nature; cases are not to be withdrawn against them who are involved in very serious criminal cases. You will have to examine each and every case whether they fall under the category of criminal cases or they come under the category of cases of very serious nature; they will not be released but others will be released. The Governor might be meaning that before they are released the Prime Minister will be consulted.

Mr. Kamran Khan : This is exactly my point. The President of Pakistan is competent to grant amnesty.

Mr. Chairman : Prime Minister comes into the picture because this amnesty has been granted by the Prime Minister. Detention has been made by the Provincial Government but the amnesty cannot be granted by the Provincial Government. It can be granted by the Prime Minister.

Under the Constitution, of course, there is a difference of duties of the President of Pakistan and the Prime Minister. Any order issued or any act done is supposed to be issued and done in the name of President of Pakistan who is the Head of the State.

You know what is the Constitutional provision. Orders are made in the name of the President, but the President cannot issue orders unless the Prime Minister agrees to it. He is to assent, but he cannot issue any orders; even this business which we pass is assented to by the President, but the Prime Minister countersigns them so. This is hair-splitting in the name of President. You know that the Press release was issued as a result of consultation, negotiation and discussion and representation of the views of Baluchistan Government and the Central Government. Ultimately they came to certain decisions, which were announced in the form of that Press release. So, really the decisions were made by the Central Government, by the Provincial Government, by the Prime Minister and the President put together. There is no doubt about that. So, what I feel is this that he might not be well advised if he has said at all these words on his way at the airport or he did this just in a light manner. Such an important decision made by the Federal Government or by the Prime Minister, did not, I say, need any explanation or elaboration on his part. He was just on his way from Rawalpindi to Quetta and he broke his journey at the Lahore Airport. Pressmen met him there at the airport. They put some questions. In a very light manner, not very seriously there was no official statement, no official declaration; just by the way, he dealt with those questions.

You believe the moment I read this statement yesterday it occurred to me that adjournment motion will come. And he just in his mood—I don't know much of this gentlemen, the Governor, he was Khan of Kalat, I do not know personally much about him—just in some mood, in some vain, he allowed himself in this way.

Mr. Kamran Khan : Sir, if he gets into mood, we also get into a mood to bring an adjournment motion on such important issues.

Mr. Chairman : But this is not an authentic statement.

Mr. Kamran Khan : He was not going from Rawalpindi to a feast or something.

Mr. Chairman : Now, let us come down to the real point in issue apart from others. These people are detained by the Baluchistan Government, but now they are detained by the Pakistan Government.

Mr. Kamran Khan : They are under trial, Sir.

Ch. Mohammad Hanif Khan : The position is that they are arrested for substantive offence.

Mr. Chairman : Let Mr. Kamran Khan hear me. I say I concede that they have been arrested and put behind the bars, whether they are in Rest House or in police lock-up. They are under trial and charged with some offence by the Prime Minister's Government. That is true. Now, in his statement made by him he said before their release, "Prime Minister will be consulted." How is this regarded as an encroachment on the provincial autonomy ?

Mr. Kamran Khan : If these under-trial prisoners were going to be released under the general amnesty granted, then I would not have come with this adjournment motion. But I believe and I feel that the Governor of Baluchistan is passing the powers of the Provincial Government to the Federal Government. If the Provincial Government of Baluchistan have got the powers to release them then there would have been no need of mentioning the cases of these three gentlemen specifically.

Mr. Chairman : We have nothing to do with this.

Mr. Kamran Khan : It is a very clear matter, Sir. That means Baluchistan Government has nothing to do with the further detention.

Mr. Chairman : They just possibly might consult Provincial Governor or the Chief Minister.

Mr. Kamran Khan : How does the Prime Minister come into it ?

Mr. Chairman : Because the amnesty is granted by the Federal Government.

Mr. Kamran Khan : As I submitted earlier, if they were going to be released under the amnesty that would have been all right. But they do not seem to be released and Government do not intend to release them under the amnesty and, therefore, the Governor of Baluchistan is not releasing them. Then, Sir, they are not political detainees, they have not been arrested under Prevention Law ; they have been detained and arrested for the last eight months, and so far no charge-sheet has been formulated, and week after week remands have been extended. These people, these gentlemen are being pressurized to succumb, to yield to the demands of the Federal Government and the Agent of the Federal Government, that is, the Governor.

Mr. Chairman : Now, you come to the merits of the case.

Ch. Mohammad Hanif Khan : Because we are still discussing as to whether the adjournment motion should be admitted or not.

Mr. Chairman : Half an hour is over ; defer this motion to another day.

Mr. Kamran Khan : Final and last point, Sir. This case is very clear that it is not pending before the Courts ; it is not *sub judice*.

Ch. Mohammad Hanif Khan : They are under detention. They have been arrested under the substantive law and their cases are before the courts of law. So far as this case is concerned, it is *sub judice* at the moment. Their arrest or their release is something which is a *sub judice* matter and before a court of law. That is a very relevant point in this case. Sir, it is still a *quasi judicial* case. They might try to wriggle out from this case.

Mr. Chairman : What I do, Mr. Mohammad Hanif, is this that I postpone it for consideration tomorrow in the morning. In the meantime you do one thing. You ring up the Governor and inquire from him whether he did make this statement.

Ch. Mohammad Hanif Khan : Actually, I have not come to oppose this adjournment motion and the details are not with me. This is something on which I do not have any information at all. There is no point before me.

Mr. Chairman : You confirm this first.

Ch. Mohammad Hanif Khan : Right, Sir, we will discuss it tomorrow.

Mr. Chairman : Just at the very outset I stated that personally it will be very difficult for me to give any decision on this adjournment motion unless I know for certain cent per cent what actually he stated. Did he actually use these words which are put in his mouth ?

خواجہ محمد صفدر : آپ اخبارات کو اتنا بے اعتدال کیوں سمجھتے ہیں ؟ ان پر اعتدال کریں ۔

Ch. Mohammad Hanif Khan : I will be in possession of full information.

Mr. Chairman : You just ring up the Governor, and inquire from him about these are words which have been attributed to him. Did he say or did he not say these ? Either you accept that he did say or you say that he has not said these words.

Ch. Mohammad Hanif Khan : Tomorrow is Friday.

Mr. Chairman : The whole thing will be over, provided I know the real position. Let him say that he did say and stick to it or let him say that he did not use these words or he said something else, whatever he stated, and in the light of his reply to you on the telephone we will decide the matter. There are other points also but this is the main thing.

Ch. Mohammad Hanif Khan : All right, Sir.

Mr. Chairman : If you admit that he did say this, it will lead to one result and if you say that he did not say these words, it will lead to another result.

Khawaja Mohammad Safdar : How can, the honourable Member refute these words ?

Mr. Chairman : How can you say that he did say this ?

Khawaja Mohammad Safdar : Yes, Sir, we have to rely on the newspapers.

Ch. Mohammad Hanif Khan : He knows what reliance can be put on the newspapers.

Mr. Chairman : Tomorrow you just come with this information as to what the Governor did actually say.

Ch. Mohammad Hanif Khan : And other facts also. If I had known it, I would have come prepared. I have been taken by surprise. I did not know the actual facts.

Mr. Chairman : Yes, particularly about this question whether he has said this thing what has been attributed to him, this statement, these words, whatever you call, whatever is attributed to him, was actually stated by him or he stated something different or it has come in a different form.

Ch. Mohammad Hanif Khan : That does not mean that you are giving a decision that if he said these words, it becomes admissible. I do not concede that. For example, if the Governor has said these words, even then there are other things against the motion.

Mr. Chairman : Why are you drawing inferences and wrong inferences? I have already made it clear that there are other points also to be discussed in the House about the admissibility but one of the points and the main point, is this: whether he stated this or not. But there are other points also with regard to the admissibility even if he has stated this. I have also asked him to explain in a general way the points which are sought to be raised by this adjournment motion and it is a constitutional question, and whether you can raise such constitutional questions.

Ch. Mohammad Hanif Khan : Your observation might lead to the inference that probably if he said this thing, this adjournment motion would become admissible.

Mr. Chairman : You were not attentive. I have already made it clear that this is one of the material points. There are other points also. They have to be cleared before it is admitted. Major General Sahib, did you want your Bill or did you want to speak?

Major-General (Retd.) Jamal Dar : I had a point of order but you did not listen to it.

Mr. Chairman : Yes?

Major-General (Retd.) Jamal Dar : My point of order was that if there was any objection at all on the statement—first of all I do not believe that there was such a statement—and if there had been one, it should come from the Province. They should object.

Mr. Mohammad Hashim Ghilzai : We are representing the Province.

Mr. Chairman : Let us close this chapter and move on to the other items. Yes, next item, Mr. Sher Mohammad Khan.

STANDING COMMITTEE REPORT RE : THE EXCLUSIVE FISHERY
ZONE (REGULATION OF FISHING) BILL, 1974

Mr. Sher Mohammad Khan : Sir, I beg to present the report of the Standing Committee on the Bill to provide for the regulation of fishing within the exclusive fishery zone of Pakistan [The Exclusive Fishery Zone (Regulation of Fishing) Bill, 1974].

Mr. Chairman : The report is laid on the Table of the House. Now, we take up legislative business. Major-General, you make your motion.

THE EXCLUSIVE FISHERY ZONE (REGULATION OF FISHING) BILL, 1974

Major-General (Retd.) Jamal Dar : I beg to move :

“That the requirement of sub-rule (2) of rule 83 of the Rules of Procedure and Conduct of Business in the Senate, 1973, in regard to the Bill to provide for the regulation of fishing within the exclusive fishery zone of Pakistan [The Exclusive Fishery Zone (Regulation of Fishing) Bill, 1974], as reported by the Standing Committee, be dispensed with.”

Mr Chairman : The motion before the House is :

“That the requirement of sub-rule (2) of rule 83 of the Rules of Procedure and Conduct of Business in the Senate, 1973, in regard to the Bill to provide for the regulation of fishing within the exclusive fishery zone of Pakistan [The Exclusive Fishery Zone (Regulation of Fishing) Bill, 1974], as reported by the Standing Committee, be dispensed with.”

Mr. Shahzad Gul : Opposed, Sir.

Ch. Mohammad Hanif Khan : I think, this item need not have been moved at all.

جناب شہزاد گل : بات یہ ہے کہ یہاں جو amendments ہم نے دی تھیں اگر ان میں اسٹینڈنگ کمیٹی - - -

Mr. Chairman : When there was objection that this should be referred to the Standing Committee, Major-General accepted that motion, and it was referred to the Standing Committee.

جناب شہزاد گل : وہ ٹھیک ہے لیکن بات یہ ہے کہ اسٹینڈنگ کمیٹی کی رپورٹ کے بعد جو amendments ہیں ان میں ہم نئے سرے سے یوں amendments دیتے کہ as reported by the Standing Committee تو اگر ان کو یہ اعتراض نہ ہو اور amendments وہ قبول کرتے ہوں as reported by the Standing Committee تو پھر ٹھیک ہے -

Ch. Mohammad Hanif Khan : There is no question of accepting them. They can be considered.

جناب چیئرمین : technically تو بات درست ہے لیکن یہ تو حقیقت ہے کہ بعض بل controversial ہوتے ہیں political nature کے ہوتے ہیں - semi-political nature کے ہوتے ہیں اور ان میں اختلاف ہوتا ہے لیکن یہ تو معصوم سا اور

harmless بل ہے یہ Fishery Bill ہے۔ اگر آپ چاہتے ہیں کہ یہ دولت پاکستان میں رہے اور بیرونی لوگ اس کو ایسے تباہ نہ کریں تو آپ کو اعتراض نہیں ہونا چاہیے۔

I could appreciate your difficulty if there was any Bill of a political nature or controversial nature which required thinking, concentration, deep concentration. I could understand that.

سیجر جنرل (ریٹائرڈ) جالدار : یہ تو مچھلیوں کی حفاظت کے لیے ہے۔

جناب چیئرمین : آپ تو بڑا گہرا مطالعہ کرتے ہیں ہر روز اخبارات کی thorough study کرتے ہیں۔ آپ نے ۸ صفحے کے پاکستان ٹائمز میں سے تو گورنر کا بیان دیکھ لیا آپ نے سارا اخبار پڑھا ہوگا تو تب ہی آپ کو معلوم ہوا ہے۔

How could you take the risk of throwing a challenge that it had not been contradicted? I could not say that. I did not read the whole of the paper.

لیکن آپ نے full پپر کو بھی study کیا ہے۔ میں یہ کیسے کہہ سکتا ہوں کہ آپ نے اس معصوم Fishery Bill کو نہیں پڑھا اس لیے میں کہتا ہوں۔

The requirements of ...

جناب شہزاد گل : جناب والا ! گزارش صرف اتنی تھی کہ۔۔۔

جناب چیئرمین : میں یہ نہیں کہتا کہ آنکھیں بند کر کے اس بل کو پاس کر دیا جائے۔ کل یہ ایک دفعہ Postpone ہو گیا تھا۔

جناب شہزاد گل : گزارش یہ ہے کہ اسٹینڈنگ کمیٹی کی رپورٹ آنے کے بعد یہاں اگر ہم amendments دیں تو اس میں یہ لکھنا پڑے گا۔

جناب چیئرمین : ابھی ابھی دیں۔ آپ زبانی پڑھیں اور میں لکھتا ہوں۔

جناب شہزاد گل : میری amendments کی ایک سپلیمنٹری لسٹ تھی وہ circulate ہی نہیں ہوئی۔

جناب چیئرمین : میں تو کہتا ہوں کہ اس بل کو۔۔۔

جناب شہزاد گل : ہمیں کیا اعتراض ہے پہلے discuss کریں اور آدھ گھنٹے میں پاس کر دیں گے۔

جناب چیئرمین : آپ amendments لائیں۔ آپ کی ہر ایک amendment move ہوگی۔

Now, I put the motion to the House.

The question before the House is :

“That the requirement of sub-rule (2) of rule 83 of the Rules of Procedure and Conduct of Business in

[Mr. Chairman]

the Senate, 1973, in regard to the Bill to provide for the regulation of fishing within the exclusive fishery zone of Pakistan [The Exclusive Fishery Zone (Regulation of Fishing) Bill, 1974], as reported by the Standing Committee, be dispensed with."

(The motion was adopted)

Major-General (Retd.) Jamal Dar : Sir, I beg to move :

"That the Bill to provide for the regulation of fishing within the exclusive fishery zone of Pakistan [The Exclusive Fishery Zone (Regulation of Fishing) Bill, 1974], as reported by the Standing Committee, be taken into consideration at once."

Mr. Chairman : The motion before the House is :

"That the Bill to provide for the regulation of fishing within the exclusive fishery zone of Pakistan [The Exclusive Fishery Zone (Regulation of Fishing) Bill, 1974], as reported by the Standing Committee, be taken into consideration at once."

Mr. Shahzad Gul : Opposed,

Mr. Chairman : Opposed, all right. I thought you have exhausted your power. I give full marks to your stamina.

Mr. Shahzad Gul : I am thankful to him, because he has accepted one of my amendments in the Standing Committee. The Bill will certainly go back to the National Assembly, and anyhow we have to express our view about the Bill, therefore, I have opposed it, otherwise, I am thankful to him, as he has accepted one of my amendments.

Mr. Chairman : Oh ! very good. He is a very reasonable person.

Major-General (Retd.) Jamal Dar : *Sir, the Bill has been introduced with the object of preserving fish stocks in Pakistan waters through regulation of the number of fishing crafts, which can operate in the area and provision of prohibition of fishing during particular seasons, prevention of fishing during dry season and breeding seasons. It is most essential that we should have some sort of control over fishing, otherwise in a very few years there would be nothing left in our waters except the salt water. They would have finished all fishes. At the moment, upto 12 miles have been regulated by the Provinces themselves, but this Bill aims at having these regulations for controlling between 12 and 50 miles. It really affects us. So, it is essential that we pass this Bill so that every nation do not come and fish in our waters as it was done before, otherwise, I say, there will be nothing left in a few years' time. I have conceded already two amendments after this Bill has been passed by the National Assembly. Still we referred it again to the Standing Committee and on their request also we have accepted one of their amendments. The other amendments, which were put by them, we have thoroughly discussed and found that the Bill as it stood before was better than the amended one. Actually, it is in the interest of the fish products of our country, and there is nothing political in it that they could oppose this Bill.

*Speech not corrected by the honourable Minister.

Mr. Chairman : It is in the interest of the Senators. Everybody will get enough of fish, if they are preserved and protected.

Mr. Kamran Khan : Sir, I fully agree with the principles of the Bill as far as fishing by foreigners in our waters is concerned. Of course, we must do something about it, and this Bill would regulate fishing by foreign concerns. But, Sir, there will be one difficulty. Smaller fishermen go out into the sea and catch a few fishes, they also will be in great difficulty. They will have to go and register themselves. Sometimes, as I submitted, they hire the boats. They will have to register themselves, their boats and go through all the formalities with all these details. So, it would have been better if these smaller fishermen would have been exempted. I could have, Sir, brought an amendment, but it would have involved technical sort of things ; as the boats of what capacity ? But small boats of those people could have been exempted.

Mr. Chairman : How will you define that ?

Mr. Kamran Khan : A boat, which is usually of a small size. This is exactly what my difficulty is. I could not define, but a small boat with 3 or 4 persons sitting and fishing.

Mr. Chairman : Suppose there are 5 ?

Mr. Kamran Khan : Yes, that is, of course, a matter of details. But there could be some ways and means of exempting those people. Big fishing boats, of course, be regularised. And there is another thing. When the fish are caught and brought ashore, it is taken to the factories for processing. Then, it becomes a Provincial matter. I am very sorry to say that it is a Provincial matter and how it would be possible for the Federal Government to depute its own officers and serve the industry, which is primarily a Provincial matter. So, this also is a very fine line of demarcation. But I would like that there should be no confusion in future and the Federal Government should not encroach unnecessarily in the Provincial matters.

Sir, another thing is that for the last few months we have not got any Minister fully incharge of the Food Departments. Food is a very important subject and to neglect this very important subject is certainly harming the interest

Mr. Chairman : You should have moved an adjournment motion.

Mr. Kamran Khan : There are so many candidates around here and in the National Assembly, and we should visualise somebody as incharge of all these important Departments.

Mr. Chairman : Do the words : "around here" include "Opposition" ?

Mr. Kamran Khan : Senators can also become Ministers, Parliamentary Secretaries and Ministers of State. The National Assembly also have several capable persons on the Government side. What we need is that there should be some Minister-in-Charge of these Departments. These things cannot brook any delay. We require a full-time Minister, who should be incharge of Food and should tackle the problems efficiently. With these few words, I conclude.

Mr. Chairman : Thank you very much.

جناب شہزاد گل : جناب والا! میں بہت مختصر گزارش کروں گا جیسا کہ پہلے گزارش کر چکا ہوں کہ میں محترم وزیر صاحب کا مشکور ہوں کہ انہوں نے میری اس بارے میں ایک amendment accept کر لی ہے وہ اس بارے میں تھی کہ شکار کے بہانے لوگ fishing کے لیے جائیں گے اور چونکہ ان کے لیے شکار کی تعداد مقرر نہیں تھی تو اس بہانے لوگ مچھلیاں پکڑیں گے اور پھر ان کی سوداگری کریں گے لہذا شکاریوں کو جو exception دی گئی ہے اس کو نکال دیا جائے کہ وہ بھی بغیر لائسنس کے شکار نہ کریں۔

میجر جنرل (ریٹائرڈ) جالدار : وہ نکال دی گئی ہے۔

جناب شہزاد گل : وہ accept کر لی ہے ، میں مانتا ہوں ، میری دوسری بات grammatical غلطیوں کے متعلق تھی وہ بھی درست کر لی گئی ہیں لیکن یہاں پر میرے خیال میں اس میں بہت کافی repetition ہے۔ اس پر ہم نے amendment دی ہے تاکہ دو شقوں کی بجائے اس کو ایک شق میں سمو یا جا سکے اگر وہ قبول کر لی جائے اور دو شقوں کو اس بل سے نکال دیا جائے کیونکہ وہ بالکل repetition ہے تو بل مختصر ہو جائے گا اور اس طرح سے وہ میکشن comprehensive ہو جاتی ہے کیونکہ اس میں ساری چیزیں cover ہو جاتی ہیں۔ اس بل کی اہمیت سے ہم انکار نہیں کرتے کہ پاکستان کی دولت ضائع ہو رہی ہے۔ جتنی دولت مچھلیاں پکڑنے کی صورت میں ہم حاصل کر سکتے تھے وہ بیرون ملک مچھلیاں پکڑ کر لے گئے ہیں۔ اگر یہ آئین پہلے آجاتا تو یہ دولت بچ جاتی یہ آئین بہت پہلے آنا چاہیے تھا ہمیں اس آئین کے آنے سے خوشی ہوتی ہے دیر آید درست آید ہمیں خوشی ہے کہ حکومت یہ قانون لائی ہے لیکن صرف اس میں ایک چیز کی وضاحت ہونی چاہیے میں یہ وضاحت چاہتا ہوں۔

It extends to whole of Pakistan waters within the territory or exclusive fishery zone of Pakistan beyond the Territorial Waters.

اس میں زون کی definition نہیں ہوئی ہے۔ اس میں زون جو ہے وہ exclusive ہوگا یا Territorial Waters میں شامل ہوگا یہ بات میری سمجھ میں نہیں آتی۔

میجر جنرل (ریٹائرڈ) جالدار : میں بتاتا ہوں۔

Up to 12 miles it is controlled by the Province and beyond that upto 50 miles by the Centre.

آغا غلام نبی خان : حضور والا! یہ فیشز کا بل ہے بولنے والے چاروں ہٹھان ہیں۔ کامران خان ، شہزاد گل ، میجر جنرل (ریٹائرڈ) جالدار۔

جناب چیئرمین : آپ بھی تو ہٹھان ہیں۔

آغا غلام نبی خان : جناب والا : میں بھی پٹھان ہوں - جناب والا ! بجائے اس کے کہ چاروں کسی دنبہ پر تقریر کرتے تو اچھا ہوتا وہ مچھلی پر تقریر کر رہے ہیں جو مچھلی سے بالکل واقف نہیں ہیں - ۱۲ مہینوں میں ایک مرتبہ بھی مچھلی نہیں کھاتے ہوں گے - پنجاب ، سندھ ، بلوچستان اور سرحد سے تعلق رکھنے والے جو ممبر ہیں انہوں نے تقریر نہیں کی -

جناب والا ! میری عرض یہ ہے کہ جہاں تک بل کا اصولاً تعلق ہے ہر ایک اس کو support کرے گا - اس میں صرف خدشہ یہ ہے کہ سب انسپکٹر بغیر اجازت search کرے گا اگر کسی کے پاس prohibited مچھلی جو گورنمنٹ نے منع کی ہو نکل آئے تو وہ اس کو بلاوارنٹ گرفتار کر سکتا ہے اور وہ اسے پکڑ کر مجسٹریٹ کے سامنے پیش کرے ، اس کی مرضی ہے - جناب والا ! صرف کراچی ہی ہمارے گھومنے پھرنے کے لیے ایک جگہ ہے ایک دو جگہیں کیمائزی اور کلفٹن ہے اگر ہم وہاں جا کر اپنی گاڑی کھڑی کرتے ہیں تو کوئی سب انسپکٹر جو ہمارے خلاف ہے وہ prohibited مچھلی ہماری گاڑی میں رکھ دے تو ہم سب انسپکٹر کے حوالے ، جیسے عموماً ہوتا ہے کہ ایکسائز انسپکٹر اگر کسی کے ساتھ ناراض ہوتا ہے تو وہ اس کے جیب میں ۳ یا ۴ گولیاں افیون کی ڈال دیتا ہے تو وہ جیل میں ہوتا ہے - اس طرح ہمیں بھی خدشہ ہے کہ اگر ہم کسی جگہ پر گاڑی کھڑی کریں گے تو ایسا سب انسپکٹر جو ہمارے خلاف ہوگا ہماری گاڑی میں prohibited مچھلی رکھ دے گا اور ہم جیل میں ہوں گے اور ہماری شامت آ جائے گی -

جناب چیئرمین : آپ اپنا ڈرائیور رکھیں -

آغا غلام نبی خان : ڈرائیور بھی ہو تو پھر بھی رکھ سکتے ہیں -

جناب چیئرمین : تالا لگا کر رکھیں -

آغا غلام نبی خان : جب یہ سڑک پر کھڑی کریں تو بھی وہ رکھ سکتے ہیں -

جناب چیئرمین : وہاں کار پارکنگ تو ہوگی -

آغا غلام نبی خان : تو ہم جناب والا ! سب انسپکٹر کے حوالے ہو جاتے ہیں - دوسری بات جناب والا ! یہ ہے کہ گورنمنٹ یا گورنمنٹ کا کوئی authorized agent زون کے قواعد کی خلاف ورزی کر سکتا ہے زون کی وضاحت نہیں کی گئی -

Mr. Chairman : Zone is defined.

Agha Ghulam Nabi Khan : There is no definition. There is nothing. What is that Area ?

Mr. Chairman : Yes, Clause 1, sub-clause 2.

Agha Ghulam Nabi Khan : Zone is not defined. Does that area not mean the entire Zone ?

جناب والا! اس سے monopoly پیدا ہو جائے گی۔ monopoly پیدا کرنے سے ایسا ہوتا ہے کہ ایک قسم کی مچھلی ہوتی ہے۔ جسے جھینگرے کہتے ہیں۔ اگر کچھ آدمی کسی خاص جگہ کا پرمٹ حاصل کر لیتے ہیں تو ان کی تو monopoly ہو جائے گی۔ ایک آدمی اسلام آباد میں بیٹھ کر لیز آؤٹ کرتا ہے لیکن وہاں کے جو لوکل آدمی ہیں وہ تو اس سے محروم ہو جائیں گے۔ اس وجہ سے میں عرض کروں گا جنرل صاحب سے کہ غیر متعین زون میں ایک آدمی بیٹھ کر چند آدمیوں کو لیز آؤٹ کرتا ہے تو ان آدمیوں کی monopoly ہو جائے گی اس طرح کروڑوں روپے ایک پارٹی کہا سکتی ہے۔ اس وجہ سے ان دو ہوائنٹ کی وضاحت کے لیے عرض کروں گا۔

جناب چیئرمین : نعمانی صاحب !

مفتی ظفر علی نعمانی : جناب والا! میں مختصراً عرض کروں گا۔ ہ خانوں نے چند باتیں کی ہیں آغا غلام نبی صاحب سے مجھے امید تھی کہ وہ ایسی باتیں کہیں گے جن سے غریب ماہی گیروں کو فائدہ پہنچے جناب والا! چند غریب ماہی گیر جو ایک دو گھنٹوں کی تگ و دو کے بعد چھوٹی بڑھی مچھلیاں پکڑتے ہیں اس پابندی کی وجہ سے ان کا یہ کاروبار قطعاً ختم ہو گیا ہے جو کسی قسم کا لائسنس نہیں رکھتے اور نہ وہ حیثیت اور صلاحیت رکھتے ہیں اور کناروں کناروں سے مچھلیاں پکڑتے ہیں۔ وہ فشر harbour پر ٹوٹے پھوٹے جال لے کر مچھلیاں اپنے گزارہ کے لیے پکڑتے ہیں۔ جناب والا! ان غریب مچھیروں کو اس پابندی سے مستثنیٰ قرار دیا جائے جو دور دراز سے مچھلیاں پکڑ کر لاتے ہیں۔

جناب چیئرمین : شکر یہ۔

جناب شیر محمد خان : جناب والا! میں صرف چند باتیں کہوں گا۔ نعمانی صاحب نے غریبوں کی بات کی ہے مجھے خوشی ہوئی ہے کہ انہوں نے غریبوں کی بات کی ہے۔ اصولاً یہ بل غریبوں کو فائدہ پہنچانے کے لیے پیش کیا گیا ہے اس کا مقصد غریبوں کو فائدہ پہنچانا ہے۔ غریب مچھیرے اس سے فائدہ اٹھائیں گے۔ جناب والا! اگر سمندر میں مچھلیاں نہ ہوں گی تو یہ غریب ماہی گیر مچھلیاں پکڑیں گے کہاں سے ؟

Mr. Chairman : Very good.

آپ نے تو سمندر کو کوزے میں بند کر دیا ہے کہ اگر سمندر میں مچھلی ہی نہ ہوگی تو غریب ماہی گیر مچھلی پکڑے گا کہاں سے ؟

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

“That the Bill to provide for the regulation of fishing within the exclusive fishery zone of Pakistan [The Exclusive Fishery Zone (Regulation of Fishing) Bill, 1974], as reported by the Standing Committee, be taken into consideration at once”.

(The motion was adopted)

Mr. Chairman : All right, we take up the Second Reading. Mr. Shahzad Gul, the amendment has been given to you.

Mr. Shahzad Gul : They have been wrongly printed in the name of Khawaja Safdar.

Mr. Chairman : That is a mistake, I am sorry for that. Well, if you want to move.

جناب شہزاد گل : جناب والا ! ترمیم نمبر ۲ تو پہلے آ چکی ہے میں نے move کی تھی -

That has become redundant, it has been accepted by the Standing Committee.

Mr. Chairman : Let me see. There is no amendment to Clause 2, so I put Clause 2. The question is :

“That Clause 2 stands part of the Bill.”

(The motion was adopted)

Mr. Chairman : Clause 2 forms part of the Bill. Clause 3. There is an amendment in your name. I think, you do not want to move it.

جناب شہزاد گل : ٹھیک ہے سر ! میں اب move نہیں کرتا کیونکہ اسٹینڈنگ کمیٹی نے اسے accept کر لیا ہے -

Mr. Chairman : The question is :

“That Clause 3 stands part of the Bill.”

(The motion was adopted)

Mr. Chairman : Clause 3 forms part of the Bill.

The question is :

“That Clause 4 stands part of the Bill.”

(The motion was adopted)

Mr. Chairman : The question is :

“That Clause 5 stands part of the Bill.”

(The motion was adopted)

Mr. Chairman : The question is :

“That Clause 6 stands part of the Bill.”

Mr. Kamran Khan : With your permission just one word. I will not speak on it. This is regarding Clause 5.

Mr. Chairman : I am putting the motion.

Mr. Kamran Khan : The word fishery has not been defined. “The Federal Government or any officer authorised by it in this behalf may grant to any person a lease or licence in respect of a fishery in the zone.” So, this word ‘fishery’ requires definition. This might lead to litigation and confusion. Therefore, unless the word ‘fishery’ is defined as the word ‘zone’ has been. The word ‘fishery’ is going to be an area. Fishing is different from fishery.

Mr. Chairman : Let us see what is the result of this Bill as it is without the word ‘fishery’ being defined. I do not think that it will be bad result. So, let us see what happens.

All right, now the question is :

“That Clause 5 stands part of the Bill.”

(The motion was adopted)

Mr. Chairman : Next is Clause 6. The question is :

“That Clause 6 stands part of the Bill.”

(The motion was adopted)

Mr. Chairman : Next is Clause 7. The question is :

“Clause 7 stands part of the Bill”.

(The motion was adopted)

Mr. Chairman : Next, Clause 8, no amendment to it. The question is :

“That Clause 8 stands part of the Bill.”

(The motion was adopted)

Mr. Chairman : There is no amendment to Clause 9 also. The question is :

“That Clause 9 stands part of the Bill.”

(The motion was adopted)

Mr. Chairman : Clause 10, there is an amendment. You do not want to move it ?

Mr. Shahzad Gul : Not moved.

Mr. Chairman : You do not want to move. The question is :

“That Clause 10 stands part of the Bill.”

(The motion was adopted)

Mr. Chairman : Next is Clause 11—no amendment to it. The question is :

“That Clause 11 stands part of the Bill.”

(The motion was adopted)

Mr. Chairman : Clause 12. You do not want to move with regard to the burden of proof ?

Mr. Shahzad Gul : This is about deletion, there is no necessity to move.

Mr. Chairman : It is for deletion ; no need to move it.

Mr. Shahzad Gul : This relates to burden of proof, and this is against criminal jurisprudence. Burden of proof is always on the prosecution but here burden is placed on the accused.

Mr. Chairman : You know and we should not try to give wrong interpretation of the law. We are lawyers. You and I know that under the Evidence Act the burden of proof is always on the prosecution. It is for the prosecution to prove certain things but in certain cases the burden of proof shifts to the accused, for instance, if stolen property is recovered from your pocket, it is for you to prove that you had not stolen the property. Therefore, sometimes there are exceptions ; it is one of the exceptions.

Mr. Shahzad Gul : All right, I leave this clause.

Mr. Chairman : He is so open to conviction and so reasonable. I wish all other colleagues—some gentlemen on this side also—would be so reasonable. Yes, the question is :

“That Clause 12 stands part of the Bill.”

(The motion was adopted)

Mr. Chairman : Clause 13, how do you feel ?

جناب شہزاد گل : جناب والا ! جیسا کہ آغا صاحب نے فرمایا ہے اگر کسی پولیس انسپکٹر کو کسی سے ذاتی رنجش ہو اور وہ اس کی موٹر میں پھلی رکھ کر موٹر مالک کو گرفتار کر لے گا۔۔۔۔

جناب چیئرمین : پولیس والوں کو یہ ہدایات جاری کر دیں گے۔

جناب شہزاد گل : فرض کیجیئے گا موٹر گوئی دوست لے جاتا ہے یا ڈرائیور لے جاتا ہے تو پھر یہ اس کی موٹر کو پکڑ لین گے۔

No, Sir, under this clause anybody in possession of fish can be hauled up.

Mr. Chairman : Under what ?

Mr. Kamran Khan : Stolen fish is not branded. His complaint is that the police is not favourably disposed towards him.

Mr. Chairman : Then, he should not go there.

Mr. Kamran Khan : If for some reason they will plant this fish in his car—supposing there is a sub-inspector, who does not have good relations and is not well disposed towards him, and if he goes out and his car is parked there and the sub-inspector goes and puts fish there and catches hold of him. As the fish is there and he is caught by the policeman...

Mr. Chairman : If you do not have good relations, you should not go that side ; that is the thing.

جناب شہزاد گل : جناب والا ! اگر قصور ڈرائیور کا ہو تب بھی گرفتار مالک ہوگا۔

Mr. Chairman : That is the only way to save yourself to have no grudge with them ; keep away from them. All right, now the question is—Mr. Shahzad Gul, you are not moving this amendment?

جناب شہزاد گل : میں نے سر ! اس کو move تو کیا ہے لیکن وہ تو deletion کے لیے ہے لہذا میں اسے واپس لیتا ہوں۔

Mr. Chairman : Now we are taking up Clause 13.

So, the question before the House is :

“That Clause 13 form part of the Bill.”

(The motion was adopted)

Mr. Chairman : Clause 14. No amendments.

The question before the House is :

“That Clause 14 form part of the Bill.”

(The motion was adopted)

Mr. Chairman : Now, we come to Clause 15. No amendment moved.

The question before the House is :

“That Clause 15 form part of the Bill.”

(The motion was adopted)

Mr. Chairman : Clause 16. The question before the House is :

“That Clause 16 form part of the Bill.”

(The motion was adopted)

Mr. Chairman : Clause 17—the last clause. The question before the House is :

“That Clause 17 form part of the Bill.”

(The motion was adopted)

Mr. Chairman : Now, the question before the House is :

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

(The motion was adopted)

Major-General (Retd.) Jamal Dar : Sir, I beg to move :

“That the Bill to provide for the regulation of fishing within the exclusive fishery zone of Pakistan [The Exclusive Fishery Zone (Regulation of Fishing) Bill, 1974], be passed.”

Mr Chairman : The motion before the House is :

“That the Bill to provide for the regulation of fishing within the exclusive fishery zone of Pakistan [The Exclusive Fishery Zone (Regulation of Fishing) Bill, 1974], be passed.”

Mr. Shahzad Gul : It should be said “as amended by the Standing Committee”.

Major-General (Retd.) Jamal Dar : The Bill that has been presented is the one that has been amended by the Standing Committee.

Mr. Chairman : Anybody who would like to speak on it. There is one Khan left from the Frontier Province. Haji Sahib, do you want to speak ?

جناب شہزاد گل : وہاں تو پینے کا پانی نہیں ہے وہ مچھلی پر کیا بولیں گے -

Mr. Chairman : So, I will now put the question.

The question before the House is :

“That the Bill to provide for the regulation of fishing within the exclusive fishery zone of Pakistan [The Exclusive Fishery Zone (Regulation of Fishing) Bill, 1974], be passed.”

(The motion was adopted)

Mr. Chairman : The Bill stands passed. Now, tomorrow is Friday.

Mr. Kamran Khan : Sir, with your permission I may submit whether you will kindly give us some indication as to how long this session is going to last, and in what manner we are going to have recess. I do not say that there should be recess, but some indication may kindly be given as to how long this session is going to last ?

Mr. Chairman : It reminds of Ghalib's verse :

ہم وہاں ہیں جہاں سے ہم کو بھی
خود ہماری خبر نہیں آتی

You believe me, I do not know when this is going to finish. I do not know. We are trying to finish it as early as possible, but if work is coming on from the National Assembly, naturally, we have to dispose it of.

آغا غلام نبی خان : جناب والا! نیشنل اسمبلی adjourn ہو چکی ہے اور اس کے بعد ہمارے پاس دو بل ہیں اور یہ ترمیم جو نیشنل اسمبلی کے سامنے پیش ہو رہی ہے وہاں ۱۴۴ آدمی ہیں اس کے ساتھ ساتھ حزب اختلاف میں کافی آدمی ہیں خاص کر جماعت اسلامی کے جمیعت العلماء پاکستان اور مسلم لیگ کے اچھے

[Agha Ghulam Nabi Khan]

مقرر تقاریر کرنے والے ہیں۔ اس کو میرے خیال میں چار پانچ روز لگ جائیں گے اور اس وقت تک حکومت پر کافی خرچہ پڑے گا۔ میری عرض یہ ہے کہ ہمیں پیر سے چھٹی ملنی چاہیے۔ اگلے پیر کو ہمیں بلالیں ہم بیکار راولپنڈی میں پڑے رہیں گے۔ پنجاب اور سرحد کے بھائی تو اپنے اپنے گاؤں میں جا کر اپنی اپنی جائیدادیں منبھال لیتے ہیں لیکن ہمارے لیے مصیبت ہے۔

جناب چیئرمین : جو کام ہمارے سامنے آ رہا ہے اس کو ہم جلد از جلد ختم کر دیتے ہیں۔

آغا غلام نبی خان : باقی دو بل ہیں وہ ہمارے سامنے نہیں آئے۔

جناب چیئرمین : آجائیں گے۔

آغا غلام نبی خان : جناب والا ! دو بل ہیں اگر وہ بھی ہمارے سامنے آجائیں تو وہ بھی نکال لیتے اسی لیے تو پٹھانوں کو جوش آتا ہے۔

جناب چیئرمین : میں کل ملوں گا۔ کل بھی کام کرنا ہے، پیر کو بھی کریں گے، منگل کو بھی کریں گے۔

I take the Opposition also into confidence, and make arrangements with them so as to keep them in the picture but if suddenly there is work which compels me to make some modification in the schedule that is unavoidable. Anyhow, we are trying our level best to finish it as early as possible.

Thank you very much.

The House stands adjourned to meet again tomorrow at 10.00 am.

(The Senate then adjourned till ten of the clock in the morning on Friday, April 19, 1974).