



THE
SENATE OF PAKISTAN
DEBATES

OFFICIAL REPORT

Thursday, November 21, 1974.

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SENATE DEBATES
SENATE OF PAKISTAN

Thursday, November 21, 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)

POINT OF INFORMATION RE: QUESTION HOUR

خواجہ محمد صفدر: جناب والا! اگر آپ اجازت دیں تو میں اپنی اطلاع کے لئے یہ پوچھنا چاہتا ہوں کہ گذشتہ تین روز سے وقفہ سوالات نہیں ہوتا۔ اس کی کیا وجہ ہے کیونکہ ہمارے تو بہت سے سوالات ہیں؟
جناب چیئرمین: ابھی مجھے بتایا گیا ہے کہ ابھی تک نوٹس mature نہیں ہوئے تھے۔

خواجہ محمد صفدر: جناب والا! سوالات کے نوٹس mature نہیں ہوئے تھے یا کوئی اور بات ہے؟

جناب چیئرمین: یہ آپ سے متعلق بات نہیں۔ جو نوٹس ہم مختلف وزارتوں کو سوالات کے سلسلے میں بھیجتے ہیں، یہ ان کے متعلق ہے۔ آپ یہ خطرہ محسوس نہ کریں کہ آپ کے سوالات کے جواب نہیں دئے جائیں گے۔ دراصل وزارتیں بھی ان کے جوابات تیار کرنے کے لئے وقت چاہتی ہیں۔
خواجہ محمد صفدر: میں سمجھا تھا کہ شاید ہمارا قصور ہے جس وجہ سے ہمارے سوالات نہیں آتے اب معلوم ہوا ہے کہ یہ حکومت عالیہ کا قصور ہے کہ ابھی تک نوٹس پورا نہیں ہوا۔

جناب چیئرمین: یہ کسی کا قصور نہیں۔
خواجہ محمد صفدر: بہت اچھا۔ میں مان لیتا ہوں کہ کسی کا بھی

قصور نہیں۔

جناب چیئرمین: آپ کے سوالات آئیں گے۔ ان کے نوٹس جانے میں وقت لگتا ہے۔ آپ یہ محسوس نہ کریں کہ آپ کے سوالات کے جواب نہیں دئے جائیں گے یا آپ کے سوالات رہ جائیں گے۔

Now, we take up next item on the agenda. This is a privilege motion by Mr. J. A. Rahim. A notice has been given by Mr. J. A. Rahim. Yes, Mr. J. A. Rahim, you have given a notice of a privilege motion.

PRIVILEGE MOTION RE: INTERIOR MINISTER'S INCORRECT STATEMENT IN SENATE ON 5TH AUGUST, 74

Mr. J. A. Rahim: Sir, this matter was brought up before you yesterday, and in consequence of what was said yesterday, I have been obliged to put in a

privilege motion. The honourable Minister for Interior made a statement which was false ...

Malik Mohammad Akhtar : Minister of State for Parliamentary Affairs Sir, he should read the privilege motion.

Mr. J. A. Rahim : Very good, Sir.

Mr. Chairman : Well, Khawaja Safdar Sahib will enlighten us whether he should read or should he not read.

Khawaja Mohammad Safdar : Sir, under the rules, he should first read, and then he is entitled to make a short statement before any objection is taken from the other side.

Mr. J. A. Rahim : All right.

Mr. Chairman : But why did you not advise your client earlier.

Khawaja Mohammad Safdar : Thank you very much, Sir.

Mr. Chairman : Yes, Mr. J. A. Rahim, you just read out the privilege motion first and then make a short statement.

Mr. J. A. Rahim : Sir, I beg to raise a question of breach of privilege of the Senate, namely, Mr. Abdul Qaiyum Khan, the Minister for Interior, on 5th August, 1974, while replying to a privilege motion moved by Khawaja Mohammad Safdar, Senator, mis-stated the facts, and deliberately misinformed the Senate.

Here, I want to explain that I have given only few passages of that he has made.

Mr. Chairman : I don't mind you can read them out.

Mr. J. A. Rahim : Do you want me to read them out?

Mr. Chairman : I don't mind, you see, but the honourable Members must know what was the statement objected to by you.

Mr. J. A. Rahim : Well, I move the privilege motion gradually and argue it, and I will also quote other passages.

Mr. Chairman : It will hardly take five or six minutes. You just read them.

Mr. J. A. Rahim : While discussing the privilege motion, I will also quote other passages and not only this. All right. On that understanding, I read further.

The Interior Minister said:

"Both these statements are incorrect. The Federal Security men did not forcibly enter the house or compound of the Senator, and I also categorically deny the fact that any Federal Security men used rifle-butts on the *ex*-Minister. This is all. Now, what has been stated in the "Outlook" and some other paper, which is published in Singapore; I can't say much about the paper published in Singapore but this "Outlook" seems to be the political Bible of the Opposition. They get anything published in this papers and then say it is a word of Gospel, it is the truth and it must be accepted, and all that has been reproduced. Here, I categorically deny that there was any trespassing, and I also deny that any rifle-butts were used. Mr. Rahim applied for leave which, I believe, has been granted by the House. Therefore, there is no question of any compulsion having been exercised."

Then, Mr. Abdul Qaiyum Khan said: "Secondly, he requested that he may be allowed to go abroad, and he has left for Europe. That is why he is not here, not because he is being physically prevented from attending the House but because" etc.

Further he said : " But for his information I may state the fact why Mr. Rahim went to hospital. He fired four shorts"

Typist has left out something here, Sir.

[Mr. J.A. Rahim]

Again Mr. Abdul Qaiyum Khan said: "While Mr. Rahim was being relieved of the revolver, he received some slight injuries. In a fit of anger he used very abusive language and fired two shots, and when a struggle took place to relieve him of the revolver, he fell down and fired two more shots."

Then, again Mr. Abdul Qaiyum Khan said: "Now, that six-shot revolver, the two live cartridges and four fired rounds are lying with the Police Station, Islamabad. Mr. J. A. Rahim was in a great fit of anger, and that happened when a responsible officer went to deliver the letter of dismissal to him. There was no question of trespassing, and there was no question of using rifle-butts. The officer was absolutely unarmed, and another gentleman who was accompanying him was also unarmed. They were wearing bush-shirts and trousers and bearing no arms when Mr. Rahim fired at them. Even if my friend, who has moved this motion, had been there, he would have used greater force."

Further Mr. Abdul Qaiyum Khan Stated: "If my friend had taken the letter of dismissal and two shots had been fired at him, I don't know, what he would have done to the Gentleman for whose old age he professes so much sympathy. Therefore, there is no breach of privilege".

"The Federal Security men did in fact enter my house fully armed, some of them even jumped on to the balcony to enter my bedroom", this is my statement, "and that the Federal Security men did beat me with rifle butts. The copy of the debate in the Senate relevant to the motion is attached".

Now, Sir, I would have very much preferred to have here the honourable Minister for Interior, and thrown into his teeth the lies he has told.

Mr. Chairman : Would you kindly avoid using the word "lies". You can say "incorrect statement".

Mr. J. A. Rahim : No, Sir, I will use "lies". Why should I use "incorrect statement"?

Mr. Chairman : You can say "untrue", You can say "incorrect", You can say "wrong".

Mr. J. A. Rahim : No, Sir, "lies".

Mr. Chairman : But you cannot say 'no' to me, when I say it is not a parliamentary word. You can say incorrect, wrong or untrue but "lie" is not a parliamentary language.

Mr. J. A. Rahim : All right, I will use "untrue".

Mr. Chairman : Not because I have any personal objection to it but because "lie" has been held to be unparliamentary language by so many speakers and chairmen.....

Mr. J. A. Rahim : The concept of parliamentary language does not abolish.....

Mr. Chairman :..... and I think Khawaja Mohammad Safdar will bear me out.

Khawaja Mohammad Safdar : Certainly, Sir. It is an unparliamentary word. Its use is not permitted.

Mr. J. A. Rahim : All right. I would call it untrue. Now, Sir, my suggestion is that we should take up this matter when the Minister for Interior is here. Let him say how he got this statement. There is no reason why I should have to move in a hurry so that he gets away. Let him answer before the House. He has committed a mistake and he must apologise. Let him do that.

Mr. Chairman : Now, let us hear the Government side also. What is their case?

Malik Mohammad Akhtar : Sir, I have got certain technical objections to this. The incident occurred on 3rd July, 1974, as the record of the Senate

shows, and if the date is correct, and the session was held firstly on 25th July, 1974 till 5th September, 1974, and again, Sir, on 7th September, 1974. As such, Sir, any of the Members or Mr. Rahim was at liberty to raise the matter at the earliest opportunity.

Mr. J. A. Rahim : When, Sir? Give me this.

Malik Mohammad Akhtar : I will give you everything, and I will satisfy you, Sir.

Then, Sir, in the meanwhile we received a leave application from Mr. J. A. Rahim. That was on 18th July, 1974 and Sir, it was received in the Senate Secretariat, as the record would show, while the session was held on the 25th of July, 1974. If he was so much interested in respect of his privilege, he was most welcome to come and make a statement and raise a privilege motion and then, Sir, finally this privilege motion should have come on the 18th November, 1974, if he was away or abroad, and if he was not so interested to make it earlier. Now, Sir, the question is that there are innumerable rulings. This may simplify your procedure for disposal. This is, Sir, regarding recent occurrence - Ruling No. 16 :-

“Adjournment motion : Matter of Recent Occurrence :
Rule 12 (ii)

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.....”

Mr. Chairman : How a ruling, Mr. Malik

Malik Mohammad Akhtar : Sir, I am defining the word “recent”.

Mr. Chairman : How a ruling in respect of an adjournment motion would apply *mutatis mutandis* to a privilege motion ?

Malik Mohammad Akhtar : Sir, in respect of the word “recent” because the word “recent” is used in the rules for the adjournment motions as well as for the privilege motions. Sir, I refer to rule 59 (ii) which reads :-

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

Sir, this is on page 39 of the Rules of Procedure. The same rule is embodied in the chapter of adjournment motions and, Sir, I consider that the interpretation of “recent” could be sought from different

Mr. Chairman : Where is this “recent occurrence”?

Malik Mohammad Akhtar : Sir, “at the earliest opportunity” rule 59 (ii).

Mr. Chairman : I am not going to give any ruling on this point.....

Malik Mohammad Akhtar : Sir, I want to explain the position.

Mr. Chairman :because under Chapter IX, adjournment motions, rule 71 (c) the wording is :-

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

The word “recent” is there. There is no such word with respect to privilege motions. If there is any you can show it to me.

Malik Mohammad Akhtar : Sir, “earliest opportunity” means.....

Mr. Chairman : Earliest available opportunity.

Malik Mohammad Akhtar : Yes, Sir, the earliest opportunity available in this respect was 18th November, 1974, when the opening session of this House

[Malik Mchammad Akhtar]

was held and probably two hours before the commencement of the proceedings or whatever it is, he should have given a notice on 18th November. So, Sir, he has lost the opportunity, and his motion is not at the earliest opportunity. I put it like this. I stand corrected by you Sir. Secondly, Sir, I would go by the ruling of the honourable Chair, which you gave on the 5th August, 1974 :-

“In view of the statement of the Minister, I don't hold this to be in order.”

The question was that certain allegations were made and they were refuted by the honourable Minister for Interior, and as such the facts were denied. Now, again a ruling from the adjournment motion chapter:-

Government Dispute facts stated therein :
President Accepts Government's Version of Facts Unless
There is proof to the Contrary

“A Member desired to move for the adjournment of the House to discuss the forcible occupation by the military of a Muslim Idgah in the Central Provinces. After hearing the Government Member, the President said that the Government denied the correctness of the facts stated in the motion and he had to accept Government Member's statement unless there was any proof to the contrary. He, therefore, disallowed the motion.”

Now, Sir, the facts were denied and your honour was pleased to accept and give your own ruling that the facts were denied.

Thirdly, Sir, I understand that some shots were fired at certain police officer in whatsoever be the circumstances, the matter is sub judice.

Mr. J. A. Rahim : How is it sub judice? Wonderful lawyer!

Malik Mohammad Akhtar : Anybody can rise and oppose me but please don't interrupt me.

Mr. Chairman : What I understand is that there is case with regard to this alleged firing.

Malik Mohammad Akhtar : May be, Sir.

Mr. Chairman : Is it pending in any court?

Malik Mohammad Akhtar : Not in some court, Sir. According to the statement of the Minister of Interior, Khan Abdul Qaiyum Khan, it has been stated that Mr. J. A. Rahim was taken to a police station.

Mr. J. A. Rahim : Point of order, Sir. He has used the word “sub judice”. He now wants to make it sub judice. Please note this fact. The whole thing is dastardly acted upon on his part.

(Interruption)

Mr. Chairman : Thank you very much, Mr. Rahim. Now, please resume your seat.

Now Malik Sahib, you please tell me do you want to suggest that there is case pending in the court?

Malik Mohammad Akhtar : It will have to be enquired into.

Mr. Chairman : First you please state whether it is sub judice.

Malik Mohammad Akhtar : Mr. Chairman, I give you reasons. Mr. J. A. Rahim was taken to Islamabad Police Station. Some shots have been fired at a police officer, and certainly there should be some record in respect of that. Now, whether the matter becomes sub judice

Mr. Chairman : If you are in a position to categorically state.....

Malik Mohammad Akhtar : Then, Sir, I will make a statement.

Mr. Chairman : That the case is sub judice in the sense that it is pending in some court, then surely I have to accept your words.

Malik Mohammad Akhtar : Then, I will make a statement when the privilege motion is taken next time if it is deferred, otherwise I consider that my first two objections that it was not raised at the earliest available opportunity, no proof has been rendered to deny the facts stated by the honourable Minister for Interior and thirdly, Sir, I consider that it should be ruled out of order. If at all it is deferred then I may be given that much opportunity to make statement in respect of F. I. R. recorded in police station, and then we can decide. I have got so many English authorities with me. After recording of a fact in a police register the matter becomes sub judice. Whether it becomes sub judice we will debate on it at a later stage. First let me get that document. Mr. Chairman, my humble submission is that the privilege motion which is moved by the honourable Senator needs to be thrown out on technical grounds as it was not made at the earliest opportunity. Secondly, the facts have been denied by the Member of the Government, and there is no proof to refute those facts as yet. which have been given Thirdly, Sir, it is to be enquired whether the matter is sub judice and for that I reserve my right to argue at a later stage.

Mr. Chairman . Oh, yes.

Malik Mohammad Akhtar : Fourthly, Sir, it is not properly drafted. I will not take that objection because I consider that although he has a very expert lawyer to advise him but I would like to say that it is not properly drafted motion because he should have only drafted the last paragraph and submitted the rest of the proceedings of the Assembly as a copy along with it.

Mr. J. A. Rahim : Mr. Chairman, let me explain.

Mr. Chairman : Let him finish the argument first.

Malik Mohammad Akhtar: Now, Sir, I will againe lucidate what I have already said. Mr. Chairman, in this respect, I would like to invite your attention to rule 58.

“A member wishing to raise a question of privilege shall give notice in writing to the Secretary before the commencement of the sitting on the day the question is proposed to be raised. If the question raised is based on a document, the notice shall be accompanied by the document.”

So, Sir, many documents could have been attached afterwards, and instead he has relied upon extracts from the proceedings from here and there, and I consider that the provisions of this rule have not been met. So, Sir, the motion is hit by rule 58. It is not accompanied by any document, and I don't want to suggest the documents now, and it is here hit by rule 59 sub-rule (2). And then, Sir, I should say that the facts have been denied, and there is no proof to the contrary. That is my humble submission. My technical objection may be taken. Whether it is sub judice I may be allowed, if it is deferred, to see the facts, otherwise the first two objections are sufficient, and I consider that the privilege motion needs to be ruled out of order.

Mr. Chairman : All the technical objections raised by you have been duly noted, and they will be considered. You need not entertain any doubt on this score. All your technical objections have been noted. And one of the technical objections advanced by your side was that it is sub judice. now I would like to know clearly and in unambiguous words that you still stick to it that it is sub judice or you withdraw it.

Malik Mohammad Akhtar : I have said, Mr. Chairman, that it is for you to rule it out.

Mr. Chairman : Either you say it is sub judice or you say that you are not sure.

Malik Mohammad Akhtar : Sir, I am quite sure that F. I. R. has been lodged with Islamabad Police Station, because a bullet shot at a certain officer cannot go unrecorded. Whether F. I. R. itself is a sub judice matter, I would like to debate on it at a later stage.

Mr. Chairman : If a case is pending in any court or quasi-court which is functioning as an authority to decide, the question should not come here, as rules provide that it shall not relate to a matter pending before any court or other authority performing judicial or quasijudicial functions. Now, the police F. I. R. is not

Malik Mohammad Akhtar : It is upto you, Sir. We are guided by you.

Mr. Chairman : Mere lodging of an F. I. R. is not a sub judice matter.

Malik Mohammad Akhtar : You can take a decision.

Mr. Chairman : But I am not in a hurry to decide the case just now. You will have enough time to find out for your guidance whether the case is really pending before any court.

Malik Mohammad Akhtar : And what is the stage of the case.

Mr. Chairman : Oh, yes what is the stage of the case. Would any other gentleman like to throw light on it.

Khawaja Mohammad Safdar : Mr. Chairman, I would like to participate, but I will speak after honourable Senator Mr. J. A. Rahim has finished.

Mr. Chairman : I am going to give him an opportunity to speak as well. Yes, Mr. J. A. Rahim.

Mr. J. A. Rahim : Sir, the honourable Minister of State has brought in a statement which requires clarification. He has made a lot of technical points. You have already said that the honourable Minister for Interior had made a statement, and you accepted it. He went further to say that an F.I.R. has been recorded in the police station, and the police station has got diabolical authority. I would like to bring one reason in this House that today Pakistan has been converted into a police state, and that is the reason here. I will put briefly the facts of the case to refute what he has said, not only that but what Qaiyum Khan has said. Mr. Qaiyum Khan has said that authorised officer can deliver letter. The Federal Security Force came in jeeps fully armed. How do they come to deliver a letter after midnight?

Malik Mohammad Akhtar : Sir, I take exception to the passing of stricture against an officer who is not here. These remarks may be expunged*.

Mr. J. A. Rahim : Mr. Chairman, I stood up to answer.

Malik Mohammad Akhtar : I don't want to generate any heat. After all I have got certain duties to perform.

Mr. Chairman : Malik Akhtar, what were the words ?

Malik Mohammad Akhtar : The man is not here, and he is being accused.

Mr. Chairman : What were the words?

Malik Mohammad Akhtar : "Dismissed Officer". The gentleman is referring to a certain officer, and he shouldn't have used scandalous language at least.

Mr. Chairman : What was objectionable ?

Malik Mohammad Akhtar : "Dismissed Officer." He is an acting Government servant.

* Expunged as ordered by the Chairman.

Mr. Chairman : He is a police officer. Is he a police officer? Personally, I don't know.

Malik Mohammad Akhtar : He is Chief Security Officer.

Mr. Chairman : Is he dismissed?

Malik Mohammad Akhtar : I don't know. He states so.

Mr. Chairman : Well, if this statement turns out to be untrue and incorrect

Malik Mohammad Akhtar : But why, Sir? Why not keep it in a quiet and reasonable manner within the scope of the debate. I don't want to generate any heat.

Mr. Chairman : I quite appreciate your objection.

Malik Mohammad Akhtar : Thank you.

Mr. Chairman : It is no use Mr. J. A. Rahim. He puts in that he doesn't want to generate any heat.

Mr. J. A. Rahim : What is this? *

Malik Mohammad Akhtar : Sir, I again take exception to this. Why should he make personal remarks?*

Mr. Chairman : This wouldn't form part of the record.

Malik Muhammad Akhtar : I am sorry. I have not used any hard language.

Mr. Chairman : Don't worry that stands expunged.

Malik Mohammad Akhtar : I have not used any hard language. I respect him and I will continue to respect him but I can't give open general licence to use any form of language.

Mr. J. A. Rahim : Mr. Chairman, let me speak.

Mr. Chairman : First listen to me. You please resume your seat. I am really sorry. I can't help expressing my deep sense of regret at the way we are discussing this matter. You know heat would not help us in coming to a right and correct conclusion. This is a subject which requires a cool, dispassionate, calm and quiet atmosphere. Discussion by merely loss of temper and by generating heat and by saying something objectionable is not enhancing the prestige of the House or of the Chair, much less of the Speaker.

Mr. J. A. Rahim : Very good, Sir. Let me continue, Sir.

Mr. Chairman : But you are again interrupting me. If you have no regard for the Chair, you should have some regard for the decorum of the House.

Mr. J. A. Rahim : Sir, I have regard for the Chair. I am trying to defend the honour of the House.

Mr. Chairman : The decorum of the House is that while I am addressing the House you should have patience because if your this attitude in interrupting me continues what will be the inference drawn by these people? That you must have not done at that time. They may probably be compelled to draw a wrong inference from your this attitude, this loss of temper, this introduction of heat into a calm and quiet debate. Let us proceed smoothly, quietly, calmly and with a cool head. Emotional sense would not help us in resolving this problem. I called it a problem because I give some importance to this question. I am not in a hurry, as I have told you, to give a ruling just now to decide one way or the other. That is why I have called upon the other gentlemen, if there is any honourable Member of this House who can throw some light on this and there was one gentleman, Khawaja Mohammad Safdar. He said he would like to say something. I will give him an opportunity. Personally, I would again request you,

* Expunged as ordered by the Chairman.

[Mr. Chairman]

Mr. J. A. Rahim, to be calm, quite and keep your head cool. Don't bring in emotions; don't generate heat. I am not only addressing you on the subject, but my these remarks apply to every gentleman and every honourable Member of this House. That will help us. Personally, I don't mind discourtesy and disregard shown to me but after all you have to maintain the dignity and decorum of the House. That must be maintained, I will again insist. I am not going to stop you from having your full say. Say as much as you can, and I will give you another opportunity. There may be occasions, you see. But to interrupt and to cut me short that would not be a very very good precedent for the others to follow. We should follow and observe the traditions of the House. Of course, you are an old parliamentarian; you are brought up in a parliamentarian tradition; you should know more than anybody else. Your father has been a Speaker of the All India National Assembly. You are brought up and have lived in that tradition. After all we have to follow certain rules of procedure which are laid down here. No heat, no interruption, calm and quiet atmosphere is required for the consideration of this issue. I do not want to stop you from having your say. You go on continuing. But I will request you again that it will be in your interest and it will be in the interest of this question also which is before the House for decision that you be calm and quiet.

Mr. J. A. Rahim : May I now speak, Sir.

Mr. Chairman : Is there much for you to say today?

Mr. J. A. Rahim : Pardon?

Mr. Chairman : Is there much for you to say still further today?

Mr. J. A. Rahim : I have, Sir.

Mr. Chairman: I feel inclined, but I tell you that since the Minister concerned is not here, he is away and he has said certain things, you please resume your seat.

Mr. J. A. Rahim : That will be much better, but let me refute the point that has been raised.

Mr. Chairman : You please resume your seat when I am addressing the House. I feel inclined, and I think the honourable Members of the House will agree with me that according to you, Mr. Abdul Qaiyum Khan, Interior Minister, who is now away in China and is likely to come after a couple of days, made statement on the floor of the House that has been taken objection to by you. You take exception to that. You say the portions of the statement you have quoted and you have read just now, were not correct and were wrong, and he has deliberately misled the House by giving incorrect information. That is your case. The whole case boils down to this. With regard to your case he has made misstatements deliberately to mislead the House, that is your case, while it has been said by Malik Mohammad Akhtar, Minister of State, that these allegations are incorrect. Well, I personally feel that it will be better if this matter is deferred until Mr. Abdul Qaiyum Khan returns, and he is also given a chance to say in reply to your accusations or allegations. This is because the whole issue, the crux of the whole matter is whether certain portions taken exception by you are correct or not correct. You say these are incorrect. He will say they are correct. It is not an easy question. You say he has made this misstatement. He will say no it is a correct statement. It is very difficult to give your ruling; to give your decision on this point just for the sake of pleasing somebody. No, that would not be done. I must give you a chance to have your full say. I must give a similar opportunity to the Minister concerned to give reply to your allegations and accusations. It is then for the House, and there are so many remedies open to the House. The House itself can decide it; the House can refer the matter to the Privileges Committee. There may be other remedies available to the House for the decision of this case. So, if you agree, I think, it is better to defer it until the return of

Mr. Abdul Qaiyum Khan, and then everybody will have a chance to put up his case and his point of view, if the House agrees to that.

Mr. J. A. Rahim : Sir, since you have said

Mr. Chairman : If you don't agree to this, I will give you just now another opportunity to continue your arguments.

Mr. J. A. Rahim : You have spoken for 20 minutes, and I am not being given one minute to answer you, Sir. What is this?

Mr. Chairman : No, don't behave like this. That will give an occasion for another privilege motion. That is what I am afraid. Either you or he may come to the House on another privilege motion, and I think, that would not be in the interest of the smooth proceedings. Whatever has been said on both sides may be forgotten. That should now be forgotten. Now, I would like to have the sense of the House. Do you agree, gentleman, that this matter should be deferred until the return of Mr. Abdul Qaiyum Khan.

Mr. J. A. Rahim : On a point of order, Sir. I draw the attention to the fact that while the case was not sub judice the Minister has actually threatened to make it subjudice. I want this to be recorded. The fact is that in order to evade this matter to come into the House, he is going to take it to the court. This is his intention, and this a very clear intention of his. So, I want you to weigh his words and the threat involved in it.

Mr. Chairman : This question is a part of your case which will be put before the House.

Mr. J. A. Rahim : No, Sir. Secondly, he raised a point about "earliest opportunity". You know it was the earliest opportunity I had. I had no other opportunity as I asked leave for absence. You do believe or not that when I went to Karachi nobody was allowed to enter my house. My notice, Begum Akhtar Suleman, was turned out and was not, allowed to enter in the house.

Mr. Chairman : But after having once agreed to by you the case is deferred until the return of Mr. Abdul Qaiyum Khan.

Mr. J. A. Rahim : I am talking about the "earliest opportunity".

Mr. Chairman : What he has stated in this case, I am not going to decide on the basis of that statement. You have stated your case, and he has stated his case. But, I think it will be proper to hear the Minister concerned. He is only deputising for Mr. Abdul Qaiyum Khan. But there are many things which may not be within his knowledge. For example, the question of sub judice. I asked him whether you are sure that the case is before any court. He said he is not quite sure but he presumably thinks that it might have gone to the court. Then, there was another point. Whether lodging of a report before the police would make a case sub judice. This is very important thing. That is why I suggested to him, and you agreed on my suggestion in principle, that it will be better to defer this privilege motion until the return of Mr. Abdul Qaiyum Khan. He will be in a better position to face your allegations.

Mr. J. A. Rahim : I want to make just one more statement, and that is, I was not the only person to have been beaten. My son was beaten. My servant was knocked out. There was no letter to be delivered. I would like to know who, the mad man, ordered my beating. I am not of that ilk.

Khawaja Mohammad Safdar : On a point of order, Sir.

Mr. Chairman : Yes?

Khawaja Mohammad Safdar : Sir, at this stage the facts of the motion cannot be discussed. Only the admissibility is to be discussed.

Mr. Chairman : Cannot be discussed! They have already been discussed.

Khawaja Mohammad Safdar : That is why, I am on my legs.

Mr. Chairman : But both of them have agreed to the adjournment of the motion.

Khawaja Mohammad Safdar : Yes, Sir, I also agree with them.

Mr. Chairman : I think, that is the sense of the House that this matter should be deferred until the presence of Mr. Qaiyum Khan. and then it will be taken up.

Mr. J. A. Rahim : I entirely agree, but on one condition please. Don't put it at such an awkward time which would make it difficult for me to attend. My convenience should be looked after.

Mr. Chairman : You tell me, do you agree to adjournment or you don't?

Mr. J. A. Rahim : I agree, Sir, but I ask for a convenient date and hour.

Khawaja Mohammad Safdar : His convenience should also be looked after.

Mr. Chairman : Oh, Yes, your convenience will be looked into. I will look into it that you are not put to any inconvenience.

Khawaja Mohammad Safdar : Proper notice should be given.

Mr. Chairman : I would like to keep it for a day when both of them are present.

Mr. J. A. Rahim : And how the House is going to protect me when it tries to execute itself! I want no protection.

Mr. Chairman : I think, Mr. J. A. Rahim, you give up your pursuit of this gentleman. Don't chase him further.

So, this privilege motion stands deferred until the return of Mr. Abdul Qaiyum Khan, and then it will be taken on a day when both of them will be present

Adjournment motion No.5 It stands in the name of Khawaja Mohammad Safdar.

ADJOURNMENT MOTION RE: THEFT OF IMPORTED WHEAT
DURING TRANSIT

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 theft of almost 25% to 30% of imported wheat during transit from Karachi to inland destinations, resulting in a staggering financial loss to the Federal Government, as reported in the Daily Nawa-e-Waqt (Lahore Edition) of 11th November, 1974. The failure of the Federal Government to prevent the theft of such an enormous quantity of wheat has sent a wave of resentment amongst the public of Pakistan.

Malik Mohammad Akhtar : This is opposed, Sir.

Mr. Chairman : Would you like to say something in respect of your case?

Malik Mohammad Akhtar : Yes, Sir.

Sir, my first objection is that at least five persons have been arrested under section 409 PPC.

Mr. Chairman : Five persons have been arrested ?

Malik Mohammad Akhtar : Yes, Sir. They have been arrested under section 409 PPC and section 5(2) of the Prevention of Corruption Act.

Mr. Ihsanul Haq : Point of order, Sir. Sir, the matter is regarding Railways and the honourable Minister for Railways is present here I think, it is better that he should answer and not the Minister for Law and Parliamentary Affairs should take cognizance of everything which is coming to the House.

Mr. Chairman : When he was deputising for the Interior Minister at that time you did not raise this objection. He can equally deputise for any other Minister.

Mr. Ihsanul Haq : Sir, the Interior Minister was not present here.

خواجہ محمد صفدر: دونوں ممبر صاحبان ارشاد فرمائیں۔۔۔

Malik Mohammad Akhtar : It concerns Food, and I have got instructions of the Food Minister.

Mr. Chairman : Well, I think it is the normal practice that when the Minister-in-charge is unavoidably absent, any Minister or a Minister of State can put the case on his behalf.

Mr. Ihsanul Haq : Sir, the Minister for Railways is present. That is why I am saying.

Mr. Chairman : I misunderstood your objection. I thought that your objection is that he is making a statement on behalf of the Minister for Railways, Mr. Mumtaz Ali Bhutto. You mean Mian Attaullah?

Mr. Ihsanul Haq : Yes, Sir.

Mr. Chairman : He is the Minister of State.

Mian Mohammad Attaullah (Minister of State for Railways) : This adjournment motion primarily concerns the Food Department.

Mr. Chairman : First let me know. Was Malik Akhtar doing with your approval?

Mian Mohammad Attaullah : Yes, Sir.

Mr. Chairman : That is all right.

Mian Mohammad Attaullah : Sir, I want to bring it to the notice of the House that this adjournment motion concerns the Food and Agriculture Department and that was to be dealt with by Sheikh Mohammad Rashid, and as the honourable Minister is not present in the House, myself and Sheikh Mohammad Rashid both requested Malik Mohammad Akhtar to deal with it because some technical objections were there and the case has become sub judice. So, he was doing this with our permission.

Mr. Chairman : I quite appreciate your objection Mian Sahib, but the objection in the adjournment motion is not why this wheat is being imported. The adjournment motion is based on the allegation that the theft has been committed by the Railway people.

Mian Mohammad Attaullah : No, Sir, the point is that I would like at a later stage to explain to the House.

Mr. Chairman : You can oppose it.

Mian Mohammad Attaullah : No, Sir, the point is that technical objection first will be raised by the Minister of State for Law and Parliamentary Affairs, and if the subject-matter is to be discussed in the House, then I will explain to the House, through you Sir, the process of how the wheat is sent from Karachi to the North of the land, and what is the procedure involved, and how much the Railways is involved, and how much the Food Department is involved, and if I state these facts, I think, the House will appreciate that it is the responsibility of the Food Department to see to it that no theft takes place. We are just the carriers and the seals and the contents of wheat are the responsibility of the Food Department and not the responsibility of the Railways.

Mr. Chairman : Well, I would like to hear the mover of the motion on the point which Malik Mohammad Akhtar has raised that five persons have been arrested in this connection and that the case is sub judice. There is a categorical statement by the Minister that five persons have been arrested and the case is sub judice. What do you say to this one point? Leave other points whether it is the Railways Minister concerned or not.

Khawaja Mohammad Safdar : This is for the Food Department.

Mr. Chairman : The Food Minister will come and say that the theft has been committed, and the Police or the Special Police are investigating the case which is the headache of the Interior Minister. So, this will go round shuttle-cocking. I am asking what do you say to this particular objection that it is sub judice?

خواجہ محمد صفدر: جناب چیئرمین! میں نے یہ گزارش کی ہے -

“.....namely, the theft of almost 25% to 30% of imported wheat during transit from Karachi to inland destinations”

اس میں کوئی شک نہیں ہے کہ کچھ لوگ اس چوری کے سلسلے میں گرفتار ہوئے ہیں۔ میں اس سے انکار نہیں کرتا اور اس حد تک یہ مسئلہ

Sub judge بھی ہے۔ میری شکایت یہ نہیں ہے۔ اگر آپ کے پاس اخبار ہے اور آپ مجھے اجازت دے دیں تو میرے پاس اخبار ہے میں پڑھے دیتا ہوں۔ گذشتہ چھ سات ماہ سے لگاتار یہ چوری ہو رہی ہے اور مجھے افسوس سے کہنا پڑتا ہے کہ حکومت بھی ان چوروں کے ساتھ سوئی ہوئی ہے۔

Malik Mohammad Akhtar : On a point of order, Sir. I am sorry to point out that I was ordered by your honour to stop because my one point was probably convincing, and you asked the other party to reply to that. Now, he has raised another point. Either he should confine to that which you have asked or he should allow me to finish the matter.

Mr. Chairman : Yes, you should give a suitable reply to his first objection that it is sub judge. That is what his objection is, and if your case is that it is not, and if you put your case like this, then you refute his allegations, and it will be then that we will proceed to other point. But before we proceed further, I would like you to confine yourself to his objection whether the case is or is not sub judge.

Khawaja Mohammad Safdar : Sir, it is not the only case.

Mr. Chairman : No, no, I am not concerned with that, but the fate of this adjournment motion

خواجہ محمد صفدر: جناب والا! یہ ایک کیس نہیں ہے۔

Mr. Chairman : may depend on receipt of this one thing that is sub judge.

خواجہ محمد صفدر: جناب والا! وہ اور بات ہے۔ میں عرض کرتا ہوں جس بناء پر میں نے تحریک پیش کی ہے۔ یہ اطلاع مجھ تک پاکستان ٹائمز کے ذریعے پہنچی ہے۔

جناب چیئرمین: وہ تو سب کو معلوم ہے۔

خواجہ محمد صفدر: یہ چار سطریں آپ کے سامنے پڑھے دیتا ہوں۔

جناب چیئرمین: sub judge کے متعلق ہے۔

خواجہ محمد صفدر: جناب والا! یہ کیس کراچی میں رجسٹرڈ ہے۔ وہاں پانچ آدمی ڈپٹی ڈائریکٹر فوڈ اور چار دوسرے آدمی پکڑے گئے ہیں۔ لیکن لاہور کا کیا بنا، پشاور کا کیا بنا، خانیوال کا کیا بنا ملتان کا کیا بنا؟ ان مقامات پر کیس ابھی تک رجسٹرڈ نہیں ہوا۔

Mr. Chairman : Sub judge would not mean that you should get hold of people from every place from Lahore, Layllpur, Peshawar.

خواجہ محمد صفدر: جناب والا! اخبار نے یہ بتایا ہے کہ ان سب علاقوں پر گندم وزن کرنے پر کم نکلی ہے۔ آپ غور فرمائیے ۱۰ ہزار سے

[Khawaja Mohammad Safdar]

زیادہ پوری گندم چوری ہو چکی ہے - صرف ایک مقام پر پڑتال سے یہ معلوم ہوا ہے -

جناب چیئرمین: میں تو خواجہ صاحب آپ کو یہ عرض کر رہا تھا کہ آپ سب کچھ کہہ سکتے ہیں لیکن ان کا پہلا ٹیکنیکل اعتراض یہ ہے کہ اس سلسلے میں کئی آدمی گرفتار ہوئے ہیں -

and this is a matter as referred to in rule 71 (1)

“The adjournment motion shall not relate to a matter.....” Matter of this wheat “.....pending before any court or other authority performing judicial or quasi-judicial functions.”

He said that the matter is pending before the court.

Khawaja Mohammad Safdar : No, Sir, it is not pending before the court.

Mr. Chairman : Is it not pending before the court?

Khawaja Mohammad Safdar : Yes. Sir.

Mr. Chairman : Then, he has categorically made a misstatement.

Khawaja Mohammad Safdar : The case no doubt has been registered but that doesn't mean that it is pending before the court.

Malik Mohammad Akhtar : Sir, the case has been registered and people...

Mr. Chairman : You argue this point that nobody has been arrested and that has been the case, and even if it is before the court, it is not sub judice.

Malik Mohammad Akhtar : I would like to refer my learned friend to the rule “it shall not relate to a matter pending before any court or other authority”.

Khawaja Mohammad Safdar : I categorically state that, as far as I know, this case has not been brought before the court or before any authority performing judicial or quasi-judicial functions. Only the police is investigating. It might have arrested certain persons.

Mr. Chairman : The police can't investigate without a remand by the court. When the case has been put in court, it is with the permission of the court.

Khawaja Mohammad Safdar : Of course, with the permission of the court. I agree. The Police cannot hold any person in custody after 24 hours.

Malik Mohammad Akhtar : Point of order, Sir. My information is that even the person was arrested and bailed out by the court.

Mr. Chairman : Bailed out? That would no't make any difference.

Malik Mohammad Akhtar : Then, it is pending before the court.

Mr. Chairman : Whether they are under detention or they are on bail that makes no difference.

Malik Mohammad Akhtar : But the court has taken cognizance of the case in that respect. Once the papers are submitted

Mr. Chairman : But, Khawaja Sahib, he has made a categorical statement that persons have been arrested, they have been placed before the court, the court has released them on bail, this a categorical statement by a responsible person. If you deny that nobody has been arrested and there is no such case before the court that is a different matter. But you confine your remarks to this one issue.

خواجہ محمد صفدر : دیکھئے جناب والا! میں کیسے انکار کر سکتا ہوں۔

Retired Deputy Director food held amongst others مگر اس خبر کی سرخی یوں ہے

“A casual check of wheat loaded Railway Wagons at Peshawar”.....

“..... Subsequently raids were organised at Rawalpind, Lahore, Khanewal and Lalamusa Railways Stations, in the presence of the Magistrates and the concerned authorities, and in all 9,811 bags of wheat each weighting two maund twenty eight seers were found missing from 636 wagons and remaining wagons “and so on and so forth.

Mr. Chairman : This has been read out even by Malik Akhtar.

خواجہ محمد صفدر : اس لئے جناب والا! میں عرض کر رہا ہوں۔ کہ

میری تحریک التواء صرف اس کے واقعہ کے متعلق نہیں جس میں پانچ افسر ملوث ہیں۔ میرا مطالبہ یہ ہے کہ یہ ایوان اس امر پر بحث کرے کہ ہر اسٹیشن پر گاڑیوں میں سے گندم کم نکلتی رہی ہے اس کا کوئی علاج کیا جائے۔

Malik Mohammad Akhtar : Point of order. Sir, he is making a complaint which is of continuing nature and he is again hitting his own adjournment motion.

خواجہ محمد صفدر : جناب والا! یہ میں جانتا ہوں لیکن حکومت کو

آج معلوم ہوا ہے جب کہ حکومت کے وسائل اتنے زیادہ ہیں۔ اس کو آج معلوم ہوا ہے کہ گندم کی چوری ہر ریلوے اسٹیشن پر ہو رہی ہے میں تو پھر ایک غریب مسکین ---

Mian Mohammad Attaullah : Point of order, Sir.

Mr. Chairman : is It your point of order?

Mian Mohammad Attaullah : No, Sir, concerning this, I want to say something which may satisfy Khawaja Sahib.

Mr. Chairman : Mian Sahib, you have been for too long in the National Assembly; You should know what is point of order and what is point of personal explanation. You can interrupt him only if there is a point of order. I will give you an opportunity to speak.

تو خواجہ صاحب آپ بھی جانتے ہیں۔ آپ محسوس بھی کرتے ہیں۔ لیکن کہتے نہیں ہیں دیکھئے اب جھگڑا تو یہ ہے کہ کراچی میں کتنے من چوری

[Mr. Chairman]

ہو گئی ہے - ملتان میں کتنی پشاور میں کتنی چوری ہو گئی ہے -
 matter is under investigation اب یہ there are so many stations
 انویسٹیگیشن کر رہی ہے - کورٹ میں یہ کیس چلا گیا ہے - اب یہ
 matter prejudice such ہوگا -

One of the requirements of rule 71 is that you can't discuss any such matter in this House.

Khawaja Mohammad Safdar : Quite right.

Mr. Chairman : You can't discuss, you see.

خواجہ محمد صفدر: جب آپ کی یہ رائے ہے تو میں کیا کر سکتا
 ہوں - جو آپ نے فرمایا ہے ہم اسے قبول کرتے ہیں -
 جناب چیئر مین : اگر میں آپ کو کہوں کہ آپ ایمانداری سے
 کہہیں تو ؟

Khawaja Mohammad Safdar : No, Sir, I don't deny. I can't say that.

Mr. Chairman : So, it relates to a matter pending in a court, and on this score alone that it may be prejudicial in view of the categorical statement made by the honourable Minister that it is sub judice, I rule it out of order. Now, we take up adjournment motion No.6. It is again in your name.

ADJOURNMENT MOTION RE: DISRUPTION OF POWER SUPPLY IN KARACHI.

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 at definite matter of urgent public importance and of recent occurrence, namely, Power supply in Karachi remained disrupted for 130 minutes due to short circuit by an operational fault. This short circuit threw out of operation all the four Power Stations of the KESC, as reported in the Dawn dated 12.11.1974. The failure of the power supply caused great hardship to at least thirty lakhs of people. Operations had to be put off in different hospitals and water supply was also disrupted.

Malik Mohammad Akhtar : Opposed Sir. It is opposed on technical grounds. May it help your honour to deal with many of the subsequent adjournment motions if I invite your attention to the point of urgency because, Sir, it is an exalted House with valuable work to perform and only such matters can be brought before the House which are of urgent public importance and which need to be discussed, and the rest of the business is adjourned. Sir, this is the point which has been dealt with at length, and I will only take two minutes of your honour.

Mr. Chairman : It is a very lengthy ruling.

Malik Mohammad Akhtar : No, Sir, just half a paragraph. Sir, I am coming to adjournment motion No.55 discussed in the decisions of the Chair from 1921 to 1950 in Lok Sabha and, Sir, it is on page 45. I will give you only two para-

graphs because I have got the habit to get the important matters typed and put them in my files.

Ruling of the Chair.

“The question for decision on the present motion has a very limited scope. It is : ‘Whether on the fact of the present case, a discussion could be raised by means of the procedure of an adjournment motion.’

I need not go into the history of this form of procedure of adjournment motions. It is enough to state that in old days, in the British House of Commons, any member could move the adjournment of the House for the discussion of any public matter. There were no limitations. The result was that such motions began to come in almost every day, and it was not possible to attend adequately to the business of the House as set down on the Order Paper, even in cases where such business was of a very important character. It was in the light of this experience that limitations began to be put on the moving of adjournment motions and the existing limitations requiring the matter to be definite, urgent and of public importance’ came to be imposed. Further limitations about the consent of the Speaker, was also introduced. And the next :

“The test of urgency visualised in respect of adjournments motions is best expressed in the old dictum of Mr. Speaker Peel in the House of Commons. He said: ‘What I think was contemplated was the occurrence of some sudden emergency, either in the home or in foreign affairs’. The crucial test always is as to whether the question proposed to be raised has arisen suddenly and created an emergent situation of such a character that there is a prima facie case of urgency and the House must, therefore, leave aside all other business and take up the consideration of the urgent matter at the appointed hour. The urgency must be of such a character that the matter really brooks no delay and should be discussed on the same day that notice has been given”.

Sir, in respect of this adjournment motion, and subsequent adjournment motion, made by my honourable colleague and honourable Senator, I must say...

Mr. Chairman : Subsequent?

Malik Mohammad Akhtar : Even which are coming after.

Mr. Chairman : Are you discussing which have not even been moved?

Malik Mohammad Akhtar : No, sir, I am just referring for your honour but I will restrict to this adjournment motion.

Mr. Chairman : You are prejudicing my mind with regard to those adjournment motions, which have not been moved yet.

Malik Mohammad Akhtar : I will not refer. I withdraw those words, Sir. Now, Sir, we are sorry that there was some electric fault and some hardship had to be faced. Then, after two or three hours, we can say, the electric fault was repaired. So, the matter is not urgent, and even if it was urgent it has lost the urgency because the fault has been rectified. So, Sir, in my humble submission, as I have explained the history and the background of the adjournment motions, why these rules were framed and why this restriction was imposed, I consider that it is not a matter which is so urgent that we should disperse and allow the other business be set aside and proceed to discuss this.

خواجہ محمد صفدر: جناب والا! میرے محترم دوست جناب وزیر مملکت ہر اے پارلیمانی امور نے ارشاد فرمایا ہے کہ یہ اتنے اہم مسائل نہیں ہیں اور اگر یہ اہم بھی ہوں تو چونکہ اب وقت گذر چکا ہے اس لئے یہ اپنی اہمیت کھو چکے ہیں۔ ان کے اعتراض کا یہی مقصد ہے۔ جناب والا! میرے پاس کوئی notes تو نہیں البتہ یہ کتاب ضرور ہے جو ان کے پاس بھی ہے۔
جناب چیئرمین: یہ مجھے بتا دیجئے۔

خواجہ محمد صفدر: Decisions of the Chair 1941-1945. میں نے اسے at rendorn کھولا ہے تو یہ ورق سامنے آئے ہیں۔ یہ ہے رولنگ نمبر 355-

Mr. Chairman : Let me get this ruling. Page please?

Khawaja Mohammad Safdar : Page 4, Sir.

جناب چیئرمین: لوک سبھا؟

خواجہ محمد صفدر: نہیں جناب! انڈین لیجسلیٹو اسمبلی۔

جناب چیئرمین: ٹھیک ہے۔

خواجہ محمد صفدر: جناب والا! مسئلہ یہ تھا کہ کچھ عرصہ پہلے سیاسی قیدیوں کو بیڑیاں پہنائی گئی تھیں تو وہ خبر اخباروں میں چھپی۔ جس مسئلہ کے متعلق یہ فرما رہے ہیں یہ اس تحریک التواء کے پیمش ہونے سے قبل ہوا تو اس خبر کی بنا پر کسی محترم ممبر نے یہ تحریک التواء پیش کی اور اس کے متعلق جناب سپیکر نے یہ قرار دیا کہ یہ تحریک باضابطہ ہے۔
جناب چیئرمین: یہ رولنگ نمبر 355 ہے یا 356؟

خواجہ محمد صفدر: یہ رولنگ نمبر 355 ہے۔

“On the 7th of March, 1941, a member sought to move an adjournment motion to discuss the placing of certain political prisoners in fatter and handcuffs on their transfer from Delhi Jail, when Government objected on the ground that it was a matter of everyday jail and police administration and was not of urgent public importance. The President, however, held the motion in order”.

وہاں بھی بیڑیاں پہلے پہنائی گئی تھیں اور تحریک بعد میں پیش کی گئی تھی اور یہاں بھی بجلی پہلے خراب ہوئی۔ ٹھیک ہے بعد میں یہ درست کر دی گئی اور میں نے کہا ہے کہ ۱۳ منٹ کے بعد یہ درست کر دی گئی۔ دراصل ایسے مسائل یہاں اس لئے اٹھائے گئے ہیں کہ ایڈمنسٹریشن کی توجہ دلائی جائے اور ایسے واقعات آئندہ نہ ہوں۔ وزیر محترم کا کیا خیال ہے کہ ایک بار جب بجلی بند ہو جائے تو چھ مہینے بند ہی رہنی چاہئے تا آنکہ سینیٹ کا اجلاس منعقد ہو اور ہم کہیں کہ یہ بجلی بند ہے اسکی طرف توجہ

کی جائے - ایسا نہیں ہے - اس کے ساتھ ہی آگے دیکھ لیں -

To discuss arrest and detention of persons under orders of the Government of India

جناب چیئرمین: یہ رولنگ یہاں کیسے آگئی ہے میں نہیں سمجھا؟
خواجہ محمد صفدر: یہ بیڑیوں والی رولنگ جو میں نے ابھی پڑھ کر سنائی ہے؟

جناب چیئرمین: ہاں، ہاں -

خواجہ محمد صفدر: انہوں نے اعتراض یہ کیا تھا کہ یہ معاملہ urgent اور public importance کا نہیں ہے -

جناب چیئرمین: کسی نے اس تحریک التواء کے ذریعہ اعتراض کیا تھا کہ جب قیدیوں کو دہلی سے کسی دوسری جگہ منتقل کیا جاتا ہے تو ہتھکڑیاں اور بیڑیاں پہنائی جاتی ہیں تو گورنمنٹ نے کہا کہ یہ کوئی قابل اعتراض بات نہیں۔ یہ تو روزانہ کا معمول ہے۔ لیکن انہوں نے hold کیا کہ نہیں؟ یہ قابل اعتراض ہے اور یہ urgent اور public importance کا حامل ہے تو اس بنا پر انہوں نے اسے admit کیا تھا۔ تو اب بجلی کا سلسلہ جب کراچی میں منقطع ہو گیا اور تمام کراچی اندھیرے میں ڈوب گیا۔ اگر یہ حالت جاری ہوتی تب تو آپ کہہ سکتے تھے کہ یہ مسئلہ urgent ہے اور public importance کا حامل ہے۔ اسے ایوان میں زیر بحث لانا چاہئے اور کوئی کام نہیں کرنا چاہئے۔ پھر تو میں آپ سے اتفاق کر لیتا۔

That it is of public importance and it is an urgent matter. There is no doubt about it. But you know, the fault which caused this breakdown of supply was repaired according to your adjournment motion after 130 minutes.

وہ خرابی جس کی وجہ سے یہ وقوعہ ہوا تھا، یہ طوفان آیا تھا یا جیسے بھی آپ سمجھے کہ کراچی والوں کو تکلیف پہنچی تو وہ تو چند منٹ کے بعد، سو منٹ دو سو منٹ - تین سو منٹ کے بعد درست ہو گیا تھا اور بجلی جاری کر دی گئی تھی۔ اس وقوعہ کو ہونے عرصہ گزر گیا ہے اور اب the urgency has ceased to exist تو اب کیا آپ کا اعتراض یہ ہے کہ بجلی والوں نے اسے اتنی جلدی درست کیوں کر دیا؟ میں آپ سے اتفاق کرتا ہوں کہ بجلی کا down break ہوا۔ اس وقت یہ public importance کی بات تھی۔

I agree with you that this a matter of public important and if the breakdown had continued it was very urgent, and I would have admitted your adjournment motion for discussion. There is no doubt about it. But I have come to this bare and plane hard fact that due to fault there was a breakdown and the fault was removed within a few hours. Now everything is going on. Now, even if the matter was urgent, and I agree with you apparently that it was urgent, but it

[Mr. Chairman]

has now ceased to be urgent because the fault has been removed and the electric supply has been restored to the people. Now, there is no complaint. This happened some months ago and not today, not only a day ago but some months ago. So, if there was any urgency that has ceased to exist because everything has been repaired. That is the difference between that ruling and this ruling.

خواجہ محمد صفدر: میں عرض کرتا ہوں اور ایک اور رولنگ کی طرف آپ کی توجہ دلاتا ہوں - - -

Mr. Chairman : What about that ruling of

بیڑیوں والی تحریک التواء؟

Khawaja Mohammad Safdar : I beg to differ, Sir.

ان کا اعتراض یہ ہے اور آپ نے بھی ارشاد فرمایا ہے - - - -
جناب چیئرمین: - - کہ بیڑیاں قابل اعتراض ہیں - کیا بجلی کا درست کرنا بھی قابل اعتراض ہے؟

خواجہ محمد صفدر: ان کو بھی بہت عرصہ پہلے کہیں لے جایا گیا تھا - وہ سیاسی قیدی تھے اس لئے وہاں اعتراض کیا گیا تھا -
جناب چیئرمین: میں نے تو کہا ہے کہ یہ Public Importance کی بات تھی - میں اس سے اتفاق کرتا ہوں -

There is no doubt about it. Breakdown of electric supply is matter of public importance. This is an urgent matter. I do not differ with you not because of that case of fatters and handcuffs but otherwise too. Without that ruling, I would have held it to be a matter of public importance and urgent.

Khawaja Mohammad Safdar : Thank you every much, Sir.

جناب چیئرمین: لیکن میں نے آپکو یہ کہا کہ چند گھنٹوں کے اندر انہوں نے سمرت کر لی سب کچھ درست ہو گیا اور supply شروع ہو گئی ہے - اس کو کئی مہینے گذر گئے ہیں -

Urgency, if there was any, has ceased to exist.

تو اب اس کو discuss کرنے کا کیا فائدہ؟ اگر یہ continue کرتا

then it was very important thing that a thing has continued for months and weeks.

خواجہ محمد صفدر: مجھے جناب اس بات کے صرف آخری فقرے سے اختلاف ہے کہ واقعہ جاری نہ بھی رہے تو بھی وہ اپنی اہمیت اور فوری نوعیت گھو دیتا ہے - میں آپ کی توجہ رولنگ 365 صفحہ 11 کی طرف دلاتا ہوں اس میں واقعہ یہ تھا - - -
جناب چیئرمین: ذرا پڑھیے -

خواجہ محمد صفدر: میں پڑھتا ہوں

Khawaja Mohammad Safdar : "Adjournment Motions ; Admissible: Ruling No. 365 :-

"An adjournment motion was sought to be moved to discuss the negligence of the E. I. Railway administration is not having provided lights at Bakhtiarpur Station and allowing a certain train to run without searchlights, resulting in the deaths of some persons, and the administrator's failure in not instituting a public inquiry. The Government Member pointed out that a proper inquiry had been held, that the deaths were due to trespass and that searchlights were provided only for the drivers' guidance. The motion was held in order."

Mr. Chairman : I agree.

خواجہ محمد صفدر: تو اس میں بھی جناب والا وہ واقعہ جو تھا گذر چکا تھا۔

جناب چیئرمین: کہاں لکھا ہوا ہے کہ گذر چکا تھا۔۔۔

خواجہ محمد صفدر: سرچ Lights نہیں تھیں۔ اس کے بعد انہوں نے لگا بھی لی ہوں گی۔ یہ نہیں کہ اسٹیشن پر روشنیاں بند رہتی تھیں۔ ایک واقعہ کی بنا پر انہوں نے کہا کہ فلاں وقت search lights نہیں تھیں۔

جناب چیئرمین: accident ہوا ٹرین کے کچھ ڈبے گر گئے کچھ آدمی because of the absence of lights مارے گئے۔ اس کے بعد وہ adjunment motion لائے کہ کیوں ایسا ہوا۔ یہ تو ٹھیک ہے لیکن یہاں تو accidental fault ہو گیا۔ breakdown ہو گیا فوراً repair کیا گیا تو اب آپ کو repair کرنے میں کیا اعتراض ہے؟

خواجہ محمد صفدر: مجھے کوئی اعتراض نہیں۔ میں تو چاہتا ہوں کہ مرمت کی ضرورت ہی نہ پڑے۔ خرابی ہی نہ ہو۔

جناب چیئرمین: یہاں تو انہوں نے یہ کہا کہ اب ہم نے سب کچھ درست کر لیا۔ وہاں تو آدمی مرے، نقصان ہوا، وہ repair تو نہیں ہو سکتا تھا۔

خواجہ محمد صفدر: خدا نخواستہ جب آدمی مر جائیں گے تو پھر یہ سمجھیں گے کہ یہ مسئلہ فوری اہمیت کا ہے۔

جناب چیئرمین: خدا نہ کرے۔ آپ کو کیوں خطرہ ہے۔ آپ پہلے یہ presuppose کیوں کرتے ہیں۔ لیکن یہاں تو یہ معاملہ گذر گیا ہے۔ مہینوں ہو گئے ہیں۔ اگر یہ میں allow کر دوں تو خطرہ یہ ہے کہ ایسے accident تو ہوتے رہتے ہیں تو دو سال کے بعد مردوں کو زندہ کر کے آپ ہمارے سامنے پیش کر دیں گے۔

خواجہ محمد صفدر : پھر تو وہ حالیہ نہیں ہوگا جناب والا !

Mr. Chairman : No, no. I quite agree with you that there should be no misunderstanding about the understanding of my ruling. My ruling is simple. I agree with you in principle that such an incident would have been held to be of urgent public importance but since the urgency was removed within a couple of hours, and now the urgency has ceased to exist, therefore, I rule it out of order.

خواجہ محمد صفدر : آدھا گھنٹہ دیر کا گذر چکا ہے -

Mr. Chairman : Now, the time for adjournment motion is over. We take up item No. 2, Reports of the Standing Committees—Presentation of. Mr. Zafar Ahmed Qureshi, you will present the report.

STANDING COMMITTEE REPORT RE : THE PAKISTAN CRIMINAL
LAW AMENDMENT ACT (AMENDMENT) BILL, 1974

Mr. Zafar Ahmed Qureshi : Sir, I present the report of the Standing Committee on the Bill further to amend the Pakistan Criminal Law Amendment Act, 1958 [The Pakistan Criminal Law Amendment Act (Amendment) Bill, 1974].

Mr. Chairman : The report stands presented. Next, Zafar Ahmed Qureshi.

STANDING COMMITTEE REPORT RE: THE CRIMINAL LAW
(SPECIAL PROVISIONS) (AMENDMENT) Bill, 1974

Mr. Zafar Ahmed Qureshi : Sir, I present the report of the Standing Committee on the Bill further to amend the Criminal Law (Special Provisions) Ordinance, 1968 [The Criminal Law (Special Provisions) (Amendment) Bill, 1974].

Mr. Chairman : The report stands presented. Now, we take up legislative business.

THE INDUSTRIAL RELATIONS (AMENDMENT) BILL, 1974

Malik Mohammad Akhtar : On behalf of Minister for Labour, Health, Social Welfare and Population Planning, I beg to introduce a Bill further to amend the Industrial Relations Ordinance, 1969 [The Industrial Relations (Amendment) 1974]”.

Mr. Chairman : The Bill stands introduced.

THE HYDROGENATED VEGETABLE OIL INDUSTRY (CONTROL
AND DEVELOPMENT) (AMENDMENT) BILL, 1974

Syed Qaim Ali Shah : Sir, on behalf of Mr. Rafi Raza, Minister for Production, Industries and town Planning, I beg to introduce a Bill to amend the Hydrogenated Vegetable Oil Industry (Control and Development) Act 1973 [The Hydrogenated Vegetable Oil Industry (Control and Development) (Amendment) Bill, 1974].”

Mr. Chairman : The Bill stands introduced. Now, there is no other business, therefore, the House stands adjourned to meet tomorrow at 10.00 a. m.

The House adjourned till ten of the clock in the morning on Friday, November 22, 1974.