



THE SENATE OF PAKISTAN DEBATES

OFFICIAL REPORT

Thursday, August 29, 1974

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SENATE DEBATES
SENATE OF PAKISTAN

Thursday, August 29, 1974

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

(Recitation from the Holy Quran)

STARRED QUESTIONS AND ANSWERS

Mr. Chairman : Now we take up questions. Question No. 108.

WHEAT PRODUCTION

108. ***Khawaja Mohammad Safdar :** Will the Minister for Food, Agriculture and Under-Developed Areas be pleased to state :

- (a) the average yield per acre of wheat during the year 1973-74; and
- (b) the break up of the cost of production as calculated by the Government in the Provinces of the Punjab and Sind respectively during the year 1973-74 ?

Major General (Retd.) Jamal Dar : (a) & (b) The information is being collected from the Provincial Governments and will be placed on the Table of the House as soon as received.

Mr. Chairman : Question No. 109.

COTTON PRODUCTION

109. ***Khawaja Mohammad Safdar :** Will the Minister for Food, Agriculture and under-Developed Areas be pleased to state :

(a) the total production of cotton in the year 1971-72, 1972-73 and 1973-74 respectively in Pakistan; and

(b) the total production of cotton yarn in the years 1971-72, 1972-73 and 1973-74 respectively in Pakistan ?

Major General (Rtd.) Jamal Dar :

	<u>1971-72</u>	<u>1972-73</u>	<u>1973-74</u>
(a) Cotton production (in bales of 392 lbs),	39,79,000	39,47,000	37,04,000
(b) Yarn production (in bales of 400 lbs).	18,50,240	20,73,015	21,08,223

Mr. Chairman : Question No. 110.

LEGAL ADVISER OF PAKISTAN RAILWAYS

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

(a) whether the Pakistan Railways have appointed Mr. Taj Mohammad Khan Langa, Advocate, as their Legal Adviser ; if so, the terms and conditions of his employment ;

(b) the name of the predecessor of Mr. Taj Mohammad Khan Langa, the period for which he served as Legal Adviser to the Pakistan Railways, and the terms and conditions under which he served as the Legal Adviser; and

(c) the qualifications of Mr. Taj Mohammad Khan Langa, Advocate, as well as those of his predecessor ?

Mr. Khurshid Hasan Meer : (a) Yes. Terms and conditions may be seen at Annexure 'A'.

(b) Mr. Fazal-e-Mahmood was the predecessor of Mr. Taj Mohammad Khan Langa. He served as Legal Adviser to the Railway Board for three years *i.e.*, from 1st July, 1971 to 30th June, 1974. The terms and conditions under which he served are at Annexure 'B'.

(c) Mr. Taj Mohammad Khan Langa is Barrister-at-Law and Mian Fazal-e-Mahmood is a law Graduate from the Punjab University. Both are Advocates of the High Court and the Supreme Court.

Annexure 'A'

WEST PAKISTAN RAILWAY BOARD

No : Admn : 71-AP/6. Lahore, dated the 30th October, 1971.

Mian Fazal-e-Mahmood,

Advocate,

128—The Mall,

Lahore.

SUBJECT :—*Appointment of Legal Adviser in the Railway Board.*

It has been decided to engage you on contract as Legal Adviser to the West Pakistan Railway Board on the following terms and conditions :—

- (i) The period of your engagement will be for ¹²/₃ one year with effect from 1st July, 1971.
- (ii) You will be paid a retainership fee of Rs. 2,000 per month from the aforesaid date.
- (iii) Your services will be utilised to obtain legal opinion in matters that may arise in the Railway Board and that may be referred by the Railway Administration through the Railway Board in the following cases.
 - (a) Cases relating to staff matters in which the Railway employees/Railway Administration file writ petitions in the High Court and appeals in the Supreme Court against the decision of the Railway Administration Railway Board.
 - (b) Arbitration in dispute over supply of Railway equipment.
 - (c) Legal notice to suppliers for delay in supply of material or non-compliance with any contract for supply of Railway equipment.
 - (d) Cases involving interpretation of laws and rules of any proposed action in the matters affecting the Board's interest in various spheres of its functions.
 - (e) Any other matter referred to him by the Railway Board.
- (iv) This engagement is purely on contract basis and will not confer on you any benefit of Railway service.

SD/- M. SALAHUDDIN, T. PK., P. R. S.,

Secretary, Railway Board.

Annexure 'B'

REGISTERED A.D.

No : Admn : 71 AP/6.

18th June, 1974.

GOVERNMENT OF PAKISTAN

MINISTRY OF COMMUNICATIONS

(Railway Board)

To

Mr. Taj Mohammad Langa,
Barrister-at-Law and Advocate,
High Court, Lahore.

DEAR SIR,

SUBJECT :— *Appointment of a legal adviser in the Railway Board.*

I am directed to state that you have been appointed as Legal Adviser to the Railway Board on the following terms and conditions with effect from 1st July, 1974.

- (i) The period of your engagement will be for one year with effect from 1st July, 1974.
- (ii) You will be paid a retainership fee of Rs. 2,000 P.M. from the aforesaid date.
- (iii) Your services will be utilised to obtain legal opinion in matters that may arise in the Railway Board and that may be referred by the Railway Administration through the Railway Board in the following cases.
 - (a) Cases relating to staff matters in which the Railway employees file Writ Petitions/Court cases against the decision of the Railway Administration/Railway Board.
 - (b) Arbitration in disputes over supply of Railway equipment.
 - (c) Legal Notices to suppliers/contractors for delay or non-compliance with any contract.
 - (d) Cases involving interpretation of laws and rules in any proposed action in matters affecting the Board's interest in various spheres of its functions.

- (e) Any other matter referred to him by the Railway Board.
- (iv) This engagement is purely on contract basis and will not confer on you any benefit of Railway Service.
- (v) This engagement will, however, be terminable on one month's notice by either side.

2. It is requested that your formal acceptance to the above terms and conditions of the contract may please be communicated to this office immediately.

Yours faithfully,

SD/- SYED MAHMUD,

Secretary Railway Board.

Khawaja Mohammad Safdar : Supplementary Sir. Whether Mr. Taj Mohammad Khan Langa has been given a motor car for his use by the Railway Department.

Mr. M. Rafi Raza : Sir, I require notice for that. As the terms and conditions are in the letter.....

Khawaja Mohammad Safdar : Is this one of the terms and conditions ?

Mr. M. Rafi Raza : Well, it is not in the terms and conditions. Whether he is using it or not, I require notice for that as it is a question of fact.

Khawaja Mohammad Safdar : Whether it is a fact that Mr. Taj Mohammad Khan Langa has been provided with an official Bungalow?

Mr. M. Rafi Raza : Sir, I can only go by what is in his terms and conditions. I would require notice to answer that question.

Khawaja Mohammad Safdar : Whether it is a fact that Mr. Taj Mohammad Khan Langa is an official in the Punjab PPP.

Mr. M. Rafi Raza : Sir, the Honourable Member may think that it is an offence to be a member of the Pakistan Peoples Party but we don't. It should be no disqualification as far as we are concerned. But we have not treated it as a qualification either. Other parties might have considered it that way for their own but we don't. Mr. Taj Mohammad Khan Langa has got this post purely on merits.

Khawaja Mohammad Safdar : Was this post advertised and Mr. Taj Mohammad Khan Langa was taken purely on merits ?

Mr. M. Rafi Raza : Sir, the post of lawyer to the Railway Board is not the post of a clerk. It is not necessary to advertise. A company does

n't always advertise for its lawyers. This is a question of contact, who is a good lawyer, who can deal with it. The lawyers available in Lahore are known to the Railway Board and the best choice has been made.

Mr. Chairman : Question No. 111.

Khawaja Mohammad Safdar : Question No. 111.

INCOME FROM SALE OF SUGAR

111. ***Mr. Zulfiqar Ali Shah Jamote :** Will the Minister for Food, Agriculture and Under-Developed Areas be pleased to state how much money Government is making (per maund) on purchase of sugar from the mills and its sale to consumers through ration shops and commercial establishments ?

Major General (Retd) Jamal Dar : The revenue to the Federal Government which is included in the ex-factory price is Rs. 30.48 per maund in the form of excise duty.

The saving to the Provincial Governments on the sale of sugar at the existing issue price to domestic consumers is :—

Punjab	...	...	...	Rs. 22.55	per maund
Sind	...	...	...	Rs. 20.68	„ „
NWFP	...	...	...	Rs. 23.30	„ „
Baluchistan	...	...	...	Rs. 19.80	„ „

The above profit is reduced by Rs. 10 per maund in case of supplies from New Sugar Mills and Rs. 8 per maund in case of sugar manufactured from beet. An extra profit of Rs. 40 per maund is made on commercial sale.

Khawaja Mohammad Safdar : Supplementary Sir. Whether it is a fact that the ex-factory price of sugar is Rs. 79, and 72 paises ?

Major General (Retd) Jamal Dar : How much did you say ?

Khawaja Mohammad Safdar : Rs. 79 and paises 72.

Major General (Retd) Jamal Dar : The figures which I have got are:—

PUNJAB :	110.20.
SIND	110.20.
NWEP	110.20.
BALUCHISTAN	110.20.

**PRIVILEGE MOTION re : SUPPRESSION OF FACTS BY MINISTER FOR INTERIOR 697
REGARDING, FIRING IN QUETTA ON 23RD JULY, 1974**

Khawaja Mohammad Safdar : Does ex-factory price which the Honourable Minister has told us, include excise duty and other taxes ?

Major General (Retd.) Jamal Dar : All this obviously includes the excise and taxes.

Mr. Chairman : Now, question No. 112.

SUGAR PRODUCTION

112. *Mr. Zulfiqar Ali Shah Jamote : Will the Minister for Food, Agriculture and Under-Developed Areas be pleased to state the forecast of sugar production in 1974-75 and 1975-76 ?

Major General (Retd) Jamal Dar : Propuction of sugar is dependant on the availability of sugarcane. Based on present indication of sugarcane crop, the production of sugar during 1974-75 may be around 5.5 lakh tons.

No forecast of sugar production for Fifth Five Year Plan commencing 1975-76 has been prepared so far.

SUGARCANE PRICE

113. *Mr. Zulfiqar Ali Shah Jamote : Will the Minister for Food, Agriculture and Under-Developed Areas be pleased to state whether the Government is prepared to consider the desirability of raising sugarcane price without increasing the consumer price by parting with some of its profit ?

Major General (Retd) Jamal Dar : Minimum price of sugarcane for 1974-75 crop has already been increased by Government by 50 paises per maund. The question of any further increase at this stage does not arise.

Mr. Chairman : Now we take up priviledge motion. It is in the name of Abdul Wahid Kurd.

**PRIVILEGE MOTION RE : SUPPRESSION OF FACTS BY MINISTER
FOR INTERIOR REGARDING FIRING IN QUETTA ON
23RD JULY, 1974**

Mir Abdul Wahid Kurd : Sir, I beg leave of the House to move the following privilege motion namely :—

“An adjournment motion No. 11 came for discussion before the House on 6-8-74. The Minister for Interior raised some objections and categorically denied that any firing took place in Quetta City on the night of 23-7-1974. On the same day i.e. 6-8-74 Ghos Bukhsh Raisani, Senior Minister of Government of Baluchistan, made a statement in the Provincial Assembly Baluchistan admitting the fact.

about firing in Quetta on the night of 23-7-1974 resulting in the death of one boy and injury to another.

The statement of the Interior Minister to this Honourable House is a suppression of facts from the Senate which is a gross breach of privilege of the entire House."

Mr. Tahir Mohammad Khan : Sir, the privilege motion is opposed on two accounts. Mr. Raisani made a statement which was reported on the 8th of August, 1974.

Mr. Chairman : Reported in which paper? You are referring to which paper?

Mr. Tahir Mohammad Khan : Sir, it is Nawa-e-Waqt of 8th August, 1974.

Mr. Chairman : Are you reading from Nawa-e-Waqt?

Mr. Tahir Mohammad Khan : It is Nawa-e-Waqt, Rawalpindi.

Mr. Chairman : But why are you reading this from any paper? Is it a fact that Mr. Raisani made a statement and in which paper has it appeared? I want to know.

Mr. Tahir Mohammad Khan : Sir, there is a statement.

Mr. Chairman : A statement to the effect that there was firing on the 23rd of July, 1974?

Mr. Tahir Mohammad Khan : No, Sir. First of all I am saying that it is a delayed motion. It has been moved late. There is a delay of about a week. I don't have the papers as to when the motion was moved. And, Sir, it is based on the wrong premises. Mr. Abdul Wahid Kurd, in his motion which was made earlier has said :—

“On the night of Tuesday, the 23rd July, 1974, between 10 and 10-30 p.m., there was continuous firing in the city of Quetta”

And Mr. Raisani has not admitted that there was a continuous firing No. 1 thing and No. 2 that was within the city, or within the municipal limits of Quetta City. He has not admitted that. Therefore, the privilege motion is based on the wrong premises.

Mr. Chairman : The point emphasised by you is that according to the adjournment motion, the firing had taken place allegedly on the 23rd night between 10 and 10-30 p.m. but has Mr. Raisani admitted that any firing took place on that night?

Mr. Tahir Mohammad Khan : No, Sir. My respectful submission is that even in his statement, Mr. Raisani has not said that this took place

inside Quetta. He says there was some firing from Pushtoonabad. Pushtoonabad is not within the Quetta city.

Mr. Chairman : We are holding the wrong end of the stick. It is not for you to prove that he did not say this. It is for him to say that Raisani has made any statement to that effect.

Well, Mr. Wahid, you tell me, has Mr. Raisani admitted this fact ?

میر عبدالواحد کرد : میں جناب والا ! صوبائی اسمبلی میں جناب غوث بخش ریسانی کی تقریر کا اقتباس پیش کرتا ہوں ۔

”سننے والوں نے سن لیا ہے پر میں والوں نے بھی سن لیا ہے.....“

Mr. Chairman : So far as I have been able to find out is that Mr. Raisani has never admitted that there has been a firing on the 23rd night.

جناب عبدالواحد کرد : میں آپ کے سامنے صوبائی اسمبلی میں رئیسانی صاحب کی تقریر کا ایک اقتباس پڑھ کر سنا رہا ہوں ۔

جناب چیئرمین : آپ کہاں سے پڑھ کر سنا رہے ہیں ؟

جناب عبدالواحد کرد : یہ اقتباس میں نے کوئٹہ سے منگوایا ہے ۔

جناب چیئرمین : پریلولیج موشن کے ساتھ آپ نے شامل کیوں نہیں کیا ؟

Mir Abdul Wahid Kurd : I am sorry.

یہ میں نے اپنے پڑھنے کے لیے رکھا ہے ۔

جناب چیئرمین : یہ آپ نے اپنے پڑھنے کے لیے تو رکھ لیا ہے لیکن ہمارے سمجھنے کے لیے ہمارے پاس بھی تو ہونا چاہیے ۔ یہ تو آپ کو Privilege Motion کے ساتھ شامل کرنا چاہیے تھا ۔ میں اخبار دیکھ رہا ہوں اس میں تو کوئی بیان نہیں ہے ۔

(اس مرحلے پر عبدالواحد کرد صاحب نے وہ اقتباس چیئرمین صاحب کو دیا)

جناب چیئرمین : عبدالواحد صاحب اگر آپ کو تکلیف نہ ہو تو وہ جگہ underline کر دیں جہاں انہوں نے کہا ہے کہ firing ہوئی ہے ۲۳ تاریخ کو ۔

میر عبدالواحد کرد : اوپر کا portion ہے ۔

جناب چیئرمین : اس میں اس نے کہا ہے کہ ۲۳ تاریخ رات کو فائرنگ ہوئی ہے ؟

میر عبدالواحد کرد : اس سلسلے میں وہاں کے Senior وزیر نے اپوزیشن - - -

جناب چیئرمین : لیکن میں تو یہ اقتباس پڑھ رہا ہوں جو انہوں نے کہا ہے - غوث بخش رئیسانی نے کہا کہ ”سننے والوں نے سن لیا ہے - پریس والوں نے بھی سن لیا ہے - اخبار میں بھی آجائے گا - اور سب دیکھ لیں گے کہ یشتون آباد پر فائرنگ ہوئی ہے - جس کے نتیجے میں ایک بچہ فوت ہوا ہے اور ایک زخمی ہوا ہے کیا یہ بھی جمہوریت کے لیے تھا“ یہ کون کہہ رہا ہے ؟

میر عبدالواحد کرد : یہ رئیسانی صاحب کہہ رہے ہیں -

جناب چیئرمین : ”کیا یہ بھی جمہوریت کے لیے تھا“ یہ اقتباس آپ نے کہاں سے لیا ہے ؟

میر عبدالواحد کرد : یہ میں نے کوئٹہ سے منگوا یا ہے -

جناب چیئرمین : ٹھیک ہے لیکن یہ کہاں لکھا ہوا ہے کہ یہ واقعہ ۲۳ جولائی کو ہوا ہے ؟

میر عبدالواحد کرد : اس سلسلے میں وہاں بلوچستان اسمبلی Law and order پر بحث ہو رہی تھی اور اس ضمن میں - - -

جناب چیئرمین : جو کچھ انہوں نے کہا ہے - وہ تو آپ کے پاس ہے انہوں نے کبھی یہ نہیں کہا کہ کوئٹہ city میں فائرنگ ہوئی ہے -

میر عبدالواحد کرد : جناب والا : اس سلسلے میں نے پچھلی دفعہ آپ کی خدمت میں ”حریت“ پرچے کا reference دیا تھا -

جناب چیئرمین : تشریف تو رکھیے - ہم ایک دوسرے کو سمجھا رہے ہیں - کیونکہ یہ آپ کا وقت ہے - آپ کے کام آئیگا بات یہ ہے کہ آپ نے عبدالقیوم خان کو پکڑنے کی کوشش کی ہے کہ انہوں نے یہ بات کہی ہے اور یہ غالباً آپ کے قول کے مطابق جھوٹ ہے کہ ۲۳ تاریخ کی رات کو کوئٹہ میں فائرنگ نہیں ہوئی - اب آپ نے کہا ہے کہ رئیسانی صاحب نے خود تسلیم کیا ہے کہ ۲۳ تاریخ کی رات کو کوئٹہ میں فائرنگ ہوئی ہے - اب ہم رئیسانی کو تو بلا نہیں سکتے - جو کچھ انہوں نے کہا ہے آپ نے اس کی یہ شہادت پیش کی ہے کہ انہوں نے یہ کہا ہے - لیکن انہوں نے اس

بیان میں کہیں بھی نہیں کہا کہ کوئٹہ city کے اندر ۲۳ تاریخ کو فائرنگ ہوئی ہے۔ اب معلوم نہیں ۲۳ کو ہوئی ہے ۲۴ کو ہوئی ہے - ۲۵ کو ہوئی ہے - ۲۶ کو ہوئی ہے - فائرنگ تو اکثر ہوتی رہتی ہے - اب یہ کیسے ثابت ہوگا ؟

(اس مرحلے پر میر عبدالواحد کرد صاحب کھڑے ہوتے ہیں)

جناب چیئرمین : دیکھئے ناں - آپ تشریف تو رکھیے - اس میں جو اصلی لکھتا ہے وہ یہ ہے کہ اگر رئیسانی صاحب نے کہا ہے کہ ۲۳ تاریخ کی رات کو کوئٹہ city میں فائرنگ ہوئی ہے جس میں کوئی مر گیا ہے یا ہلاک ہو گیا یا زخمی ہو گیا پھر اگر قیوم خاں صاحب کی وہ بات الگ ہے تو غالباً دونوں میں سے ایک درست ہو سکتا ہے یا غوث بخش رئیسانی صاحب یا عبدالقیوم خاں صاحب اور اگر ہم ان کو تول لیں - تو ہم عبدالقیوم خاں صاحب کی بات مانیں گے - کیوں کہ ان کی بات رئیسانی صاحب کی بات سے بھاری ہوگی لیکن یہ بھی چھوڑ دیجیئے - رئیسانی صاحب نے کہاں کہا ہے - جس سے قیوم خاں کی بات جھٹلائی جاتی ہو کہ ۲۳ تاریخ کی رات کو کوئٹہ میں فائرنگ ہوئی ہے اور قیوم خاں نے انکار کیا ہو ؟ یہ مجھے بتا دیجیئے - رئیسانی صاحب نے یہ نہیں کہا -

میر عبدالواحد کرد : جناب والا یہ جو تمام reference ہے - اسی ایک فائرنگ کے سلسلے میں ہے - میں نے اس دن وہاں کے اخبارات جو ۲۳ تاریخ کو شائع ہوئے تھے - ان میں سے کراچی کے اخبار "حریت" کا حوالہ پیش کیا - آپ نے نہیں مالا - پھر اس کے بعد اب میرے پاس کوئٹہ "مشرق" کا پرچہ ہے - جس میں جام غلام قادر کا بیان ہے -

جناب چیئرمین : غلام قادر کو تو چھوڑئیے -

خواجہ محمد صفدر : یہ ثبوت اس امر کا ہے کہ ۲۳ تاریخ کو کوئٹہ میں فائرنگ ہوئی ہے - اس ثبوت کی اگرچہ تردید بھی ہو سکتی ہے اور تائید بھی ہو سکتی ہے -

جناب چیئرمین : آپ نے اپنی Privilege Motion میں رئیسانی صاحب کا نام لیا ہے ٹھیک ہے کہ انہوں نے کہا ہے - پہلے تو آپ یہ بتائیے کہ رئیسانی صاحب نے کہاں کہا ہے کہ ۲۳ تاریخ کی رات کو فائرنگ ہوئی ہے ؟

خواجہ محمد صفدر : جناب والا ! جہاں تک مجھے معلوم ہے آنریبل سینیٹر نے جو کاغذات جناب سپیکر ، پرونشل اسمبلی ، بلوچستان سے منگوائے ہیں ، وہ ہندیہ پی آئی اے آئے ہیں ان کے پاس لٹافہ بھی ہوگا جس میں وہ کاغذات آئے ہیں - میرے

خیال میں دراصل معزز سینٹر آپ کو اپنی بات صحیح طور پر سمجھا نہیں سکے آپ کے سامنے اس کی وضاحت نہیں کر سکے۔

جناب چیئرمین : آپ وضاحت کر دیں۔

I allow you Khawaja Mohammad Safdar Sahib. My point is this : Has Mr. Raisani, according to this documentary evidence, made any statement to the effect that there had been firing on the 23rd night in Quetta City or has he not said anything ?

Mr. Tahir Mohammad Khan : Sir, please allow me one second. The original motion moved by Senator Mir Abdul Wahid Kurd was that there was a continuous firing in the city of Quetta which was denied by the Government, and even today the Government position is that we deny that there was any firing in Quetta city on the 23rd, and we respectfully say, Sir, that Mr. Raisani has never said anywhere that there was a firing in Quetta city.

Mr. Chairman : But this is what we are discussing. This is exactly what we are discussing.

Mr. M. Rafi Raza ; Point of Order, Sir. First, the technical objection raised by the honourable Member may be decided before we go into the merits whether Mr. Raisani did say this and whether his statement relates back to the incident of 23rd July or not ? The incident allegedly took place on the 23rd. The two statements in question are of 6th of August. The senate has been in continuous session since the 6th of August. This privilege motion has been moved on the 27th of August, which means 21 days delay. Sir, I request you to give a ruling on the first point raised by the honourable Member, on the technical question namely, has it been brought at the earliest possible time ?

Mr. Chairman : Well, everyone has his own way of grappling the issue. In this case, I am not laying down any general principle, Has Mr. Raisani said anything to that effect ? If he has not said anything to that effect, that will dispose of this privilege motion. But if he has said anything then the second point arises why you did not bring this privilege motion before the House at the earliest opportunity ?

Mr. Tahir Mohammad Khan : No, Sir, he has not said. I was submitting that even in Nawa-e-Waqt it is very much and amply clear.

انہوں نے کہا ہے کہ حال ہی میں کوئٹہ کے مضافات پختون آباد ...

This is the statement of Mr. Raisani, Pashtoonabad is a 'muzafat'...

میر عبدالواحد کرد : پختون آباد کوئٹہ کا محلہ ہے۔

Mr. Tahir Mohammad Khan : No, Sir.

محلہ نہیں ہے۔

Mr. Chairman : You are a lawyer and as a practising lawyer should know if a certain allegation is made the burden of proof is always on the person who alleges it. Now, there cannot be any burden of proof on the negative side. They say he has never said. I am asking you to show whether he has said anything, you see. This is quite obvious.

خواجہ صاحب ، مجھے یہ بتائیے کہ کون سی اطلاع ہے جس میں ریسٹیاں لگے
کہا ہے فائرنگ ۲۳ تاریخ کو ہوئی ہے ؟

خواجہ محمد صفدر : جو اقتباسات رئیسانی صاحب کی تقریر میں سے جناب کرد
صاحب نے آپ کو پیش کئے ہیں اور آپ نے ان کو پڑھا بھی ہے ، اس سے دو باتیں
ظاہر ہوتی ہیں - ایک بات تو یہ ہے کہ بلوچستان اسمبلی میں اس موضوع پر
بحث ہوئی -

جناب چیئرمین : کن موضوع پر ؟

خواجہ محمد صفدر : یہ کہ کوئٹہ میں فائرنگ ہوئی ہے -

جناب چیئرمین : نہیں نہیں ، کوئٹہ میں فائرنگ کی بات نہیں - ۲۳ تاریخ کی رات
کی بات ہے -

خواجہ محمد صفدر : جناب والا ! میں اسی طرف آ رہا ہوں -

جناب چیئرمین : ویسے تو کوئٹہ شہر میں سال میں ۱۰ دفعہ فائرنگ ہوتی ہوگی -

خواجہ محمد صفدر : آپ بالکل ٹھیک فرما رہے ہیں - مگر جناب والا ! خصوصیت
کے ساتھ جو آپ نے پڑھا ہے ، اس میں پختون آباد کا ذکر ہے - میں کوئٹہ شہر کے
جغرافیہ سے نابلد ہوں لیکن مجھے ابھی لیڈر آف دی اپوزیشن نے بتایا ہے کہ یہ
پختون آباد کوئٹہ شہر کا ایک محلہ ہے - کوئٹہ شہر کی میونسپل حدود کے اندر
ایک محلہ ہے - میرے فاضل دوست نے یہ اعتراض کیا ہے کہ رئیسانی صاحب نے
یہ کبھی بھی نہیں کہا ہے کہ کوئٹہ شہر میں فائرنگ ہوئی ہے ، ان کی یہ بات
اس حد تو ٹھیک ہے مگر اب تنازعہ یہ ہے - - - -

جناب چیئرمین : ۲۳ جولائی کا ؟

خواجہ محمد صفدر : جی ہاں ، یہی - محترم قائد حزب اختلاف اور جناب
ظاہر محمد خان صاحب کوئٹہ شہر کے رہنے والے ہیں -

جناب چیئرمین : ۲۳ تاریخ کو فائرنگ ہوئی ہے - اس کی طرف آئیں ناں -

خواجہ محمد صفدر : جناب والا ! اب میں اس تاریخ کی طرف آ رہا ہوں اس تاریخ کی بابت جو رئیسائی صاحب نے اشارہ کیا ہے ، جو کہ آپ نے بھی ان کاغذات کو پڑھا ہے ، اس سے تاریخ کا پتہ نہیں چلتا ۔ جناب والا ۔ اس کے بارے میں عرض کروں گا کہ اس موشن کو کمیٹی کے حوالے کر دیا جائے وہ اس کے بارے میں دیکھ لے گی کہ کیا یہ حقیقت ہے متنازعہ تاریخ کو کوئٹہ میں فائرنگ ہوئی اور بلوچستان اسمبلی میں اس بارے میں بحث ہوئی ہے یا نہیں ۔ رئیسائی صاحب نے جس واقعے کا ذکر کیا وہ بھی پتہ چل جائے گا کہ کون سا واقعہ ہے ۔ جہاں تک اس ثبوت کا تعلق ہے یہ تو سینیٹر عبدالواحد صاحب نے اسپیکر صاحب بلوچستان کو چھٹی لکھ کر منگوایا ہے ۔ تقاریر کے جو اقتباسات جناب کرد صاحب نے مانگے تھے وہ انہوں نے بھیج دیئے ہیں ۔ اگر وہ ساری بحث کی نقل منگواتے تو شاید اس سے تاریخ کا صحیح پتہ چل جاتا ۔

Mr. Chairman : Now, let us take the second point. The second point is that according to the allegation there had been firing on the night of 23rd July, and Mr. Abdul Qaiyum Khan had made a statement denying this fact on the 6th of August. Now, you tabled this motion on the 27th. I will draw your attention to rule 59 :

“The right to raise a question of privilege shall be governed by the following condition.....”

and the second condition is :

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

The firing took place on the 23rd July. The statement by Mr. Abdul Qaiyum Khan was made, according to your wrong statement, on the 6th August and Mr. Raisani, according to you, had made a statement to the contrary on that very day which was reported by the Press on 7th and 8th. Now, why this delay of about 20 days ?

خواجہ محمد صفدر : جناب والا ! اس کے متعلق گزارش یہ ہے کہ جب تک ہم اس ایوان میں دستاویزی ثبوت نہ پیش کریں اور اس پر بحث نہ کریں اس وقت تک صحیح پتہ نہیں چل سکتا کہ کون سی تاریخ ہے میرے خیال میں جہاں تک اخبار کا تعلق ہے ، جناب چیئرمین ! آپ بار بار ارشاد فرما چکے ہیں کہ اگر ایک طرف اخبار کا بیان ہو گا اور دوسری طرف وزیر صاحب کا بیان ہو گا ان دونوں میں سے وزیر صاحب کی بات معتبر سمجھی جائے گی اور فیصلہ کرتے وقت بھی وزیر صاحب کی بات پر انحصار کیا جائے گا اس لیے محترم سینیٹر صاحب نے اخبار پر انحصار نہیں کیا

اور جناب سپیکر صاحب بلوچستان اسمبلی کو چھٹی لکھی کیوں کہ یہ بات گرد صاحب کے علم میں آئی تھی کہ بلوچستان، اسمبلی میں اس فائرنگ کے واقعہ کے بارے میں بحث ہوئی ہے، یہ بات تو جناب کرد صاحب ہی بتا سکتے ہیں کہ انہیں یہ اقتباس کس روز ملے ہیں۔ اب جناب والا! تاریخ کی بابت دیکھنا ہے کہ آیا وہ لفظ " - - - raised at the earliest opportunity" سے گیا مراد ہے۔ ویسے بھی اس کے متعلق ایک رولنگ میرے علم میں ہے۔ میں اسے آپ کی خدمت میں پیش کر سکتا ہوں۔

جناب چیئرمین : یہ کبھی نہیں ہو سکتا۔

خواجہ محمد صفدر : جناب والا! میں عرض کرتا ہوں۔

جناب چیئرمین : میں off hand کہہ سکتا ہوں کہ۔

There cannot be such ruling.

Khawaja Mohammad Safdar : There is a ruling, Sir.

Decisions of the Chair from 1921 to 1940, page 9, ruling 16. This is in the beginning of the book, Sir.

Mr. Chairman : Adjournment motion.

Khawaja Mohammad Safdar : Adjournment motion is the same thing as a privilege motion.

Mr. Chairman : There is difference between adjournment motion and privilege motion.

خواجہ محمد صفدر : وہی رول ہیں۔ الفاظ بھی وہی ہیں۔ تحریک التوا اور تحریک استحقاق دونوں کے لیے۔ - - -

....."at the earliest opportunity".

کی شرط دونوں کے لیے ہے۔ اگر آپ ارشاد فرماتے ہیں تو میں یہ رولنگ لڑھے

دیتا ہوں :

"While admitting an adjournment motion sought to be moved by a Member on the 14th September, 1922, the Chair defined the scope of the word "recent" in rule 12 (ii) of the Indian Legislative Rules, as follows:—

"I do not wish to give a hard and fast interpretation of the word 'recent' in the rule but the intention of the rule

is that as soon as a matter of this kind is brought to the notice of the honourable Member and he wishes discussion thereon, he should at the first available opportunity bring it before the Assembly”.

جناب چیئرمین : یہ کس کی رولنگ ہے - ہندوستان کی ہے یا پاکستان

کی ؟

خواجہ محمد صفدر : جناب والا ! یہ ساری کتاب ہندوستان کی اسمبلی جو تقسیم ہند سے قبل تھی اس کے متعلق ہے - یہ ۱۹۲۱ء سے لیکر ۱۹۴۰ء تک کے رولنگ ہیں - یہ پاکستان بننے سے ۷ سال پہلے اس کتاب میں درج شدہ رولنگ ختم ہو جاتے ہیں - جناب چیئرمین : میں نے title نہیں دیکھا تھا -

خواجہ محمد صفدر : جناب والا ! یہ تو ایرانی کتاب ہے - ہمیں تو ابھی توفیق ہی نہیں ہوئی - ہم نے تو ایک چھوٹی سی کتاب مرتب کی ہے اور میں آپ کے سیکریٹریٹ سے request کرونگا - - -

جناب چیئرمین : میں نے آپ کو پہلے ہی بتا دیا تھا -

There cannot be any such ruling.

Khawaja Mohammad Safdar : There is a ruling.

Mr. Chairman : This is about adjournment motion.

خواجہ محمد صفدر : میں آپ کو بتاتا ہوں -

جناب چیئرمین : آپ ایڈجرنمنٹ موشن اور پرولیچ موشن میں difference کریں -

Mr. M. Rafi Raza : Even taking it as applicable, one can't take exception to that ruling if it was brought to the notice of the Member on the 7th.

جناب چیئرمین : اب مجھے یہ بتائیے کہ ایڈجرنمنٹ موشن میں یہ جو "C" condition ہے -

Khawaja Muhammad Safdar : "It shall be restricted to a matter of recent occurrence."

جناب چیئرمین : میری بات تو سنیے خواجہ صاحب

Adjournment motion is dealt with under Chapter II. One condition laid down for the adjournment motion under rule 71 is.

ایڈجرنمنٹ موشن کے لیے ایک شرط یہ ہے - ماسوائے دوسرے کے

“it shall be restricted to a matter of recent occurrence;”

اس recent occurrence پر ایڈجرنمنٹ موشن کا وہ رولنگ ہے کہ recent کس کو کہتے ہیں - ایڈجرنمنٹ موشن کو کسی نے اٹھایا نہیں ہے کہ یہ recent ہے یا نہیں ہے - کس نے کہا کہ مجھے پتہ نہیں چلا - اس نے کہا کہ اب تو اس کے دن گذر گئے ہیں - اس نے کہا کہ مجھے پتہ نہیں ہے یہاں رولنگ تو کچھ بھی نہیں ہے - یوں عقل سے پتہ چلتا ہے -

The whole discussion was centered around the point “recent” what is the meaning and interpretation of the word “recent”.

اور اس recent کی بابت رولنگ دے دی ہے - اب آپ مجھے یہ بتائیے کہ ہرولج موشن میں کہیں لفظ recent ہے ، ہے تو مجھے بتا دیجئے ؟

خواجہ محمد صفدر : جناب !

جناب چیئرمین : سیری بات بھی سنئے - ایڈجرنمنٹ موشن میں ایک

condition

which must be fulfilled is that it must be recent

کہ وہ recent ہو تو وہاں اسپیکر صاحب نے لفظ recent پر رولنگ دے دی ہے - اور اگر ہرولج موشن میں بھی لفظ recent ہو تو آپ کہہ سکتے ہیں by analogy کہ وہاں چونکہ recent کا جو interpretation ہے وہی interpretation آپ privilege motion پر حاوی کر دیں - تو پھر یہ قابل غور امر ہے -

The interpretation put by the Speaker on this word “recent” with regard to adjournment motion is or is not applicable to privilege motion.

لیکن آپ کی privilege motion میں لفظ recent نہیں ہے -

خواجہ محمد صفدر : میں عرض کرتا ہوں - - -

جناب چیئرمین : کہیں ہے لفظ recent ؟

خواجہ محمد صفدر : رول نمبر ۵۹ (ii) ملا خط فرمائیں - میں پڑھے دیتا ہوں -

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

Mr. Chairman; Is there any difference between “earliest” and “recent”?

Khawaja Mohammad Safdar : I think, there is no difference.

Mr. Tahir Mohammad Khan : I respectfully disagree with the member.

Mr. Chairman : “Recent” is with regard to occurrence and “earliest” is with regard to motion.

خواجہ محمد صفدر : جناب والا ! بات بڑی سیدھی اور مختصر ہے ۔ کہ عبدالواحد کرد صاحب نے یہ ثابت کرنے کی پوری کوشش کی ۔ کہ بلوچستان میں کسی معتبر وزیر صاحب نے اس واقعہ کے متعلق کچھ ارشاد فرمایا ہے ۔ اور جب انہیں معلوم ہوا تو انہوں نے بلوچستان اسمبلی کے سپیکر صاحب کو ایک چٹھی لکھی ۔ اور 26 تاریخ کو جواب آیا ہے ۔ اور اگر انہوں نے 27 تاریخ کو یہ تحریک دفتر میں دے دی ۔ تو میں سمجھتا ہوں ۔ کہ یہ Recent ہے ۔ اور earliest opportunity پر انہوں نے اس واقعہ کو زیر بحث لانے کی پوری کوششیں کی ہے ۔ اب اسمبلی میرا یا عبدالواحد صاحب کا کوئی قصور نہیں ہے ۔ کیونکہ ہم تو یہاں بیٹھے ہیں لہذا انہوں نے چٹھی لکھی ۔ اور اپنی پوری کوشش کی ۔ اور چٹھی PIA کے ذریعے آئی ہے ۔ کیونکہ وہ خود تو بلوچستان میں جا سکتے تھے ۔ اور یہ چٹھی 26 تاریخ کو پہنچتی ہے ۔ اور 27 کو تحریک داخل کر دی گئی ہے ۔ اسلئے یہ تحریک Earliest opportunity کی شرط کو پورا کرتی ہے ۔ اسمبلی کوئی توقف میں ہوا ۔

Mr. Chairman : Sorry, ruled out on the ground that I am not satisfied. It has not been established that Mr. Raisani had made any statement to the effect that firing had taken place on the twenty-third night in Quetta City. I am not giving any interpretation to the word “recent”. That we will leave for some other occasion.

Adjournment motion No. 41 by Khawaja Mohammad Safdar.

ADJOURNMENT MOTION RE : RAID BY INDIAN DACOITS ON TWO BORDER VILLAGES.

Khawaja Mohammad Safdar : I beg leave of the House to move a motion for the adjournment of the business of the Senate to discuss a definite matter of urgent public importance and of recent occurrence, namely, an armed group of Indian Dacoits crossed into Pakistan territory, raided two border villages of Umerkot-Balutare and Naplo. The villagers alleged that the dacoits were Hindu Thakurs. Reported in Pakistan Times, August 21, 1974.

The failure of the Government to protect the Pakistan territory, its nationals and their property against the Indian marauders has caused grave concern to the public of Pakistan.

Mr. Tahir Mohammad Khan : It is opposed.

Mr. Chairman : When did this occurrence take place ? You have not given the date. When did it occur ?

خواجہ محمد صفدر : جو کچھ اخبار میں آیا ہے - آپ وہ دیکھ سکتے ہیں - یہ
20 اگست کے اخبار کی سرخی ہے - عمر کوٹ میں - - - -

جناب چیئرمین : یہ کب occur ہوا - کب ہوا ؟

خواجہ محمد صفدر : یہ اخبار میں درج نہیں ہے - صرف اتنی خبر شائع ہوئی ہے -

جناب چیئرمین : آپ بتائیں - اگر اخبار نے نہیں دیا ہوا -

خواجہ محمد صفدر : 20 اگست کو

جناب چیئرمین : میں جب ہاؤس میں question put کرونگا - تو کیا بتاؤں گا کہ
یہ کب ہوا ہے -

خواجہ محمد صفدر : 20 اگست کے پاکستان ٹائمز میں شائع ہوا ہے -

جناب چیئرمین : اسمیں کیا لکھا ہوا ہے کہ یہ واقعہ کب ہوا ہے ؟

خواجہ محمد صفدر : خصوصیت سے یہ کہیں نہیں لکھا ہوا کہ یہ واقعہ کس تاریخ
کو ہوا ہے -

جناب چیئرمین : اتنی بھاری dacoity ہے -

خواجہ محمد صفدر : سن لیجئیے قبلہ -

Mr. Chairman : I will give you full opportunity. I am not in a hurry to curtail your right of addressing the Chair.

لیکن ایک دوسرے کو سمجھ جائیں - میں اتنا کہوں گا کہ آپ مجھے یہ بتائیں ،
اخبار سے بتائیں ، زبانی بتائیں ، تحریری بتائیں - یا کسی اور source سے بتائیں کہ یہ
dacoity کب ہوئی ؟ میرا مطلب اس سے ہے کہ کس تاریخ کا واقعہ ہے ؟

خواجہ محمد صفدر : جناب والا ! عمر کوٹ سے یہ خبر چلی ہے اور 20 اگست
اگست کے اخبار میں یہ خبر شائع ہوئی ہے - اسمیں جو کچھ لکھا ہے - وہ میں
آپکے سامنے پڑھے دیتا ہوں -

جناب چیئرمین : کیوں پڑھے دیتے ہیں - پہلے تاریخ تو بتائیے ؟

خواجہ محمد صفدر : تاریخ 20 اگست دی ہوئی ہے -

جناب چیئرمین : 20 اگست کو تو یہ رپورٹ ہوئی ہے - وہ واقعہ کس تاریخ کا ہے ؟

خواجہ محمد صفدر : یہ عمر کوٹ کا واقعہ ہے - میرے پاس کوئی ایسا ذریعہ - - -

جناب چیئرمین : عمر کوٹ کا واقعہ ہے - یہ کوئٹہ کا واقعہ ہے - اسمیں میں بھی

تاریخ نہیں بتائی اور آس میں تاریخ نہیں بتائی کہ یہ واقعہ کب ہوا ہے ؟

The question is of the date of occurrence and not of the report by the Press.

خواجہ محمد صفدر : جناب والا ! میرے خیال میں اس بحث میں واقعہ کی تاریخ غیر

متعلقہ ہے - میں نے جو پہلے ایک رولنگ پڑھی ہے - پھر وہی دہرا دیتا ہوں -

جناب چیئرمین : پھر وہی رولنگ - میں نے آپکو پہلے کہا تھا -

that there cannot be such a ruling as you intended to show to me.

آخر پتہ یہ نکلا "کھودا پہاڑ نکلا چوہا" آخر ایڈجرمنٹ موشن کے لفظ recent

کا interpretation ہوا -

خواجہ محمد صفدر : میں لفظ recent کی تصریح کر رہا ہوں -

جناب چیئرمین : کہاں ایڈجرمنٹ موشن اور کہاں پرولیج موشن ؟

خواجہ محمد صفدر : حضور ! یہ ایڈجرمنٹ موشن ہے -

جناب چیئرمین : ہاں مجھے بتائیے -

خواجہ محمد صفدر : یہ تحریک التوا ہے - جو میں نے جناب ! آپ کی خدمت میں

پیش کی ہے اور اخباری خیر کی عبادت یہ ہے :-

"UMERKOT : Aug. 20: An armed group of Indian dacoits crossed into Pakistan territory, raided two border villages of Umerkot, Bhitaro and Naplo, and succeeded in carrying away nine camels to Baharat under cover of darkness.

On receipt of information, a contingent of Umerkot police under Mr. Mohammad Rafique, SHO, went in pursuit of the dacoits, who however, managed to escape before the Police could arrive on the scene.

According to police report, a group of Bharti dacoits consisting of eight persons equipped with firearms and riding on fast camels, had penetrated 2 miles into Pakistan territory and attacked Goth Bhitro at midnight. Thereafter they raided Goth Naplo where after committing dacoity they forcibly took two persons up to the border and threatening to come again they crossed over to the Indian side. The villagers say that the dacoits were Hindu Thakurs.

Additional DSP Umerko, Mr. Shadi Khan, is conducting investigation in this matter.

This is the total news item, Sir.

جناب چیئرمین : آپ نے ابھی تک میری بات کا جواب نہیں دیا -

خواجہ محمد صفدر : جناب والا ! اسکا میرے پاس کوئی ذریعہ بھی نہیں ہے یہ خبر 21 تاریخ کو اخبار میں شائع ہوئی اور میں نے جناب ! اس روز یہ نوٹس دے دیا - - -

Is it incumbent upon me to find out the date ?

جناب چیئرمین : Specific ہونا چاہئے آپکے قول کے مطابق recent ہونا چاہئے -
اس میں تو date بھی نہیں دی گئی -

As you know this is more or less a normal feature between two countries border raids.

سمگلنگ ہوتی ہے ، چوری ہوتی ہے فائرنگ ہوتی ہے -

This is a normal thing.

خواجہ محمد صفدر : جناب والا ! میری گزارش یہ ہے کہ حکومت کا یہ فرض ہے کہ وہ اس ملک کے شہریوں کی جان و مال کی حفاظت کرے - خصوصیت سے جب فیڈرل سیکورٹی فورس کے متعلق بل پاس ہو رہا تھا تو اس وقت ہمیں یہ بتایا گیا کہ فیڈرل سیکورٹی فورس ہمارے بارڈرز کی حفاظت کرے گی شہریوں کی جان و مال کی حفاظت کرے گی - لیکن اب میں حکومت سے یہ پوچھنا چاہتا ہوں کہ وہ فیڈرل سیکورٹی فورس کیا کر رہی ہے ؟ صرف اپوزیشن کے سر پھوڑنے کیلئے استعمال ہو رہی ہے ؟ جناب والا ! یہ حکومت کی ناکامی ہے اور سراسر نااہلی ہے - شہریوں کی جانیں محفوظ نہیں ہیں پھر اس فیڈرل سیکورٹی فورس کا اور کیا مقصد ہے ؟

جناب چیئرمین : یہ تو Normal feature ہے - - - - ایسی باتیں تو ہوا کرتی

ہیں یہ کوئی نئی بات نہیں ہے اور اس میں آپ نے date بھی نہیں دی - - - -

Khawaja Mohammad Safdar : As you please, Sir,

Mr. Chairman : Yes.

اب کوئی اور ہے - - - - -

ADJOURNMENT MOTION RE ; FAILURE TO SUPERVISE
PROPERLY THE EXECUTION OF TARBELA DAM PROJECT

جناب چیئرمین : نمبر 43 یہ تو ٹریلا ڈیم کے پراجیکٹ کی ہے - اپ کیا کریں ؟
شہزاد گل تو حاضر نہیں ہیں -

It falls through.

Now this is number 44. This is in the name of Haji Sayed Hussain Shah.

ADJOURNMENT MOTION RE : EXPLOSION ON RAIL TRACK
IN QUETTA RAILWAY YARD

Haji Sayed Hussain Shah : Sir, I beg leave of the House to move a motion for the adjournment of the business of the Senate to discuss a definite matter of urgent public importance and of recent occurrence, namely, the failure of the Pakistan Railways to prevent incidents within the Railway yard in which life and property of the citizens of Pakistan are endangered. As reported by the Daily New Times of Rawalpindi in its issue dated the 25th August, 1974, a fierce fire broke out in Quetta Railway yard near Chaman Phatak oil-laden rail tankers were burnt while the third tanker, also containing oil, was badly damaged. Some empty railway wagons nearby were also partly burnt, resulting in huge loss. Failure of the Railway authorities to prevent such incidents within the railway yard has caused great concern and resentment in the public.

***Ch. Mohammad Hanif Khan :** The adjournment motion is opposed for the simple reason that I know each and every thing, which is before the National Assembly or the Senate, becomes a matter of public importance, but actually, I mean, this is not through the negligence on the part of the railway authorities. The miscreants have thrown some explosive material on these two railway wagons, when they caught fire and the third wagon was also damaged. Sir, an immediate inquiry has been ordered. The whole possible efforts are being made by the authorities to arrest the offenders. Unless it is really found as a results of inquiry that it is due to the negligence on the part of the railway authorities, we can't do anything. Enquiry has already been ordered. Sir, the facts are that on the 24th of this month over three tankers/wagons were standing loaded with kerosene oil. They were set on fire by miscreants and the third wagon which was full of Malathi was also damaged. There is nodoubt that there has been loss to the railway of the wagons, of the oil and of the Malathi which was loaded in those wagons, but as I said, and inquiry has been ordered and we will be in a position to find out who is responsible for this incident.

*Speech not corrected by the honourable Minister.

جناب چیئرمین : حاجی صاحب ! اب دشواری یہ ہے کہ اس سلسلے میں آدمی کو پکڑا گیا ہے جس کی انکوائری ہو رہی ہے ۔ اگر کوئی معاملہ زیر سماعت ہو تو پھر اس کے اوپر یہاں بحث نہیں کر سکتے ۔

Ch. Mohammad Hanif Khan : I have read in the newspaper, the Chief Minister made a statement that two persons have been arrested.

جناب چیئرمین : اگر کوئی آدمی گرفتار ہوا ہو اور اس کو تفتیش میں دے دیا گیا ہو تو اس کو Subjudice کہتے ہیں ۔ پھر اس پر بحث نہیں ہو سکتی ۔

حاجی سید حسین شاہ : جناب والا ! ابھی تک تو یہ خبر شائع بھی نہیں ہوئی پھر کسی آدمی کو گرفتار کیسے کر لیا گیا ؟

جناب چیئرمین : میں آپ کی تسلی کیلئے یہ خبر پڑھ دیتا ہوں :

Pakistan Times dated August 26th :

“Baluchistan Chief Minister, Mr. Jan Ghulam Qadir Khan has confirmed that the two real culprits responsible for last night explosion in the railway yard have been arrested.”

جام غلام قادر خاں تو معتبر ہیں ۔ اسے تو آپ مانیں گے ؟

All right being snbjudice it is ruled out.

آپ کہتے ہیں کہ کسی اخبار میں خبر نہیں آئی آپ وہی اخبار پڑھتے ہیں جس میں خبر نہ لکھی ہو ۔

حاجی سید حسین شاہ : میں تو تمام اخباریں پڑھتا ہوں ۔

جناب چیئرمین : اب adjournment motions کا گھنٹہ ختم ہو گیا ہے یا ابھی ہے time ؟

معزز ممبرز : نہیں سر ابھی time ہے ۔

جناب چیئرمین : میں تو تھک گیا ہوں خواجہ صاحب ! یہ آپ کی adjournment motion ہے میرا خیال ہے یہ تو پہلے بھی ہو چکی ہے ۔

خواجہ محمد صفدر : اس موضوع پر پہلے تحریک التوا پیش ہو چکی ہے اب دوبارہ پیش نہیں کی جا سکتی ۔

جناب چیئرمین : حاجی صاحب ! آپ کی 46 No. adjournment motion ہے -

فرمائیے - - - - -

ADJOURNMENT MOTION RE : THE COLLAPSING OF A
COAL MINE AT MUKORWAL

Haji Sayed Hussain Shah : Sir, I beg leave of the House to move a motion for the adjournment of the business of the Senate to discuss a definite matter of urgent public importance and of recent occurrence, namely, "Indiscriminate extraction of coal and making the mines unsafe for the workers by the P.I.D.C. at Mukorwal Mines, as reported by the daily Nawa-e-Waqt, Rawalpindi in its issue dated the 28th August, 1974, a coal mine at Mukorwal collapsed when the miners were busy working in the mine during the night shift and ten persons were buried alive. The P.I.D.C. rescue party could not save the lives of these coal miners. The party was only able to dig out four corpses and there is no hope for the survival of the remaining six workers. Failure of the P.I.D.C. to take care of the lives of the miners has caused great concern and resentment in the public specially in the working class".

Ch. Mohammad Hanif Khan : Sir, I would like to make a statement in respect of it.

Mr. Chairman : Yes.

***Ch. Mohammad Hanif Khan :** According to the latest information received, the main tunnel roof of Mukorwal Coal Mines collapsed on the morning of 27th August, 1974. Ten persons were working in the mines out of which 9 were killed and one survived. He was recovered. Payment at the rate of Rs. 500/-per man for burial etc. was made under the law. Transport facilities were made immediately for taking the dead bodies to the respective homes. Out of those killed, 4 were local persons and five of them were non-locals. Compensation Commissioner, Government of the Punjab, is reaching Mukorwal today to distribute compensation to the bereaved families in accordance with the provisions of the Mines Law. I have already ordered the suspension of the Project Director and the Acting Project Director because the Project Director was not there. He was absent for a few days but since it was the question of safety of the workers who work in the mines, and as far as the arrangements for safety are concerned, they are of permanent nature, so nothing can be said at the moment as to whether the Project Director is responsible or the Acting Project Director is responsible. Both of them have been suspended.

Sir, I have also instructed the Joint Secretary concerned from the Ministry to reach the spot immediately and hold an inquiry and submit me a preliminary report before further action is taken against any one who is responsible for this accident. The Chief Inspector of Mines, Government of the Punjab and the Directors Finance, Technical and

Mechanical, Mineral Development Corporation, have already reached the site of the accident, and are holding up to date investigation. So all that could be possible is being done, Sir, by the Government and we will wait for the result of the inquiry which is being conducted by the officers including an officer of the Ministry. The Project Director and the Acting Project Director have already been suspended. So, I think, all possible steps were taken to take action against the officers who may have been found negligent in making all the possible arrangements to ensure the safety of the workers, I have already said that the Compensation Commissioner is reaching the spot today and, I think, the must have reached there to make payment of compensation. I have already ordered that the payment of compensation to the heirs of the deceased should be made expeditiously and without any loss of time. Most important thing is that.

Mr. Chairman : What is your reaction, Haji Sahib ?

حاجی سید حسین شاہ : جناب والا : گزارش یہ ہے کہ یہ غریب کان کن ہیں اور کان کنی کا کام کرتے ہیں ان کی تکلیف کا سوال ہے ۔

جناب چیئرمین : آپ یہ فرمائیے کہ withdraw کرتے ہیں یا نہیں آپ کی مرضی ہے ۔ اگر آپ کی تسلی ان کے بیان سے نہیں ہوئی ۔

حاجی سید حسین شاہ : وزیر صاحب اگر ہمیں یہ assurance دے دیں کہ انکوائری کی رپورٹ سینٹ میں پیش کر دیں گے تو میں withdraw کر لوں گا ۔

Ch. Mohammad Hanif Khan : Sir, I don't have any objection.

Mr. Chairman : You make a firm promise or assurance that you will place the inquiry report before the House.

Ch. Mohammad Hanif Khan : The result of the inquiry etc. will be placed before the House.

Haji Sayed Hussain Shah : Sir, I withdraw my adjournment motion.

Mr. Chairman : In view of the assurance given by the honourable Minister that he will place the result of the inquiry before the Senate, it is not pressed.

ANNOUNCEMENT IN RESPECT OF PRIVILEGE MOTION
RE : REFUSAL TO ALLOW INTERVIEW WITH AN
UNDER-TRIAL PRISONER

Mr. Chairman : Now, before we take up next item, I would like to make an announcement. Some time back, the Leader of the Opposition moved a privilege motion to the effect that he, along with other Senators and the Leader of the Opposition in the Provincial Assembly of Baluchistan, had gone to interview a Retired Colonel Sultan Mohammad

Khan Mengal and others but they did not receive the permission of authorities to interview them. And I promised to look into the matter. So, I was only going to inform that the Senate Secretariat on my instructions have addressed a suitably worded letter to the Provincial Government of the Punjab to see that such things do not occur in future and the Senators or Members of the Parliament, if they go to see any under-trial prisoner, they should be shown due consideration and courtesy. I hope, I am not quite sure, I hope that in future such like thing would not recur.

Now, we take up item No. 3. Mr. Nargis Zaman Khan, you present the report of the Standing Committee.

**STANDING COMMITTEE REPORT ON : THE ISLAMABAD
(REQUISITIONING OF IMMOVABLE PROPERTY BILL, 1974**

Mr. Nargis Zaman Khan : Sir, I present the report of the Standing Committee on the Bill to provide for the requisitioning of immovable property in the Federal Capital. [The Islamabad (Requisitioning of Immovable Property) Bill, 1974].

Mr. Chairman : The report is placed on the table of the House. Now, we take up item No. 4, Legislative business.

THE LABOUR LAWS (AMENDMENT) BILL, 1974

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

“That the Bill further to amend certain laws relating to the welfare of workers [The Labour Laws (Amendment) Bill, 1974], as reported by the Standing Committee, be taken into consideration at once”.

Mr. Chairman : The motion moved is :

“That the Bill further to amend certain laws relating to the welfare of workers [The Labour Laws (Amendment) Bill, 1974], as reported by the Standing Committee, be taken into consideration at once”.

Khawaja Mohammad Safdar : Opposed, Sir.

Mr. Chairman : Was there any gentleman's agreement ?

Ch. Mohammad Hanif Khan : It is only formal, Sir. Khawaja Sahib must show that he is sitting in the Senate. It is very important, otherwise he has no objection to the provisions of the Bill. They are for the welfare of workers and I don't think Khawaja Sahib will ever oppose anything which is for the welfare of the workers and labourers.

Mr. Chairman : So, this "opposed" was said mechanically. Anything coming from this side will be replied by "opposed" whether they mean it or don't mean.

Ch. Mohammad Hanif Khan : Sir, actually, through this Bill, not one but so many labour Laws are sought to be amended. Since the amendments were not many therefore, they have been incorporated in one Bill instead of introducing so many Bills before the National Assembly or the Senate.

I will explain, what is the intention of these amendments. Sir, the amendment is sought to be made in the Workmen's Compensation Act 1923 and the reason for this amendment is that upto now under this Law the appeals in those cases came under the purview of the High Court, but as a result of this amendment, they will go before Appellate Tribunals. The intention is to eliminate delays and at the same time to decrease some pressure which is very much there on the High Court because of other work which is very important. It has also been provided through amendment.

Khawaja Mohammad Safdar : Sir, I apologise for this interruption. May I request the Honourable Minister in order to cut short the discussions that he may please explain the last four lines of the Statement of Objects and Reasons :—

"...Opportunity may also be availed of to enable the Federal Government to continue to exercise the powers conferred on it by the.....".

Ch. Mohammad Hanif Khan : I will explain, Sir, I will explain but, I think, it is better to explain these also in a few words. The last one I will explain, Sir.... And the second one is that all the appeals pending before the High Court will stand transferred to the Tribunals. The second law is "The Factories Act", and the only thing that at the moment under Section 49H and 49I which relates to casual leaves, sick leaves and festival leaves, no punishment is provided where the workers are not granted these leaves and by this provision, with this amendment, the violations of these provisional laws are being made punishable with fine, which may extend upto Rs. 500/- and so. The next one is, Sir, an amendment in "The Payment of Wages Act, 1936". Instead of "Central Government" the word "Federal Government" is being substituted. Sir, the next one is "The Companies Profits (Workers Participation) Act, 1968. There again instead of "Central Government" the word "Federal Government" is being substituted. Sir, amendment is being sought in the "Workers' Children (Education) Ordinance, 1972". This will provide that so far as this particular fund is concerned a separate account shall have to be maintained by the Provincial Government and it shall not form part of the consolidated fund. The last one is, Sir, that this new section provides the continuity of executive authority of the Federal Government which had ceased to exist after the 14th of August, 1973.

[At this stage Deputy Chairman (Mr. Tahir Mohammad Khan) took the Chair].

Ch. Mohammad Hanif Khan : This is, Sir, in the concurrent matters. This authority has ceased to exist unless it is revalidated through a Federal law. So that is the only object of it because the powers under this law had ceased to exist after the 14th of August—after coming into force of the Constitution—and the provision of the Constitution requires and I will read the Constitution which provides, Sir, that—

“Subject to the Constitution, the executive authority of the Federation shall extend to the matters with respect to which Parliament has power to make laws, including exercise of rights, authority and jurisdiction in and in relation to areas outside Pakistan :

Provided that the said authority shall not, save as expressly provided in the Constitution or in any law made by Parliament, extend in any Province to a matter with respect to which the Provincial Assembly has also power to make laws”.

So unless this provision is not there, the Federal Government will not have any executive authority in matters covered by this law, because they had ceased to exist after coming into force of the Constitution.

Mr. Deputy Chairman : Yes, Khawaja Sahib. Do you want to say something ?

Ch. Mohammad Hanif Khan : The word “Parliament” is explained on page 125, Articles 260 “Interpretation”—

“Act of “Parliament” means an Act passed by Parliament or the National Assembly and assented to or deemed to have been assented to, by the President”.

So, this is necessary that executive authority...

Mr. Deputy Chairman : You are referring to which Article ?

Ch. Mohammad Hanif Khan : 97 Sir. The first one is 97 because its proviso is very relevant.

“Provided that the said authority shall not, save as expressly provided in the Constitution or in any law made by Parliament, extend in any Province to a matter with respect to which the Provincial Assembly has also power to make laws”.

In this matter the Provincial Assembly has also got power to make laws, and after coming into force of the Constitution the executive authority of the Federal Government had ceased to exist. So, the amendment is being made. It seeks the continuity of that executive authority under the provision of this Constitution.

Mr. Deputy Chairman : Yes, Khawaja Sahib. Would you like to say something in view of the statement made,

خواجہ محمد صفدر : جناب والا ! میرے نقطہ نظر سے کسی نئے سیکشن کو قانون میں داخل کرنے کی ضرورت نہیں۔ دوسرے آپ Statement of objects and Reasons ملا حظہ فرمائیں۔ میں اس کی آخری چار لائنیں پڑھ دیتا ہوں۔

“Opportunity may also be availed of to enable the Federal Government to continue to exercise the powers conferred on it by the Companies Profits (Workers Participation) Act, 1968, and the Newspaper Employees (Conditions of Service) Act, 1973

اگر آپ اس بل کو ملا خط فرمائیں تو جو ضرورت انہوں نے محسوس کی ہے اگرچہ میں اس سے اتفاق نہیں کرتا اور اس کے ذریعہ صرف Newspapers Employees Conditions of Service Act میں ترمیم کی گئی ہے اور Companies Profits Worker’s Participation Act میں ترمیم نہیں کی گئی۔ اس میں بھی صرف جہاں ’سنٹرل گورنمنٹ‘ لکھا ہے وہاں ’فیڈرل گورنمنٹ‘ کر دیا ہے۔ اور کوئی ترمیم نہیں۔ اس قسم کا اضافہ نہیں۔ اگر یہ ضروری تھا جیسے کہ انہوں نے اس بل کے مقاصد اور وجوہات میں تحریر فرمایا ہے تو دوسرے قوانین میں بھی اس قسم کی ترمیم ہونی چاہیے تھی۔ لیکن یہ ترمیم صرف ایک ہی بل میں کی گئی ہے۔ جہاں تک اس کا بھی تعلق ہے ایک تو اس میں میرے نقطہ نظر سے یہ نقص ہے دوسرا یہ ہے کہ جیسے کہ آرڈینینس میں درج ہے میں حوالہ دیتا ہوں :

Sir, Article 268. “Continuance in force, and adaptation of certain laws” :—

“Except as provided by this Article, all existing laws shall, subject to the Constitution, continue in force, so far as applicable and with the necessary adaptations, until altered, repealed or amended by the appropriate Legislature”.

جناب والا ! اگر آپ صفحہ ۱۷۴ پر شیڈول نمبر ۴ دیکھیں تو اس کی آٹھ نمبر

۲۶ اس طور پر ہے۔

“Welfare of labour; conditions of labour, provident funds; employers’ liability and workmen’s compensation, health insurance including invalidity pensions, old age pensions”.

and so on and so forth.

“Trade unions; industrial and labour disputes”.

Dr. Deputy Chairman : This is in the Concurrent List.

خواجہ محمد صفدر : یہ تمام امور Concurrent List میں ہیں اس لیے اس پارلیمنٹ کو اختیار ہے کہ اس موضوع پر قانون بنائے۔ اب میں ایگزیکٹو اتھارٹی کی طرف آتا ہوں۔ جناب والا! محترم وزیر صاحب نے میری بات اس حد تک از راہ کرم قبول فرما لی ہے کہ قانون بن سکتا تھا اور ہم یہ قانون بھی بنا سکتے ہیں۔ اس کے علاوہ اور بھی قوانین بنا سکتے ہیں۔

Khawaja Mohammad Safdar : Now, sir, I come to the executive authority as laid down in Article 232 (2) (b)—

“The executive authority of the Federation shall extend to the giving of directions to a Province as to the manner in which the executive authority of the Province is to be exercised;”

اس لیے اس ترمیم کی ضرورت نہیں ہے۔

All powers of the executive, by proclamation, of emergency rest with the Federal Government.

میری مراد یہ ہے۔

Ch. Muhammad Hanif Khan : It does not mean that. It means that the executive authority of the Federation shall extend to the giving of directions to a Province as to the manner in which the executive authority of the Province is to be exercised.

Mr. Deputy Chairman : It explains the giving of directions. Federal Government has the authority to give direction under the Emergency.

خواجہ محمد صفدر : یہ امر واضح ہے کہ مرکزی حکومت یہ ہدایت جاری کر سکتی ہے نہ کرے اور بات ہے۔

Ch. Muhammad Hanif Khan : Its intention is different. The power is to be exercised by the Federal Government.

Khawaja Mohammad Safdar : Both executive and legislative powers are included in it.

Mr. Deputy Chairman : I think, nobody would like to further elaborate the subject. Therefore, I put the question.

The question is :

“That the Bill further to amend certain laws relating to the welfare of workers [The Labour Laws (Amendment) Bill, 1974], as reported by the Standing Committee, be taken into consideration at once.”

(The motion was adopted)

Mr. Deputy Chairman : Now, we take up the Bill clause by clause. There is an amendment in clause 2 by Khawaja Mohammad Safdar. Would you like to move the amendment?

Khawaja Mohammad Safdar : It is a very simple amendment. Actually it is not an amendment but I intended to point out a mistake in drafting.

Ch. Mohammad Hanif Khan : I agree it is a drafting mistake.

Khawaja Mohammad Safdar : Not moved.

Mr. Deputy Chairman : The amendment is not moved.

The question is :

“That clause 2 forms part of the Bill.”

(The motion was adopted)

Mr. Deputy Chairman : The question is :

“That short title, preamble, extent & comment form part of the Bill.”

(The motion was adopted)

Ch. Mohammad Hanif Khan : I beg to move :

“That the Bill further to amend certain laws relating to the welfare of workers [The Labour Laws (Amendment) Bill, 1974], be passed.”

Mr. Deputy Chairman : Motion moved. The question is :

“That the Bill further to amend certain laws relating to the welfare of workers [The Labour Laws (Amendment) Bill, 1974], be passed.”

(The motion was adopted)

Since there is no other business left for today, therefore, the House stands adjourned to meet tomorrow at 4.00 p.m.

The House adjourned to meet at four of the clock in the evening on Friday, August 30, 1974.
