



THE
SENATE OF PAKISTAN
DEBATES

OFFICIAL REPORT

Saturday, September 7, 1974

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SENATE DEBATES

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Saturday, September 7, 1974

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

(Recitation from the Holy Quran)

MESSAGE FROM THE NATIONAL ASSEMBLY *RE*: ADOPTION OF THE CONSTITUTION (SECOND AMENDMENT) BILL, 1974

Mr. Chairman : There is a message to be announced. The message is from the Secretary, National Assembly Secretariat-to the Secretary, Senate Secretariat.

“ In pursuance of rule 109 of the Rules of Procedure and Conduct of Business in the National Assembly, 1973, I have the honour to inform the Senate Secretariat that the National Assembly passed the Constitution (Second Amendment) Bill, 1974 on the 7th September, 1974. A copy of the Bill is transmitted herewith. Kindly acknowledge receipt. ”

Now, we will take up legislative business.

POINT OF ORDER *RE*: ERRONEOUS ANNOUNCEMENT BY RADIO PAKISTAN

جناب شہزاد گل : جناب والا ! جس طرح ابھی ابھی آپ نے فرمایا ہے کہ نیشنل اسمبلی نے سیکنڈ امینڈمنٹ بل پاس کر دیا ہے اور اسے اب سینٹ میں transmit کیا ہے اور لا منسٹر بل پیش کریں گے لیکن ریڈیو پاکستان نے announce کر دیا ہے کہ نیشنل اسمبلی نے یہ بل پاس کر دیا ہے اور یہ فوری طور پر عمل میں آ گیا ہے۔ میرا مطلب یہ ہے کہ اگر نیشنل اسمبلی نے پاس کر دیا ہے اور ریڈیو پاکستان نے announce کر دیا ہے تو میرے خیال میں سینٹ کے اجلاس کی کوئی ضرورت نہیں رہتی۔

Mr. Chairman : Will you please resume your seat ? First listen to me. How can we subordinate our proceedings to the announcement on the Radio ? We have to go by the rules here and the rules are there. You should see whether we are following the rules or we are going against the rules. If we infringe any rule, if we contravene any rule, if we violate any rule, you can raise objection. We are not here to listen to the Radio as to what has been said or what has not been said. We are proceeding according to the rules. If there is any infringement of rules you can rise and make objection.

جناب شہزاد گل : میرا مدعا یہ تھا

Mr. Chairman : I understand your "مدعا".

جناب شہزاد گل : میں آپکی وساطت سے عرض کرنا چاہتا ہوں کہ مجھے نیشنل اسمبلی کی اہمیت پر کسی قسم کا شک نہیں۔ یہ مذہبی معاملہ ہے۔ ہمیں نیشنل اسمبلی کے اراکین پر مکمل اعتماد ہے اور ان علماء سے بھی اتفاق ہے جن کی جدوجہد سے یہ مظلوم کامیابی حاصل ہوئی ہے لیکن سینٹ کو مکمل طور پر شروع سے ہی اس کی کارروائی میں اعتماد میں نہیں لیا گیا اور کارروائی میں کسی سینٹر کو حصہ لینے کا موقع نہیں دیا گیا۔ نیشنل اسمبلی نے پاس کر دیا ہے۔ ریڈیو پاکستان نے اناؤنس کر دیا ہے۔

Mr. Chairman : Mr. Shahzad Gul, will you please listen to me ? I don't know what is your point of order that you have not been taken into confidence, You are not a member of the Special Committee. The Special Committee comprises of the whole House of the National Assembly, and so far as the National Assembly is concerned, a Bill was presented to it just this morning. It was for the National Assembly to pass it in one month or in one minute. They have transmitted the Bill to us, and we will consider it, and we will follow the rules. That is all. Confidence or no confidence.

جناب شہزاد گل : جناب والا ! میرا مدعا یہ تھا کہ سینٹ کو، ایوان بالا کی حیثیت سے کوئی اہمیت نہیں دی گئی۔

جناب چیئرمین : اگر اہمیت نہیں تو یہ بل یہاں کیوں لایا جا رہا ہے ؟

Mr. Abdul Hafeez Pirzada (Minister for Law and Parliamentary Affairs) : I seek your kind permission to make my submission. Radio Pakistan or no Radio Pakistan, nobody can violate the Constitutional provisions. It is the Constitution of Pakistan, passed unanimously by the elected representatives of the people, which gives the Senate its status, and nobody has the authority to subvert this status. Therefore, if at all, any mishap has taken place or there has been any lapse on the part of some announcer in Radio Pakistan, as a member of the Federal Government, I apologise on behalf of the Government. There is a Constitutional provision that no Constitutional Bill for amendment can be passed unless it is passed by a majority of the total membership of the Members of the Senate. As a matter of fact, I wanted to get up and apologise to the Members for this short notice of summoning but, as everybody knows, we have been in the grip of the worst ever crisis for the last three months. This crisis is not of our making but this has been there in the sub-continent for the last 90 years, and it is a tribute actually to democracy that we have been able to find a solution, a solution which is unanimous, without any reservation, and we hope that here also the same pattern will be followed, because after all what is the National Assembly ? It represents a cross-section of our whole nation and so also is the Senate. There have been constant dialogues. It is not that there have not been informal dialogues but there is always a procedure prescribed. The Bill for amendment to the Constitution has to originate in the National Assembly and then it comes here. I can assure my friend that Constitutional provisions shall not only be followed but strictly adhered to. Nobody can reduce the importance of the Senate. I once again apologise if there has been a lapse on the part of Radio Pakistan.

Mr. Chairman : I need not give any formal ruling on your point of order in view of the sincere apologies tendered by the Minister. I think, you don't intend to press your point of order.

Item No. 2. Please move your motion

THE CONSTITUTION (SECOND AMENDMENT) BILL, 1974

Mr. Abdul Hafeez Pirzada : I beg to move :

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

Mr. Chairman : The motion is :

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

POINT OF ORDER RE : SUSPENSION OF RULE 104

Mr. M. Zahurul Haq : Point of order.

I think, we should conduct these proceedings strictly according to rules and regulations. I assure the Treasury Benches that we will cooperate and pass this Bill.

Mr. Chairman : Yes strictly in accordance with the rules.

Mr. M. Zahurul Haq : Therefore, Sir, first of all, rule 112 should be suspended and then the motion should be taken up.

Mr. Abdul Hafeez Pirzada : I think, in a hurry, the Secretariat has missed out the motion. I formally move that provisions of rule 112 should be suspended because the matter is of extreme importance and urgency.

Mr. Chairman : Provisions of rule 112 ?

Mr. M. Zahurul Haq : In fact, it is rule 104.

Khawaja Mohammad Safdar : Provisions of rule 104 should be suspended.

Mr. Chairman : Yes, it is rule 104.

Mr. Abdul Hafeez Pirzada : Sir, there is no fault on the part of the Secretary nor anybody else. When a notice of less than two days is given, the Chairman has the discretion, and Mr. Chairman, you have exercised that discretion. The Chairman has already ordered that the rule should be suspended.

Mr. Chairman : In view of the importance of this, I have already exercised that discretion.

Mr. M. Zahurul Haq : Mr. Chairman, I think that the record of this House should be quite in order.

Mr. Abdul Hafeez Pirzada : Chairman has already suspended that. Sir, may I move the motion again.

THE CONSTITUTION (SECOND AMENDMENT) BILL, 1974

Mr. Chairman : You have moved it. No speeches? So, now, I put the question before the House.

The question before the House is :

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

(The motion was adopted)

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

Mr. Chairman : We will take it clause by clause. Now, we take up Clause 2.

The question before the House is :

“ That Clause 2 forms part of the Bill ”

Those who are in favour of it, may please rise in their seats.

(Senators rise)

Mr. Chairman : Please count.

Mr. Aziz Ahmed, you didn't get up in the beginning. Are you happy in the company of Ministers or in the company of Members?

Mr. Aziz Ahmed : Members, Sir.

Mr. Chairman : The result of the voting is 31 in favour of the motion. None against. So, the motion is carried by majority of the Members of the total membership of the House.

Senators : Carried unanimously.

Mr. Chairman : That is unanimous ; you require total membership, that is the word of the rule. Now, we take up Clause 3.

The question before the House is :

“ That Clause 3 forms part of the Bill.”

Those who are in favour of it may please rise in their seats.

(Senators rise)

Mr. Chairman : Please Count. Thirty-one in favour. None against. The motion is carried unanimously.

Now, we move on to Clause 1, Preamble, and Short Title.

The question before the House is :

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

Those who are in favour of it may please rise in their seats.

(Senators rise)

Mr. Chairman : The same number. Thirty-one in favour. None against. Carried unanimously.

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

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

“ That the Bill further to amend the Constitution of the Islamic Republic of Pakistan [The Constitution (Second Amendment) Bill, 1974], be passed.”

Mr. Chairman : The motion moved is :

“ That the Bill further to amend the Constitution of the Islamic Republic of Pakistan [The Constitution (Second Amendment) Bill, 1974], be passed. ”

Mr. Mohammad Hashim Ghilzai : Sir, we whole heartedly support this Bill, that is, the Constitution (Second Amendment) Act of 1974.

Mr. Chairman : Thank you.

(Applause)

Mr. Chairman : The question before the House is :

“ That the Bill further to amend the Constitution of the Islamic Republic of Pakistan [The Constitution (Second Amendment) Bill, 1974], be passed ”.

Now, we will have to take division over this. Let the bells be rung. (Pause)
Now, the House divide.

(The House divides)

Mr. Chairman : Gentlemen, division is closed. I will just announce the result of the division.

Total Members in favour of the motion are 31. None is against.

(Applause from both sides of the House)

Mr. Chairman : The motion is carried unanimously and the Bill stands passed.

There is no other work. The House stands adjourned *sine die*.

Senators : Thank you very much, Sir.

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(The Senate adjourned sine die)
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