



THE
SENATE OF PAKISTAN
DEBATES
OFFICIAL REPORT

Monday, April 22, 1974

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SENATE DEBATES
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Monday, April 22, 1974

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

(Recitation from the Holy Quran)

STARRED QUESTION AND ANSWER

Mr. Chairman : Questions, now we take up questions, Item No. 2, Meer Sahib. **Mr. Shahzad Gul**, you ask the question.

Mr. Shahzad Gul : No. 45.

TWO MONTHS LEAVE FOR POWS

45. ***Mr. Shahzad Gul :** Will the Minister for Defence be pleased to state :

- (a) whether the Federal Government has publicly announced that all POWS after their repatriation will be granted special leave for two months ; and
- (b) whether the Federal Government is now converting the special leave mentioned in (a) above into privilege leave ; if so, the reasons thereof ?

Mr. Aziz Ahmed (Read by **Mr. Khurshid Hasan Meer**) : (a) Yes, it is a fact that two months special leave is being granted to all the returning Prisoners of War after repatriation. This leave is over and above the normal privilege leave entitlement of the individual.

(b) No.

Mr. Chairman : We now take up legislative business.

THE PEOPLE'S OPEN UNIVERSITY BILL, 1974

Mr. Chairman : Who will act for the Minister, **Mir Sahib** ?

Rao Abdus Sattar : (Leader of the House) : I will.

Mr. Chairman : You will do it. Make the motion. So far as I remember, day before yesterday the motion of amendment was moved from the Opposition side by Mr. Shahzad Gul or Khawaja Mohammad Safdar and that was put to vote and rejected. Before that this motion for consideration had also been moved. You need not formally move it. It has already been moved. You just speak on it.

راؤ عبدالستار : *جناب والا ! اوپن یونیورسٹی بل کی غرض و غایت مختصراً عرض کروں گا۔ موجودہ دور میں سائنسی اور ٹیکنیکی ترقی کے لیے علم حاصل کرنا ضروری ہے۔ ان چیزوں کو مدنظر رکھتے ہوئے یہ بل اس معزز ایوان میں پیش کیا گیا ہے تاکہ وہ لوگ جو اپنے اپنے کاروبار کی وجہ سے اور اپنی ملازمت کی وجہ سے پورے ٹائم کالجوں میں تعلیم حاصل نہیں کر سکتے، ان کے علم کی پیاس بجائے سینما کے ذریعہ، ریڈیو اور ٹی وی کے ذریعہ اور لیبارٹریوں میں کام کر کے اور اس کے علاوہ دوسرے جتنے بھی ذرائع ہیں ان کے ذریعہ تعلیم کو عام کیا جائے۔ یہ بل جو اس معزز ایوان میں پیش کیا گیا ہے یہ ملکی مفاد میں ہے۔ اس بل کے پاس ہونے کی وجہ سے انسان کے علم کی پیاس بجھانے میں مدد ملے گی۔ وہ اس ملک کی تعمیر نو میں پوری طرح حصہ لے سکیں گے۔ موجودہ بل کے بڑے بڑے نکات میں نے عرض کر دیے ہیں شکریہ۔

Mr. Chairman : Thank you. Yes, Mr. Shahzad Gul.

جناب شہزاد گل : * جناب والا ! اوپن یونیورسٹی کا تصور کوئی نیا تصور نہیں ہے۔ یورپ کے بعض ملکوں میں اس قسم کی یونیورسٹیاں موجود ہیں۔ یہ ایک خوش آئند قدم ہے کہ یہاں پر پہلی بار اوپن یونیورسٹی کا قیام عمل میں لایا جا رہا ہے۔ اس سے جو فائدے حاصل ہوں گے ان سے کسی کو انکار نہیں ہے۔ جناب والا ! ہمارے ملک میں خواندگی کی Percentage بہت کم ہے۔ ہمارے ملک کے پسماندہ علاقوں میں ناخواندگی بہت زیادہ ہے۔ موجودہ یونیورسٹی کے قیام اور اس کی maintenance پر کافی رقم خرچ ہوگی۔ بجائے اس کے کہ یہ یونیورسٹی قائم کی جاتی اور اعلیٰ تعلیم کے دروازے کھولے جاتے اور اتنی کثیر رقم خرچ کی جاتی بہتر یہ تھا کہ ایسے ادارے قائم کیے جاتے جن سے تعلیم بالغاں کو فروغ حاصل ہوتا اور ملک میں تعلیم عام ہوتی اور ان کے ذریعہ ہم اپنے عوام کو تعلیم سے روشناس کراتے۔ جناب والا ! جب ملک کا عام شخص جو کاروبار کرتا ہے یا دیہات میں رہتا ہے وہ اعلیٰ تعلیم حاصل

نہیں کر سکتا تو اگر اس کی بجائے ہر شخص کو بنیادی تعلیم سے روشناس کرائیں اور عوام کے دل و ذہن منور کریں تو یہ معاشرے کی تعمیر میں ایک سنگ میل ہوگا اور عوام کو اپنے حقوق معلوم ہوں گے۔ ان کو اپنی ذمہ داریاں معلوم ہوں گی اور وہ اچھے ذمہ دار شہری بن سکیں گے۔ وہ اپنے حقوق کا استعمال اور اپنے ووٹ کا استعمال بہتر طریقے سے کر سکیں گے اور وہ کسی کے دھوکے میں نہیں آئیں گے۔ اب حکومت جو اس یونیورسٹی پر اتنی کثیر رقم خرچ کر رہی ہے تو اس کی بجائے یہ رقم اگر تعلیم بالغاں پر خرچ ہوتی اور ایسے ادارے ملک میں قائم کیے جاتے جن سے کہ تعلیم پر ایک عام شہری کو مل سکتی تو اچھا تھا لیکن وہ نہیں ہو رہا ہے۔ لہذا ہم صرف اصولی طور پر اس بات کی مخالفت کرتے ہیں کہ چونکہ یہاں پر فیڈرل Capital میں اسلام آباد یونیورسٹی کے نام سے پہلے ہی ایک یونیورسٹی قائم ہے، اگر اس کو وسیع کیا جاتا اور اس میں اور ادارے کھولے جاتے تو اس کو expand کیا جا سکتا تھا اور یہ جو اتنی بڑی رقم یہاں پر خرچ ہوگی، یہ دوسری مدتوں پر تعلیم بالغاں کے سلسلے میں خرچ کی جاتی تو وہ اور زیادہ بہتر ہوتا اور اس کے بہتر نتائج حاصل کیے جا سکتے تھے۔ جناب والا! موجودہ بل اس طریقے سے ترتیب دیا گیا ہے کہ اس میں زیادہ سے زیادہ اختیارات جو ہیں وہ پروجائسنلر کے ہاتھ میں ہیں۔ اس میں شک نہیں کہ ہمارے موجودہ وزیر تعلیم صاحب جنہوں نے یہ بل پیش کیا ہے وہ اچھے اور قابل انسان ہیں اور وہ ان اختیارات کو غلط استعمال نہیں کریں گے لیکن یہ ہے کہ خدانخواستہ اگر وہ یہاں نہ ہوں ان کی پارٹی کی حکومت نہ ہو اور یہ اختیارات جو کسی اور شخص کے ہاتھ میں آجائیں تو یہ غلط استعمال ہو سکتے ہیں اور اس سے یونیورسٹی کی کارکردگی جو ہے وہ بہتر نہیں ہوگی۔ جناب والا! بعض اوقات ایسا ہوتا ہے مثلاً پشاور یونیورسٹی ایکٹ ۱۹۷۵ء میں پاس ہوا۔ اس وقت کے وزیر اعلیٰ نے اس میں اپنے آپ کو یونیورسٹی کا Life Chancellor بنایا اور سارے اختیارات پروجائسنلر کے ہاتھ میں تھے۔ لیکن جب اس کی حکومت ختم ہو گئی اور دوسری حکومت آئی تو انہوں نے یہ اختیارات ہٹانے کے لیے پروجائسنلر کا عہدہ ہی ختم کر دیا کیونکہ وہ غلط استعمال ہو سکتے تھے اور پھر اس بل میں پروویژن اس طرح رکھے گئے ہیں کہ یونیورسٹی کی Autonomy بالکل ختم ہو جاتی ہے اور بیوروکریسی کے تابع ہوگی اور وہ بالکل Independent طور پر کام پر نہیں کر سکتے گی تو اس طرح بھی ہمیں اس بل کے ایسے پیروں سے خصوصاً اختلاف ہے۔ جناب والا! ویسے تعلیم کے فروغ یا اعلیٰ تعلیم سے

[Mr. Shahzad Gul]

ملک میں تعلیم عام نہ ہو لیکن ہمارا اختلاف اصولی ہے اور عوام کی بہتری اور فائدے کے لیے ہے۔ ویسے بل کے جو بعض اغراض و مقاصد ہیں۔ ان سے ہم اختلاف نہیں کرتے لیکن اس میں بعض خامیاں ہیں یعنی اگر یہ رقم دوسرے ذرائع پر خرچ کی جاتی تو وہ بھی بہتر ہوتا۔ اس وجہ سے بعض ترامیم ہم نے تجویز کی ہیں۔ جناب والا! اگر بل کو پڑھا جائے تو چانسلر صرف نام کا ہے یعنی وہ صرف کانووکیشن کو Preside کرنے کے لیے آئے گا۔ باقی چانسلر کا اور کوئی اختیار نہیں آخر وہ ملک کا صدر ہے۔ منتخب کیا ہوا ہے اس پر ہم اعتماد کریں۔ اس کے پاس اختیارات بہت کم ہیں اور کام بھی کم ہے وزیر تعلیم جو کہ پروچانسلر ہیں ان کے پاس بہت سے کام ہیں۔ تعلیم کا محکمہ بہت وسیع محکمہ ہے۔ وہ Law اور Parliamentary affairs کے منسٹر ہیں، ان کے پاس دفتری کام ہے وہ پارٹی کے بھی نمائندے ہیں، انہیں دورے کرنے پڑتے تو یہ جو یونیورسٹی کا کام ہے یہ محض ان کے دستخطوں کے لیے معطل پڑا رہے گا۔ ویسے صدر جو ہیں وہ ملک کے صدر ہیں۔ اعلیٰ شخصیت ہیں۔ وہ یہ کام اچھے طریقے سے انجام دیں گے اور اس سے کم از کم اختیارات غلط استعمال نہیں ہو سکیں گے کیونکہ جب وہ صدر منتخب ہو جاتے ہیں تو وہ غیر سیاسی بن جاتے ہیں تو سیاسی بناء پر کسی کے ساتھ زیادتی نہیں ہوگی۔ ویسے یہ ایک اچھا اقدام ہے جو لوگ ملازمت کرتے یا جو لوگ کاروبار کرتے ہیں ان کی تعلیم میٹرک تک ہے اور وہ اعلیٰ تعلیم حاصل کرنا چاہتے ہیں، تو ان کے فائدے کے لیے اوپن یونیورسٹی کے ذریعے ان کو گھر پر بھی تعلیم دی جا سکتی ہے اور وہ خط و کتابت کے ذریعے بھی اعلیٰ تعلیم حاصل کر سکتے ہیں۔ یہ ایک اچھی چیز ہے اس سے اعلیٰ تعلیم پھیلے گی لیکن اس کی بجائے ہمیں نچلی سطح پر تعلیم کو فروغ دینا چاہیے۔ یہ موجودہ بل پاس ہو جائے گا۔ لیکن اس کے بعد حکومت ایسے اقدامات کرے کہ عام شہری جو ہیں، جو گاؤں اور دیہاتوں میں بسنے والے ہیں ان تک علم کی روشنی پہنچے اور وہ علم کے نور سے منور ہوں تو یہ بہت بہتر ہوگا اس کے ساتھ میں آپ کا مشکور ہوں۔

Mr. Chairman : Thank you.

Mr. Mohammad Hashim Ghilzai : I think the way this Bill was brought here is not according to rules of the Senate. The Bill must be moved by the Minister and his presence is absolutely necessary.

Mr. Chairman : Let us look up the rules. Which rule you are referring ?

“At any time After the Bill has been so circulated ; any Minister, in the case of a Government Bill and, in any other case, any member, may give notice of his intention to move that the Bill be taken into consideration”.

Would this provision preclude Mr. Abdul Qaiyum Khan to take up this Bill.

Rao Abdus Sattar : The Bill has already been originated and we can discuss it in this very House. Every one has a right to discuss it and speak on its aims and objects. There is no restriction.

Mr. Chairman : No, no.

Rao Abdus Sattar : The Bill has been originated by the Minister concerned.

Mr. Chairman : This is what I am saying. “At any time after the Bill has been so circulated.” it was circulated. “...Any Minister, in the case of a Government Bill...” will include Mr. Abdul Qaiyum Khan also. He is a Minister. If you do not recognise him, that is a different matter, but he is a Minister and the motion was moved by him.

Mr. Mohammad Hashim Ghilzai : Yes, yesterday...

Mr. Chairman : It was not yesterday. It must be day-before-yesterday. So any Minister in case of a Government Bill may give notice of his intention to move that the Bill be taken into consideration. That has been done. A notice of his intention to move was given by the Minister. The motion for consideration was made by the Minister. You cannot prevent the Members from speaking on it.

Mr. Kamran Khan : Anyway it is not proper that the Minister concerned should not be present. I am not challenging your ruling.

Mr. Chairman : Do not mix up two things. First, let us all decide this thing. His objection is that the honourable Minister, Mr. Abdul Qaiyum Khan cannot make a motion for consideration. I told him that the notice of intention to move was also given by the Minister and the motion for taking it into consideration was also made by the Minister. Mr. Abdul Qaiyum Khan is a Minister. So what objection can there be to his moving it? Mr. Ghilzai, you are reading something between the lines which is not there.

Mr. Mohammad Hashim Ghilzai : I have got an idea that this cannot be discussed.

Mr. Chairman : Where is this? You mean to say that it should be moved by the Minister concerned and nobody else?

Mr. Mohammad Hashim Ghilzai : The motion was moved by the Leader of the House.

Mr. Chairman : It was never moved by the Leader of the House. He only made a speech. Mr. Ghilzai, you will recall that I told the Leader of the House that motion for consideration need not be moved because it had already been moved by Mr. Abdul Qaiyum Khan. He wanted to make a speech. He made a speech. You cannot prevent him from doing that. You cannot prevent him from doing that. You cannot prevent him from making a speech. Why can't you concede to this? Either you are correct or I am.

Mr. Mohammad Hashim Ghilzai : Please also refer to rules 104 and 105.

Mr. Chairman : Let us first decide about rule 103. You made your complaint that under rule 103, the motion for consideration has to be made by a Minister. I told you that it had already been made by the Minister and the Minister's name I have given. He is Mr. Abdul Qaiyum Khan. He made the motion for taking up the Bill into consideration and the House was adjourned. Now it is open for discussion. Well, he made a speech on it. Mr. Shahzad Gul or any other honourable Member from this side is welcome to make a speech. But the motion for consideration was made by the Minister. Either you convince me on this point or I convince you.

Mr. Mohammad Hashim Ghilzai : I am convinced.

Mr. Chairman : You are convinced. It is very good of you. It is very nice of you to concede.

Mr. Kamran Khan : Sir, I want to speak a few words.

Mr. Chairman : Are you on a point of order ?

Mr. Kamran Khan : I am not on a point of order. With your permission I wish to speak a few words.

Mr. Chairman : You have my full permission.

Mr. Kamran Khan : Before the idea of an Open University was even conceived, promises were made to us that two Universities would be set up in the Frontier Province, one to be set up at D.I.K. and another at Saidu Sharif. During the debate on the Universities Grant Commission Bill I also made a mention of it and I thought and I hope that the honourable Minister of Education would look into this matter whether we are going to have a university at D.I.K. and another at Saidu Sharif or not ?

Mr. Chairman : Are you speaking on the principle, of the Bill ?

Mr. Kamran Khan : I am coming to the principle. I would not take very long. The honourable Minister is now present in the House, and I would request him to kindly consider this matter and make a statement whether we are going to have a university at Saidu Sharif and another at D.I.K. or not ?

Mr. Chairman : This has nothing to do with this Bill. What has this got to do with the Bill.

Mr. Kamran Khan : I am not asking for tea shops to be set up in Sawat. Universities are being set up at different places. Another university was promised to be set up in Peshawar also. It is quite interconnected here.

Mr. Chairman : It is not a debate in the public. We are talking of the Bill, an Open University Bill, and there are principles to be discussed. Now at this stage you can discuss the principles underlying this Bill.

Mr. Kamran Khan : *As far as the subject of Open University is concerned, I do not think there are two opinions in this House. This is a very good idea and in some of the most advanced countries of Europe, as for example, in Britain, there are open universities. The advantages of this university are obvious. Knowledge will be taken to the doorsteps of the people who cannot

*Speech not corrected by the honourable Senator.

leave their houses to get education. Sir, there are talents in the country. They are available but they are wasted. Talents are lying dormant in the cities, in the towns, in the villages. These talents have to be cultivated, have to be stimulated. They have to be developed and we will find people who with the help of these talents, would solve our numerous problems, who would find remedies, cures to incurable diseases, who would find solution to our poverty and to our miseries. So, Sir, this is really a good idea. The people who cannot afford but have got the talents not only they but the country as a whole, will have an opportunity to receive education through correspondence, through radio, through T V. which is rather difficult or rather, I should say, more difficult than the conventional method of education. For this we would require people who are dedicated to the cause of education. Highly technical people would be required. If we do not want to make this university another dumping ground for political favourites, you should really look forward for talented people who run this university and achieve the purposes as are laid down in the Bill itself.

Sir, it has been stated that the education has to be imparted through television and radio. So, there are areas where we do not have the television facilities. I think television is going to play a very big part in this university. Such areas have to be covered and for that we would be needing a lot of boosters to be set up to cover the mountainous regions of the northern areas.

Mr. Chairman : Are they excluded from the purview of the Bill ?

Mr. Kamran Khan : Not excluded. But it should not only be for those areas which have already been covered. We should cover the rest of the areas. We would be needing a lot of boosters to cover those areas which are not covered at present. With these words, I conclude my speech.

Mr. Chairman : Another media is correspondence.

Mr. Kamran Khan : That I have already said. Television is also very important things which can be done by the television, cannot be done by correspondence. Thank you.

Shaikh Fazal Elahi Piracha : Sir, objection has been taken to this Bill as if this Awami Government has done nothing

Mr. Chairman : No objection has been taken. Be fair. They have not taken any objection to the Bill or to its principles, rather they have lauded it.

Mr. Kamran Khan : Sir, he has come prepared with his speech. Let him deliver.

Mr. Chairman : Shaikh Sahib, be fair to the gentlemen. They have never objected to the principles of the Bill.

Shaikh Fazal Elahi Piracha : But still they have opposed it on the ground that nothing has been done for the lower classes of

Shaikh Kamran Khan : We are not opposing the principles of the Bill. We welcome it.

Mr. Chairman : Why are you imposing your own views on them ?

Shaikh Fazal Elahi Piracha : I am not imposing.

Mr. Chairman : They have never opposed.

Shaikh Fazal Elahi Piracha : I have a right to take the floor of the House to express my own views. If not now, then I would request you to give me time when it is at the third stage.

Mr. Chairman : No, you can now speak. I only draw your attention to the fact that none of the members from the Opposition has opposed the Bill or its principles

Shaikh Fazal Elahi Piracha : They have not opposed the Bill or its principles, but they have said as nothing has been done for the lower status of the people of this country, for the general people and it is meant only for the higher people. I think, it is a wrong idea.

Mr. Chairman : That would not be a correct impression. You can make a speech.

Shaikh Fazal Elahi Piracha : I will speak at the end.

Mr. Chairman : Any other gentleman ?

جناب محمد ہاشم غلڑی : جناب والا! اوپن یونیورسٹی کا تخیل ، تصور ایک نئی بات ہے۔ ہماری تاریخ میں تعلیم کو عام بنانے کا مسئلہ ہے۔ یہ ایک اچھا شگون ہے۔ ہماری حکومت تعلیم عام کرنے کی طرف توجہ دے رہی ہے۔ جہاں تک بل کے اغراض و مقاصد کا تعلق ہے وہ نیک ہیں۔ مگر جناب والا! اس بل میں بعض باتوں کی طرف توجہ نہیں دی گئی۔ میں حکومت کی توجہ ان کی طرف دلانا چاہتا ہوں۔ اگر وہ ان پر غور فرمائیں تو اس بل کو وہ زیادہ بہتر بنا سکیں گے۔

جناب والا! بدقسمتی سے ہمارا نظام تعلیم انگریزوں کے نظام تعلیم پر ابھی تک منحصر ہے۔ انگریز جب یہاں آئے تو انہوں نے تعلیم کو محض ایک غرض کے لیے استعمال کیا کہ اس ملک میں ایسے لوگ پیدا کیے جائیں جو نوکری کریں اور صرف کارک بن سکیں۔ اس سلسلے میں وہ کسی حد تک کامیاب رہے ہیں۔ اب وقت کا تقاضا یہ ہے کہ جب ہم آزاد ہو چکے ہیں ہمیں ایسی پالیسیوں کو نظر انداز کر دینا چاہیے جو ہماری ضروریات پر مبنی نہیں ہیں۔ بدقسمتی سے میں ایک عرصہ تعلیم سے وابستہ رہا ہوں۔ پہلے بھی یہ محسوس کرتا رہا ہوں اور اب بھی یہ محسوس کرتا ہوں کہ ہم انگریزوں کی پالیسی پر چل رہے ہیں کہ تعلیم کو محض ایک مقصد کے لیے استعمال کیا جائے۔ وہ یہ ہے کہ اس ملک میں کلرک پیدا کیے جائیں، ٹیکنیکل ایجوکیشن اور سائینٹیفک تعلیم کی طرف توجہ نہیں دی گئی ہے۔ ہم نے اکیڈمک تعلیم کی طرف زیادہ توجہ دی ہے اور ٹیکنیکل ایجوکیشن کی طرف زیادہ توجہ نہیں دی ہے۔ یہ بہت بڑا نقص ہے۔ میرا مطلب ہے کہ یہ جو بل لایا جا رہا ہے حکومت کو چاہیے اس میں ٹیکنیکل

ایجوکیشن اور سائنس کی تعلیم کی طرف زیادہ توجہ دی جائے تاکہ ہم موجودہ وقت کی ضرورت پوری کر سکیں تو میں عرض کر رہا ہوں کہ تعلیم کا مقصد قوم کی ضروریات پر مبنی ہونا چاہیے۔ ایسی پالیسی لانی چاہیے جو ہماری ضروریات پوری کر سکے۔ میں اس بل میں دیکھ رہا ہوں اس بل میں زیادہ توجہ اکیڈمک تعلیم کی طرف دی گئی ہے اور ٹیکنیکل سائنڈ اور سائینٹیفک سائنڈ پر کم توجہ دی گئی ہے۔ میں وزیر موصوف سے گزارش کروں گا کہ وہ اس امر کی طرف زیادہ توجہ دیں تاکہ موجودہ جو تقاضے ہمارے سامنے ہیں ان کو پورا کیا جا سکے تو یہ اور زیادہ اچھا بل بن سکتا ہے ہمارے ملک کا اور قوم کا فائدہ بھی اس میں مضمحل ہے۔

اس میں دوسری بدقسمتی یہ ہے کہ اس میں کچھ خامیاں ہیں اس میں جو زیادہ اختیارات ایگزیکٹو کونسل کو دیے ہیں وہ بہت زیادہ دیے ہیں۔ اس میں صوبوں کو نظر انداز کیا گیا ہے۔ یہ جو بل آ رہا ہے یہ نیا تجربہ ہے۔ چاہیے تو یہ تھا صوبوں کو اور پسماندہ علاقوں کو جو تعلیمی لحاظ سے زیادہ پسماندہ ہیں زیادہ اختیارات دیے جائیں لیکن اس پہلو کو نظر انداز کیا گیا ہے۔

جناب والا! ہمہ گیر تعلیمی ترقی کے لیے تمام صوبے ہمارے پاکستان کے جسم کے حصہ ہیں ان کو برابر ترقی دی جائے۔ اگر جسم کا ایک حصہ کمزور رہے گا تو ترقی نہیں ہو سکے گی۔ اگر ایک صوبہ ترقی نہیں کر سکے گا تو وہ جسمانی طور پر کمزور ہوگا تو ملک کا تعلیمی معیار کمزور ہوگا۔ اس بل میں اس طرف توجہ نہیں دی گئی اس کی طرف بھی توجہ دی جائے تاکہ تمام صوبے ایگزیکٹو کونسل میں شامل ہو کر اپنے خیالات کے مطابق نمائندگی کر سکیں۔

جناب والا! تیسری بات میں یہ تجویز کروں گا کہ ملازمتوں میں کوٹہ سسٹم ہونا چاہیے۔ بلوچستان کے طلباء کے لیے کوٹہ مخصوص ہونا چاہیے۔ تو یہ زیادہ بہتر ہوگا کیونکہ یہ خطرہ ہے کہ صوبے جو تعلیمی لحاظ سے پسماندہ ہیں۔ اوپن یونیورسٹی میں تعلیم حاصل کرنے سے محروم رہیں گے اور اوپن یونیورسٹی کے طلباء جو لاہور کراچی سے تعلق رکھتے ہوں گے ان کا مقابلہ نہیں کر سکیں گے۔ اس لیے میں گزارش کروں گا کہ کوٹہ مقرر کیا جائے۔ وہاں کا تعلیمی معیار کم ہے۔ میں ان گزارشات کے ساتھ امید کرتا ہوں کہ وزیر صاحب ان باتوں کی طرف توجہ دیں گے اور اسے زیادہ بہتر بنائیں گے۔

Mr. Abdul Hafeez Pirzada (Minister for Education Science and Technology) :

*Sir, I do not contest the validity of various issues and points that have

*Speech not corrected by the honourable Minister.

[Mr. Abdul Hafeez Pirzada]

been raised during the debate on the first reading of this Bill. I say that these are valid points, but I may simultaneously point out that these suggestions are not new or novel to the majority party. The underlying suggestions form part and parcel of the manifesto of the Pakistan Peoples Party, particularly with regard to the contents of education, policy of education representation to be given or special emphasis to be put to backward, downtrodden and underdeveloped or depressed areas of Pakistan. These matters are very well-known to us and wherever we take an action, executive or legislative, you will see that these principles are fully respected. The manifestation of this you will find by yourself by reading the Constitution of Pakistan.

I refer to Fundamental Rights, Article 27, Safeguard Against Discrimination in Services. "No citizen, otherwise qualified for appointment in the service of Pakistan, shall be discriminated against in respect of any such appointment on the ground only of race, religion, caste, sex, residence or place of birth".

Now, the proviso is the more important thing because we are making a deviation in favour of depressed and under-represented classes and areas.

"Provided that for a period not exceeding ten years from the commencing day, posts may be reserved for persons belonging to any class or area to secure their adequate representation in the service of Pakistan."

Now, this is very important. We want to undo the injustices of the past. Similarly, coming to the principle and philosophy underlying the Education Policy I join hands with the Leader of the Opposition in the House that the Education Policy under which there was educational development in the sub-continent during the colonial days, during the British rule, was such that it was tailored to produce an elite class of persons to serve and perpetuate the colonial rule in the country. I go beyond what my friend has said, not only to produce clerks, Baboos and office workers but to produce them in such a manner as would restrict the educational activity to an elite class so as to perpetuate the colonial rule. This was done with an objective, which was the colonial objective.

Now, I assure my friend that we have broken away from the colonial educational structure in the country. All that he needs to do is, being an educationist himself, to make a detailed study of the Education Policy where education has become the goal oriented with national objectives, having been laid down to start with the objective of national integration and national cohesion through a conscious process and use of educational system in the country. Apart from that, he said that we should lay more emphasis on technical education; well, one of the objectives, national objectives, under the new education policy is to bring about a massive shift from the general aimless education to vocational and agro-technical education. This is one of the national objectives and we are going ahead with full speed to bring about this massive shift and you would be pleased to know that we are trying to freeze as far as possible, the non-productive, non-goal oriented and aimless general education streams in the country. We are increasing productive, constructive, integrated, theoretical and practical and goal-oriented streams in the field of agro-technical education in the country. This we are doing consciously, systematically and scientifically but educational achievements are not like the achievements of Works Ministry that overnight you can bring bricks and mortar and start constructing the building and in about a year's time you see the result. There is no physical impact as such until a long time lapses. To convert the

education by conscious and systematic use of educational processes and to convert the country into a modern nation State, takes a long time. It is a big challenge and you have to proceed about slowly and gradually. All these principles have been respected in this Bill. For instance, we say that in the initial stages, the Open University shall devote itself to the primary and preliminary task of training the literacy corps; the literacy corps is needed for adult literacy and we are going to create this body to train nearly a quarter million teachers who would be working for the adult literacy. Criticism has been raised with regard to the expenditure that is going to be incurred. May I inform my friends in this House that this institution will cost very little money. As opposed to the total educational budget of the country, the cost of this would hardly be one per cent, not even one per cent. The primary objective, as laid down in the Education Policy, is to bring about universal literacy in the country, universal primary and elementary education in the country. This is the primary task on which we are spending 60 per cent of the educational budget which is in excess of 100 crores of rupees for the country. This institution is not going to cost so much. It is, as admitted by the Opposition, a non-conventional method of education and non-conventional methods sometimes cost money and sometimes they do not cost money. I do not say that the Peoples Open University will be on the ground to be visible to all and sundry within the next six months. I say that it might take about three or four years just to build that infra-structure which will be needed for this University because it is a highly complicated and highly technical job.

The emphasis is on agro-technical education and I want to assure my friend that as far as the use of mass communication media like correspondence courses, like films, like T.V., like Radio is concerned, if you read the Education Policy, we have said that we will take Television to every nook and corner of the country. As a matter of fact, our scientists are working to create some new gadgets in the form of solar battery which can charge this and run the television sets without the electric power being there. This is what we are going to do. We have started supplying educational institutions with television sets and in the next stage we will be supplying the sets to the hostels that are being constructed, and then the next stage will be of the community centres. Television is being taken to every nook and corner of the country, whether it be rural community or the urban community because we do appreciate what important role television can play. As far as the accusation that this is likely to be used as dumping ground for political favourites, I would like to say that I am willing to agree to anything that the Opposition says but I cannot agree to one thing and that is that in a parliamentary system the majority party should abdicate its right in favour of the minority party. This cannot be done, because the responsibility is of the majority party and it is quite in accordance with norms for the minority party to get up and accuse the majority party on political benefits and so on so forth and mal-practices. This is part of parliamentary democracy and we have seen it. But just because you say that this is going to be used as a dumping ground for political favourites, I would categorically deny this allegation. This is going to become an important educational institution through which we will take knowledge, as stated in the objectives of this Bill, to the doorsteps of those for whom it is otherwise difficult and we will, through this conscientious process unify the nation on the basis of knowledge, rather than divide them on the basis of materials. Thank you.

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

“That the Bill to provide for the establishment of a Peoples

[Mr. Chairman]

Open University in Islambad [The Peoples Open University Bill, 1974], as passed by the National Assembly be taken into consideration."

(The motion was adopted)

Mr. Chairman : Now, we make up the Bill clause by clause.

We will not take Clause (1). That will come last of all. Mr. Kamran Khan you moved some amendments to clause (1).

Mr. Kamran Khan : Yes, Sir.

Mr. Chairman : You moved some amendments to clause (1). That Will be taken up last of all.

Mr. Kamran Khan : I have given notice of four amendments of the came nature.

Mr. Chairman : I say that amendments to clause (1) will be taken up last of all. This is the usual practice. Mr. Shahzad Gul, you move your amendment to clause (2).

Mr. Shahzad Gul : Sir, I beg to move—

"That in clause (2) in paragraph (o) of the Bill between the words "structure" and "and" the comma and word, "council" be inserted."

Mr. Chairman : The amendment before the House is :

"That in clause (2) in paragraph (o) of the Bill between the words "structure" and "and" the comma and word, "council" be inserted."

Mr. Abdul Hafeez Pirzada : Opposed, on the ground which I will explain to my friend and he might not press this amendment that there are these words in clause (o) "or such other person as may be recognised as teacher by the Academic Council". So, it is not exhaustive and the Academic Council will include all such persons as are necessary to be included as teachers, in the definition of teachers. Therefore, mention of Council is not really necessary.

جناب شہزاد گل : جناب والا! یہ ترمیم میں نے اس لیے move کی ہے کہ
کلاز ۲ کے J میں درج ہے :

"to institute Professorships, Senior Instructorships, Associate Professorships, Instructorships, Assistant Professorships, Lecturerships, Counsellorships and any other posts and to appoint persons thereto."

یہ پہلے کلاز ۲ میں آچکا ہے۔ اس وجہ سے میں نے کہا ہے کہ وہاں
Counsellorship آیا ہے اور یہاں پر ٹیچرز definition نہیں ہے۔

Mr. Chairman : You mean (l), not (j). "To constitute Professorships, Senior Instructorships etc....."

Mr. Abdul Hafeez Pirzada : I would explain to my friend that the University seat will be in Islamabad, but its area of operation will be the whole country. Counsellor is the person who will advise locally. He may be a teacher, he may not be a teacher, that is why we should leave it to the Academic Council to decide, because the job might be a teaching job, or it might entirely be different.

Mr. Chairman : Yes. So what is your reaction? You want to withdraw it?

Mr. Shahzad Gul : Yes, I withdraw it.

Mr. Chairman : Then you have to take leave of the House. The motion had been moved. Has he leave of the House to withdraw this amendment?

Members : Yes.

Mr. Chairman : So the amendment stands withdrawn.

Next is with regard to para (q).

Mr. Shahzad Gul : I beg to move—

"That in Clause 2, in paragraph (q) of the Bill, the words "Academic Councils" occurring in the second line, be substituted by the word "University"."

Mr. Chairman : Motion moved is :

"That in Clause 2, in paragraph (q) of the Bill, the words "Academic Councils" occurring in the second line, be substituted by the word "University"."

Mr. Abdul Hafeez Pirzada : Sir, this is opposed. In the University legislation, power to grant degrees as to be given to a specific authority of the University as specified in the Act, it cannot be left so vague as the University itself. It is never done anywhere because it must be a specific authority of the University under the Statute which has been passed.

Mr. Shahzad Gul : Clause 4. I will read para (n)—

"to recognise as University teachers such persons as it may deem fit." It will be recognised by the University.

Mr. Chairman : (n) of Clause 4 is: "to recognise as University teacher such persons as it may deem fit." You are referring to this?

Mr. Shahzad Gul : Yes, it is the powers and functions of the University, not the Academic Council.

یونیورسٹی functions میں یہ آیا ہے کہ

University will recognise persons as University teachers.

یعنی ایک جگہ ایک طرح اور دوسری جگہ دوسری قسم کا۔

Mr. Abdul Hafeez Pirzada : There is no inconsistency whatsoever and I do not see any difficulty. Under clause (q), it says "University teacher means a whole-time teacher appointed and paid by the University or recognised by the Academic Council as such." There is no difficulty.

Mr. Shahzad Gul : Recognised by the University...

University will recognise a person or any person as University teacher.

Mr. Abdul Hafeez Pirzada : But that does not interfere with clause 2. This is an additional power of the University.

Mr. Chairman : Yes. Now I will put the question. The question is :

"That in Clause 2 in paragraph (q) of the Bill, the words "Academic Councils" occurring in the second line, be substituted by the word "University"."

(The motion was negatived)

Mr. Chairman : There is no other amendment. The question is :

"That Clause 2 may form part of the Bill."

(The motion was adopted)

Mr. Chairman : Clause 3, there are amendments.

Mr. Kamran Khan : Sir, I beg to move—

"That in Clause 3, in sub-clause (1) of the Bill, for the word "People's" the word "Awami" be substituted."

Mr. Chairman : Motion moved :—

"That in Clause 3, in sub-clause (1) of the Bill, for the word "People's" the word "Awami" be substituted."

Mr. Abdul Hafeez Pirzada : Sir, I oppose it. When the National Awami Party comes to majority in the Assembly, they can do that, but as long as Peoples Party is there, I am afraid, it will have to be "People's", when Awami Party comes, it will be "Awami". This is fair enough.

Mr. Kamran Khan : Sir, with your permission. This word "People's" speaks of partisanship. So, it will be desirable that this political connotation and this political tinge be taken out of it and of course the word Awami also stands for Awam, so much so that they have given the title of "Quaid-i-Awam" to their leader. So, I think, as far as Awami is concerned, there is no harm. There can be no two opinions between us and between them. So I think the honourable Minister, if he could consider this amendment and change it to "Awami", that would be more appealing and more attractive for the common man of Pakistan.

Mr. Chairman : To me there does not seem to be any specific difference between these two words. "People" in English, "Awami" in Urdu, "Awami" means people, but you cannot, unless it is necessary, insert Urdu, Punjabi, Dakhni, Hindi in a Bill which is in English.

Mr. Kamran Khan : I won't go into the philosophy of that. My whole objection is that this has got a political tinge.

Mr. Chairman : You mean to say that you will never mention the word "people" anywhere ?

Mr. Kamran Khan : Why not ? Everywhere.

Mr. Niamatullah Khan : On a point of information. This is equal because we have got one "Awami Express" running between Pindi and Karachi daily, so I think it becomes equal to equal. So if the word people will be misunderstood or mistaken for People's Party, then "Awami" may be mistaken for Awami Train. That is what you are suggesting. I mean they have also got Awami Train and this coincides with the aspiration of Mr. Kamran Khan.

Mr. Chairman : No, no. He feels convinced now that there is no difference between the word "awami" and the word "people".

Mr. Niamatullah Khan : Anyhow they have got Awami Express also, just to satisfy them.

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

"That in Clause 3, in sub-clause (1) of the Bill, for the word "People's" the word "Awami" be substituted."

(The motion was negatived)

Mr. Shahzad Gul : Sir, I beg to move—

"That in Clause 3, in sub-clause (2), in paragraph (i) of the Bill, the word "Chairman" occurring in the second line be substituted by the word "Chairmen." It should be plural.

Mr. Chairman : I understand you. But this is a printing error.

Mr. Abdul Hafeez Pirzada : This will be corrected.

Mr. Chairman : Printing errors need not be moved. This is not to be moved.

Mr. Shahzad Gul : I have just pointed out.

Mr. Chairman : We have already noted it, that instead of "Chairman" it should be "Chairmen". This I admit, it should have been "Chairmen", so it is a printing mistake, it can be cured. Don't worry, it will be rectified. You will make a note of it, Mr. Law Minister.

Mr. Abdul Hafeez Pirzada : Yes sir. The Secretariat can do it. They are competent to do it.

Mr. Chairman : Mr. Kamran Khan, next.

Mr. Kamran Khan : Not moving that amendment, sir.

Mr. Chairman : There is no further amendment to clause 3. The question before the House is :

"That Clause 3 forms part of the Bill."

(The motion was adopted)

Mr. Chairman : Now we move on to clause 4.

Mr. Shahzad Gul : Sir, I beg to move—

“That in Clause 4, in paragraph (p) of the Bill, between the words “workshops” and “audience” the word “farms” be inserted.”

Mr. Chairman : Motion moved is :

“That in Clause 4, in paragraph (p) of the Bill, between the words “workshops” and “audience” the word “farms” be inserted.”

Mr. Abdul Hafeez Pirzada : Sir, I oppose it on the ground that this is fully covered by the following words “other centres of learning”, so there is no restriction and we would unnecessarily be making the Statute Book to be bulky and heavy.

Mr. Shahzad Gul : In Clause 6. “farms” is there, you will kindly read clause 6.

Mr. Abdul Hafeez Pirzada : “Teaching in the University—(1) All recognised teaching in various courses shall be conducted by the University in the prescribed manner and may include correspondence packages, films, cassettes, telecasts broadcasts, lectures, tutorials, discussions, seminars, demonstrations as well as practical work in the laboratories, workshops and farms and other media of instruction”, and so on and so forth.

جناب شہزاد گل : پروچانسز یہاں یونیورسٹی کا ہوگا ؟

Mr. Abdul Hafeez Pirzada : Kindly read clause (p) :

“to establish teaching departments, faculties, laboratories, workshops, audience level regional centres and other centres of learning for the development of teaching and research and educational technology and to make such arrangements for their maintenance, management and administration as it may determine ;”

Mr. Shahzad Gul : This is only to remove the inconsistency because in clause 6, the word “farms” was used. Therefore, I also moved an amendment that “farms” should also be included here.

Mr. Abdul Hafeez Pirzada : Not necessary. It is fairly exhaustive and will not stop setting up centres in the farms.

Mr. Chairman : You may correct that according to your understanding. The whole thing is that you say that “farms” should also be included. That does not preclude them for extending it to farms. They can extend it to farms.

Mr. Abdul Hafeez Pirzada : “To establish teaching departments, faculties, laboratories, workshops, audience level regional centres and other centres of learning for the development of teaching and research and educational technology. . . .”

اس میں farm کس طرح آئے گا ؟

This is only for development of teaching and research of educational technology.

جناب شہزاد گل : جناب والا ! کلاز ۶ میں یہی ہے اور یہ ترمیم میں نے اس وجہ سے پیش کی ہے کہ - - -

Mr. Chairman : They want to extend them and can extend even to the farms. If you want at some stage of the process that it is necessary even to include farm, you can. There is nothing in the clause to prevent it.

جناب شہزاد گل : کلاز ۷ کی ضرورت نہیں ہے -

Mr. Chairman : They can do it, if they want. Now, the question before the House is :

“That in Clause 4, in paragraph (p) of the Bill, between the words “workshops” and “audience” the word “farms” be inserted.”

(The motion was rejected)

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

“That Clause 4 forms part of the Bill.”

(The motion was adopted)

Mr. Chairman : Now, there is no amendment to clause 5. The question before the House is—

“That Clause 5 forms part of the Bill.”

(The motion was adopted)

Mr. Chairman : Clause 6, no amendment. The question before the House is :

“That Clause 6 forms part of the Bill.”

(The motion was adopted)

Mr. Chairman : Now, clause 7. It is the same printing mistake. The question before the House is :

“That Clause 7 forms part of the Bill”.

(The motion was adopted)

Mr. Chairman : Now, we move up to Clause 8 ; Yes Mr. Shahzad Gul, you move your amendment.

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

“That in Clause 8, after sub-clause (3) the following new sub-clauses be added, namely :—

“(4) If the Chancellor is satisfied that the proceedings of any Authority or the orders of any officer are not in accord-

[Mr. Shahzad Gul]

ance with the provisions of this Act, the Statutes, the Regulations or the Rules, he may, after calling upon such Authority or officer to show cause why such proceedings or orders should not be annulled by order in writing, annul such proceedings or orders.

- (5) The Chancellor shall have the powers to assent to such Statutes as are required to be submitted to him or withhold assent or refer them back to the Executive Council for re-consideration.
- (6) The Chancellor may remove any person from the membership of any Authority, if such a person—
 - (i) has become of unsound mind ; or
 - (ii) has become subject to an incapacity which prevents him from functioning as a member of such Authority ; or
 - (iii) has been convicted by a Court of Law of an offence involving moral turpitude.
- (7) The Chancellor may delegate all or any of his powers to the pro-Chancellor.”

Mr. Chairman : The amendment moved is :

“That in Clause 8, after sub-clause (3) the following new sub-clause be added, namely :—

- “(4) If the Chancellor is satisfied that the proceedings of any Authority or the orders of any officer are not in accordance with the provisions of this Act, the Statutes, the Regulations or the Rules, he may, after calling upon such Authority or officer to show cause why such proceedings or orders should not be annulled by order in writing, annul such proceedings or orders.
- (5) The Chancellor shall have the powers to assent to such Statutes as are required to be submitted to him or withhold assent or refer them back to the Executive Council for re-consideration.
- (6) The Chancellor may remove any person from the membership of any Authority, if such a person —
 - (i) has become of unsound mind ; or
 - (ii) has become subject to an incapacity which prevents him from functioning as a member of such Authority ; or
 - (iii) has been convicted by a Court of Law of an offence involving moral turpitude.
- (7) The Chancellor may delegate all or any of his powers to the pro-Chancellor.”

Mr. Abudl Hafeez Pirzada : Opposed.

جناب شہزاد گل : *جناب والا ! جس طرح میں پہلے گزارش کر چکا ہوں کہ مجھے اس پر اعتراض نہیں ہے کہ موجودہ وزیر تعلیم صاحب اوپن یونیورسٹی کے پروچانسلر ہوں گے لیکن خداخواستہ یہ محکمہ کل کسی اور کے ہاتھ میں چلا جائے تو یقیناً ان اختیارات کا غلط استعمال ہو سکتا ہے اس کے علاوہ وزیر تعلیم کے پاس محکمہ کے کام کی زیادتی ہوتی ہے۔ چھوٹی چھوٹی باتوں کے لیے یونیورسٹی کے کام رکے رہیں گے۔ ان کے دستخط حاصل کرنے کے لیے چانسلر جب یہاں ملک کا صدر ہوگا۔ وہ منتخب ہے۔ جب صدر منتخب ہو گیا تو وہ غیر سیاسی ہے اور ہر ایک کے لیے قابل قبول ہے۔ ویسے بھی اس کے پاس کام کم ہوتا ہے۔ وہ زیادہ دلچسپی لے گا اور عموماً یونیورسٹیوں کے جتنے بل ہیں۔ اسلام آباد یونیورسٹی۔ پشاور یونیورسٹی دیکھیں۔ ہر ایک میں یہ اختیارات جو ہیں چانسلر کے پاس ہوتے ہیں۔ جتنے بل میں نے پڑھے ہیں ان میں اختیارات چانسلر کے پاس ہوتے ہیں۔ صوبہ سرحد میں وزیر اعلیٰ نے ۱۹۶۷ء میں اپنے لیے پروچانسلر بھی لی اور لائف ممبر شپ بھی۔ جب وہ وزارت سے ہٹائے گئے اور دوسری گورنمنٹ جب آئی تو اس نے وہ تمام پروچانسلری بھی ختم کر دی اور لائف ممبر شپ بھی ختم کر دی۔ دوسرا یہ کہ پروچانسلر پر ہمیں اعتماد کرنا چاہیے۔ یہاں پر اس میں کافی اختیارات ہیں۔ بعض اختیارات پروچانسلری کے لیے ضروری ہیں۔ میں نے اس میں ترامیم نہیں دیں۔ ہمیں ایجوکیشن منسٹر صاحب پر بدگمانی نہیں ہے۔ لیکن اصولی طور پر یہ ایک بات ہے۔

Mr. Abdul Hafeez Pirzada : *I can assure my friend that there is nothing personal. This distinction between the Chancellor and the Pro-Chancellor, after the permanent Constitution, has been rendered, is of no consequence whatsoever because the Chancellor if he is the President of Pakistan, he is bound by the Constitution to act on and in accordance with the advice of the Prime Minister. And Prime Minister is the spokesman of the Federal Government. So, whether it is the Chancellor who exercise power or it is the Federal Government, it is really one and the same. On the other hand, I should have thought that it would be a welcome suggestion that the Pro-Chancellor should exercise executive powers because there is a difference in a parliamentary democracy ; Pro-Chancellor being the Education Minister has to be a Member of Parliament. The moment he is a Member of Parliament, he is answerable before Parliament ; in the case of the President, being not a Member of Parliament, he is not answerable before Parliament. So, the question of accountability is safeguarded only when a person is answerable before either House of Parliament or both the Houses. I concede that in the conventional university within the four walls of a premises, Pro-Chancellor exercises powers of the Chancellor in his absence or on delegation. It has

*Speech not corrected by the honourable Senator.

*Speech not corrected by the honourable Minister.

[Mr. Abdul Hafeez Pirzada]

been conceded on the other side that this is an unconventional method of giving training ; you cannot identify a particular premises so that it is upon university ; the whole of Pakistan is an open university ; and there has to be a strict liaison between the university and the Education Ministry so that the Education Ministry do not supper impose its will on the university. It is a form of liaison at the representative level where the public representative, that is the Education Minister, shall be the liaison, so that the university does not come under Government bureaucracy and Government bureaucracy does not bother the university. Pro-Chancellor is the Educational Minister and not the Education Ministry, or the Secretary. This is the difference.

Mr. Chairman : How do you feel Mr. Shahzad Gul ? Do you press?

Mr. Shahzad Gul : Yes, I press.

Mr. Chairman : The question before the House is :

“That in Clause 8, after sub-clause (3) the following new sub-clauses be added, namely :

“(4) If the Chancellor is satisfied that the proceedings of any Authority or the orders of any officer are not in accordance with the provisions of this Act, the Statues, the Regulations or the Rules, he may, after calling upon such Authority or officers to show cause why such proceedings or orders should not be annulled by order in writing, annul such proceedings or orders.

(5) The Chancellor shall have the powers to assent to such Statutes as are required to be submitted to him or withhold assent or refer them back to the Executive Council for re-consideration.

(6) The Chancellor may remove any person from the membership of any Authority, if such a person :

(i) has become of unsound mind ; or

(ii) has become subject to an incapacity which prevents him from functioning as a member of such Authority ; or

(iii) has been convicted by a Court of Law of an offence involving moral turpitude.

(7) The Chancellor may delegate all or any of his powers to the Pro-Chancellor.”

(The motion was negatived)

Mr. Chairman : The amendment is rejected.

Now, the question before the House is :

“That Clause 8 of the Bill forms part of the Bill.”

(The motion was adopted)

Mr. Chairman : Clause 8 stands part of the Bill. Clause 9.

Mr. Abdul Hafeez Pirzada : 10, 11, 12, 13, 14, 15 and 16.

Mr. Chairman : There is also Clause 9.

Mr. Abdul Hafeez Pirzada : It is redundant.

Mr. Chairman : There are amendments to 12, 13.

Mr. Shahzad Gul : Not moved.

Mr. Chairman : Then Clause 10.

جناب شہزاد گل : وہ جناب کلار ۱۲ میں آ گیا ہے -

جناب چیئرمین : اچھا ٹھیک ہے۔

جناب شہزاد گل : یہ بھی جناب اسی طرح ہے -

Mr. Chairman : Same with regard to 15.

Mr. Shahzad Gul : Yes, Sir.

Mr. Chairman : Clause 12

جناب شہزاد گل : یہ ۱۸ کے متعلق ہے وہ بھی پڑھ لوں ؟

جناب چیئرمین : وہ بھی پڑھ لیں -

Mr. Abdul Hafeez Pirzada : We move to 17.

Mr. Chairman : Why not 18.

Mr. Abdul Hafeez Pirzada : There is an amendment.

Mr. Chairman : The question before the House is :

“That Clause 9, Clause 10, Clause 11, Clause 12, Clause 13, Clause 14, Clause 15, Clause 16 and Clause 17 form part of the Bill”.

(The motion was adopted)

Mr. Chairman : Clauses 9 to 17 form part of the Bill

We take up Clause 18 there is an amendment

Mr. Shahzad Gul : I beg to move :

“That in Clause 18, in paragraph (j) of sub-clause (1) of the Bill between the words “nominated” and “by” commas and the words “one each” be inserted.”

Mr. Chairman : Next.

Mr. Shahzad Gul : I beg to move :

“That in Clause 18, in paragraph (j) of sub-clause (1) of the Bill between the words “the” and “Pro-chancellor” the words “Chancellor and the” be inserted.”

Mr. Chairman : Next.

Mr. Shahzad Gul : I beg to move :

“That in Clause 18, in sub-clause (1) after paragraph (m), a new paragraph be added, namely :—

“(n) a nominee of the Ministry of Information and Broadcasting, not below the rank of a Joint Secretary.”

Mr. Chairman : Amendments moved :

“That in Clause 18, in paragraph (j) of sub-clause (1) of the Bill between the words “nominated” and “by” commas and the words “one each” be inserted.”

“That in Clause 18, in paragraph (j) of sub-clause (1) of the Bill between the words “the” and “Pro-chancellor” the words “Chancellor and the” be inserted.”

“That in Clause 18, in sub-clause (1) after paragraph (m), a new paragraph be added, namely :—

“(n) a nominee of the Ministry of Information and Broadcasting, not below the rank of a Joint Secretary.”

Mr. Abdul Hafeez Pirzada : Opposed.

Mr. Chairman : You can speak on all the amendments.

جناب شہزاد گل : جی ہاں جناب ! Clause A درج ہے کہ :

“Seven members of Parliament of whom five shall be elected by the members of the National Assembly from amongst their number and two shall be elected by the members of the Senate from amongst their number.”

Mr. Abdul Hafeez Pirzada : I accept two from the Senate. They would like to have opposition.

جناب شہزاد گل : جناب والا ! دیری پہلی ترمیم تو یہ ہے کہ کل سات ہوں۔ پانچ نیشنل اسمبلی سے اور دو سینیٹ سے ہو جائیں۔

Mr. Abdul Hafeez Pirzada : Out of 7 I accept two from the Senate.

جناب چیئرمین : ٹھیک ہے یہی روایت ہے۔

Mr. Abdul Hafeez Pirzada : We also give representation to the Opposition.

Mr. Chairman : A very sensible suggestion and it has been accepted.

جناب شہزاد گل : میں وزیر صاحب کا شکر گزار ہوں کہ انہوں نے ایک اچھی تجویز کو منظور کیا ہے اور اپوزیشن کا خیال رکھا ہے۔

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

"That in Clause 18, paragraph (b) of sub-clause (1) of the Bill be substituted by the following, namely :

"(b) Seven members of Parliament of whom five shall be elected by the members of the National Assembly from amongst their number and two shall be elected by the members of the Senate from amongst their number."

Mr. Abdul Hafeez Pirzada : Sir, I propose the following oral amendment to Mr. Shahzad Gul's amendment that instead of 'seven' it should be 'five' members of Parliament of whom three shall be elected by the members of the National Assembly from amongst their number and two shall be elected by the members of the Senate from amongst their number.

Mr. Chairman : His amendment is that 'seven' be substituted by 'five' and 'five' in the first line shall be substituted by 'three' and then 'two' will remain. Mr. Shahzad Gul you agree to it ?

Mr. Shahzad Gul : I agree to it. I am grateful.

Mr. Chairman : Now, the amendment moved by the Minister in Clause 18 should read as follows :—

"That in Clause 18, paragraph (b) of sub-clause (1) of the Bill be substituted by the following, namely :—

"(b) Five members of Parliament of whom three shall be elected by the members of the National Assembly from amongst their number and two shall be elected by the members of the Senate from amongst their number."

Is the House prepared to accept the amendment ?

(Amendment was adopted)

Mr. Chairman : Mr. Shahzad Gul, now so far as your amendment is concerned, it is lost after his amendment has been adopted.

Mr. Abdul Hafeez Pirzada : But Mr. Shahzad Gul's amendment has been slightly amended.

Mr. Chairman : Mr. Shahzad Gul's amendments No. 18 and 19.

جناب شہزاد گل : میں نے چھوٹی سی یہ تجویز پیش کی ہے کہ :

Two persons to be nominated, one each by the Chancellor and Pro-Chancellor.

میں نے اس میں یہ کیا ہے کہ چانسلر کو بھی نامزدگی کا اختیار کچھ نہ کچھ ہونا چاہیے ۔

جناب چیئرمین : ادھر بھی ایک ادھر بھی ایک رسہ کشی ہوگی ۔

چھوڑو جی ۔

جناب شہزاد گل : ٹھیک ہے میں چھوڑ دیتا ہوں ۔

Mr. Chairman : Now, Mr. Shahzad Gul seeks your permission to withdraw his amendments. Is he allowed to withdraw No. 18 and No. 19 ?

(Amendments were withdrawn)

Mr. Chairman : Mr. Shahzad Gul—Amendment No. 20.

جناب شہزاد گل : ریڈیو اور ٹیلیویژن پر ایکچر دیے جائیں گے اور فلمیں دکھائی جائیں گی لیکن ایگزیکٹو کونسل میں ان کا کوئی نمائندہ نہیں۔ حالانکہ وہ directly آس کے ساتھ connected ہے۔ ایجوکیشن ڈیپارٹمنٹ اور باقی سب کے نمائندے ہیں لیکن انفارمیشن اور براڈ کاسٹنگ کا کوئی نمائندہ ایگزیکٹو کونسل میں نہیں ہے۔ آخر اس کی اپنی بھی مشکلات ہیں اور یونیورسٹی کی مشکلات کا بھی آسے پتا لگے گا اور وہ اپنی تجاویز دے گا۔

Mr. Chairman : You want a nominee of the Ministry of Information and Broadcasting, not below the rank of a joint secretary.

Mr. Abdul Hafeez Pirzada : It is a good provision and I will go beyond this. It is not really the Ministry of Information which is relevant. What is just relevant is Pakistan Television Corporation and Broadcasting Corporation of Pakistan. So, I would like to move an amendment that instead of "Ministry of Information and Broadcasting" we should say "Representative or Managing Director of Pakistan Television Corporation and the Director General of Pakistan Broadcasting Corporation."

Mr. Chairman : He is agreeable to it.

Mr. Abdul Hafeez Pirzada : Sir, I move an oral amendment to the amendment of Mr. Shahzad Gul as under :—

"That in Clause 18, in sub-clause (1) after paragraph (m), a new paragraph be added, namely :—

"(n) Managing Director of Pakistan Television Corporation and the Director General of Pakistan Broadcasting Corporation."

Mr. Chairman : Mr. Shahzad Gul, do you agree to the oral amendment proposed by Mr. Abdul Hafeez Pirzada to your amendment ?

So, the question before the House is :

"That in Clause 18, in sub-clause (1) after paragraph (m), a new paragraph be added, namely :—

"(n) Managing Director of Pakistan Television Corporation and the Director General of Pakistan Broadcasting Corporation."

(The motion was adopted)

Mr. Chairman : Now, I will put Clause 18, as amended.

Now, the question before the House is :

“That Clause 18, as amended, from part of the Bill.”

(The motion was adopted)

Mr. Chairman : Now, Mr. Shahzad Gul to move his amendment.

Mr. Shahzad Gul : I am not moving amendment No. 21

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

“That Clause 19 forms part of the Bill.”

(The motion was adopted)

Mr. Chairman : Clause 20. Printing error in this clause can be rectified.

Now, the question before the House is :

“That Clause 20 forms part of the Bill.”

(The motion was adopted)

Mr. Chairman : Now, there is no amendment to Clauses 21, 22 and 23.

Mr. Shahzad Gul : I withdraw my amendment to Clause 24.

Mr. Chairman : Amendment No. 24 is withdrawn.

Now, the question before the House is :

“That Clauses 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30 form part of the Bill.”

(The motion was adopted)

Mr. Chairman : Now, we take up Clause 31.

There is an amendment of Mr. Shahzad Gul to it.

Mr. Shahzad Gul : I beg to move :

“That in Clause 31, in sub-clause (2) of the Bill between the words “submitted” and “to” occurring in the first line, the words “within thirty days of the order” be inserted.”

Mr. Chairman : The amendment moved is :

“That in Clause 31, in sub-clause (2) of the Bill between the words “submitted” and “to” occurring in the first line, the words “within thirty days of the order” be inserted.”

جناب شہزاد گل : جناب والا ! اس میں limitation کی کوئی provision موجود نہیں ہے۔ appeal اور review کے لیے اس کا ہونا ضروری ہے۔

Mr. Abdul Hafeez Pirzada : It would become very hard for employees if the period of limitation is there. There will be need for condonation and computation. All that will come in the rules. Let them prescribe this by rule.

Mr. Chairman : I think they will be alive to this necessity.

Mr. Abdul Hafeez Pirzada : Supposing a copy of an order is not given, it will be very hard if this amendment is accepted.

Mr. Shahzad Gul : I was bringing it to the notice of the Minister because there is the right of appeal and review but no limitation, so I move the amendment that there should be a period of limitation. This was the intention.

Mr. Abdul Hafeez Pirzada : We will do it by rules.

Mr. Chairman : Under rules they can do it while carrying out the purposes and objects of the Bill. They can do it in this manner.

Mr. Abdul Hafeez Pirzada : They will do it under their own statutes and rules.

Mr. Chairman : Now, Mr. Shahzad Gul seeks permission of the House to withdraw this amendment. Has he the leave of the House ?

Members : Yes.

Mr. Chairman : The amendment is withdrawn ; so the question before the House is :

“That Clauses 31, 32, 33, 34, 35, 36, 37, and 38 stand part of the Bill.”

(The motion was adopted)

Mr. Chairman : Mr. Shahzad Gul, Next Clause 39.

Mr. Shahzad Gul ; I beg to move :

“That in Clause 39 of the Bill between the words ‘if’ and ‘any’ occurring in the first line the following words be inserted, namely :--

‘Within one year after coming into force of this Act.’ ”

Mr. Abdul Hafeez Pirzada : It is not necessary. This is not a constitutional enactment that we must have these powers. Actually, the Federal Government had these powers and it could amend the Constitution but we have not used it even once since it came into force. There is no need for it ; it is not like the Constitution and it is very difficult to amend it.

Mr. Shahzad Gul : The matter will come before the Parliament if there is an Ordinance.

Mr. Abdul Hafeez Pirzada : This is a straight forward matter. I do not think we should put any limitation on it ; it is not going to be misused.

Mr. Chariman : He is not very serious about it.

جناب شہزاد گل : جناب والا ! removal of difficulty کی پرویزن تو اس میں ہونی چاہیے چونکہ آئین میں آپ جانتے ہیں کہ ایک سال کی مدت ہے اس وجہ سے اس میں بھی ایک سال تو ہونی چاہیے -

A Senator : Constitutional document.

Mr. Abdul Hafeez Pirzada : You do not temper with the Constitution.

جناب شہزاد گل : جناب والا ! تین ماہ تو بینکنگ میں دیے گئے تھے ۔

Mr. Abdul Hafeez Pirzada : We did not resort to the removal of difficulties Clause under the permanent Constitution. India has used it 14 times. Yet we did not use it even once. Let us see what happens in practice. This is only a law and it can be amended whenever there is need for it.

Mr. Shahzad Gul : Anyhow.

Mr. Chairman : Anyhow ; I will put your question.

The question is :

“That in Clause 39 of the Bill between the words ‘if’ and ‘any’ occurring in the first line the following words be inserted, namely :—

‘within one year after coming into force of this Act.’ ”

(The motion was adopted)

Mr. Chairman : The amendment is lost.

The question is :

“That Clause 39 stand part of the Bill.”

(The motion was adopted)

Mr. Chairman : Now, amendment No. 27, not moved. This is a printing error.

جناب شہزاد گل : تو پھر میں اسے پیش نہیں کرتا ۔

Mr. Chairman : 39 has been adopted. Next Clause 40. 27 is regarding printing error. No amendment to Clause 40.

جناب شہزاد گل : جناب والا ! کلاز ۴۰ تو ہے ہی نہیں اس کے بعد statute شروع ہو جاتی ہیں ۔

Mr. Chairman : Yes, Yes, there is no Clause 40. This is the first Statute.

The question is :

“That the First Statute stands part of the Bill.”

Mr. Abdul Hafeez Pirzada : There are amendments.

Mr. Chairman : No. 27.

۴ بھی پرنٹنگ کی غلطی ہے ۔

جناب شہزاد گل : جناب والا ! میں امینڈمنٹ نمبر ۲۸ جو ہے وہ میں پیش کرنا چاہتا ہوں -

Mr. Chairman : It is on the fourth page of my paper. There are some amendments. You move your amendment.

Mr. Shahzad Gul : I beg to move :

“That in Clause 5, in sub-clause (3) of the First Statute for the word ‘half’, the word ‘third’ be substituted.”

Mr. Chairman : Motion moved is :

“That in Clause 5, in sub-clause (3) of the First Statute for the word ‘half’, the word ‘third’ be substituted.”

Mr. Abdul Hafeez Pirzada : Sir. This is not an ordinary Committee. This is really a Committee for research and Educational Technology, and least half the members who consist of experts should be present. They should attach proper importance to it ; otherwise no useful purpose would be served. If it had been a general Committee, we could have proposed one-third. That is why we kept it one half.

Mr. Chairman : The question is :

“That in Clause 5, in sub-clause (3) of the First Statute for the word ‘half’, the words ‘third’ be substituted.”

(The motion was negatived)

Mr. Chairman : Amendment No. 28, rejected. Is there any amendment to Clause 6.

جناب شہزاد گل : سر کلاز ۶ میں نہیں - کلاز ۶ میں ایک پہلی تو میں move نہیں کر رہا - سر یہ ایک جو ہے اس میں کلیریکل غلطی ہے ۵ کی جگہ پر ۶ ہونا چاہیے -

Mr. Chairman : This is a printing error ; you need not worry about it.

جناب شہزاد گل : ٹھیک ہے جناب ! میں یہ ترمیم پیش نہیں کرتا -

Mr. Chairman : All right then Clause 6. First part is printing error, that will be rectified. He is not moving that. Similarly No. 31 is also a printing error in Clause 5 and 6, that is also a printing error. Then Clause 8.

Mr. Shahzad Gul : No, Sir.

Mr. Chairman : You are moving it ?

Mr. Shahzad Gul : No, Sir.

Mr. Shahzad Gal : All right. Then nothing. So, I have to put the question.

The question is :

“That First Statue stand parts of the Bill.”

(The motion was adopted)

Mr. Chairman : Now, we have come almost to the end.

Mr. Abdul Hafeez Pirzada : Amendments Nos. 2 and 3 will not be moved as a decision has already been taken by the House. Amendments Nos. 2 and 3 relate to the Preamble and Clause 1. They cannot be moved as a decision has already been taken, such as the People's University has been accepted by the Senate.

Mr. Chairman : May be the honourable Member has changed his mind. I am putting the Preamble and Short Title.

Mr. Abdul Hafeez Pirzada : The amendments which are suggested to the Preamble and Clause 1 cannot be taken up because of the earlier decision of the Senate, rejecting such proposals elsewhere.

Mr. Chairman : Yes, Mr. Kamran Khan. Your amendment is that in the Preamble for the word 'People's' the word 'Awami' be substituted.

A Member : The honourable Member has changed his mind in the meanwhile.

Mr. Abdul Hafeez Pirzada : As far as I think your amendment No. 6 was rejected by the House, the word People has been retained elsewhere, so it will be a contradiction.

Mr. Chairman : That has been done. It is not necessary to have this.

Now, the question is :

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

(The motion was adopted)

Mr. Chairman : Now, you have to move the last motion.

Mr. Abdul Hafeez Pirzada : I beg to move :

“That the Bill to provide for the establishment of a People's Open University at Islamabad (The People's Open University Bill, 1974), be passed.”

Mr. Chairman : Motion before the House is :

“That the Bill to provide for the establishment of a People's Open University at Islamabad (The People's Open University Bill, 1974), be passed.”

Mr. Mohammad Hashim Ghilizi : Opposed.