



# THE SENATE OF PAKISTAN

## DEBATES

### OFFICIAL REPORT

Wednesday, April 24, 1974

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SENATE DEBATES  
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Wednesday, April 24, 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 QUESTIONS AND ANSWERS

Mr. Chairman : Questions—Khawaja Muhammad Safdar you put your question No. 34.

APPORTIONMENT COMMITTEE

34. \*Khawaja Muhammad Safdar : Will the Minister for Finance be pleased to state :

- (a) whether an Apportionment Committee is working in the Finance Division ;
- (b) if the answer to (a) above be in the affirmative, the functions of the said Committee ;
- (c) whether the Federal Government is prepared to place the results of the deliberations of this Committee on the table of the House ?

Mr. J.A. Rahim (On behalf of Dr. Mubashir Hassan) : (a) & (b) Yes. An Apportionment Committee has been set up to make recommendations for the apportionment and adjustments amongst the Federal Government and the provinces of Punjab, Sind, N.W.F.P. and Baluchistan of the rights, properties, assets and liabilities of the former Government of West Pakistan, its Secretariat is located in the Finance Division.

- (c) The Committee has not yet completed its deliberations. The results will be supplied to the House.

Khawaja Muhammad Safdar : May I know the composition of this Committee ?

**Mr. J. A. Rahim :** Apportionment Committee was constituted under the terms of provision of Article 4 of the Dissolution of West Pakistan Province (Rights and Property) Order 1971. The Committee was constituted on 2nd August 1971. It was composed of five representatives. Four of them are Finance Secretaries of the Provincial Governments representing the provinces and fifth is Additional Finance Secretary, Budget, of the Federal Government, who is also the Chairman of this Committee.

**Khawaja Muhammad Safdar :** How long will this Committee take to complete its deliberations ?

**Mr. J. A. Rahim :** There have been 13 meetings on the whole and in principle apportionment of 75% assets and liabilities have already been agreed to in the Committee. In the remaining cases the work could not be completed due to nonavailability of satisfactory accounts data or due to irreconcilable views of Members on certain categories of assets and liability. This difficulty will be finally resolved in future meetings. I cannot give any date line for it, but most of the work has already been done.

خواجہ محمد صفدر : جناب والا ! میں اس لیے پوچھ رہا ہوں کہ اس کمیٹی کو معرض وجود میں آئے تین سال ہو چکے ہیں ، آخر پتہ چلے کہ کتنے عرصے میں یہ کمیٹی اپنا کام ختم کرے گی ۔

**Mr. Chairman :** How can he anticipate ?

**Khawaja Muhammad Safdar :** By the volume of work...

**Mr. Chairman :** It depends on volume, progress and so many other factors. Next question.

#### TAXATION COMMISSION

35. \***Khawaja Muhammad Safdar :** Will the Minister for Finance be pleased to state :

- whether a Taxation Commission was set up some time ago ;
- whether the Commission mentioned in (a) above has submitted its interim or final report to the Federal Government ; and
- if the answer to (b) above be in the affirmative, whether the Government is prepared to lay the said report on the table of the House ?

**Mr. J. A. Rahim (On behalf of Dr. Mubashir Hassan) :** (a) Yes, a Taxation Commission was constituted in October, 1970.

(b) The Commission submitted interim reports in May, 1971, May, 1972, August, 1972 and January, 1973. The final report was submitted a few days ago.

(c) Government will consider the question of laying the report of the Commission on the table of the House after the examination of the final Report.

**Mr. Chairman :** Next question.

## OVERTIME ALLOWANCE TO GOVERNMENT SERVANTS

36. \***Khawaja Muhammad Safdar** : Will the Minister for Finance be pleased to state :

- (a) the rate of overtime allowance which is given to Government servants if they are required to stay after normal office hours ; if no allowance is given, the reasons thereof ;
- (b) if reply to (a) above be in the negative, whether the Government will consider the desirability of paying at least such overtime allowance to its own personel as is given by nationalised Banks and other Government controlled undertakings to their employees ; and
- (c) whether any conveyance charges are given to those Government employees, irrespective of class, who are required to stay beyond office hours for duty or attend office on closed holiday ; if not the reason thereof ?

**Mr. J. A. Rahim** (On behalf of Dr. Mubashir Hassan) : (a) Information regarding the rates of overtime allowance admissible to various categories of Government employees (Industrial workers and non-industrial field staff) in certain departments, such as Railways, T & T, Post Offices, Customs and the Pakistan Mint, is being obtained, and will be placed on the Table of the House as soon as it is available.

In the Central Secretariat overtime allowance is allowed to only Staff Car Drivers and Despatch Riders at the rate of 55 Paise per hour subject to maximum of Rs. 4.50 per day.

- (b) No.
- (c) Yes. The erstwhile non-gazetted employees in the Central Secretariat and its Attached Departments are given conveyance charges at the following rates :

## RATE PER DAY

<i>On working days</i>	<i>On Sundays and closed holidays</i>
Former non-gazetted employees (other than former Class IV employees)      Rs. 1.00	Rs. 1.50
Former Class-IV employees.      Rs. 0.75	Rs. 1.10

No conveyance charges are, however, allowed to the erstwhile gazetted government employees.

خواجہ محمد صفدر : جناب والا ! جب تمام مزدوروں اور صنعتی ملازمین کو قانون کے مطابق overtime حاصل کرنے کا اختیار ہے اور یہ اصول بہت اچھا ہے تو اس اصول کے مطابق وفاقی حکومت اپنے ملازمین کو overtime کا معاوضہ کیوں نہیں دیتی ؟

**Mr. J. A. Rahim :** The honourable Member misunderstood the scope of overtime allowance orders. There are three categories of Government employees. First, the Government employees in industrial works. They are entitled to overtime allowance under the Factories Act. Second category employees are industrial field staff entitled to overtime allowance under specific Government orders. I will give an example of Staff Car Drivers. Third Staff Car Drivers and Despatch Riders are entitled to overtime allowance under the general orders of the Government. I am sorry the second one does not include this non-industrial field staff which is employed in various departments, for example, Customs, Railways, Post Offices and T & T; and the rates admissible to various departments very according to the needs of a particular department. It is, however, provided that the overtime allowance drawn in one month should not exceed 25 percent of pay of the category of staff entitled to the allowance. A circular order granting exemption from the aforesaid statutory provision has already been issued by the Finance Division.

**خواجہ محمد صفدر :** میرے سوال کا جواب نہیں آیا۔ میں پھر دہراتا ہوں۔ اس میں کوئی شک نہیں کہ حکومت کے ماتحت صنعتی اداروں کے مزدوروں اور ملازمین کو بھی overtime ملتا ہے، یہ میں جانتا ہوں۔ میں یہ عرض کرتا ہوں کہ وفاقی حکومت ان لوگوں کے علاوہ جو لوگ آس کے اپنے ملازمین ہیں، ان کو overtime الاؤنس کیوں نہیں دیتی اگر ان سے آٹھ گھنٹے سے زیادہ کام لیا جاتا ہے تو؟

**Mr. J. A. Rahim :** I have pointed out, Sir, that a distinction can be made and has been made between factory and non-factory employees, then between Gazetted Officers who are expected to work and who are supposed to be whole-time Government servants, and the conditions differ. You cannot categorize all kinds of employees under one category.

**خواجہ محمد صفدر :** کلاس تین اور چار کے ملازمین کو آپ کیوں نہیں دیتے، میں سب سے چھوٹے درجے کے ملازمین کے متعلق عرض کر رہا ہوں۔

**Mr. J. A. Rahim :** Government employees of categories two and three are entitled to overtime allowance under specific orders. They are getting it. I will give some instances.

**Khawaja Muhammad Safdar :** Only two types are given this. In the Central Secretariat overtime allowance is allowed to only Staff Car Drivers and Despatch Riders at the rate of 55 paise per hour subject to maximum of Rs. 4.50 per day.

**خواجہ محمد صفدر :** میں پوچھنا چاہتا ہوں کہ اسٹاف کار ڈرائیورز اور Despatch Riders کے علاوہ کلاس تین اور چار کے وفاقی حکومت کے ملازمین کو حکومت overtime الاؤنس کیوں نہیں دیتی، اگر ان سے مقررہ وقت سے زیادہ کام لیا جاتا ہے تو۔

**Mr. J. A. Rahim :** Former Class IV employees are getting 75 paise as conveyance charges.

خواجہ محمد صفدر : کہاں ہے ؟

Mr. J. A. Rahim : I will give some data.

Mr. Chairman : If you are not ready you can ask for notice.

Mr. J. A. Rahim : I have got some information. Former non-gazetted employees, other than former Class IV employees on working days get one rupee per day ; on Sundays and close holidays they get Rs. 1.50.

خواجہ محمد صفدر : جناب والا ! Conveyance Allowance کی طرف تو ابھی میں آیا ہی نہیں ، ابھی تو overtime کا سوال ہی ختم نہیں ہوا ، سفر خرچ مختلف الاؤنس ہے ۔

Mr. Chairman : He is asking for overtime allowance.

Ch. Muhammad Hanif Khan (Minister for Labour, Works and Rehabilitation) : I can answer.

Mr. Chairman : You decide between yourselves.

Mr. J. A. Rahim : I have got the written material. The following instructions were issued that no employee shall be paid any overtime allowance for his normal duties. And if such overtime allowance is given, it will be admissible only if the statutory body, Department or Office has obtained special sanction for exemption from the Ministry of Finance. Overtime allowance paid to an employee should not exceed 25 per cent of his pay and the Non-Gazetted Officer's pay may not be exceeding Rs. 350.00 p. m.

Mr. Chairman : Next question is in the name of Haji Niamatullah Khan.

Khawaja Muhammad Safdar : Sir,

جناب چیئرمین : ان تلوں میں تیل نہیں ہے جو آپ نکالنا چاہتے ہیں ۔

Khawaja Muhammad Safdar : As you please.

Mr. Chairman : You are not getting what you want.

#### DRY PORT AT PESHAWAR

37. \*Mr. Niamatullah Khan : Will the Minister for Finance be pleased to state :

- whether the Government has decided to set up a dry port at Peshawar ;
- if answer to (a) above be in the affirmative, the tentative date of the opening of the same port ; and
- if answer to (a) above be in the negative, the reasons for not doing so inspite of the fact that the Prime Minister wants to give top priority to the uplift of the back ward areas ?

Mr. J. A. Rahim (On behalf of Dr. Mubashir Hassan) : (a) The matter is still under consideration, as the over-land transport Companies have

[Mr. J. A. Rahim]

not yet finalised their arrangements. The volume of cargo by road transport is also not known.

(b) Answer to para (a) above covers the answer to para (b) below.

(c) Answer to (c) is covered by answer to para (a) above.

**Mr. Niamatullah Khan :** Supplementary, Sir. Will the Minister for Finance and Commerce really agree that by the completion of new road which is under construction between China and the northern region of the Frontier Province, the volume of trade will increase and if so, will the Government consider to create a second dry port at Peshawar.

**Mr. J. A. Rahim :** I won't agree to the presumption.

**Mr. Chairman :** This is a question of opinion.

**Mr. J. A. Rahim :** I want to know by how much it will increase.

**Mr. Khurshid Hassan Meer :** This supplementary relates to my Department. I will reply to it.

**Mr. Chairman :** Yes, you want to say.

جناب خورشید حسن میر : جناب والا ! ہم نے پہلے بھی کہا تھا لاہور میں جب ڈرائی پورٹ کی رسم افتتاح ہوئی تھی تو ہم نے یہ کہا تھا کہ ہم اسے تجربے کے طور پر شروع کر رہے ہیں۔ اس میں ریلوے اور کسٹم کا ایک مسئلہ ہے تو اس کی facility provide کرنے کے بعد اور ریلوے نے جو ذمہ داریاں قبول کی ہیں ان کو کیسے صحیح طور پر پورا کیا جائے ان تمام چیزوں کی سہولت مہیا کرنے کے بعد۔ اصل بات یہ ہے کہ ٹریڈرز کس طرح اس میں حصہ لیتے ہیں، انشورنس کمپنیاں کیسے تعاون کرتی ہیں اور غیر ملکی کمپنیاں اپنے دفاتر وہاں قائم کرتی ہیں یا نہیں تو اس کی کامیابی کا انحصار ان تمام چیزوں پر ہے۔ اس تجربے کے بعد ہم یہاں اس چیز پر غور کریں گے کہ پشاور جیسے شہر میں بھی ایسا تجربہ کیا جا سکے۔ پہلے یہ تجربہ کامیاب ہو جائے پھر ہم وہاں بھی ایسا تجربہ کرنے پر غور کریں گے۔

حاجی نعمت اللہ خان : کیا وزیر موصوف یہ فرما سکیں گے کہ پشاور کراچی سے کافی دور ہے اور ڈلیوری لینے کے لیے ان لوگوں کو کافی خرچہ کرنا پڑتا ہے اس لیے اگر وہاں پر بھی ڈرائی پورٹ کا قیام عمل میں آ جائے تو ان لوگوں کا کافی خرچہ کم ہو جائے گا۔

جناب خورشید حسن میر : یہ درست ہے کہ پشاور کراچی سے کافی دور ہے لیکن میں نے پہلے بھی کہا ہے کہ اگر یہ تجربہ کامیاب ہوا تو وہاں پر بھی ضرور قائم کریں گے۔

**Mr. Chairman :** He has promised to consider it

**Mr. Nabi Bakhsh Zehri :** Supplementary, Sir.

جناب چیئرمین : آپ بہت دیر سے نیند سے اٹھے -

میر نبی بخش زہری : نہیں سر میں نیند میں نہیں تھا ، ہاؤس میں آ کر سونے

کا کام نہیں ہے -

جناب چیئرمین : خاموشی سہی -

When I called the next question after that you cannot put a supplementary.

#### EXPORT DUTY AND EXPORT OF COTTON YARN

38. \***Mr. Niamatullah Khan :** Will the Minister for Finance be pleased to state :

(a) whether due to increase in export duty on yarn from 10% to 40% the export of cotton yarn has fallen from 40 crore pounds to 15 crore pounds only in the first nine months of 1973-74 ; and

(b) if answer to (a) above be in the affirmative, whether the Government agree to the duty being reduced by at least 20% in order to maintain the previous level of exports ?

**Mr J A. Rahim (On behalf of Dr. Mubashir Hassan) :** (a) No. The duty on yarn was never 10% at any stage ; On 25.10.1973, it was raised from 30% to 40%. The exports in the first nine months of 1973-74 were approximately 20 crore pounds.

(b) Government have recently reviewed the duty and reduced it to 35%.

**Mr. Niamatullah Khan :** Supplementary, Sir. Will the honourable Minister agree that by reducing the export duty, the volume of trade will increase and in such a case the foreign exchange will be increased also proportionately, and there will be profit to the Government if export duty is reduced or there will be more export ?

**Mr. J. A. Rahim :** There is no need to argue it out. It is a matter of opinion.

**Mr. Chairman :** It is a question of opinion.

Next question.

#### CUSTOM'S COLLECTORATE AND COLLECTOR AT PESHAWAR

39. \***Mr Niamatullah Khan :** Will the Minister for Finance be pleased to state :

(a) whether a Custom's Collectorate has been sanctioned for Peshawar ;

(b) if so, why a Collector has not been posted there as yet ; and

(c) the tentative date of establishment of the Collectorate and posting of the Collector there ?

**Mr. J. A. Rahim** (On behalf of **Dr. Mubashir Hassan**) : (a) No.

(b) and (c) Does not arise.

**Mr. Chairman** : Next question.

#### APPOINTMENT OF DEPUTY DIRECTOR IN NARCOTICS CONTROL BOARD

40. **\*Mr. Shahzad Gul** : Will the Minister for Finance, Planning and Development be pleased to state :

- (a) whether the Narcotics Control Board asked the Government of N.W.F.P. to recommend an officer for appointment as Deputy Director in the said Board,
- (b) whether the name of an officer from the Excise and Taxation Department was recommended by the provincial Government ;
- (c) whether the officer mentioned in part (b) was appointed in the vacancy in the Narcotics Control Board ; if not, whether the Board again asked the provincial Government for its recommendation in this respect ;
- (d) whether the provincial Government again recommended the name of the same officer for appointment in the said Board ;
- (e) whether the said officer has yet been appointed as Deputy Director in the said Board ; if not, the reasons thereof ;
- (f) whether the said vacancy of a Deputy Director, to be filled from N.W.F.P., is still lying unfilled in the said Board ; and
- (g) the representation in jobs so far given to N.W.F.P. in the Narcotics Control Board ?

**Dr. Mubashir Hassan** (Read by **Mr. J. A. Rahim**) : (a) Yes, as a general request made to other enforcement agencies also.

- (b) A number of names were recommended.
- (c) From amongst the names recommended, one was appointed on a suitable post.
- (d) Yes, a recommendation was received about a particular officer twice.
- (e) No, the said officer was holding a post equivalent to Grade 11. As such he could not be considered for the post of Deputy Director, which is in Grade 18.
- (f) No.
- (g) Due representation has been given.

**Mr. Shahzad Gul** : In reply to (c) it is said that from amongst the names recommended, one was appointed on a suitable post. What is his name ?

کیا وزیر موصوف یہ بتا سکیں گے کہ کس کو appoint کیا گیا ہے اور کس post پر ؟

**Mr. J. A. Rahim :** One of these officers is Mr. S. Sajjad Husain Zahid, who was found suitable for the post of Deputy Assistant Director in Grade 16 and was appointed as such.

**Mr. Shahzad Gul :** In (f) my question was whether the said vacancy of a Deputy Director, to be filled from N.W.F.P., is still lying unfilled in the said Board. Has some one been appointed? Who is appointed as Director from N.W.F.P.?

**Mr. J. A. Rahim :** You want to send some safarish.

**Mr. Shahzad Gul :** I want to know whether some one is appointed as Deputy Director till now. So, far as my knowledge goes, no one has yet been appointed as Deputy Director. Therefore, I asked whether someone is appointed or not.

**Mr. Chairman :** Your question is that the post is still lying unfilled.

**Mr. Shahzad Gul :** My question was that the post was vacant and no one was appointed. Your answer means that someone is appointed. Then who is appointed?

**Mr. Chairman :** That is your Supplementary. If you are not ready, you can ask for time.

**Mr. J. A. Rahim :** I think, that has happened is that he was appointed to the job, although the designation is lower.

**Mr. Shahzad Gul :** That covers the reply to para (b). Your answer was that one Syed Sajjad was appointed as Assistant Deputy Director. But I am putting supplementary to (f), as to who has been appointed as Deputy Director from N.W.F.P. till now?

**Mr. J. A. Rahim :** No. I think, the post is still vacant.

**Mr. Shahzad Gul :** The post is still vacant and, therefore, the reply is wrong.

**Mr. J. A. Rahim :** You are right. Two posts were asked and one is filled.

**Mr. Shahzad Gul :** This reply is wrong. The post is still vacant.

**Mr. Chairman :** That is not wrong. It is susceptible to two different interpretations. No, it is not filled. It may mean what you say is not correct. Whether the said vacancy of Deputy Director from the N.W.F.P. to be filled is still lying unfilled. He said "No". It may mean that what you convey is not quite correct. Or it is still lying vacant.

**Mr. Shahzad Gul :** My question was that from N.W.F.P. one Deputy Director was to be appointed in the Narcotic Control Board.

**Mr. J. A. Rahim :** No, Sir. The point is that I gave a prescribed quota of 11.5% of N.W.F.P. N.W.F.P. domicile staff in the Narcotic Control Board, Islamabad, is already 46.9%. Therefore, the question of quota does not arise.

**Mr. Chairman :** All right, proceed further.

**Mr. Shahzad Gul :** Sir, Will the Minister be pleased to answer another Supplementary. That in answer to para (g), it has been said that due representation has been given. I have asked about the representation, number of posts, names of persons? Except only that one Assistant Deputy Director, so far no representation has been given to N.W.F.P.

**Mr. J. A. Rahim :** It is not correct. The representation is in the post. Its quota is not filled—it is not correct.

**Mr. Shahzad Gul :** Names and posts on what posts?

**Mr. J. A. Rahim :** In that case how many Deputy Directors were we to have? It must be 4 at least. They are hardly 4.

**Mr. Chairman :** Khawaja Sahib, you ask your next question.

**Khawaja Muhammad Safdar :** Question No. 24.

**Mr. J. A. Rahim :** What is the number please?

**Khawaja Muhammad Safdar :** Question No. 24.

**Mr. J. A. Rahim :** My papers have so dumped together. I want to search.

## DEFERRED STARRED QUESTIONS AND ANSWERS

(Originally set down for answer on 9-4-74)

### DEPOSITS AND ADVANCES OF COMMERCIAL BANKS

24. **Khawaja Muhammad Safdar :** Will the Minister for Finance be pleased to state :

- (a) the total amount of deposits with the Commercial Banks on the date they were nationalised ;
- (b) the amount of deposits with said Banks from Punjab, Sind, N.W.F.P. and Baluchistan respectively on the date mentioned in (a) above ;
- (c) the total amount of advances made by these Banks, by the date mentioned in (a) above ; and
- (d) the amount of advances made by these Banks in Punjab, Sind, N.W.F.P. and Baluchistan respectively by the said date ?

**Dr. Mubashir Hassan (Read by Mr. J. A. Rahim) :** (a), (b), (c) and (d). The information is being collected and will be placed on the table of the House.

**Mr. Chairman :** The information is being collected, it will be placed on the table of the House.

**Khawaja Muhammad Safdar :** I request that this question be deferred to some other day. I would like to have an oral answer, This is a starred question.

**Mr. Chairman :** Well, then you will have to table another question. So,

far as this question is concerned, he has given the information that the information is being collected and it will be laid on the table of the House. He will later on lay on the table of the House. You put Starred Question and you wait.

**Mr. J. A. Kahim :** "Placed on the table of the House", but any question arising from that.

#### NUMBER OF VARIOUS INDUSTRIES IN EACH PROVINCE

20. **\*Mr. Kamran Khan :** Will the Minister for Industries be pleased to state the number of small, medium and large size industries operating in each province and the value of their annual production ?

**Mr. Khurshid Hassan Meer -** The information to the extent available has been placed on the table of the House on 1-4-1974 in response to starred Question No. 37 asked by the senator on the 9th February, 1974. (Annexure)

#### TO BE PLACED ON THE TABLE OF THE HOUSE

##### *Question*

##### *Answer*

**\*Mr. Kamran Khan :**

Will the Minister for Industries be pleased to state the small, medium and large size industries operating in each province at present and the value of their annual production separately?

**Mr. Khurshid Hassan Meer :**

1. Census of Manufacturing Industries is conducted under the Industrial Statistics Act, 1942 and covers those establishments which are engaged in manufacturing activities whether for the whole or for the part of the year and are registered under Section 2(j) and 5(i) of the Factories Act, 1934.
2. The Provincial Governments collect and process the data in accordance with the CMI proforma and communicate the result of their respective province to the statistical Division. The Statistical Division coordinate the information and publish the CMI on national basis. So, far, the annual CMI has been published upto 1969-70 by the statistical Division. The publication of data on a national basis for 1970-71 is now in progress.
3. For subsequent years, the information which has so far been furnished by the Provincial Governments is tabulated below :

Province	The reporting Period	Number of Units	(Rs. in crore)
			Value of annual production
Punjab	1971-72	1924	702.03
Sind	1972-73	1249	537.90
N.W.F.P.	1972-73	111	130.78
Baluchistan	1972-73	15	9.71

4. Presently the Provincial Governments are not in a position to supply more upto date information. They are, however, being pressed to furnish the same. As soon as the provincial Governments provide additional information, it would also be placed on the table of the House.

**Ch. Muhammad Hanif Khan** ; The information to the extent available has been placed on the table of the House on the 1st April 1974 in response to Starred Question No. 37 asked by the Senator on 9th February 1974. Should I read out the answer as it was placed on the table of the House that day ?

**Mr. Chairman** : Well, it is upto you. Mr. Kamran is not here.

**Mr. Khurshid Hassan Meer** : I would like to explain that this information is to be collected by the Provincial Governments. Later on, this has to be compiled and published. Now, for instance, the Statistical Division has published the total statistics that were supplied by the Provincial Governments upto the year 1969. At present, we have been pressing the Provincial Governments to give them all this information. Partially, this information has been made available, which we have placed on the table of the House. This is not complete. I would like to add that this information may on further check be subject to variation. So, until the complete data is properly verified and compiled, this information should be taken as tentative.

**Mr. Chairman** : Yes. Now, next question is a Short Notice Question, you see Mr. Qurban Ali Shah.

**Mr. Qurban Ali Shah** ; Will the Minister for Works and Rehabilitation be pleased to state the total number of Rest Houses alongwith their locations and the Rules of reservation of accommodation particularly for Senators ?

**Ch. Muhammad Hanif Khan** : (Read the reply to Short Notice Question No. 1 as printed).

#### “SHORT NOTICE QUESTION AND ITS REPLY”

(Originally set down for answer on the 23rd April, 1974)

S.N.Q.D. No. 1. **Mr. Qurban Ali Shah** : Will the Minister for Works and Rehabilitation be pleased to state the total number of Rest Houses alongwith their location and the Rules of reservation of accommodation particularly for Senators ?

**Mr. Muhammad Hanif :** There are 15 Rest Houses under the control of the Works and Rehabilitation Division. Their particulars alongwith the location are as under :—

S. No.	Name of Rest Houses	Location
1.	Qasr-e-Naz, Karachi	Opposite Karachi Gymkhana Club Road, Karachi.
2.	Garden Road Hostel, Karachi.	Government Hostel, Garden Road, Karachi.
3.	Chamba House, Lahore.	Golf Road G.O.R. Estate, Lahore.
4.	Sundar Das Rest House, Lahore.	3, Sundar Das Road, Lahore.
5.	Rest House, No. 1, Murree.	Towards Kashmir Point, Murree.
6.	Rest House No. 2, Murree.	—do—
7.	Rest House No. 3, Murree.	—do—
8.	Rest House No. 4, Murree.	—do—
9.	Rest House No. 5, Murree.	—do—
10.	515-E, G-6/4, Islamabad.	515-E, G-6/4, Islamabad.
11.	167-F-7/1, Islamabad.	167-F-7/1, Islamabad.
12.	95-E, Satellite Town, Rawalpindi.	95-E, Satellite Town, Rawalpindi.
13.	Rest House, Quetta.	PPWD Division No. 1, Fariab Road, Quetta.
14.	East Pakistan House, Rawalpindi.	Peshawar Road, Rawalpindi. (Being converted in Supreme Court).
15.	East Pakistan House Murree.	Post Office Road, Murree. (Being transferred to Government of Sind).

Under the Rules, the MNAs and on that analogy senators are entitled for accommodation in the Rest Houses when on official duty at the particular station. They are given priority for allotment according to the position assigned to them in the warrant of precedence.

**Mr. Qurban Ali Shah :** Supplementary, Sir.

کیا وزیر موصوف ارشاد فرمائیں گے کہ آفیشل ڈیوٹی سے ان کی مراد کیا ہے ؟ عوامی نمائندے کی تشریح کس طرح کی جا سکتی ہے ؟

**چوہدری محمد حنیف خان :** اس کی تشریح ہو سکتی ہے - بعض اوقات سینیٹرز کی وہاں meeting ہو سکتی ہے - آپ کی ذمہ داریوں کا آپ کو خود علم ہے - اس اسٹیشن پر جہاں یہ ریسٹ ہاؤس موجود ہیں وہاں پر آپ کی ذمہ داریاں یہ ہیں کہ اگر وہاں کسی قسم کی meeting ہو تو آپ کو وہاں جگہ مل سکتی ہے - اب یہ کہ تفصیلات بتانا کہ آپ کی ذمہ داریاں کیا ہیں اس کے لیے غالباً سارا آئین پڑھنا پڑے گا -

**جناب قربان علی شاہ :** کیا وزیر موصوف اس بات سے اتفاق کریں گے کہ عوام سے رابطہ بھی ہمارے فرائض میں یا بہاری جوڈیشل duties میں شامل ہے -

**چوہدری محمد حنیف خان :** اس خیال میں کوئی شک نہیں لیکن عوام سے رابطہ کا مطلب یہ نہیں ہے کہ عوام سے رابطہ پیدا کرنے کے لیے ریسٹ ہاؤس میں ڈیرہ ڈال دیں اور ایک خصوصی عرصہ کے لیے رہائش اختیار کر لیں - یہ ٹھیک نہیں ہے -

**جناب قربان علی شاہ :** میری بات کا مطلب یہ نہیں لیکن تشریح ضروری تھی -

**Mr. Chairman :** Now, the question hour is over.

#### MESSAGES FROM NATIONAL ASSEMBLY RE : ADOPTION OF THE CONSTITUTION (FIRST AMENDMENT) BILL, 1974

**Mr. Chairman :** There is a message from the Joint Secretary, National Assembly, addressed to Secretary, Senate Secretariat, "In pursuance of Rule 109 of the Rules of Procedure and Conduct of Business in the National Assembly, I have the honour to inform the Senate Secretariat that National Assembly has passed the Constitution (First Amendment), Bill, 1974 on 23rd April, 1974. A copy of the Bill is transmitted herewith. Kindly acknowledge the receipt." There is also another message from the Joint Secretary of National Assembly addressed to Secretary, Senate Secretariat. "In pursuance of Rule 112 of the Rules of Procedure and Conduct of Business in the National Assembly, I have the honour to inform the Senate Secretariat that the People's Open University Bill, 1974 passed by the Senate with amendments was reconsidered by the National Assembly and again passed on 23rd April with amendments made by Senate. A copy of the Bill as passed by the National Assembly is again transmitted herewith. Kindly acknowledge the receipt"

Now, we take up legislative business. Before, we take up legislative business, is there any business ?

#### FATEHA FOR LATE EX-PRESIDENT FIELD MARTIAL MUHAMMAD AYUB KHAN

**خواجہ محمد صفدر :** جناب ! میری یہ درخواست ہے کہ سابق صدر

محمد ایوب خان کا انتقال ہو گیا ہے ان کی روح کو ایصالِ ثواب کے لیے ایوان میں فاتحہ پڑھی جائے۔

**Mr. Abdul Hafiz Pirzada :** It cannot be brought in as a motion.

**Khawaja Muhammad Safdar :** No, it is a motion.

**Mr. Chairman :** Khawaja Sahib, you see, as a normal procedure, if you bring it in the form of a motion, well, then the motion is always open to discussion and discussion means something which you know. You just orally move that Fateha should be offered. This is the substance of the whole thing.

خواجہ محمد صفدر : فیلڈ مارشل محمد ایوب خان سابق صدر پاکستان کی روح کو ثواب پہنچانے کے لیے فاتحہ پڑھی جائے

(Then Fateha was offered by the House)

### THE CONSTITUTION (FIRST AMENDMENT) BILL, 1974

**Mr. Chairman :** Now, we come down to legislative business,

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

“That the Bill to amend the Constitution of the Islamic Republic of Pakistan [The Constitution (First Amendment) Bill, 1974] as passed by the National Assembly be taken into consideration.”

**Mr. Chairman :** The motion before the House :

“That the Bill to amend the Constitution of the Islamic Republic of Pakistan [The Constitution (First Amendment) Bill, 1974] as passed by the National Assembly be taken into consideration.”

### POINT OF ORDER

**Khawaja Muhammad Safdar :** I am on a point of order, Sir.

خواجہ محمد صفدر : حضور والا ! میں آپ کی توجہ قاعدہ نمبر ۱۰۴ کی طرف دلاتا ہوں۔ میری معلومات کے اور علم کے مطابق نیشنل اسمبلی نے یہ بل کل پاس کیا ہے اور کل شام کے قریب اور پچھلے پھر محترم وزیر قانون و پارلیمانی امور نے اس کے متعلق سکریٹریٹ کو اس موجودہ تحریک کا نوٹس دیا ہوگا اس طور پر ابھی دو دن نہیں گزرے اور یہ موشن اس وقت زیر بحث نہیں لایا جا سکتا جب تک کہ دو دن گزر نہ جائیں، یہ میرا اعتراض ہے۔

**Mr. Chairman :** You will find some thing more in this rule—unless the Chairman otherwise directs...

**Khawaja Muhammad Safdar :** Quite right Sir.

**THE CONSTITUTION (FIRST AMENDMENT) BILL, 1974**

میں وہ جانتا ہوں حضور والا ! اس سیشن میں اور اس سے قبل بھی بار بار میری جانب سے اس ایوان میں یہ درخواست کی گئی ، اس ایوان میں بلکہ جناب کی خدمت میں اور نہ صرف زبانی بلکہ تحریری طور پر بھی درخواست کی گئی کہ ہمیں مسودہ ہائے قانون کے مطالعے کے لیے وقت درکار ہوتا ہے اور ہمیں وقت دیا جائے۔ میں جانتا ہوں کہ قواعد کار میں لکھا ہوا ہے کہ جناب چیئرمین اس رول کو بلکہ سارے رولز کو معطل کر سکتے ہیں لیکن اس کے لیے کوئی وجہ ہونی چاہیے۔ قواعد کو معطل کرنے کے لیے کوئی معقول وجہ ہونی چاہیے معقول وجہ کے بغیر قواعد معطل نہیں کیے جا سکتے۔ آخر اتنی عجلت کیوں کی جا رہی ہے ؟

**Mr. Abdul Hafeez Pirzada :** I think, these words are totally unparliamentary.

**Khawaja Muhammad Safdar :** All right, I withdraw my remarks.

**Mr. Abdul Hafeez Pirzada :** This insinuation is not against me. This insinuation is against the House and is against the Chair.

**Mr. Chairman :** He has withdrawn it.

**خواجہ محمد صفدر :** اگر میرے دوست کو اعتراض ہے تو میں واپس لیتا ہوں۔ میں یہ عرض کر رہا ہوں کہ آخر اتنی جلدی اور عجلت کیوں ہے ؟ اس بل کا مقصد آئین میں ترمیم کرنا ہے۔ حکومت آئین میں ترمیم کرنا چاہتی ہے۔ اور ترمیم بھی اس قسم کی جس کے نتائج نہایت دور رس ہوں گے۔ یہ مسودہ قانون ہمیں کل رات کے ۱۲ بجے ملا ہے جب کہ ہم میں سے اکثر و بیشتر دوستوں نے اس کی شکل آج صبح دیکھی ہے۔ کیونکہ اس وقت ہم سوئے ہوئے تھے اس لیے ہم اس کے مندرجات کو پڑھ بھی نہیں سکتے ہیں اس لیے یہ کیسے ممکن ہے کہ ہم اپنے خیالات اس کے بارے میں اس معزز ایوان میں پیش کر سکیں۔ یہ میرا اعتراض ہے۔ یہ بل 15 - 16 Clauses پر مشتمل ہے جس کو ہم پوری طرح پڑھ بھی نہیں سکتے ہیں۔ میں جانتا ہوں کہ آپ کو یہ اختیار ہے آپ اپنے اختیارات کو استعمال کریں اور مجھے بھی یہ اختیار ہے کہ میں اعتراض کروں تو میں اس اختیار کو استعمال کر رہا ہوں اور یہ استدعا کر رہا ہوں کہ آپ اپنے اختیارات کو اس بل کی اہمیت کے پیش نظر استعمال نہ کریں۔ میں جانتا ہوں کہ بعض دوستوں کو جلدی ہے ، میں جانتا ہوں کہ انہیں ضروری کام ہے لیکن اس کی ذمہ داری مجھ پر نہیں ہے تو میں یہ جانتا ہوں کہ مجھے وقت ملنا

چاہیے تاکہ میں اس بل کے متعلق اپنے خیالات کا ہوری طرح سے اظہار کر سکوں۔

**Mr. Chairman :** The words are : Unless the Chairman otherwise directs. He has not given reasons just as you have suggested that it was incumbent on the Chairman to give reasons for suspending this rule. You see, there is no question of reasons. I am not bound to give reasons. Although there are many reasons, but under the rules I am not bound to give reasons. Well, this Bill is known to everybody. This was in the Press. This was in...

خواجہ محمد صفدر : جناب والا! اس بل کو نیشنل اسمبلی نے بعض ترامیم کے ساتھ منظور کیا ہے۔

**Mr. Chairman :** Everybody knows what were the amendments. Those who read newspaper, those who listen to Radio, they know. You see, technically you are correct, but substantially you are not correct. You can raise this objection technically and I can reject your this request technically. But substantially everybody knows what amendments are ; even I, who was not there, I did not go there in the National Assembly.

**Khawaja Muhammad Safdar :** I was not there.

**Mr. Chairman :** You should have gone there.

**Khawaja Muhammad Safdar :** Why I should have gone there ?

**Mr. Chairman :** Well, in view of the fact that this Bill is bound to come in the Senate, one would like to go there, to go through papers to go deeply to understand what amendments are.

خواجہ محمد صفدر : جناب والا! نیشنل اسمبلی نے اس بل میں کل تیسرے پھر کئی ترمیمیں کی ہیں۔

**Mr. Chairman :** But they are so simple, you see. I think one or two amendments moved by the Opposition were accepted by them.

**Mr Abdul Hafeez Pirzada :** Sir, just allow me to put the record correct before you give your ruling. I would like to make my submission that technically, Khawaja Sahib, may be right, as you say, but not substantially. Every one knows he was sitting in the National Assembly all the time.

**Khawaja Muhammad Safdar :** I was not there at all.

**Mr. Abdul Hafeez Pirzada :** You were sitting there and I saw you with my own eyes, you were watching the proceedings. Another thing is this. These amendments, every body knows, came as a result of an agreement with the Opposition, of which Khawaja Sahib is also a member, his party was a party to these amendments. Leader of the Opposition was there, his party is also a party to these amendments. This is normally the way that the democracy functions. We accommodated their view point. They accommodated our view point. If you want notice, then you know that the Constitution Amendment Bill was introduced more than 10 days ago.

**Mr. Chairman :** Yes, after it was received from the Standing Committee, it was circulated to all the Senators here on 20th.

**Mr. Shahzad Gul :** We have seen it just now.

**Mr. Abdul Hafeez Pirzada :** That is the technicality which they are referring to. If they can refer to technicalities, the Chair can also refer to technicality. You are, however, technically correct. Out of respect, we are willing to such an accommodation and request the Chair also. But I do not really understand what they really want. If they want time to move amendments, they can move amendments. But they know that the scope of amendments is restricted in the Constitution. If, on the other hand, it is a matter of principle, to that we say, alright, as a special gesture from the Treasury Benches, we would say, let us adjourn now. Let the Standing Committee meet hurriedly. Then we take up in the afternoon. Let the recommendations come and at 4.00 O'clock today we can meet and take it up. We will even accept the Standing Committee. Let the Standing Committee meet right now, if the House is adjourned just now.

**Khawaja Muhammad Safdar :** I am not particular about Standing Committee, although I have given amendments to that effect. What I am particular about is that I and my friends want some time to prepare ourselves...

**Mr. Chairman :** They want some time to prepare.

**Mr. Abdul Hafeez Pirzada :** \*Without majority we do not proceed any further. I can make my opening speech just now on the motion. Let us adjourn now and meet at 3 o'clock. Do not make it difficult for us. The Prime Minister has extended open invitation to all Members of Parliament. At quarter to six we have to be there. This is an open invitation. Khawaja Sahib can start speaking. I don't have much to say. I will take only ten or fifteen minutes. They can utilise the entire time. They know we will give them all the time. We will not use any time. I pointed out to him the constitutional difficulty that even if we make slightest change the Bill has to go back to the National Assembly unless it is once again passed by two-third of the Members which shall deem to be legitimate. That is why we sat with the Opposition and accommodated their viewpoints, their friends' and their colleagues' viewpoints were accommodated. There were no negative clause. It was done in a spirit of understanding and accommodation. Once we do in one House normally it is not necessary to do in another House. Yesterday, Peoples Open University Bill was sent back with amendments from the Senate to the National Assembly which was accepted. So, we have to extend the same courtesy between these two Houses. If they do not recognise each others' importance then where do we go. The political parties are not different in the Senate from the National Assembly because after all we are reflected.

**Mr. Chairman :** I think now you move your motion.

**Khawaja Muhammad Safdar :** He has moved the motion. I will now move my first amendment. I beg to move :

“That the Bill to amend the Constitution of the Islamic Republic of Pakistan [The Constitution (First Amendment) Bill, 1974] be referred to the Standing Committee concerned.”

**Mr. Chairman :** Motion moved :

\*Speech not corrected by the honourable Minister.

“That the Bill to amend the Constitution of the Islamic Republic of Pakistan [The Constitution (First Amendment) Bill, 1974] be referred to the Standing Committee concerned.”

**Mr. Abdul Hafeez Pirzada :** I gave my proposal that we can adjourn now.

**Mr. Chairman :** But he is not accepting.

**Mr. Abdul Hafeez Pirzada :** What is his suggestion ?

accommo- خواجہ محمد صفدر : اگر وہ چاہتے ہیں کہ ہم آپ کو کس طرح  
- date کر سکتے ہیں تو ٹھیک ہے آج جاری رکھیں ہم کل کے لیے بھی تیار ہیں -

**Mr. Abdul Hafeez Pirzada :** We can adjourn till tomorrow morning.

**Mr. Chairman :** I want your reaction to this. Would you like this House to adjourn now and meet again tomorrow ? Would that satisfy you ?

**Khawaja Muhammad Safdar :** I am extremely grateful to the honourable Law Minister.

**Mr. Abdul Hafeez Pirzada :** May I make one thing clear ? As I have explained the difficulty to the honourable Members, we will have to conclude the sitting tomorrow. We will not use any time or more than half an hour if our Members want to speak. We can meet tomorrow at 9.30 in the morning.

**Mr. Chairman :** I am ready to come here even at 8.30 in the morning.

**Mr. Abdul Hafeez Pirzada :** Yesterday, the National Assembly met at nine in the morning.

**Mr. Chairman :** So, let us start at 9 o'clock tomorrow.

**Mr. Abdul Hafeez Pirzada :** Let us make it 9.30.

**Mr. Chairman :** All right 9.30. The House is adjourned to meet again tomorrow at 9.30 in the morning.

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(The Senate was adjourned till half past nine of the clock in the morning, on Thursday, April 25, 1974.)  
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