



THE
SENATE OF PAKISTAN
DEBATES

OFFICIAL REPORT

Tuesday, November 19, 1974

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SENATE DEBATES
SENATE OF PAKISTAN

Tuesday, November 19, 1974

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

(Recitation from the Holy Quran)

FATEHA FOR AN MNA'S DECEASED FATHER

خواجہ محمد صفدر: جناب چیئرمین! میں آپکی اجازت سے اس ایوان کے سامنے صاحبزادہ احمد رضا خان قصوری کے والد مرحوم کے قتل کے سلسلے میں ایک تعزیتی قرارداد پیش کرنا چاہتا ہوں۔۔۔۔۔

Mr. Chairman: One minute

راؤ عبدالستار: جناب والا! اس معزز ایوان میں کوئی ایسی مثال نہیں ہے۔ ہم تمام کو دلی اور گہری ہمدردی ہے، لیکن کوئی ایسی مثال نہیں ہے کہ کسی ممبر کے والد کے متعلق اس معزز ایوان میں ایسی resolution پیش کی گئی ہو۔ اسلئے میں محترم خواجہ صاحب سے یہ استدعا کرونگا کہ وہ اس وقت resolution پیش نہ کریں۔

خواجہ محمد صفدر: جناب! اس میں کوئی controversy نہیں ہے۔ جناب صدر مملکت نے اسی واقعہ پر گہرے رنج و غم کا اظہار کیا اور وزیر اعظم صاحب felt shocked at this occurrence تو میں یہ نزعی مسئلہ پیدا نہیں کرنا چاہتا، میں تو صرف فاتحہ خوانی کرنا چاہتا ہوں۔

Mr. Chairman: Khawaja Sahib, to my knowledge, I think, many of the Ministers and even myself...

مفتی ظفر علی نعمانی: جناب! اگر اجازت دیں تو میں فاتحہ

پڑھ دوں؟

جناب چیئرمین: میں بول رہا ہوں۔ آداب مجلس تو یہ ہیں کہ جب

میں بول رہا ہوں تو مجھے بولنے دیا جائے۔ میں آپکی راہ میں حائل نہیں ہونا چاہتا لیکن میں یہ عرض کرنا چاہتا ہوں کہ

I myself sent a telegram of condolence to Sahibzada Ahmad Raza Qasuri but the technical objection raised here is that since he was not a Member of this House or of the National Assembly so, if we do this, we will be setting a precedence for future because there is no Member of the Senate or of the National Assembly, whether Provincial or Federal, whose relatives, father or mother or sisters or brothers or sons had not died. So, it is really very regrettable in the circumstances under which he was killed. Everybody is sorry on that and even the Prime Minister, the President, the Speaker, myself, many Ministers & other gentlemen have also expressed their sense of sorrow and grief at this incident. But the question

Mr. Chairman

now before the House is whether it will be appropriate to allow a condolence resolution in respect of a man, a gentleman, the deceased, who was not a Member of the Senate or of the National Assembly. Moreover, supposing if there is any opposition from the other side, as you know, what would be the result of it? What would be the outcome of this resolution?

خواجہ محمد صفدر: میں اس مسئلہ کو تنازعہ کا سبب نہیں بنانا چاہتا۔

Mr. Chairman: This is exactly what I wanted to point out.

خواجہ محمد صفدر: صوبہ سرحد کی اسمبلی نے اس قسم کی قرارداد پاس کی ہے۔ ہمارے لئے انکی مثال کی تقلید لازم نہیں ہے، لیکن میں مثال تو دے سکتا ہوں۔

Mr. Chairman: No, no, we don't follow Frontier Province.

خواجہ محمد صفدر: صاحبزادہ احمد رضا قصوری کا تعلق اس اسمبلی سے نہ تھا بلکہ وہ پارلیمنٹ کے معزز رکن ہیں۔ جن حالات میں یہ واقعہ ہوا جناب چیئرمین!

Rao Abdus Sattar : Point of order.

جناب چیئرمین: آپ تشریف رکھیں میں عرض کرتا ہوں۔ جن حالات میں وہ واقعہ ہوا واقعی قابل افسوس ہے لیکن آپ دیکھیں ابھی کل آپکی تحریک التوا آرہی ہے۔ آپ جو کچھ بیان فرمانا چاہیں اس میں فرمائیں۔ سارے ایوان کو مجھ سمیت بڑا رنج اور افسوس ہے لیکن ایسے باقاعدہ condolence resolution بنا کر پیش نہ کریں۔ اگر ایک آواز بھی ”نہیں“ کی ایوان سے اٹھی تو میں کہتا ہوں کہ یہ تو مرحوم اور انکے خاندان کیلئے بڑے افسوس کی بات ہوگی۔ لہذا آپ اسکو قبول کر لیں۔
خواجہ محمد صفدر: چلئے صرف فاتحہ پڑھ لیتے ہیں۔

Mr. Chairman : I think, you have sensed the position.

میرے خیال میں یہاں ایک شخص بھی ایسا نہیں ہے including myself جسے اس بات کا رنج اور دکھ نہ ہوا ہو۔

خواجہ محمد صفدر: فاتحہ پڑھنے میں کیا اعتراض ہے؟

راؤ عبدالستار: جناب والا! یہ اچھا ہے یا برا ہے؟

(مداخلت)

خواجہ محمد صفدر: جناب والا! مجھے فاتحہ کی اجازت دی جائے

میں فاتحہ پڑھے دیتا ہوں۔ میں فاتحہ کہتا ہوں۔

(خواجہ محمد صفدر نے فاتحہ خوانی کی)

جناب طاہر محمد خان: جناب چیئرمین! ویسے میں یہ بات ہاؤس کے ریکارڈ

میں لانا چاہتا ہوں کہ چیئرمین کی اجازت کے بغیر اپنی رائے کا اظہار کیا جائے یہ صحیح نہیں ہے۔ چیئرمین کی اجازت کے بغیر کوئی بھی عمل پارلیمانی روایات

کے خلاف ہے اور معزز ممبر نے فاتحہ پڑھنی شروع کر دی۔ یہ روایات کے خلاف ہے۔

Mr. Chairman: Before we take up ...

جناب محمد ہاشم غلزئی: آپ نے بھی تو رنج اور دکھ کا اظہار کیا ہے۔
(مداخلت)

Mr. Chairman : That is all right.

PANEL OF PRESIDING OFFICERS

Mr. Chairman: Before we take up other business of the House, I will just announce the names of the panel of Presiding Officers for the present session.

In pursuance of sub-rule (1) of Rule 14 of Rules of Procedure and Conduct of Business in the Senate, 1973, I nominate the following Members in order of precedence to form a Panel of Presiding Officers for the Winter Session, 1974, of the Senate of Pakistan :-

1. Mr. Zafar Ahmad Qureshi.
2. Shaikh Fazal Elahi Piracha.
3. Mr. Zulfiqar Ali Shah Jamote.

Now, we take up next item which should have precedence, of course as you know, over the adjournment motions. This privilege motion stands in the name of Mr. Zamarud Hussain. Yes, Mr. Zamarud Hussain.

PRIVILEGE MOTION RE: REFUSAL OF S. P. QUETTA TO RECEIVE CERTAIN SENATORS

Mr. Zamarud Hussain : Sir, I beg to raise a question involving breach of privilege of the Senators, namely, Senator Abdul Wahid Kurd was arrested on 5th Nov., 1974, by Quetta Police and was kept in the lock-up of Cantonment Police Station, Quetta. Mr. Mohd. Hashim Ghilzai, Leader of the Opposition in the Senate, Senator Haji Sayed Hussain Shah and Senator Zamarud Hussain went to see Senator Abdul Wahid Kurd in the above Police Station. The S. H. O. of the said Police Station informed them that S. P. Quetta had given him instructions not to allow anybody to see Senator Abdul Wahid Kurd without his permission. The above Senators, therefore, came in the office of the Assistant Commissioner-I, Quetta, and on behalf of the above Senators, Mr. Qadri, Advocate, rang-up S. P. Quetta in order to inform him that the above Senators wanted to see him. In reply, the Steno to S. P. Quetta stated that S. P. had refused to receive the Senators. This highly discourteous attitude of S. P. Quetta is breach of the privilege of the Senators.

Malik Mohammad Akhtar : The privilege motion is opposed, Sir.

Mr. Chairman: Yes.

Malik Mohammad Akhtar: *Sir, the privilege motion is opposed on two grounds. Firstly, two incidents have been mentioned in the body of the privilege motion *i. e.* that Mr. Mohammad Hashim, an honourable Senator, went to see a Senator in a Police Station, and the S. H. O. refused, under alleged instructions of S. P. Quetta, to allow him to see a detained or arrested Senator. Then, the second incident on which they have sought the leave of the House to discuss as the breach of the privilege is :-

“.....The above Senators, therefore, came in the office of the Assistant Commissioner-I, Quetta, and on behalf of the above Senators, Mr. Qadri,

*Speech not corrected by the honourable Minister.

Malik Mohammad Akhtar

Advocate, rang up S. P. Quetta in order to inform him that the above Senators wanted to see him. In reply, the Steno to S. P. Quetta stated that S. P. had refused to receive the Senators.....”

Now, Sir, they have mixed up two incidents. Firstly, the Leader of the Opposition, if I am correct, Mr. Ghilzai went to see the detained Senator at a police Station. The second incident is that one gentleman, an Advocate, Mr. Qadri on his behalf had some conversation with the Steno to the S. P. Quetta. Sir, as far as the second incident is concerned, we are seeking the clarification from the S. P. Quetta. It has not been received as yet. But I would state that what occurred, even if it occurred, it occurred between a stenographer who is, of course, a Government official, and an advocate. The honourable mover of the privilege motion has not stated that he himself contacted the S. P. or any person on behalf of the S.P. It was one of the advocates who contacted, and even that incident we have to deny after we receive the information. As such, Sir, if it is considered necessary, unless your honour considers that two incidents have been mixed up in one privilege motion and it is not specific and it may be ruled out of order, and if you consider that point may be clarified in spite of this technical objection, then this privilege motion may kindly be deferred for a period of two days.

Mr. Chairman: May be ?

Malik Mohammad Akhtar: Deferred for a period of two days to get clarification on the latter portion of the privilege motion. Firstly, I have requested that it should be ruled out of order on technical grounds. It is not specific and it contains more than one incident as mentioned in the privilege motion itself. Either it should be ruled out as suggested if your honour is pleased to agree with me, otherwise we may be allowed to get the factual position and we may be allowed to contact S. P. Quetta, and let us get his version also whether this incident actually happened or there is some misunderstanding.

I, particularly, would repeat that some telephonic conversation is alleged to have passed between the P. A. of the S. P., some Steno of the S. P. and some third person who is stated to be an advocate who must be some honourable man. But, Sir, I think, any incident which occurred between some of the government officials and a person who is not a Senator or a Member of this House, does not constitute the breach of the privilege of a Senator because the Senator did not have the conversation with the S. P. himself. He has not claimed that. As such, these are the three points which I have raised. In any case, if my view is not agreed upon by the honourable Chair, then let us get clarification from the S. P. on the factual position.

Mr. Chairman : What is your reaction to the suggestion? The House would like to know the factual position. Well, it was the Steno according to the privilege motion who had informed your Advocate that the Superintendent of Police was not willing to see the deputation, would it not be proper to ask the Superintendent of Police whether he did really refuse to receive the deputation or it was the lie on the part of the Steno just to dodge the Senators and their leader?

جناب زمر حسین: اگر آپ defer کرنا چاہیں تو کر دیں مجھے

کوئی اعتراض نہیں ہے

Mr. Chairman : How many days do you want?

Malik Mohammad Akhtar : Two or three days, Sir.

Mr. Chairman: Well you ask the Superintendent of Police on telephone.

Malik Mohammad Akhtar : Sir, I would like to have a written statement from the officer concerned before I make any statement in the House.

Mr. Chairman : I don't think that you would be able to get a written reply within two or three days.

Malik Mohammad Akhtar : Sir, three days would be sufficient.

Mr. Chairman : You please arrange to ring him up for this information and for this particular reference which is the main thing. So far as I have been able to understand, the gist and the essence of the whole privilege motion is the "alleged discourteous behaviour" in refusing to see the Senator. We are not concerned with his arrest, removal and lock-up. There are so many incidents which are inter-linked. The main complaint is the "discourteous behaviour" on the part of the Superintendent of Police in refusing to see the Senators particularly their leader. He could have told them that, of course, under the law or under some orders he had been asked not to allow anybody to meet him. That is a different matter. So, you can draw his attention to this particular complaint and ask whether he did actually tell his Steno to convey to their advocate that he was unable to receive the deputation. This is a particular thing and this is what I have been able to understand from the essence of the whole thing.

Khawaja Mohammad Safdar : Correct, Sir.

Mr. Mohammad Hashim Ghilzai : Sir, let me make one point. I personally talked on telephone to the Superintendent of Police. I told him that I was coming to see him with my friends. He told me frankly that he had received instructions from the Deputy Commissioner that nobody was allowed to see him. So, he can't

Mr. Chairman : That is a different matter.

Mr. Mohammad Hashim Ghilzai : Sir, let me make it clear.....

Mr. Chairman : Mr. Ghilzai, you will agree with me that sometimes Superintendent of Police or any Police Officer can tell you, "Sorry under certain orders or instructions, I can't allow you to see him."

Mr. Mohammad Hashim Ghilzai : Sir

Mr. Chairman : Mr. Ghilzai, will you please listen to me? 'Refuse to see you' is one thing and to disallow you to see the accused is quite a different thing. That wouldn't involve any breach of privilege.

Khawaja Mohammad Safdar : Quite right.

Mr. Mohammad Yousuf Khattak : Mr. Chairman, I fail to understand how it is discourteous not to see some one in course of administrative duties. There must be many occasions when there is a riot going on or such turmoil within the country and at that stage it will not be admissible for the administrator to receive a deputation and you call it discourteous. I think, the people don't know what is the meaning of discourtesy.

Mr. Chairman : Mr. Khattak, your concept or definition of discourtesy may be different from other people but it will be for the House now to decide whether this behaviour on the part of S. P. is or is not discourteous. I say prima facie

Mr. Mohammad Yousuf Khattak : Sir, my point is not only that of a particular concept of courtesy or discourtesy. What I want to say is that it is a privilege of an administrator. Only he is the judge of those conditions under which he can receive certain people or refuse to receive certain people. If you withdraw this privilege from an administrator, then it will make it very difficult.

Mr. Chairman : Mr. Khattak, you are putting the cart before the horse. First, we must know whether the S.P. refused to see the deputation. If he says 'no' then the controversy will be of different nature. But supposing if he says 'yes' he refused to see the deputation because of this or that reason, then you will have to weight the arguments of the Opposition with regard to this one point.

Mr. Chairman

First, we must know, as suggested by Mr. Akhtar, whether he did actually refuse to see the deputation, and if he did, on what grounds; and then the grounds have to be considered by this House. Well, if he says that he had the privilege, he had the duty or he had the orders and instructions under such and such law to refuse, then it is all right and it is for the House to decide but we can't pre-judge the outcome. So, let us know the factual position, in the light of that factual position as conveyed to the Minister of State by the S.P., the House will be in a better position to appreciate the facts and circumstances of the case and decide one way or the other. If no privilege has been violated, it is upto the House and no body can impose his will on the Senate. It is upto the House. Is the House meeting on 22nd? Malik Sahib, I am afraid that you may not be able to receive written reply by day after tomorrow, and then again it will have to be deferred.

Malik Mohammad Akhtar : Sir, defer it for three days.

Mr. Chairman : But, Malik Akhtar, why are you in a hurry?

Malik Mohammad Akhtar : Sir, I am not in a hurry.

Mr. Chairman : Let it go to 23rd.

Malik Mohammad Akhtar : 23rd is better.

Mr. Chairman : So, we will take up this adjournment motion on the 23rd. In the mean time you will be able to get information on facts from the S.P. in writing.

Malik Mohammad Akhtar : Right, Sir.

Mr. Chairman : Now, there is another privilege motion. Yes, Haji Sayed Hussain Shah.

PRIVILEGE MOTION *RE*: HOUSE SEARCH OF SENATOR ABDUL WAHID KURD WITHOUT WARRANT

Haji Sayed Hussain Shah : Sir, I beg to raise a question involving a breach of privilege of a Member as well as that of the Senate, namely, the facts which resulted in the aforesaid breach of privilege are as follows :-

On the morning of 25th of October, 1974 the residence of Mr. Abdul Wahid Kurd, a Member of the Senate, was raided by a large party of police officials, headed by the Assistant Commissioner, Quetta. The party had no search warrant but forcibly entered the house and started search for explosives. Mir Abdul Wahid Kurd asked the police to show him the search warrant, which was absolutely necessary in such cases but he was told that the house would be searched on the verbal orders and in the presence of a magistrate, therefore, search warrant was not necessary. Finding nothing objectionable in the house, the police took away forty pairs of shalwars and gameez from his house. Thus, the privilege of a Senator as well as that of the Senate was infringed upon.

Malik Mohammad Akhtar : *Sir, it is again opposed and the ground is the same. Sir, two questions have been raised regarding breach of privilege. One is that the house of the Senator was raided and no search warrant was shown to him, and the other is that the police took away forty pairs of shalwars and gameez from his house. Sir, I would like to make it abundantly clear to my honourable colleagues that they should be more careful in drafting a privilege motion, and I would also like to refer to rule 59 in this connection :-

“The right to raise a question of privilege shall be governed by the following conditions, namely :-

* Speech not corrected by the honourable Minister.

- (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 so on and so forth

Again, Sir, the motion is not containing a specific matter. It has been drafted containing two issues. First is the removal of articles from the House of the learned Senator and the second is that the police had no search warrant.

Sir, besides this technical objection, I would again request you that the matter may be deferred because I would like to have a written statement of the person heading the raiding party, who conducted the search. To make a statement that the search warrant was there, I have received information but I do not want to commit until and unless something in writing is given to me. I equally share with the sentiments of the House as far as privileges of the honourable Members are concerned. At the same time, I would request them to go by rules and we should be more careful because even this privilege motion, according to my humble view, is defective and contains more than one specific issue. As regards the factual position, Sir, besides the technical objection which I am submitting, I would be in a position to make a statement if you kindly defer it to 23rd or 24th preferably, so that if there is any debate we can debate both the privilege motions on either day—first privilege motion on the 23rd and second on the 24th after getting the point.

Khwaja Mohammad Safdar : 24th is Sunday.

Malik Mohammad Akhtar : Then let it be 25th, Sir.

Mr. Chairman : But why this question ?

Malik Mohammad Akhtar : Pardon, Sir?

Mr. Chairman : First, I would like to know from them what particular or specific principle has been violated.

Malik Mohammad Akhtar : I have raised that objection, Sir. You can give your ruling.

Mr. Chairman: I would like to know, Haji Sayed Hussain Shah, that his house has been searched under the ordinary law. If you want to suggest that he is immune from the process of search in a criminal case as a Member of the Senate, then you show me the Law, the Constitution, any rule, any provision, constitutional provision or legal provision that even in a criminal case a Member of Senate or a Member of any other Assembly or a Member of Parliament is immune from the search provisions of Criminal Procedure Code. A certain person is accused, rightly or wrongly, it is for the court to decide. For a cognizable offence and in the presence of a Magistrate his house is searched by the Police: how then does it constitute breach of his privilege? I will just give you an illustration. Supposing Mr. 'A', who happens to be a Member of Parliament, commits murder. The Police goes there and searches his house for the recovery of the weapon of offence or for some other article. In the course of investigation, the Police is quite authorised and empowered to search the house of a man who is accused of a cognizable offence, and he cannot plead immunity from the process of law that he is immune from the process relating to search of his house.

Interruption

Mr. Chairman : No, why not allow him to say, you see? He may give certain facts because this is not, strictly speaking, a legal case.

خواجہ محمد صفدر: بالکل قانون کے مطابق ہے۔

جناب چیئرمین: آپ تو لیگل بات کرتے ہیں۔ نان لیگل بات بھی سننی

چاہیے۔ Because he has moved it.

حاجی سید حسین شاہ: جناب والا! جب عبدالواحد کرد کی تلاشی

لی گئی تو اسوقت ان پر کوئی الزام نہیں تھا۔

جناب چیئرمین: ہم واقعات پر تو جا نہیں سکتے یہ تو عدالت ہی

فیصلہ کرے گی کہ وہ گنہگار ہیں یا بے گناہ ہیں۔ he is under arrest۔ ان کا

کیس جو ہے وہ subjudice ہے۔ اس پر تبصرہ نہیں کر سکتے۔ دیکھیں

آپ کا جو اعتراض ہے وہ یہ ہے کہ ان کے گھر کی تلاشی لی گئی ہے اور

پولیس نے یہ تلاشی کیوں لی ہے؟ آپ کی شکایت تو یہ ہے۔ اب یہ کہ

وہ گنہگار ہیں یا بے گناہ ہیں، اس بات کا فیصلہ تو عدالت ہی کرے گی۔

حاجی سید حسین شاہ: جناب والا! جب ان کے گھر کی تلاشی لی

گئی تو ان پر کوئی الزام نہیں تھا۔

جناب چیئرمین: یہ تو عدالت ہی فیصلہ کرے گی کہ ان پر الزام

تھا یا نہیں تھا۔

حاجی سید حسین شاہ: جناب والا! آپ نے ان کو تو مہلت دی ہے کہ

facts منگوا لئے جائیں۔ ان کی گرفتاری اس سے ۱۵ دن بعد عمل میں آئی۔

جناب چیئرمین: شاہ صاحب، اس میں تو مہلت کی ضرورت تھی کہ

ایس۔ پی۔ امین صاحب نے ایسا کیا ہے یا نہیں اور اصل واقعات کیا ہیں،

ایسا ہوا ہے یا نہیں؟

حاجی سید حسین شاہ: گرفتاری بلا وارنٹ ہوئی ہے۔

جناب چیئرمین: بلا وارنٹ نہیں، میجسٹریٹ موجود تھا۔

حاجی سید حسین شاہ: حکومت کا یہ دعوے ہے کہ عدلیہ اور

انتظامیہ کو علیحدہ کر دیا ہے۔ دوسری طرف آپ پولیس کو بطور عدلیہ کے

استعمال کر رہے ہیں۔

جناب چیئرمین: میجسٹریٹ کا تلاشی کے وقت ساتھ ہونا۔ اسے اردو

میں کیا کہتے ہیں؟

ایک معزز سینیٹر: خلاف قانون۔

جناب چیئرمین: خلاف قانون نہیں ہے۔

حاجی سید حسین شاہ: جناب والا! بلوچستان میں پولیس کا وطیرہ

ہے کہ وہ لوگوں کو بلینک وارنٹ لے کر گرفتار کر رہی ہے۔

جناب چیئرمین: جس واقعہ کا آپ ذکر کر رہے ہیں اس میں تو میجسٹریٹ موجود تھا۔

حاجی سید حسین شاہ: میجسٹریٹ موجود تھا مگر اسکے خلاف کوئی الزام نہیں تھا کوئی کیس اسکے خلاف نہیں تھا۔

جناب چیئرمین: آپ یہ بتائیں کہ How does this constitute breach of privilege کیونکہ یہ ان کا استحقاق تھا اور یہ استحقاق کی خلاف ورزی کیسے ہے؟

حاجی سید حسین شاہ: جناب والا! وہ کسی کیس میں ملوث نہیں تھے۔ جناب چیئرمین: قانون کے تحت تلاشی تو لے سکتے ہیں۔ آپ تو ناراض ہیں اس بات پر کہ پولیس نے ان کے گھر کی تلاشی کیوں لی؟ اس سے آپ بھی ناراض، ہم بھی ناراض، سب ناراض ہیں لیکن آپ صرف اتنا بتائیں کہ یہ ان کا استحقاق کیسے تھا کہ پولیس ان کے گھر نہیں جاسکتی۔ حاجی سید حسین شاہ: محترم عبد الواحد کرد صاحب تو سینٹ کے ممبر ہیں بلکہ ایک معمولی شہری کو بھی بلا وارنٹ گرفتار نہیں کیا جاسکتا۔

Mr. Chairman: God forbid! If some Member of the Senate commits a murder, you mean to say that he should not be arrested.

حاجی سید حسین شاہ: میں ایسا نہیں کہتا ہوں۔

جناب چیئرمین Explosives Act میں بھی اس طرح ہے اور

It was under the Explosives Act.

خواجہ محمد صفدر: وہ کیس دس بارہ دن کے بعد بنا ہے۔ اس سے پہلے نہ انہیں گرفتار کیا گیا، نہ حراست میں لیا گیا اور نہ عدالت میں لے جایا گیا بلکہ ایک اور کیس میں ان کو ملوث کیا گیا۔ جناب چیئرمین: دیکھیں نا، اب تو subjudice ہے۔

خواجہ محمد صفدر: وہ اور کیس ہے۔ اسکا اس تلاشی کے ساتھ کوئی

تعلق نہیں ہے۔

جناب چیئرمین: اسی سلسلے میں تو وہ حوالات میں ہیں۔

حاجی سید حسین شاہ: اس سلسلے میں نہیں ہیں۔

خواجہ محمد صفدر: جناب چیئرمین! میں آپ کی خدمت میں عرض کرنا

چاہتا ہوں کہ جس روز تلاشی ہوئی ہے اس روز پولیس صرف ۴ جوڑے کپڑوں کے اٹھا کر لے گئی سینٹر صاحب کو نہ گرفتار کیا اور نہ کسی کیس میں ملوث کیا۔ دس بارہ دن کے بعد جب وہ کراچی سے واپس لوٹے تو پھر ان کو گرفتار کیا گیا اسلئے جو کیس subjudice ہے اسکا اس مقدمے کے ساتھ کوئی تعلق نہیں ہے۔ میں صرف یہ واضح کرنا چاہتا ہوں جو

(Khwaja Mohammad Safdar)

مقدمہ اس وقت ان پر بنا ہوا ہے وہ Explosives Act کی دفعہ ۵،۳،۳ کے تحت ہے۔

خواجہ محمد صفدر: اس مقدمہ کا اس تلاشی سے کوئی تعلق نہیں ہے۔

جناب چیئرمین: اسکا اس کے ساتھ کوئی تعلق نہیں ہے؟

Do you concede?

Malik Mohammad Akhtar : I am unable to concede to any of the facts until and unless I get my information.

Mr. Chairman : All right. Let it also be deferred to 25th. Now, we get down to adjournment motions.

کوئی بڑا اہم واقعہ ہوا ہے؟

خواجہ محمد صفدر: اس ملک میں ہوتے ہی رہتے ہیں۔

(قہقہے)

جناب چیئرمین: ایڈجرنمنٹ موشن بھی ہمارا معمول بن گیا ہے۔

خواجہ محمد صفدر: بالکل نہیں جناب! یہ بڑا اہم معاملہ ہے۔

Mr. Chairman : This is adjournment motion No. 1. It is in your name.

ADJOURNMENT MOTION RE: DASTARDLY ATTACK ON AN OPPOSITION MNA

Khawaja Mohammad Safdar : I am going to read it out.

Sir, I beg leave of the Senate 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 dastardly attack on Mr. Sahibzada Ahmad Raza Qasuri, MNA with automatic weapons which resulted in the murder of his esteemed father Nawab Mohammad Ahmad Khan, who was accompanying Sahibzada Ahmad Raza Qasuri, M. N. A. in his car between the night of the 10th and 11th November, 1974, as reported in the Press, has dismayed the entire nation. Sahibzada Sahib has been a target of such murderous attacks since he joined the Opposition. The failure of the Federal Government to protect the lives of Members of the National Assembly has greatly perturbed the minds of the public.

Malik Mohammad Akhtar : Opposed, Sir. I have got many technical grounds to oppose this, with about half a dozen rules.

Sir, I would deal with the adjournment motion from its concluding para and then I will deal with each and every line of it on technical grounds. The last three lines are:—

“.....The failure of the Federal Government to protect the lives of Members of the National Assembly, has greatly perturbed the minds of the public.”

I consider, Sir, that the protection of property and life of every citizen of Pakistan including the Members of this Assembly is a provincial subject. Here, Sir, I would like you to go through the rulings of the Chair, 1941—45. It is Sir, ruling No. 384:

“Matter of provincial concern: Action taken in accordance with orders issued under Defence of India Rules: Motion not in order.”

I mean to say that the matters which are concerning the provincial subjects are residuary subjects in our Constitution. Maintenance of law and order

and protection of one's property and life is the subject of the Provinces. I would quote here ruling No. 385:—

“Matter of Provincial concern: Not in order.” And therein it was held:—

“This surely can be discussed in the Legislative Assembly of Bombay. You cannot discuss it here..... The High Court has passed an order in this case and it is for the public to take up the matter.”

Then again, Sir, it is ruling No. 386:—

“Matter of provincial concern: Not in order. The administration of jails is the concern of the Provincial Government and it cannot be called into question here.”

The relevance is that according to our Constitution it is neither a part of Federal Legislative List nor a part of Concurrent Legislative List but is rather a residuary subject and that needs not be discussed over here. Why was this adjournment motion moved? My friend has moved it just because Mr. Ahmad Raza Qasuri, a Member of the National Assembly, was attacked. I have got no other ground to say, and according to these rulings I don't commit that this is a matter which could be moved in the National Assembly as a privilege motion.

Mr. Chairman : This is not privilege motion, it is adjournment motion.

Malik Mohammad Akhtar : Sir, I mean to say that the matters relating to the Privileges of the Members should ordinarily be discussed through a privilege motion and where a question could be discussed through a privilege motion that question cannot be raised through an adjournment motion. Here, Sir, I would like you to look into page 28 of the Decisions of the Chair, and it is ruling No. 39, 1921—40 :—

“The President also observed : I go further and say that if it is the intention of the Members to raise a question of privilege— and I do not know how far the question of privilege does arise in this case—I should say atonce that no discussion on a question of privilege can take place on a motion for adjournment”.

So, Sir, the adjournment motion cannot be made in respect of a question of privilege. Again, Sir, in a lengthy ruling, ruling No. 282, years 1921—40, dealing with various aspects of adjournment motion has been observed :-

“A motion for adjournment under rule 11 is not the proper procedure for raising the question of privilege, pure and simple. This was also the view of President Patel. (Vide L. A. Deb. 4th September, 1928)”.

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The debate is here, if my honourable friend wants to go through it. Finally, the matter is subjudice, Sir. As such, there are various rulings to the effect that matters which are subjudice need not be discussed. Of course, you have got wide powers to grant sanction in certain cases and, Sir, I would quote ruling No. 31 and would give only what was held :-

“Adjournment motion : Charge against a number of persons : Withdrawn against some : Matter remains subjudice.” Then, Sir, again, this is ruling No. 32 :-

“Adjournment motion admitted but not allowed to be discussed at the appointed time as the matter had become subjudice by then.”

So, Sir, I have got three objections to make. Firstly, it is a provincial matter. Secondly, the matter is subjudice and thirdly, as the intention appears to be, this is a sort of question regarding privilege -- I again do not commit this because I may have to face certain privilege motions as well in the National Assembly. The questions of privilege cannot be raised through an adjournment motion.

(Malik Mohammad Akhtar)

In the light of these rulings, quoted to your honour, I would request you to rule out the adjournment motion on technical grounds.

Khawaja Mohammad Safdar : Sir, may I say something?

Mr. Chairman : I am giving you full opportunity to express your views and explain your case.

Khawaja Mohammad Safdar : I would like to reply to the honourable Minister's observation.

Mr. Chairman : I will draw your attention to rule 71 (f), which requires that the adjournment motion must relate to a matter which is primarily the concern of the Federal Government. This is very important. Your adjournment motion is relating to a matter which is not primarily the responsibility of the Federal Government. Now, as you know, protection of life and property of the citizens, including the Members of the Parliament, or the Senate, National Assembly or the Provincial Assemblies, is primarily the responsibility of the Provincial Government, because maintenance of law and orders is a Provincial subject. This is apart from his objection that it is subjudice. It is not primarily the responsibility of the Federal Government. This is primarily the responsibility of the Provincial Government because maintenance of law and order is a Provincial Subject. It is primarily the responsibility of the Provincial Government to extend protection of property and life of the citizens including the Members of the Assemblies. So, what do you say, whether this is a provincial subject or a Central subject? You can say other things also but first you satisfy me, then you take up his points. Am I quite clear to you ?

Khawaja Mohammad Safdar : Yes, Sir,

Mr. Chairman : My objection apparently is that it seems to me that it probably strikes rule 71 (f).

خواجہ محمد صفدر: جناب والا! میں پوری طرح آپکا مطلب سمجھ رہا ہوں اور وزیر مملکت صاحب نے بھی جو کچھ ارشاد فرمایا ہے۔ وہ بھی اچھی طرح سمجھ رہا ہوں۔ جہاں تک اس اعتراض کا تعلق ہے جو آپ نے ارشاد فرمایا ہے اور دوسرے لفظوں میں محترم وزیر مملکت صاحب کا بھی پہلا اعتراض یہی ہے، اگرچہ انہوں نے الفاظ قدرے مختلف استعمال کئے ہیں۔ جناب والا! میں اس سلسلے میں یہ گزارش کرونگا کہ جب اس ایوان میں مرکزی حکومت نے فیڈرل سیکورٹی فورس کے قیام کا قانون پیش کیا تھا۔

خواجہ محمد صفدر: تو اسکی دو ضرورتیں ہمیں بتائی گئی تھیں ایک تو یہ کہ اسمگلنگ کو روکنے کیلئے فیڈرل سیکورٹی فورس بارڈروں کی حفاظت کرے گی اور دوسری یہ کہ لائینڈ آرڈر کے سلسلے میں امن عامہ کے سلسلے میں مؤثر خدمات سر انجام دے گی کیونکہ صوبائی پولیس پر کوئی اتنا اعتماد نہیں رہا تھا اسلئے فیڈرل سیکورٹی فورس مرکزی حکومت کے احکامات کے تحت لوگوں کی جان و مال کا تحفظ کرے گی۔ میں دیکھتا ہوں جناب چیئرمین! کہ فیڈرل سیکورٹی فورس اکثر شہروں میں متعین ہے۔ بلوچستان کا قصہ تو چھوڑیئے وہاں حالات اور ہیں۔ پنجاب میں ابھی اگلے روز جس روز نواب محمد احمد خان کا جنازہ پڑھا جاتا تھا تو وہاں بھی فیڈرل سیکورٹی فورس موجود

تھی اور جناب والا! چوکوں میں دیکھئے یہاں باہر اسمبلی کے گرد ونواح میں دیکھیں ٹرک کھڑے ہیں کیوں؟ اسلئے یہ سمجھا جاتا ہے کہ صوبائی حکومتیں اتنے موثر طور پر، میں نرم الفاظ استعمال کرتا ہوں، اپنے فرائض کی انجام دہی نہیں کر رہیں۔ جہاں تک لوگوں کی جان و مال کی حفاظت کا تعلق ہے، تمام تر اختیارات وفاقی حکومت کے پاس ہیں اسلئے لوگوں کی جان و مال کی ذمہ داری صرف اور صرف مرکزی حکومت پر ہے۔ یہ کوئی کسی ایک صوبہ کی بات نہیں ہے۔ نہ پنجاب کی، نہ سرحد کی، نہ سندھ اور نہ ہی بلوچستان کی، تمام صوبے بے بس ہیں۔ تمام تر اختیارات مرکزی حکومت کو حاصل ہیں صوبوں کو نہیں ہیں۔ مرکزی حکومت کی ہدایات کے مطابق صوبوں میں کام کاج ہو رہا ہے خواہ وہ لوگوں کی جان و مال کی حفاظت کیلئے ہو یا اس کے خلاف ہو یہ ساری مرکزی ذمہ داری ہے۔ جناب والا! خصوصیت سے آپکو یاد ہوگا۔ کہ میں نے اس ایوان میں گذشتہ اجلاس میں اسی موضوع پر ایک تحریک پیش کی تھی اور اسی روز ساڑھے تین بجے کے قریب ہمارا اجلاس ساڑھے چار بجے شروع ہونا تھا اس ہال کے مضافات میں یہاں سے تین چار سو گز کے فاصلے پر صاحبزادہ احمد رضا خان قصوری ایم۔ این۔ اے پر گولی چلائی گئی تھی

Mr. Chairman: Would that be relevant?

خواجہ محمد صفدر: جناب والا! میں صرف وضاحت کر رہا ہوں کہ کس طرح مرکزی حکومت امن عامہ میں مداخل ہوتی ہے اور ساری ذمہ داری اس پہ آتی ہے۔ یہ مرکزی حکومت کا فرض ہے۔ کہ وہ لوگوں کی جان و مال کی حفاظت کرے۔

Mr. Chairman: That is an attempted murder.

Khawaja Mohammad Safdar: That is not there, Sir. Only a case under section 302 is registered.

خواجہ محمد صفدر: subjudice کا انکو بڑا اعتراض ہے۔ اس میں کوئی شک نہیں ہے کہ قتل کے مقدمے کے سلسلے میں ایک رپورٹ غالباً تھانہ اچھرہ یا لاہور کے کسی اور تھانہ میں درج ہو چکی ہے۔ اس میں کوئی شک نہیں ہے کہ صوبائی حکومت نے ایک نہایت ہی قابل احترام جج صاحب کو اس معاملہ کی تحقیقات کیلئے مقرر کیا ہے۔ اس لحاظ سے بظاہر معلوم ہوتا ہے کہ اس مسئلہ کا بڑی سنجیدگی سے نوٹس لیا جا رہا ہے لیکن جناب والا! یہ سب تحقیقات قتل کے مقدمہ کے سلسلے میں ہو رہی ہے، صاحبزادہ احمد رضا قصوری پر گولی چلانے کا کوئی مقدمہ درج رجسٹر نہیں ہوا اور نہ ہی ایسا کوئی مقدمہ زیر تفتیش ہے۔

Mr. Chairman: Your case is that an attempt was made on his life but incidently his father was killed.

خواجہ محمد صفدر: میرا case تو سیدھا ہے لیکن تحریک التوا میں جو کچھ سیکھا ہے وہ بالکل مختلف ہے۔ اس وقت جو معاملہ ہمارے سامنے ہے وہ نواب محمد احمد خان صاحب کے قتل کا نہیں ہے بلکہ صاحبزادہ احمد رضا خان قصوری پر گولی چلانے کا مسئلہ زیر بحث ہے۔

جناب چیئرمین: یہ آپ نے تحریک التوا میں بیان فرمایا ہے کہ صاحبزادہ احمد رضا کو قتل کرنے کی کوشش کی گئی مگر بدقسمتی سے ان کے والد صاحب فوت ہو گئے۔ آپ یہ سمجھتے ہیں کہ ۳۰۷ بھی ہے اور ۳۰۲ بھی۔

خواجہ محمد صفدر: جناب!

Mr. Chairman: That would rightly or wrongly not be concerned. I am not concerned with that. According to your adjournment motion that would amount to 307 PPC, and the unfortunate murder of his father will amount to 302 PPC. Both the cases are being investigated. You can't isolate one from the other.

خواجہ محمد صفدر: میں یہ پڑھے دیتا ہوں۔

جناب چیئرمین: وہ کیوں پڑھے دیتے ہیں، تحریک التوا میں پڑھے دیتے ہیں۔

خواجہ محمد صفدر: اسی لئے میں نے اس تحریک کو پیش کرنے کی جسارت کی ہے۔ اگر میں مرحوم نواب محمد احمد صاحب کی وفات کے متعلق تحریک پیش کرتا تو وہ یقیناً subjudice ہے لیکن یہ تحریک التوا صاحبزادہ احمد رضا قصوری پر قاتلانہ حملہ کے متعلق ہے اسلئے یہ Subjudice نہیں ہے۔ میرے پاس پاکستان ٹائمز اخبار ہے اس میں لکھا ہے کہ نواب محمد احمد صاحب کو قتل کیا گیا۔ صاحبزادہ احمد رضا قصوری پر حملے کا کوئی ذکر نہیں ہے صرف میری تحریک التوا میں اس کا ذکر ہے۔ اسلئے میں محترم وزیر صاحب کی خدمت میں نہایت ادب سے گزارش کرونگا کہ یہ subjudice نہیں ہے۔ انکے علاوہ محترم وزیر مملکت برائے پارلیمانی امور کا دوسرا اعتراض یہ ہے کہ یہ تحریک التوا اس صورت میں پیش نہیں ہو سکتی تو جناب چیئرمین! میں یہ عرض کر رہا تھا کہ ہمارے قوائد کی رو سے جو شرائط تحریک التوا پیش کرنے کیلئے ضروری ہیں وہ یہ ہیں کہ کوئی مسئلہ جسے زیر بحث لانا مقصود ہو وہ اہمیت عامہ کا حامل ہو پہلی بات اور دوسری بات یہ ہے کہ وہ حالیہ وقوع پذیر ہو تو اس میں یہ دونوں باتیں ہیں۔ اہمیت عامہ کا حامل بھی ہے اور recent بھی ہے۔ اگر میری تحریک التوا میں کوئی اور نقص ہو تو وہ اور بات ہے اور اس پر میں بحث کرنے کے لئے تیار ہوں۔ اسلئے میں جناب وزیر مملکت برائے پارلیمانی امور سے یہ گزارش کرونگا کہ یہ مسئلہ primarily مرکزی حکومت سے تعلق رکھتا ہے۔

دوسرا یہ کہ یہ مسئلہ subjudice نہیں ہے - یہ درست ہے کہ اس مسئلہ میں کچھ ہو رہا ہے رپورٹ ہو چکی ہے اور پولیس تحقیقات کر رہی ہے - میں نے رات کو احمد رضا قصوری سے ٹیلیفون پر پوچھا کہ آپ سے کسی نے کوئی بات پوچھی ہے تو انہوں نے مجھے بتایا کہ مجھ سے پولیس کے افسر نے کچھ نہیں پوچھا اور نہ ہی کوئی افسر مجھے ملا ہے - کم از کم ان سے کوئی پوچھتا تو سہی کہ گولی کیسے چلائی گئی - اسلئے بھی یہ مسئلہ subjudice نہیں ہے - پولیس خبر نہیں کہہاں اس جرم کا کھوج تلاش کر رہی ہے - غالباً جو تحقیقات ڈاکٹر محمد نذیر مرحوم کے قتل کے سلسلے میں ہوئیں وہی کچھ یہاں بھی ہوگا - پتہ نہیں کس شخص سے پوچھا جا رہا ہے اور کس سے تحقیقات کی جا رہی ہے - جو شخص مرحوم کے ساتھ تھا اور جسے پوچھنا ضروری تھا ، اسے کسی نے آج تک نہیں پوچھا کہ بھائی تم کون ہو - ان حالات میں یہ نہایت ادب سے درخواست کرونگا کہ یہ تحریک قواعد کے مطابق ہے اور محترم وزیر مملکت برائے پارلیمانی امور اس کی بے جا مخالفت نہ کریں -

Mr. Chairman : Khawaja Sahib, I invited your attention to rule 71 (f). I put emphasis on the word "primarily". Now, even if I accept your argument that sometimes security force, which is under the Federal Government, is associated with the maintenance of law and order, that is only to help the Provincial Government, as you know it. If the Provincial Government feels that they need the assistance and help of the Federal Security Force they are called upon to assist them, but this is not primarily the responsibility of the Federal Government. The word "primarily" is very important.

So, sorry, I hold that not being primarily the responsibility of the Federal Government—this is apart from its being also subjudice—it is ruled out of order. Yes, any other? Khawaja Sahib this is your No.2.

ADJOURNMENT MOTION RE: ENTRY OF THIRTY THOUSAND AFGHAN NATIONALS IN PAKISTAN

Khawaja Mohammad Safdar : Sir, I beg leave of the Senate 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 Governor of Baluchistan while addressing a press conference as reported in "Nawa-i-Waqt" of 28.10.1974 disclosed that about thirty thousand Afghan nationals had entered Baluchistan and that they were inciting the Baluchis against Pakistan.

The failure of the Government in preventing the Afghan nationals from entering Pakistan has caused great resentment.

Malik Mohammad Akhtar : Sir, it is opposed, and I would request that the adjournment motion may kindly be deferred until and unless we are apprised and even adjournment motion No.3, because we need certain information and we are trying to get it. Khawaja Sahib has been very kind to us to move these motions yesterday in the afternoon. So No. 2 & 3 may kindly be postponed so that we can get the correct facts.

Khawaja Mohammad Safdar : If the Chair agrees, I have got no objection.

Mr. Chairman : I wish I could have disposed of this adjournment motion on a very simple ground.

Mr. Chairman : Let me hear him then. I will consider your suggestion also. You say it is of public importance but how is it urgent? You tell me, has it arisen suddenly because in that very Press Conference the Governor has said that during the last six or seven months, that have entered Baluchistan. So, it is a continuing process. It has not arisen suddenly. You say that in the Press Conference the Governor has specifically mentioned this fact that during the last six or seven months these people have been continuing to enter Pakistan, and now about thirty thousand people have entered Baluchistan area. So, it is of public importance. How can I deny? But how is it urgent because it has not arisen suddenly to create certain emergent situation which necessitates the adjournment of the whole House, that we should set aside all other business and adjourn the House for the discussion of this matter because this thing is a continuing process for the last six or seven months. That is what he has said. You have now in the House a very obliging opponent.

Khawaja Mohammad Safdar : He is my old friend, Sir.

Mr. Chairman : You were my friend also in the Provincial Assembly.

Khawaja Mohammad Safdar : Certainly, Sir.

Mr. Chairman : I think, you were Leader of the Opposition and he was Deputy Leader.

Khawaja Mohammad Safdar : He was my leader, Sir.

جناب والا! آپ نے یہ ارشاد فرمایا ہے کہ یہ واقعہ حال ہی میں وقوع پذیر نہیں ہوا۔ اس لئے جاریہ مسئلہ ہے۔ جناب والا! میں آپ کو یاد دلاتا ہوں۔ مجھے افسوس ہے کہ محترم وزیر داخلہ یہاں تشریف نہیں رکھتے۔ گذشتہ چند مہینوں میں بیسیوں بار ان کے بیانات آئے ہیں کہ ہم نے بلوچستان اور افغانستان کی سرحد کو سرہمہر کر دیا ہے۔ وہاں سے کوئی انسان کیا جانور تک ہمارے ایما اور اجازت کے بغیر نہیں گزر سکتا۔ جب اس ملک کے عوام کو یہ یقین دلایا جائے اور دلایا جاتا رہے کہ پاکستان میں کوئی افغان باشندہ ملکی سالمیت کے خلاف کوئی مذموم حرکت کرنے کے لئے پاکستان کی سرحدات میں داخل نہیں ہو سکتا۔ ہم نے ایسے انتظامات کئے ہوئے ہیں اور پھر ایک سخت صوبہ بلوچستان کے گورنر صاحب یہ کہیں کہ ہزاروں تخریب کار افغانستان سے پاکستان میں داخل ہو چکے ہیں اور یہ کہ چھ سات ماہ سے یہ سلسلہ جاری ہے۔ اور تیس ہزار تھوڑے بھی نہیں تیس ہزار۔ تو ہمارے پاس وہ کونسا ذریعہ ہے کہ ہم یہ معلوم کریں کہ آج اتنے آدمی پاکستان میں داخل ہوئے ہیں اور ہم اس واقعہ کے متعلق تحریک التوا پیش کریں اور کل تیس ہزار اور آگئے تو ہم ایڈجرنٹمنٹ موشن پیش کر دیں۔ ہمارے پاس کوئی ذریعہ نہیں ہے اور میں آپ کی خدمت میں کئی رولنگز پیش کر سکتا ہوں۔ اگر اس قسم کا واقعہ ہو جس کی اطلاع پہلک تک بڑی دیر کے بعد پہنچتی ہے۔ تو جب وہ اطلاع ہو تو تحریک التوا پیش کی جاسکتی ہے۔ البتہ اگر تاخیر کی جائے تو پھر یہ تحریک التوا کی شرائط کی خلاف ورزی ہوگی۔ ورنہ نہیں۔ اس پر بیسیوں رولنگز مل سکتی ہیں۔ میرا حافظہ

وزیر مملکت جیسا نہیں ہے وہ بہت سی رولنگز اپنے حافظے میں محفوظ رکھتے ہیں۔

جناب چیئرمین: بیسیوں میں سے ایک بھی یاد نہیں۔

خواجہ محمد صفدر: جی نہیں۔ اگر وزیر مملکت صاحب کی درخواست

قبول فرمائی جائے تو پرسوں ترسوں ضرور اس قسم کے واقعات کے متعلق رولنگ پیش کرونگا۔ میری یہ پختہ رائے ہے کہ یہ فوری اہمیت کا حامل مسئلہ ہے اور اس میں کوئی ایسی بات نہیں ہے جس کی وجہ سے متعلقہ قواعد کو ٹھیس پہنچتی ہو۔ ان الفاظ کے ساتھ میں ختم کرتا ہوں۔

Malik Mohammad Akhtar : Sir, as the motion has been debated and even your goodself has taken some objection to it, I can consider, that in that case we can dispose of the motion on technical grounds, that it is a continuing process and it is not a recent matter.

As such it can be disposed of by your honour.

Mr. Chairman : I personally feel that the matter which the adjournment motion seeks to raise is no doubt of public importance but it is not urgent in the sense that this has been continuing for the last six or seven months. Therefore, it is not urgent and it has not created any emergent situation to justify the adjournment of the House for the discussion. So this adjournment motion ruled out.

LEAVE OF ABSENCE

Mr. Chairman : Now, there are certain leave applications. This is from Syed Zulfiqar Ali Shah Jamote.

“Since I am going abroad on personal business, I shall be grateful if leave of absence is granted to me till the end of November, 1974”.

May the leave be granted to this gentleman ?

(The leave was granted)

Mr. Chairman : This is another application from Mr. Abdul Nabi, Member of the Senate.

“As appointed the Leader of Railway Inspection Team and as they are starting their working very shortly.....” So, he wants leave upto 30th November.

Should the leave be granted to him also?

(The leave was granted)

Mr. Chairman : Now, we take up legislative business. Yes, Malik Mohammad Akhtar.

ORDINANCES LAID BEFORE THE SENATE

Malik Mohammad Akhtar : Sir I beg to lay before the Senate the following Ordinances as required by clause (2) of Article 83 of the Constitution of the Islamic Republic of Pakistan :—

- (1) The Road Transport Workers (Amendment) Ordinance, 1974 (XI of 1974).
- (2) The Labour Laws (Amendment) Ordinance, 1974 (XII of 1974).
- (3) The Pakistan Criminal Law Amendment Act (Amendment) Ordinance, 1974 (XIII of 1974).

[Malick Mohammad Akhtar]

- (4) The Criminal Law (Special Provisions) (Amendment) Ordinance, 1974 (XIV of 1974).
- (5) The Evacuee Property and Displaced Persons Laws (Repeal) Ordinance, 1974 (XV of 1974).
- (6) The Evacuee Trust Property (Management and Disposal) Ordinance, 1974 (XVI of 1974).
- (7) The Hydrogenated Vegetable Oil Industry (Control and Development) (Amendment) Ordinance, 1974 (XVII of 1974).
- (8) The Suppression of Terrorist Activities (Special Court) Ordinance 1974 (XVIII of 1974).
- (9) The Industrial Relations (Amendment) Ordinance, 1974 (XIX of 1974).
- (10) The Associated Cement (Vesting) Ordinance, 1974 (XX of 1974).

Mr. Chairman : Ordinances have been laid on the Table of the House. Next item. Malik Mohammad Akhtar please.

THE PAKISTAN CRIMINAL LAW AMENDMENT ACT (AMENDMENT) BILL, 1974.

Malik Mohammad Akhtar : Sir, I beg to introduce :

“A Bill further to amend the Pakistan Criminal Law Amendment Act, 1958 (The Pakistan Criminal Law Amendment Act (Amendment) Bill, 1974).”

Mr. Chairman : The Bill stands introduced. Next item.

THE CRIMINAL LAW (SPECIAL PROVISIONS) (AMENDMENT) BILL, 1974

Malik Mohammad Akhtar : Sir, I beg to introduce

“A Bill further to amend the Criminal Law (Special Provisions) Ordinance, 1968 (The Criminal Law (Special Provisions) (Amendment) Bill, 1974).”

Mr. Chairman : This also stands introduced:

I am told that tomorrow there will be a Cabinet meeting and probably many of the Ministers may not be able to attend the Senate Session. Is there any Cabinet meeting scheduled for tomorrow?

Sheikh Muhammad Rashid : Yes, Sir, tomorrow morning.

Mr. Chairman : It will start at what time ?

Sheikh Muhammad Rashid : At 9.30 a. m., Sir.

Mr. Chairman : So, it is likely to continue up to 1.00 p. m. or 1.30 p.m. Therefore, would you like to meet at 2.30 p.m. or 3.00 p.m.

Khawaja Mohammad Safdar : At 4.00 p. m., Sir.

Sheikh Muhammad Rashid : Yes, Sir.

Mr. Chairman : That is the sense of the House. The House stands adjourned to meet tomorrow at 4.00 p. m.?

The House adjourned to meet again at four of the clock in the evening on Wednesday, November, 20, 1974.