



THE SENATE OF PAKISTAN DEBATES

OFFICIAL REPORT

Monday, July 29, 1974

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SENATE DEBATES
SENATE OF PAKISTAN

MONDAY, JULY 29, 1974

The Senate of Pakistan met in the Senate Chamber, (State Bank Building), Islamabad, at half past 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 : Now, we take up questions. Yes question No. 9.

TENURE OF CLASS IV STAFF IN MES

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

(a) whether it is a fact that the class IV staff, such as Chowkidars, Coolies, etc. in the M.E.S. Havelian is temporary and on casual basis ;

(b) whether most of the persons serving as Chowkidars and Coolies in the MES Havelian have been continuously serving for twenty years or more ; and

(c) if the answer to (b) above be in the affirmative, the reasons for not making them permanent ?

Mr. Khurshid Hasan Meer (On behalf of Mr. Aziz Ahmed): (a) While casual class IV staff, including Chowkidars and Coolies at Havelian, employed on maintenance jobs have since been brought on Regular Temporary Establishment wef 1st July, 1966, the work charged class IV staff including Chowkidars and Coolies are still casual. They are employed against specific projects for a specific period. Their services are terminated on completion of the projects. However, purely on humanitarian considerations the MES has managed, where possible, to keep them in service by transferring their services from completed projects to newly sanctioned ones, thus enabling them to remain in service for a number of years.

[Mr. Khurshid Hasan Meer]

(b) None of the work charged Chowkidars and Coolies employed at Havelian on project site has more than 20 years service at present.

(c) As explained against (a) above, work charged staff are employed against specific project and for a specific period and, therefore, cannot be made permanent.

Mr. Chairman, as I have already explained that those who were employed against maintenance jobs have been made permanent, and have been taken on this regular temporary establishment.

خواجہ محمد صفدر : کیا محترم وزیر صاحب اپنے جواب کے جز "ب" کے سلسلہ میں ارشاد فرمائیں گے کہ جن چوکیداروں اور قلیوں کو مستقل نہیں کیا گیا ان میں سے سب سے زیادہ عرصہ ملازمت کن کا ہے اور ان کی تعداد کیا ہے ؟

جناب خورشید حسن میر : یہ کل دس آدمی ہیں اور ان میں سے سب سے زیادہ پرانے صرف دو قلی ہیں جن کی ملازمت دس سال سے زائد بنتی ہے۔ یہ ۸ اکتوبر ۱۹۵۴ء سے ملازمت میں ہیں۔

خواجہ محمد صفدر : دس سال نہیں بیس سال۔

جناب خورشید حسن میر : نہیں۔ ۸ اکتوبر ۱۹۵۴ء سے شمار کر کے ان کی مدت ملازمت بیس سال نہیں بنتی اور آپ نے بیس سال سے زائد والوں کے متعلق پوچھا تھا۔ تو یہ بیس سال سے کم بنتی ہے۔ تو کہنے کی بات یہ ہے کہ جو سروس کسی project کے against مستقل بنیاد پر دی جائے جب وہ ختم ہو جائے تو کوشش کی جاتی ہے کہ انہیں دوسرے project کے تحت دے دیا جائے تو ان لوگوں کو Maintenance سٹاف میں مستقل کر دیا جاتا ہے اور کوشش کی جاتی ہے کہ انہیں نہ ہٹایا جائے۔ تو یہ صرف دس آدمی ہیں۔

Mr. Chairman : Now, Question No. 10.

COMPULSORY RETIREMENT OF ACQUITTED ARMY OFFICERS

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

(a) whether it is a fact that some army officers have been acquitted by the Court Martial set up to try a number of army officers at Attock ;

(b) whether it is a fact that the officers so acquitted have been compulsorily retired; and

(c) if answer to (b) be in the affirmative, the reasons therefor?

Mr. Khurshid Hasan Meer (On behalf of Mr. Aziz Ahmed) :

(a) Yes. One officer No. PA-7285, Captain Tariq Pervez, was acquitted out of the officers tried by General Court Martial held at Attock.

(b) No. Sir, it means that it is not correct that he has compulsorily been retired.

(c) Doesn't arise.

Khawaja Mohammad Safdar : Question No. 11.

REINSTATEMENT OF RELEASED AIR PERSONNEL

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

(a) whether it is a fact that some Warrant Officers and Airmen of the P.A.F. were Court-Martialled and sentenced to various terms of imprisonment in 1972 : if so, the number of the Warrant Officers as well as Airmen so convicted ;

(b) whether it is a fact that the Warrant Officers and Airmen mentioned in (a) above were released after a few months, as their sentences were remitted to those as undergone ; and

(c) whether it is a fact that one of those mentioned in (a) above was reinstated to his rank and post, while the other were not ; if so, the reasons therefor ?

Khurshid Hasan Meer (On behalf of Mr. Aziz Ahmed) : (a) Yes, fifty eight airmen, including two Warrant Officers, were tried and sentenced to various terms of imprisonment and also dismissed from service, in early 1972.

(b) The unexpired portion of the imprisonment awarded to fifty two airmen, including one Warrant Officer, was remitted in April, 1972 ; the punishment of their dismissal, however, remained unchanged.

(c) Yes, the trial proceedings against one Master Warrant Officer were set aside and he was reinstated in service. The five persons, proceedings against whom were quashed were, however, considered to be of doubtful integrity and, as such, it was not considered desirable in the interest of the Service to reinstate them. As regards the remaining 52 Airmen proceedings against them were not quashed but the remaining portion of their sentences of imprisonment was remitted as a matter of grace. Obviously, they too could not be reinstated in the interest of service discipline.

Mr. Qurban Ali Shah : Question No. 12.

IMPORT OF WHEAT

12. ***Mr. Qurban Ali Shah :** Will the Minister for Food and Agriculture and Under-Developed Areas be pleased to state :

(a) how much wheat was imported in the years 1972-73 and 1973-74 ;

(b) the value of foreign exchange spent on the import of wheat ;
and

(c) the price of wheat per maund in the years 1972-73 and 1973-74 ?

Major-General (Retd.) Jamal Dar : (a) 14.64 lakh and 11.34 lakh tons, respectively

(b) Rs. 140.55 crores and Rs. 211.66 crores, respectively.

(c) The average C & F Karachi prices of imported wheat during 1972-73 and 1973-74 were Rs. 35.07 and Rs. 68.57 per maund, respectively.

WHEAT SUPPLIED TO URBAN AREAS

13. ***Mr. Qurban Ali Shah :** Will the Minister for Food and Agriculture and Under-Developed Areas be pleased to state :

(a) the quantity of wheat supplied to urban areas in the year 1973-74 ; and

(b) how much subsidy was given in the supply of the wheat ?

Major-General (Retd.) Jamal Dar : (a) & (b) About 16.05 lakh tons of wheat was issued from Government stocks in 1973-74 for consumption in urban areas of Punjab Sind and NWFP involving a subsidy of Rs. 93.88 crores. The Government of Baluchistan are not maintaining separate accounts for releases in urban and rural areas. Total supply of wheat in Baluchistan during the year was 224,000 tons involving a subsidy of Rs. 31.00 crores.

Mr. Chairman : General Sahib, please check up your papers again to find out the total amount of subsidy. Probably, it comes to Rs. 125 crores. Rs. 93.88 and Rs. 31.89 comes to Rs. 125.70 crores.

Major-General (Retd.) Jamal Dar : Sir, one is Rs. 93.88 crores and the other is 31.82 crores.

Mr. Chairman : The total subsidy involved is Rs. 125.70 crores. Please study line No 3 of your answer where total subsidy is 93.88 crores but it is 125.70 crores. Are you sure this has been corrected ? I only wanted to bring it to your notice. My record which was subsequently corrected gives the figure of 125.70 crores.

Khawaja Mohammad Safdar : Mr. Chairman, if both the figures are added together it makes total of Rs. 125.70 crores. But, I think, the subsidy of Rs. 93.88 was given only to three Provinces. This is the total of three Provinces.

Mr. Chairman : Then the subsidy with regard to Baluchistan cannot be Rs. 5.05 crores. It will be 31.82 crores.

Major-General (Retd.) Jamal Dar : That is what I have said.

Mr. Chairman : Firstly, it was 5.05 crores.

Major-General (Retd.) Jamal Dar : That has been corrected.

Mr. Qamaruz Zaman Shah : Sir, what is the estimated subsidy for the year 1974-75 ?

Mr. Chairman : You have given actual figures. He wants actual figures for the year 1974-75.

Major-General (Retd.) Jamal Dar : I have not given the figures for 1974-75.

Mr. Qamaruz Zaman Shah : That is my question.

Major-General (Retd.) Jamal Dar : That should be a separate question.

Mr. Chairman : Did you ask the question for 1974-75 ?

Mr. Qamaruz Zaman Shah : Yes, Sir.

Mr. Chairman : That cannot be raised.

Mir Abdul Wahid Kurd Question No. 14.

NEW ROADS IN BALUCHISTAN

14. *Mir Abdul Wahid Kurd : Will the Minister for Defence be pleased to state how many miles of new roads were built by the Pakistan Army in Baluchistan in the last fifteen months indicating their quality and the districts in which these were built ?

Mr. Khurshid Hasan Meer : (On behalf of Mr. Aziz Ahmed) :

(1) Total length-550 miles of roads constructed.

(2) Quality of roads :

(i) 178 miles-class 12 i.e. fair weather shingle surface and is fit to carry almost all types of civil vehicular traffic.

[Mr. Khurshid Hasan Meer]

(ii) 372 miles-class 9 i.e. which can take civil vehicular traffic.

(3) The roads have been constructed in the districts of Sibi, Kachhi and Loralai,

Mr. Khurshid Hasan Meer (On behalf of Mr. Aziz Ahmed): I should like to add that whereas the Sibbi district has since been bifurcated into Sibbi District and the Mari-Bugti Agencies, the roads mentioned here were constructed in the Mari-Bugti Agencies.

میر عبدالواحد کرد : جناب والا ! کیا میں پوچھ سکتا ہوں کہ بلوچستان کے صوبے میں فوج کو سڑکیں بنانے کی ضرورت کیوں پیش آئی ؟

جناب خورشید حسن میر : جناب والا ! فوج نے اور جگہوں پر بھی سڑکیں بنائی ہیں۔ صرف بلوچستان ہی میں نہیں بنائیں northern area میں اور اسی طرح پاکستان کے کئی اور بھی علاقے ہیں جہاں ضرورت پڑی فوج نے سڑکیں بنائیں۔ صوبائی حکومتوں کا کام ہے کہ سڑکیں بنائیں لیکن جہاں ضرورت پڑے فوج جا کر وہاں سڑکیں بنائیں تو اچھی بات ہے۔ یہاں بلوچستان میں اس لئے ضرورت پڑی تھی کہ وہاں آپ کی جو حکومت تھی اس نے نہ وہاں سڑکیں بنائیں اور نہ بننے دیں۔

Mr. M. Zahurul Haq : Is it a fact that the Army undertakes the construction of roads only when these are required for defence purposes, and if these are not required for defence purposes, then it is the Provincial or Central subject. So will the Minister elucidate that 550 miles roads were required for defence purposes ?

Mr. Khurshid Hasan Meer : I have already stated that these road were constructed for civil vehicular traffic. At present, the effort is to open up these areas for development, and I don't think that there should be any objection to that. As regards the concept of what is required and what is not required for defence, that concept has totally changed all over the world. I think it is now commonly accepted that interior communications all over the country are needed for defence as well as other purposes. There is actually no distinction at all.

Mr. M. Zahurul Haq : Will the Minister clarify whether the expenditure has been debited to the Ministry of Defence for the construction of 550 miles of roads.

Mr. Khurshid Hasan Meer : I should think so. But for that a separate question is needed.

خواجہ محمد صفدر : کیا میں وزیر صاحب سے پوچھ سکتا ہوں کہ شمالی علاقوں میں فوج کے توسط سے کون سی سڑکیں بنائی گئی ہیں ؟

جناب خورشید حسن میر : سب جانتے ہیں کہ شاہراہ ریشم ہے - یہ
- famous road ہے -

It has been built by the Army.

Many other roads in Azad Kashmir, Baltistan, Kaghan and so many other road have been built by the Army. Even in Punjab so many roads have been built by the Punjab Government as an executing agency for Defence.

جناب زمرہ حسین : میں عرض کرتا ہوں کہ کیا وہاں بلوچستان میں سول انتظامیہ سڑکیں بنانے میں ناکام ہو گئی ہے کہ فوج کو وہاں سڑکیں بنانے کی ضرورت پیش آئی ؟

جناب خورشید حسن میر : پہلی جو انتظامیہ تھی وہ نہ صرف ناکام ہو گئی بلکہ اس کی سڑکیں بنانے کی کوشش تھی نہ خواہش تھی لیکن اب جو صوبائی انتظامیہ ہے وہ سڑکیں بنا رہی ہے - اور ان کے علاوہ اور کام بھی ہو رہے ہیں -

It is a supplementary effort.

Mr. Chairman : Question No. 15, Sardar Mohammad Aslam.

RAILWAY EXTENSION PROJECT

15. *Sardar Mohammad Aslam : Will the Minister for Communications be pleased to state :

(a) whether it is a fact that the project for extending railway line from Havelian to Balakot/Mansehra is under the consideration of the Federal Government ; and

(b) if reply to (a) above be in the affirmative, when work on this project is going to be started ?

Mr. Khurshid Hasan Meer : (a) A detailed Engineering and Traffic Survey for a new rail link connecting Havelian with Mansehra is in hand.

(b) This question will be decided after the results of the survey are known.

Mr. Chairman : Question No. 16, Sardar Mohammad Aslam.

16. *Sardar Mohammad Aslam : Will the Minister for Food and Agriculture and Under-Developed Areas be pleased to state :

(a) whether movement and transportation of Atta from the Punjab to Hazara District in N.W.F.P. is banned : and

[Sardar Mohammad Aslam]

(b) whether it is a fact that N.W.F.P. particularly, Hazara District, is a food deficit area and the people of Hazara District meet their requirement by purchasing Atta from the Punjab in addition to ration supplied by the Provincial Government ?

Major-General (Retd.) Jamal Dar : (a) The movement of atta from Punjab to Hazara District on trade account is at present restricted to 300 bags daily.

(b) The wheat deficit of N.W.F.P. including Hazara District is being met by movement on Government account. In order to alleviate difficulties, part movement on trade account has, however, been allowed as indicated in para (a) above.

Mr. Chairman : Question No. 17, Mir Abdul Wahid Kurd.

17. ***Mir. Abdul Wahid Kurd :** Will the Minister for Defence be pleased to state the number of schools built in Baluchistan by the Pakistan Army in the last fifteen months, indicating the type of such schools and the places where these were built ?

Mr. Khurshid Hasan Meer (On behalf of Mr. Aziz Ahmed) : The Army re-built two primary schools at Mawand and Kahan in the Marri area with which alone it was concerned. It has provided four teachers from the Army Education Corps and has been donating considerable quantity of stationery to both schools. The primary school at Mawand has also been upgraded to middle standard.

میر عبدالواحد کرد : جناب والا ! صوبے میں اسکول بنانے کی ذمہ داری بھی فوجیوں کی ہے ؟
جناب چیئرمین : یہ کس نے کہا ہے کہ یہ ذمہ داری بھی ان کی ہے ؟

Mr. Khurshid Hasan Meer : Sir, the Army was called upon to carry out these projects in areas such as Mari Sub-Division where the Civil Administration was not effective. In pursuance of this, the Army reactivated the schools at Mawand and Kahan, which had been closed. In addition to this, the Army has provided four teachers from the Army Education Corps to the schools at Mawand and Kahan, and has been donating considerable quantity of stationery to both these schools regularly.

جناب محمد ہاشم غلائی : کیا محترم وزیر صاحب بتا سکیں گے کہ ان اسکولوں میں آج کل پڑھائی ہو رہی ہے یا یہ اسکول بند ہیں ؟
جناب خورشید حسن میر : اس بات سے کہ وہاں اسٹیشنری donate کی گئی ہے - ظاہر ہے کہ وہاں پڑھائی ہو رہی ہے - reactivation سے مراد یہ ہے کہ جو اسکول بند تھے وہ جاری کر دیئے گئے ہیں -

حاجی سید حسین : کیا وزیر صاحب یہ بتانے کی زحمت گوارا کریں گے کہ ان اسکولوں میں کتنے بچے زیر تعلیم ہیں۔

جناب خورشید حسن میر : اس کے لئے مجھے نوٹس چاہئے اور اگر کم ہیں تو آپ زیادہ بھجوائیے۔

Mr. Chairman : Question No. 18.

DISPENSARIES BUILT BY ARMY IN BALUCHISTAN

18. *Mir. Abdul Wahid Kurd : Will the Minister for Defence be pleased to state the number and location of dispensaries/hospitals built in Baluchistan by the Army in the last fifteen months ?

Mr. Khurshid Hasan Meer (On behalf of Mr. Aziz Ahmed) : The responsibility of building dispensaries/hospitals rests with the Provincial Government. However, while the Provincial Government is planning and preparing to establish such facilities, Army's mobile medical units are providing these facilities to the local population of the nine towns/ places/areas of Dera Bugti, Khuzdar, Quetta, Sibi, Kalat, Kohlu, Fort Sandeman, Chaman and Lorlai in Baluchistan.

Sir, I would like to supplement this information by adding that there are sixteen Army Medical Units in Baluchistan which have 36 Army Medical Officers and 285 para medical personnel. It may also be mentioned that surgical and laboratory facilities are being provided by the Army Medical Corps at the following stations :—

1. Quetta.
2. Khuzdar.
3. Sibi.
4. Kohlu.
5. Dera Bugti.
6. Fort Sandeman.

These medical facilities are being availed of and are meant, apart from the Army, also for the civil population.

LEAVE OF ABSENCE

Mr. Chairman : Now, we take up leave applications. There is a leave application by Senator Mir Nabi Baksh :—

“As due to the visit of the Prime Minister of Pakistan my presence in Baluchistan is very essential, it

[Mr. Chairman]

is requested that leave may kindly be granted from the 25th July to 3rd August, and my absence may kindly be excused”.

(The leave was granted)

Mr. Chairman: Now, next is a Privilege Motion. We take up this Privillage Motion by Khawaja Sahib.

PRIVILEGE MOTION RE : DELAY TO PROCEED WITH
THE CASE AGAINST A DETAINED SENATOR

Khawaja Mohammad Safdar : Sir, I beg to raise a question of privilege of a Member as well as that of the Senate, namely, Mir Mahmood Aziz Kurd.....

Mr. Chairman : One minute. You see, I have been given another Privilege Motion. This relates to Mr. J. A. Rahim.

خواجہ محمد صفدر : جناب والا ! یہ تحریک استحقاق اس وقت تک ملتوی کی گئی تھی جب تک کہ وزیر داخلہ تشریف نہیں لاتے۔

Mr. Chairman : No, no. This had been given to me. I had not received your. Yes.

Khawaja Mohammad Safdar : Sir, I beg to raise a question of Privilege of a Member as well as that of Senate, namely, Mir Mahmood Aziz Khurd, Member of the Senate is neither being proceeded against nor released since 17th May, 1974, when his case was remanded by the Member Board of Revenue, Baluchistan, to the Deputy Commissioner, Kalat. Mir Mahmood Aziz Khurd's detention since 17th May, 1974 is mala fide, with the sole object of preventing him from attending the Senate Session. Thus, the privilege of a Senator as well as that the Senate is being infringed.

Mr. Khurshid Hasan Meer : Sir, interior Minister would be the proper Member of the Government to reply to such a Privilege Motion and I would suggest that if more detailed information is required then we may defer it. But I would like to raise a preliminary objection. All matters which are sub judice they cannot be raised in the Parliament. The very contents of the Previlege Motion indicate that this matter is sub judice. If a case is referred to by one judicial authority to lower judicial authority, then the proceedings are before that judicial authority, and that authority should be moved. We do not know if there is any delay. The proper forum is the court itself.

Mr. Chairman : What do you say to that ?

Khawaja Mohammad Safdar : Sir, I beg to differ with the honourable Minister. The conditions for the admissibility of the Privilege Motion are laid down in Rule 59. The first condition is that :

- (i) "not more than one question shall be raised by the same member at the same sitting ;
- (ii) the question shall relate to a specific matter and shall be raised at the earliest opportunity ;
- (iii) the matter shall be such as requires the intervention of the Senate ; and
- (iv) the question shall not reflect on the personal conduct of the President."

Out of all these four conditions, which I have read out, none is really attracted by my Privilege Motion. The condition, which my friend, the honourable Minister has said is being attracted, is not there in the rules. It applies only to the adjournment motions. That condition is laid down in the rules in respect of the adjournment motions but not in respect of Privilege Motions. Therefore, I think, Sir, that this objection is without any substance. Sir, I have got no objection to the request made to you by the honourable Minister that this Privilege Motion be adjourned till the Home Minister arrives from the tour. I suppose he is on tour. But if he insists on his objection, then I can elaborate my reply.

Mr. Chairman : All right.

Mr. Khurshid Hasan Meer : My objection is covered by item (iii) of Rule 59. I would say that the motion be deferred so that the Interior Division also has time to study.

Mr. Chairman : Khawaja Mohammad Safdar Sahib, you have just now said that all the four conditions have been satisfied. What do you say to condition No. (ii) the latter part that :

"the question shall relate to a specific matter and shall be raised at the earliest opportunity".

Now, according to your this Privilege Motion which you have moved that detention of this Senator, Mr. Kurd, since 17th May is mala fide. Now what did prevent you from bringing this to the House on the 25th, 26, 27th and 28th ? Why today ? I am only drawing your attention to the words "earliest opportunity".

Khawaja Mohammad Safdar : I quite understand, Sir, I never knew anything about this case. Only day before yesterday, the son of the honourable Senator came over here and met me, and he gave all these papers and information.

Mr. Chairman : Why did he not come earlier ?

Khawaja Mohammad Safdar : This is for him to explain, Sir.

Mr. Chairman : But it is something for me also.

Khawaja Muhammad Safdar : When I received the information, I availed of the first opportunity to move this Privilege Motion before this august House.

Mr. Chairman : But then it would be very difficult, you see, very difficult if after six months or three months or four months a gentleman comes and says that I learnt this just this morning and that is why I am moving either a privilege motion or an adjournment motion. It is ignorance of a fact, you see.

Khawaja Mohammad Safdar : Sir, unless any information comes to the

Mr. Chairman : But how shall we know, the House know, you see, that really that man came day before yesterday ?

Khawaja Mohammad Safdar : Of course, Sir, they should at least depend upon me.

Mr. Chairman : No, no, I will believe, you see, that he came day before yesterday. But why did he come so late ?

Khawaja Mohammad Safdar : Well, I can't say about that, Sir. All that I can say is that he came, saw me and gave all these papers. If you permit me, Sir, I can, of course, make a short statement, and then, of course, it can be referred to the Senate for discussion.

Mr. Chairman : I see no way to overcome this difficulty, you see, that the earliest possible opportunity available should be availed of. You see that if a man sleeps over such a matter what can be done ? And this is pending since the 17th of May and according to them his detention is mala fide, illegal or unlawful.

Mr. M. Zahurul Haq : Sir, may I have the permission. The interpretation on Rule 59, sub-rule (ii) :

“ the question shall relate to a specific matter and shall be raised at the earliest opportunity”.

With due respect, Sir, the interpretation of “earliest opportunity” in the context of this case, as put by the Chair, is not, in my humble opinion, the correct interpretation of the rule. The detention date of 17th of May is alleged to be mala fide and it is a continuing wrong. Everyday gives an opportunity to a Member to get up in the Senate and raise the question. If the interpretation adopted is accepted, then a continuing wrong starting from 17th of May, if it has not been raised in the Senate, will be clothed with legality or with impunity from the House.

This should not be the interpretation. This is with regard to those incidences which have become a closed chapter and they have not been raised at the earliest opportunity, but if a particular incident is continuing then the interpretation of "earliest opportunity" will not be correct.

That is all.

Mr. Chairman : I think, your analogy would not apply to the case that if something is wrong you can come to the House to raise that objection at any time convenient to you. This was not without significance that it shall be raised at the "earliest opportunity". You had that opportunity on the 25th, 26th, 27th and 28th but you did no avail of that opportunity or your man, who gave you this information, did not like to avail of the information.

Mr. Khurshid Hasan Meer : I think, the question raised by the Senator is very important, and this will apply to many other cases. It will be appropriate if the Chair gives a considered opinion later on and this Privilege Motion is also deferred until the Minister concerned is present in the House, because he might like to make a statement on the facts of the case, and the Chair may have time to consider this matter in Chamber. This interpretation will be repeated again and again, and it will be in the interest of the House that there should be a uniform procedure in the National Assembly and the Senate.

Mr. Chairman : What is the procedure in the National Assembly ?

Mr. Khurshid Hasan Meer : I am not quite sure what is the procedure in the National Assembly. Probably, on this question, which has been raised by the Senator, there must be many rulings of the previous Parliaments and the British Parliamentary Practice of the pre-independence days. It would, therefore, be more appropriate if you study this matter and give your considered opinion.

Mr. Chairman : If you agree, then why don't you admit it ? If you do not have any objection why not admit it.

Mr. Khurshid Hasan Meer : Privilege Motions are not admitted like adjournment motions.

Mr. Chairman : But you have to take some action.

Mr. Khurshid Hasan Meer : Both sides agree that this should be deferred.

Mr. M. Zahurul Haq : The matter is quite important, and I have drawn a clear-cut distinction on the basis of authorities.

Mr. Chairman : I don't agree with you on that point.

Mr. Khurshid Hasan Meer : It should be deferred for that ruling.

Mr. Chairman : I can defer my ruling on this point but if both sides agree.

Mr. Khurshid Hasan Meer : Your ruling will also be deferred on the objection. The objection has been raised and it is well taken. If the interior Minister wants to make a statement, he can do so when he is present in the House.

Mr. Chairman : Then, this Privilege Motion stands deferred and will be taken up when the Interior Minister concerned is present in the House.

Now, we take up Adjournment Motions.

Mr. Zamarud Hussain you move your Adjournment Motion regarding T. V. artiste, Roohi Bano.

ADJOURNMENT MOTION RE : NAKED DANCE IN A DRAMA
TELECAST BY KARACHI TELEVISION

جناب زمرہ حسین : جناب والا ! میں ایک واضح معاملے پر جو کہ فوری اہمیت کا حامل ہے بحث کرنے کی غرض سے سینٹ کی کارروائی ملتوی کرنے کا نوٹس دیتا ہوں۔ معاملہ یہ ہے کہ کراچی ٹیلی ویژن اسٹیشن نے ایک ڈرامہ پیش کیا۔ جس میں اداکارہ روحی بانو نے ایک برہنہ رقص پیش کیا۔ ٹیلی ویژن کا یہ عمل پاکستان کی تہذیبی قدروں کو پامال کرنے کے مترادف ہے۔ ”اعلان“ کراچی میں یہ خبر ۱۸ جولائی ۱۹۷۴ء کو شائع ہوئی ہے۔ جس سے پاکستان کے عوام میں شدید بے چینی پھیل گئی ہے۔

جناب چیئرمین : یہ خبر ۱۸ جولائی کو شائع ہوئی تھی ؟

جناب زمرہ حسین : جی ہاں۔

مولانا کوثر نیازی : میں یہ عرض کرنا چاہتا ہوں کہ یہ خبر ہی خلاف واقعہ ہے۔ اس لئے اس پر تحریک التوا پیش نہیں ہو سکتی۔ اصل صورت حال یہ ہے کہ آج سے ایک سال پہلے ایک مشہور فلم ڈائریکٹر سے پاکستان ٹیلی ویژن والوں نے بارہ فلموں کی ایک series تیار کرنے کا معاہدہ کیا تھا۔ اس میں شرط یہ تھی کہ پہلی تیار شدہ فلم اگر غیر معیاری ہوئی تو اس کے بعد یہ معاہدہ منسوخ ہو جائے گا۔ اس فلم ڈائریکٹر نے جو پہلی فلم تیار کی وہ سوہنجو ڈارو پر تھی۔ اس فلم کے اندر اس اداکارہ کا رقص بھی شامل تھا۔ مگر وہ فلم غیر معیاری تھی اور کسی بھی ٹیلی ویژن اسٹیشن سے نہیں دکھائی گئی اور جو معاہدہ اس فلم ڈائریکٹر کے ساتھ ہوا تھا منسوخ ہو گیا۔

جناب چیئرمین : کراچی ٹیلی ویژن سے نہیں دکھائی گئی ؟

مولانا کوثر نیازی : جس فلم کے اندر اس اداکارہ نے رقص کیا ہے وہ سرے سے دکھائی ہی نہیں گئی اور مزید برآں ٹیلی ویژن والوں نے بتایا ہے کہ وہ فلم آن کے پاس پڑی ہوئی ہے۔ چون کہ وہ فلم غیر معیاری تھی اس لئے وہ نہیں دکھائی گئی۔ اس میں اس اداکارہ نے جو رقص کیا ہے وہ بھی عریاں نہیں تھا۔ اس میں بھی اس نے لباس پہنا ہوا تھا۔ لیکن ہمیں اس سے بحث نہیں۔ سوال یہ ہے کہ وہ فلم سرے سے ہی کسی ٹیلی ویژن اسٹیشن سے نہیں دکھائی گئی جس میں اس اداکارہ نے رقص کیا ہے۔

Mr. Chairman : Yes.

زمرہ حسین صاحب وزیر صاحب نے فرمایا ہے کہ اس میں کوئی ایسی ننگی تصویر نہیں تھی جس کا آپ نے اپنی تحریک التوا میں ذکر کیا ہے اور وہ فلم کسی ٹی وی اسٹیشن سے نہیں دکھائی گئی ہے۔

جناب زمرہ حسین : جناب والا ! میں نے یہ تو نہیں کہا کہ یہ فلم دکھائی گئی ہے۔ یہ خبر ”اعلان“ کراچی میں چھپی ہے اور کسی ذمہ دار شخصیت نے اس کی تردید نہیں کی۔ اس خبر میں یہ کہا گیا ہے کہ یہ فلم تیار کرائی گئی ہے اور اس کے ایک سین میں برہنہ رقص دکھایا گیا ہے۔

جناب چیئرمین : وہ فرماتے ہیں کہ یہ خبر غلط ہے۔

جناب زمرہ حسین : جناب والا ! وہ ایوان میں یہ کہہ رہے ہیں۔ اس کی پہلے بھی تردید کر سکتے تھے۔ یہ خبر ۱۸ جولائی کو چھپی ہے اور آج ۲۹ جولائی ہے۔ یہ پہلے بھی تردید کر سکتے تھے۔

جناب چیئرمین : یہ ضروری نہیں ہے کہ ہر بات کی تردید کریں اور پھر آن کو اتنی فرصت ہی کہاں ہے کہ ہر خبر کی تردید کریں یا ننگی تصویروں کی تردید کرنے پھریں۔ اخبارات خبروں سے بھرے ہوئے ہوتے ہیں۔ آن میں ٹھیک خبریں بھی ہوتی ہیں، غلط بھی ہوتی ہیں۔ مبالغہ آمیز بھی ہوتی ہیں، بالکل درست بھی ہوتی ہیں اور بے بنیاد بھی شائع ہوتی ہیں۔ لیکن وہ ایک ذمہ دار شخصیت ہیں۔ وہ کہتے ہیں کہ اصل بات یہ ہے کہ کوئی ننگی تصویر نہیں دکھائی گئی جس سے لوگوں کے اخلاق کو ٹھیس پہنچتی ہو۔ کسی ٹیلی ویژن اسٹیشن سے نہیں دکھائی گئی۔

جناب زمرہ حسین : اگر وہ یہ کہتے ہیں تو میں بھی پریس نہیں کرتا۔

جناب چیئرمین : بہتر یہی طریقہ ہے۔

Since it has been denied by the Minister concerned...

مولانا کوثر نیازی : جناب والا ! میں نے معلوم کیا ہے - وہ فلم اب بھی موجود ہے جو دکھائی نہیں گئی - اگر یہ خود اپنی تسلی کے لئے رقص دیکھنا چاہتے ہیں تو میں کہوں گا کہ ان کو دکھا دیں -

(مداخلت)

مولانا کوثر نیازی : مجھے اپنے کارکنوں پر اعتبار ہے - ڈاکٹر بھی جب اپریشن کرتا ہے تو ظاہر ہے کہ اسے جسم دیکھتا پڑتا ہے - مگر وہ مریض کے جسم کو علاج کے نکتہ نظر سے دیکھتا ہے -

جناب زمرہ حسین : جناب والا ! وہ مان رہے ہیں کہ فلم موجود ہے - کہیں ایسا تو نہیں ہے کہ اسے دوبارہ ٹیلی ویژن پر دکھانا شروع کر دیا جائے - اگر اس کو تلف کر دیا جائے تو اچھا ہے - اگر وہ یقین دہانی کرا دیں -

مولانا کوثر نیازی : میں نے یہ عرض کیا ہے کہ وہ فلم غیر معیاری تھی - اس لئے نہیں دکھائی گئی -

Mr. Chairman : The motion is ruled out of order.

زمرہ حسین صاحب آپ کی دوسری تحریک التوا ہے -

جناب زمرہ حسین : جناب والا ! وہ اس لئے ملتوی کر دی گئی ہے کہ وزیر خزانہ موجود نہیں ہیں -

جناب چیئرمین : اگر وزیر خزانہ موجود نہیں ہیں تو پھر اسے pending

رکھیے - - - - -

All right it stands again deferred. This should be kept pending. Now next Adjournment Motion No. 6. This is about Prime Minister's visit to Bangladesh.

ADJOURNMENT MOTION RE : LAYING OF WREATH
BY PRIME MINISTER ON MONUMENT OF FREEDOM
FIGHTERS OF BANGLADESH

Khawaja Muhammad Safdar : Sir, I beg leave of the house to move a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance and of recent occurrence, namely, the news that the Prime Minister of Pakistan during his official visit to Bangladesh went to Savar to lay a wreath on the monument of so called freedom fighters of Bangladesh and who are alleged to have been killed by the Pakistan Army, has sent a wave of resentment throughout Pakistan. This thoughtless act of the Prime Minister has badly damaged the prestige of Pakistan.

Mr. Khurshid Hasan Meer : Sir, I would like to make a statement on this matter on behalf of the Cabinet Division as well as the Ministry of Foreign Affairs. During his visit to Bangladesh the Prime Minister laid a wreath at the national monument of Bangladesh. This allegation that this is a thoughtless act of the Prime Minister of Pakistan which badly damaged the prestige of Pakistan is not called for and not justified for various reasons :—

- (i) Almost all nations build national monuments. We in Pakistan have built the Mazar of the Quaid-e-Azam as our national monument. In India they have the Gandhi Samadi. In many countries of Europe they have memorials to the unknown Soldiers. In Bangladesh they have built a monument called Jatiya Smriti Shoudha, which means the National Memorial.
- (ii) It is a part of the protocol of visits by Heads of State, Heads of Government and other dignitaries, that they lay a wreath at the national monument of the host country. Any departure from this protocol would be considered as so serious an offence to the host country that it would make the visit counter productive. Indeed a host country might well cancel the visit if the distinguished guest does not observe this essential requirement of the visit programme.
- (iii) National monuments reflect a nation's own view. In deciding as to the nature of the monument, the nation does not seek any foreign endorsement, nor, indeed, is the laying of a wreath by a visitor, an endorsement of the philosophy behind the national monument.
- (iv) The laying of the wreath by the Prime Minister at the national monument of Bangladesh was an essential part of the formal protocol of his visit to Bangladesh. It did not carry any other implication.

Mr. Chairman, after making this statement I would like to raise a technical objection that under Rule 71 (a) it doesn't raise an issue of urgent public importance.

خواجہ محمد صفدر : جناب والا ! اگر محترم وزیر صاحب نے جو وضاحت آج فرمائی ہے وہ درست ہوتی تو محترم وزیراعظم صاحب کے دورہ بنگلہ دیش کے بعد جو خبر اخبارات میں چھپی تھی تو یہ وضاحت اس وقت کر دی جاتی اس وقت خصوصیت کے ساتھ حکومت کی طرف سے اعلان شائع ہوا ، جس میں یہ وضاحت کی گئی تھی کہ بنگلہ دیش کی اس قومی یادگار پر وزیراعظم صاحب نہیں جانا چاہتے لیکن ان کو مجبور کر کے وہاں لے جایا گیا ۔ بنگلہ دیش کی گورنمنٹ نے تمام تقریبات منسوخ کرنے کی دھمکی دی تھی ۔ ایسے حالات میں ان کو مجبور ہو کر جانا پڑا ، یہ گورنمنٹ کی جانب سے پہلا وضاحتی بیان تھا ۔

جناب خورشید حسن میر : آج بھی یہی بات ہے -

خواجہ محمد صفدر : ابھی آپ نے کس مجبوری کا ذکر کیا ہے ؟

جناب چیئرمین : انہوں نے کہا ہے کہ پروٹوکول کی مجبوری تھی -

جناب خورشید حسن میر : یہ پروٹوکول کا لازمی تقاضا ہے - It can lead

to cancellation of a visit. میرا خیال ہے معزز ممبر نے غور سے سنا نہیں ہے -

خواجہ محمد صفدر : میں نے بڑی توجہ سے آپ کا جواب سنا ہے - انہوں نے

فرمایا ہے کہ یہ پروٹوکول کا ضروری جزو تھا - جتنے ایسے جزو ہوتے ہیں وہ کسی

ہیڈ آف اسٹیٹ یا ہیڈ آف گورنمنٹ کا دوسرے ملک جانے کے لئے پہلے دونوں

ملکوں کے مابین تفصیلی طور پر طے کر لئے جاتے ہیں - اگر یہ بات محترم وزیر اعظم

صاحب Sover میں تشریف لے جانے سے پہلے طے کر لیتے کہ وہ پروٹوکول میں

شامل نہیں ہوں گے - انکار کر دیتے تو یہ اور بات تھی - وہ مجبوری کے تحت وہاں گئے

اب یا وہ بات غلط ہے یا یہ غلط ہے -

Mr. Khurshid Hasan Meer : I am not aware of that communique. It is not be on me.

خواجہ محمد صفدر : جناب ! میں اخبار ابھی منگواتا ہوں -

Mr. Chairman : We have to consider his explanation. What the papers said this is different.

خواجہ محمد صفدر : جناب والا ! گورنمنٹ کا اعلامیہ ہے جو میں ایوان میں

پیش کرنا چاہتا ہوں -

جناب چیئرمین : گورنمنٹ کی طرف سے کوئی رپورٹ ہے ؟

جناب خورشید حسن میر : جناب والا ! میں آپ کی خدمت میں گزارش

کرتا ہوں کہ گورنمنٹ کا communique کیا ہے - یہ دورہ دونوں ممالک کے درمیان

خیر سگالی کو بحال کرنے اور تعلقات کو خوشگوار بنانے کے لئے کیا گیا ہے تاکہ

وہ ہر وقت بھارت کی قید میں نہ رہیں - اگر انہیں اس بات پر اعتراض ہے تو وزیر اعظم

بھٹو صاحب نے وہاں جا کر ان کے سامنے اپنی تقریر میں کہا ہے کہ مظالم دونوں

طرف سے ہوئے مظالم یک طرفہ نہیں ہوئے قتل و غارت جو ہوا ہے وہ دونوں طرف

سے ہوا ہے کیا یہ بہتر نہیں ہے ؟

خواجہ محمد صفدر : جناب والا ! میں ان معاملات کا ذکر کرنا نہیں چاہتا -

جن کا تعلق اس تحریک التواء سے نہیں ہے - میری تحریک التواء کا تعلق ایک

جناب چیئرمین : communique کی بات کر رہے ہیں ہمارے پاس communique نہیں ہے -

The National Assembly, the representative body of the country authorised the Prime Minister to recognize Bangladesh. Only timing was left to his discretion. The entire House agreed that Bangladesh should be recognized.

خواجہ محمد صفدر : جناب والا ! عوام کے جذبات کو ٹھیس پہنچی تھی اسی لئے تو حکومت کو توجہ کرنی پڑی - پاکستان کے عوام کے جذبات کو وزیراعظم کی اس حرکت سے نہایت ٹھیس پہنچی ہے -

Mr. Chairman : Only timing was left to the Prime Minister.

خواجہ محمد صفدر : پارلیمنٹ کو بھی یہ اختیار نہیں ہے کہ وہ وطن عزیز سے کسی وجہ سے دست بردار ہو جائے -

جناب خورشید حسن میر : سر ! یہ پارلیمنٹ کا اختیار بھی سلب کرنا چاہتے ہیں -

Mr. Chairman : That is a different matter.

جناب خورشید حسن میر : سپریم کورٹ کے فیصلے کی بھی نفی کرنا چاہتے ہیں -

خواجہ محمد صفدر : کسی قوم نے اپنی پارلیمنٹ کو یہ اختیار نہیں دیا کہ وہ اپنے ملک کے ایک حصے سے دست بردار ہو جائیں -

(مداخلت)

Mr. Chairman : I am really sorry you don't even allow the Chairman to speak.

Khawaja Mohammad Safdar : Sir, I am extremely sorry.

Mr. Chairman : I was just informing the House that the National Assembly, the most representative body in the country, had unanimously given a mandate to the Prime Minister to recognize Bangladesh and the timing was left to his discretion.

Mr. Khurshid Hasan Meer : And the Supreme Court had given the verdict that the Prime Minister was competent.

Khawaja Mohammad Safdar : That was only a resolution.

Mr. Chairman : And now in the context of this political situation he had gone there on a good will mission to bring the two countries closer, in order to give effect to that mandate of the National Assembly. And now, if during that stage of our political life, he thought it expedient and wise to go to Bangladesh and, in order to complete formalities of protocol, he laid a wreath on the national monument, I don't think it is such an action on the part of the Prime Minister that it should give rise to an adjournment motion. I don't think it is of that importance.

Khawaja Mohammad Safdar : I very much beg to differ.

Mr. Chairman : You never agree with me. When you move an adjournment, it is least expected that you will agree with me.

Mr. Khurshid Hasan Meer : The best solution is that the House be asked about this because the honourable Member insists that his opinion must prevail.

Mr. Chairman : If I hold this in order, then I will ask the House. And at least 12 Members are required for its admission. I don't think it is in order. Therefore, I rule it out of order.

Time for adjournment motions is over. So all the other adjournment motions stand deferred to the next day.

MESSAGES FROM NATIONAL ASSEMBLY SECRETARIAT

Mr. Chairman : There are three messages received from the Secretary National Assembly addressed to the Senate Secretariat.

1. "In pursuance of Rule 109 of the Rules of Procedure and Conduct of Business in the Senate, 1973, I have the honour to inform the Senate Secretariat that the National Assembly passed the West Pakistan Industrial and Commercial Employment (Standing Orders) Amendment) Bill, 1974 on the 26th July, 1974. A copy of the Bill is transmitted herewith."

2. "In pursuance of Rule 109 of the Rules of Procedure and Conduct of Business in the Senate, 1973, I have the honour to inform the Senate Secretariat that the National Assembly passed the Employees Cost of Living (Relief) (Amendment) Bill, 1974 on the 26th July, 1974. A copy of the Bill is transmitted herewith".

3. "In pursuance of Rule 109 of the Rules of Procedure and Conduct of Business in the Senate, 1973, I have the honour to inform the Senate

[Mr. Chairman]

Secretariat that the National Assembly passed the Road Transport Workers Ordinance (Amendment) Bill, 1974 on the 27th of July, 1974. A copy of the Bill is transmitted herewith."

Now, we take up legislative business.

STANDING COMMITTEE REPORTS

Mr. Chairman : Item No. 3. Reports of Standing Committee are being presented by Mr. Mohammad Sulleman M. Samejo.

Mr. Mohammad Sulleman M. Samejo. Mr. Chairman, Sir, I have the honour to present the Report of the Standing Committee on the Bill further to amend the Dangerous Cargoes Act, 1953 [The Dangerous Cargoes (Amendment) Bill, 1974], referred to the Standing Committee under Rule 106 of the Rules of Procedure and Conduct of Business in the Senate, 1973. The Bill was considered by the Committee in its meeting held on 26th July, 1974.....

Mr. Chairman : It would not be necessary to read out the proceedings. Only you have to present it.

Mr. Mohammad Sulleman M. Samejo : Sir, I present the Report.

Mr. Chairman : The Report is presented and is laid on the table of the House. Second Report ?

Mr. Mohammad Suleman M. Samejo : Sir, I have the honour to submit on behalf the Standing Committee, its Report on the Bill to amend the Pakistan Maritime Shipping (Regulation and Control) Act, 1974, The Pakistan Maritime Shipping (Regulation and Control) (Amendment) Bill, 1974.

Mr. Chairman : This is also presented.

Item No. 5.

THE KARACHI PORT TRUST (AMENDMENT) BILL, 1974

Mr. Khurshid Hasan Meer : Sir, I beg to move :

"That the Bill further to amend the Karachi Port Trust Act, 1816. [The Karachi Port Trust (Amendment) Bill, 1974], as passed by the National Assembly, be taken into consideration.

Mr. Chairman : The motion moved is :

“That the Bill further to amend the Karachi Port Trust Act, 1886, [The Karachi Port Trust (Amendment) Bill, 1974] as passed by the National Assembly, be taken into consideration.”

Khawaja Mohammad Safdar : Sir, I beg to move :

“That the Karachi Port Trust (Amendment) Bill, 1974, as passed by the National Assembly, be referred to the Standing Committee concerned.”

Mr. Chairman : The motion moved is :

“That the Karachi Port Trust (Amendment) Bill, 1974, as passed by the National Assembly, be referred to the Standing Committee concerned.”

Mr. Khurshid Hasan Meer : We have no objection.

Mr. Chairman : What is the reaction of the House ?

(The motion was adopted).

Mr. Chairman : The Bill stands referred to the Standing Committee concerned.

Now, Item No. 7

THE ABANDONED PROPERTIES (TAKING OVER AND MANAGEMENT) BILL, 1974

Mr. Khurshid Hasan Meer : Sir, I beg to move :

“That the Bill to provide for the taking over and management of certain properties. [The Abandoned Properties (Taking Over and Management) Bill, 1974], as passed by the National Assembly, be taken into consideration.”

Mr. Chairman : The motion moved is :

“That the Bill to provide for the taking over and management of certain properties [The Abandoned Properties (Taking Over and Management) Bill, 1974], as passed by the National Assembly, be taken into consideration.”

Khawaja Mohammad Safdar : Sir, I move :

“That the Abandoned Properties (Taking Over and Management) Bill, 1974, as passed by the National Assembly, be referred to the Standing Committee concerned.”

Mr. Chairman : The motion moved is :

“That the Abandoned Properties (Taking Over and Management) Bill, 1974, as passed by the National Assembly, be referred to the Standing Committee concerned.

Mr. Khurshid Hasan Meer : Sir I have no objection.

Mr. Chairman : Does the House agree to it ?

(The motion was adopted).

Mr. Chairman : The Bill stands referred to the Standing Committee concerned. Now, you move item No. 9.

THE CIVIL AVIATION (AMENDMENT) BILL, 1974

Mr. Khurshid Hasan Meer : Sir, I beg to move :

“That the Bill further to amend the Civil Aviation Ordinance, 1960 [The Civil Aviation (Amendment) Bill, 1974], as passed by the National Assembly, be taken into consideration.”

Mr. Khurshid Hasan Meer : The National Assembly is sitting as a Committee on the 3rd. Until 3rd there are no sessions.

Mr. Chairman : Is it not meeting as National Assembly ?

Mr. Khurshid Hasan Meer : No, Sir, it is not meeting tomorrow morning. We may meet because we have just referred three Bills to the Standing Committees, and I should like to have the consent of the Hon'ble Members of the Committees that we have the meetings of all the three Standing Committees. Actually, two Standing Committees involved meet tomorrow in the afternoon and for that reason if the Senate meeting is in the morning, then as discussed with the Hon'ble Leader of the House, the Hon'ble Leader of the Opposition and with you, Sir, in Chamber, after tomorrow's session the Senate could adjourn until 5th.

Mr. Chairman : So, we meet tomorrow at about 10.00 a.m. You see, does 10.00 a.m. suit you ?

Hon'ble Senators : Yes.

Mr. Chairman : The House stands adjourned to meet tomorrow at 10.00 a.m.

(The House adjourned till ten of the clock in the morning on Tuesday, July 30, 1974)