

THE
SENATE OF PAKISTAN
DEBATES
OFFICIAL REPORT

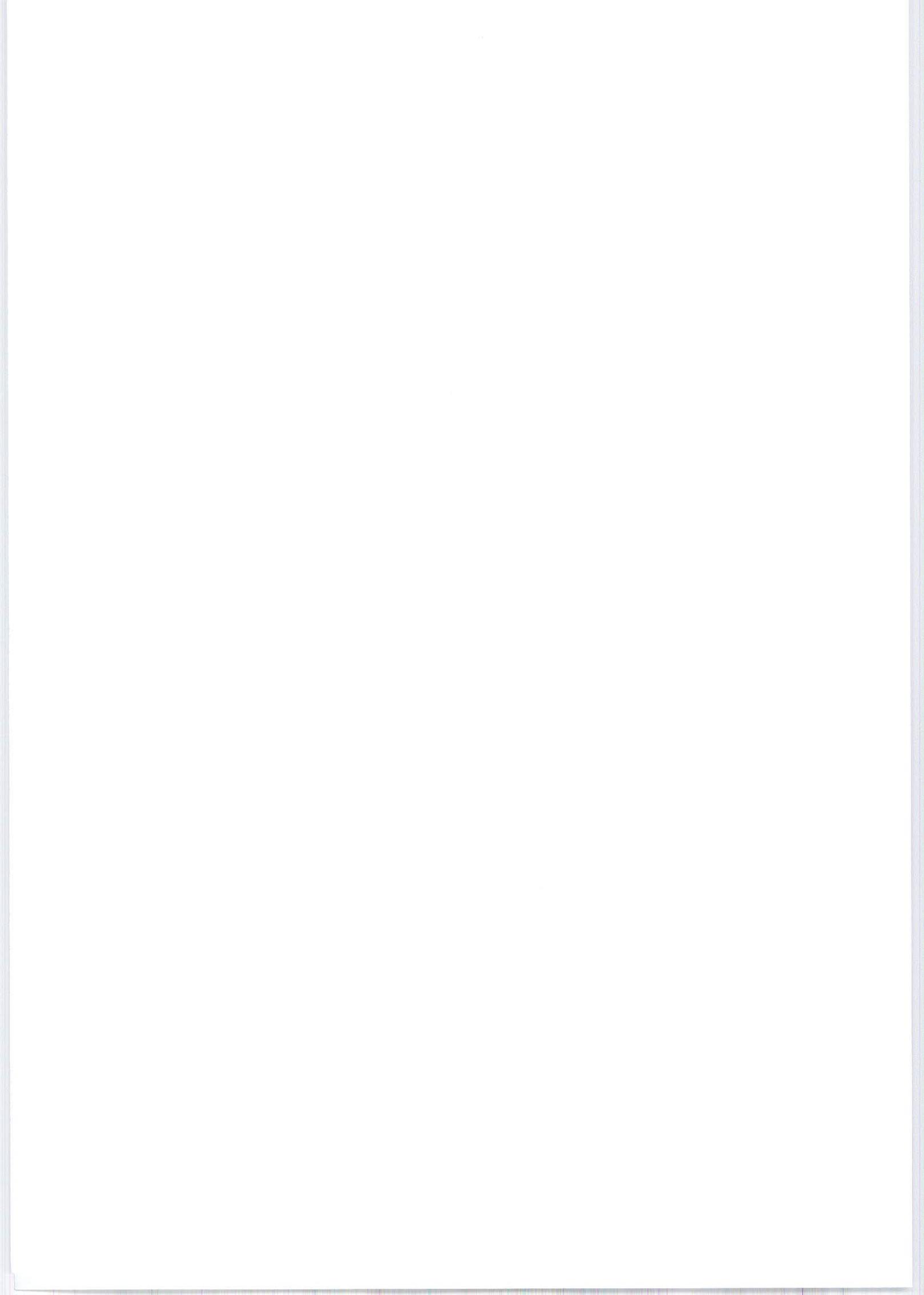
Tuseday, November 26, 1974

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SENATE DEBATES
SENATE OF PAKISTAN

Tuesday, November 26, 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).

STARRED QUESTIONS AND ANSWERS

Mr. Chairman : Question No. 13. Yes, Mr. Mohammad Zaman Khan Achakzai.

BALUCHISTAN QUOTA AMONG OFFICERS IN CUSTOMS
DEPARTMENT

13. Mr. Mohammad Zaman Khan Achakzai : Will the Minister for Finance be pleased to state :

(a) the number and names of Preventive Officers and other senior officers of the Custom's department who are domiciled in Baluchistan;

(b) whether the number of the above officers is according to the quota fixed by the Federal Government ;

(c) whether the vacant posts referred to above are advertised in the newspapers that are published from Baluchistan Province;

(d) if not, the reasons therefor; and

(e) the method of recruitment of the above officers particularly from Baluchistan Province?

Ch: Mohammad Hanif Khan : (a) Preventive Officers:

1. Mr. Khurshid Ahmed Balouch.
2. Mr. Mohd Afzal Lasi.
3. Mr. Maslehuddin Khan.
4. Mr. Akhtar Ali Jamali.

Other Senior Officer

5. Mr. Munir Ahmad, Appraiser.

(b) In the past there was no separate quota fixed for Baluchistan Province. It was combined with Sind, N. W. F. P. and Tribal Area. Hence, the question

جناب محمد زمان اچکزئی : جناب والا ! جہاں تک میری معلومات کا تعلق ہے بلوچستان کے کسی اخبار میں اس سلسلے میں کوئی اشتہار نہیں

چھپتا - کیا وزیر موصوف صاحب اس سلسلے میں کوئی کارروائی کریں گے -

چوہدری محمد حبیب خان : اگر ان کی یہ انفارمیشن یہ ہے اور بالفرض اخبارات میں اشتہار نہیں چھپتے تو ضرور کارروائی کی جائے گی اور رول بھی یہی ہے لیکن جہاں تک میرا خیال ہے اور انفارمیشن بھی یہی ہے کہ اشتہار چھپتے ہیں - جب کسی جگہ vacancies ہوتی ہیں تو ان کی advertisement کی جاتی ہے - اگر آئربل ممبر کو یہ شکایت ہے کہ اشتہار نہیں چھپتے تو میں لازمی طور پر اس کا پتہ کروں گا کہ پوسٹیں advertise کی جائیں -

حاجی سید حسین شاہ : کیا میرے محترم وزیر موصوف صاحب یہ بتائیں گے کہ فیڈرل حکومت نے بلوچستان کا جو $\frac{1}{4}$ - 3 فیصد کوٹہ مقرر کیا ہے ، کیا آج بھی ریکروٹمنٹ کے لئے اسی پالیسی پر عمل ہو رہا ہے ؟
جناب چیرمین : یہ سپلیمنٹری ان کے جواب سے متعلق نہیں ہے -

حاجی سید حسین شاہ : یہ کسٹم کے متعلق ہے -

جناب چیرمین : آپ نے یہ کہا ہے کہ ان کا کسٹم ڈپارٹمنٹ میں کتنا کوٹہ ہے - انہوں نے جواب دے دیا ہے کہ کوئی کوٹہ مقرر نہیں ہے جب یہ ریکروٹمنٹ ہوئی تھی تو اس وقت ان کا کوئی کوٹہ مقرر نہیں تھا - اس وقت فرنٹیر اور Tribal area یہ سب اکٹھے تھے - انہوں نے آپ کو یہ بتا دیا ہے کہ وہ کوٹے کی بنا پر مقرر نہیں ہوئے تھے - اگر آپ general question پوچھیں کہ تمام بلوچستان کے لئے تمام نوکریوں میں $\frac{1}{4}$ - 3 فیصد کوٹہ مقرر ہے تو یہ بڑا general question ہوگا - اس کا اس سپلیمنٹری کے ساتھ کوئی تعلق نہیں ہے -

حاجی سید حسین شاہ : میں اپنے سوال میں ترمیم کرتا ہوں -

کیا کسٹم ڈپارٹمنٹ میں اسی پالیسی پر عمل ہو رہا ہے ؟

جناب چیرمین : پہلے آپ یہ پوچھیں ناں کہ کسٹم ڈپارٹمنٹ میں اب کتنی percentage مقرر ہوئی اب یہ تو پرانی بات ہے ناں -

حاجی سید حسین شاہ : میں آئندہ کے لئے پوچھ رہا ہوں -

جناب چیرمین : یعنی کسٹم ڈپارٹمنٹ میں recruitment کی غرض سے بلوچستان کے لئے کتنا کوٹہ مقرر ہے ؟

چوہدری محمد حنیف خان : 31 اگست 1973 کے بعد اب 3.5

پرسینٹ بلوچستان کے لئے کوٹہ مقرر ہے -

Mr. Chairman : Next.

14. *Haji Sayed Hussain Shah : Will the Minister for Education and Provincial Coordination be pleased to state :

(a) whether it is a fact that the scheme of construction of students hostels under the Federal Government was approved by the Executive Committee of the National Economic Council in December, 1973 ;

(b) if answer to (a) above be in the affirmative, whether location of hostels for the second phase *i. e.* 1974-75, has been decided;

(c) if reply to (b) be in the affirmative;

(i) the cities where students' hostels are to be constructed alongwith their number;

(ii) when the construction is likely to be started ; and

(iii) when the hostels are expected to be ready for occupation by students?

Mr. Abdul Hafeez Pirzada : (a) The scheme was approved in January, 1974.

(b) Yes.

(c) (i) The information is placed on the table of the House.

(ii) The construction has already started.

(iii) According to plan these hostels are expected to be completed by the end of the current financial year and will be ready for occupation by students thereafter.

SUBJECT :- NATIONAL STUDENTS HOSTEL CONSTRUCTION PROGRAMME
Location of Proposed Hostels in Punjab

Sl. No.	Location	Number of Units of 24 seats each	Total number of seats
1	2	3	4
1.	Government High School, Shujabad	2	48
2.	Government Degree College for Girls, Sahiwal	2	48
3.	Government High School, Jahania, Multan	1	24
4.	Government Girls High School, Jahania, Multan	1	24
5.	Government High School, Kabirwala, District Multan	1	24
6.	Government Inter College, Kabirwala, District Multan	1	24
7.	Government Girls High School, Leiah, Muzaffargarh	1	24
8.	Government Inter College For Girls, Leiah	1	24
9.	Government Commercial Trag. Institute, Leiah	1	24
10.	Bormal School, Multan	2	48
11.	Teacher Training College, Multan	1	24
12.	Government Polytechnic Institute, Leiah	1	24
13.	Government Commercial Institute, Muzaffargarh	1	24
14.	Government Commercial Institute, D. G. Khan	1	24
15.	Government College for Boys, Bosan Road, Multan	2	48
16.	Government College for Boys, Muzaffargarh	1	24
17.	Government College for Boys, D. G. Khan	1	24
18.	Government Degree College, Chistian	2	48
19.	Sadiq Abbas College, Dera Nawab Sahib	2	48
20.	Government Girls High School, Haroonabad	1	24
21.	Government R. I. Degree College, Haroonabad	1	24
22.	Normal School, Bahawalpur	2	48
23.	Government Commercial Institute, Bahawalnagar	1	24
24.	Government College for Boys, Rahimyar Khan	2	48
25.	Government Inter College of Girls, Bahawalnagar	1	24
26.	Government College, Gujranwala	2	48
27.	Normal School, Ghakhar	1	24
28.	Normal School, Sharaqpur District Sheikupura	1	24

1	2	3	4
29.	Teacher Training College, Lady MacLagan, Lahore	2	48
30.	Physical Education College for Girls, Lahore	1	24
31.	Government Polytechnic Institute, Lahore	1	24
32.	Government Polytechnic Institute, Sialkot	1	24
33.	Government Polytechnic Institute for Women, Lahore ..	1	24
34.	Lahore College for Women, Lahore	2	48
35.	Government College for Boys, Lahore	2	48
36.	Government College for Women, Sialkot	1	25
37.	Government High School, Bhagwal, Tehsil Chakwal, Distt. Jhelum	2	48
38.	Government Degree College for Boys, Jhelum	2	48
39.	Government Degree College for Girls, Jhelum	2	48
40.	Government High School, Domeli, District Jhelum	2	48
41.	Government Degree College for Boys, Chakwal	1	24
42.	Government Inter College for Girls, Chakwal	1	24
43.	Government Girls High School, Pind Dadan Khan	1	24
44.	Government High School, Chak Beli Khan, Rawalpindi ..	1	24
45.	Government High School, Jokalian, Tehsil Phalia, Distt. Gujrat	1	24
46.	Normal School, Lalamusa, District Gujrat	1	24
47.	Government Polytechnic Institute, Rawalpindi	1	24
48.	Government Polytechnic Institute, Rasul, Distt. Gujrat ..	1	24
49.	Government Commercial Institute, Gujrat	1	24
50.	Government College for Women, Rawalpindi	2	48
51.	Government College for Boys, Rawalpindi	1	24
52.	Government College, Gojar Khan	1	24
53.	Campbellpur	2	48
54.	Government High School, Gar Maharaja, District Jhang ..	2	48
55.	Government Girls High School, Toba Tek Singh	2	48
56.	Government Girls Normal School, Kamalia	1	24
57.	Government Girls High School, Kamalia	1	24
58.	Government Prem Sati Trust College, Kamalia	1	24
59.	Government Iqbal High School, 267, R. B. Lyallpur	1	24
60.	Government Commercial Institute, Block A Satellite Town, Sargodha??	1	24
61.	Government Ambala Muslim College, Sargodha	1	24
62.	Government High School Chak No.10 J.N. Lyallpur	1	24
63.	Government High School, Mandi Phularwan, District Sargodha	1	24
64.	Normal School Jauharabad	1	24
65.	Teacher Training College, Lyallpur	1	24
66.	Government Polytechnic Institute, Sargodha	1	24
67.	Government Commercial Institute, Sargodha	1	24
68.	Government College for Boys, Sargodha	1	24
69.	Government College for Boys, Jauharabad	1	24
70.	Government College for Boys, Jhang	1	24
71.	Government Islamia College, Chiniot	1	24
72.	Government College, Lyallpur	2	48
73.	Mianwali??	2	48
74.	Government Degree College, Mandi Bahauddin, Gujrat ..	1	24
75.	Government College, Mian Channu, Multan	1	24
76.	Government Degree College, Toba Tek Singh, Distt. Lyallpur	1	24
77.	Government High School, Mourusipur, Toba Tek Singh, Distt. Lyallpur	1	24
	Total	99	2,376

SUBJECT :—NATIONAL STUDENTS HOSTEL CONSTRUCTION PROGRAMME

Location of Proposed Hostels in Sind

Sl. No.	Location	Number of Hostels Units of 24 seats each	Total Number of seats
1.	Government College of Physical Education, Karachi (Men) ..	2	48
2.	Government College of Physical Education, Karachi (Women)	2	48
3.	Jamia Millia, Karachi	2	48
4.	National College of Engg. & Technology, Karachi ..	3	72
5.	Government High School, Memon Goth	2	48
6.	Government Boys College, Tando Allah Yar, Hyderabad ..	2	48
7.	Government College for Boys, Hyderabad	4	96
8.	Government College for Girls, Hyderabad	2	48
9.	Government Girls College, Khairpur	2	48
9.	Government Girls College, Khairpur	2	48
10.	Suchal Sarmast College, Ranipur, District Khairpur	1	24
11.	Government College for Girls, Sukkur	2	48
12.	Islamia College, Sukkur	2	48
13.	Government Girls College, Larkana	2	48
14.	Government Degree College, Shahdadkot, Larkana ..	1	24
15.	Government College Girls, Jacobabad	1	24
16.	Government Boys College, Jacobabad	2	48
17.	Government College, Dadu	1	24
18.	Government College for Boys, Nawabshah	1	24
19.	Sachal Sarmast College, Nawabshah	1	24
20.	Government Vocational Institute, Jacobabad	1	24
21.	Government Vocational Institute, Dadu	1	24
	Total ..	37	888

SUBJECT :—NATIONAL STUDENTS HOSTEL CONSTRUCTION PROGRAMME
Location of Proposed Hostels in N. W. F. P.

Sl. No.	Location	Number of hostels 24 seats each	Total number of seats
1.	Frontier College for Women, Peshawar	2	48
2.	Government College, Peshawar	2	48
3.	Government Intermediate College, Hasht Nagar, Distt. Peshawar	1	24
4.	Government College, Abbottabad	2	48
5.	Government Degree College, Haripur	3	72
6.	Government Intermediate College, Chitral	2	48
7.	Government College, Saidu Sharif	2	48
8.	Government Intermediate College, Timargarh, Distt. Dir ..	1	24
9.	Government College, Mardan	1	24
10.	Government Intermediate College, Swabi	1	24
11.	Government Intermediate College, Lakki Marwat	1	24
12.	Government Intermediate College, Bannu	1	24
13.	Government Intermediate College, Tank	1	24
14.	Government Intermediate College, Karak, Kohat	2	48
Total ..		22	528

SUBJECT :—NATIONAL STUDENTS HOSTEL CONSTRUCTION PROGRAMME
Location of Proposed Hostels in Baluchistan

Sl. No.	Location	Number of hostels Units of 24 seats each	Total number of seats
1.	Government Degree College, Quetta	1	24
2.	Girls High School, Quetta	1	24
3.	Government Degree College for Women, Quetta	1	24
4.	Government Polytechnic Institute, Quetta	1	24
5.	Government High School, Khuzdar	1	24
6.	Government High School, Turbat	1	24
7.	Government College, Sibi	1	24
8.	Girls High School at Muslimbagh	1	24
9.	High School, Noshki	1	24
10.	High School Usta Mohammad	1	24
11.	High School, Bela	1	24
Total ..		11	264

SUBJECT :—NATIONAL STUDENTS HOSTEL CONSTRUCTION PROGRAMME

Location of Proposed Hostels in F. A. Tribunal Areas

Sl. No.	Location	Number of hostels Units of 24 seats each	Total number of seats
1.	Government Teachers Training School, Jamrud??	2	48
2.	Government Girls High School, Miranshah	1	24
3.	Government High School, Jandola	1	24
4.	Government High School, Khar, Bajour	1	24
5.	Government College, Miranshah	1	24
6.	Government College, Parachinar	1	24
7.	Government College, Thana	1	24
8.	Government High School, Sadda, Kurram Agency	1	24
Total		9	216

SUBJECT :—NATIONAL STUDENTS HOSTEL CONSTRUCTION PROGRAMME

Location of Proposed Hostels in Azad Jammu and Kashmir

Sl. No.	Location	Number of hostels Units of 24 seats each	Total number of seats
1.	Government Intermediate College, Bhimber..	1	24
2.	Government Intermediate College, Khuiratta	1	24
3.	Government Intermediate College, Dadyal ..	1	24
4.	Government Intermediate College, Abbaspur	1	24
5.	Government Intermediate College, Dhirkote	1	24
6.	Government Intermediate College, Garhi Dupatta	1	24
7.	Government Degree College for Girls, Mirpur	2	48
8.	Government Degree College for Girls, Muzaffarabad..	2	48
9.	Government Intermediate College for Girls, Kharik	2	48
Total		12	288

SUBJECT :—NATIONAL STUDENTS HOSTEL CONSTRUCTION PROGRAMME

Location of Proposed Hostels in Gilgit

Sl. No.	Location			Number of hostels Units; of 24 seats each.	Total number of seats
1.	Government Girls High School, Gilgit	..	..	1	24
2.	Government High School, Chalt	..	..	1	24
3.	Government High School, Astore	..	..	1	24
4.	Government High School, Skardu	..	..	1	24
5.	Government Girls High School, Skardu	..	..	1	24
6.	Government High School, Thowar	..	..	1	24
Total				6	144

SUBJECT : NATIONAL STUDENTS HOSTEL CONSTRUCTION PROGRAMME

Location of Proposed Hostels in the Federal Capital

Sl. No.	Location			Number of; hostels Units; of 24 seats; each	Total number of seats
1.	Islamabad Model School for Girls	..	..	1	24
2.	Central Government College for Men	..	..	1	24
3.	Central Government College for Women	..	..	1	24
4.	Institute of Education	..	..	3	72
5.	Institute of Modern Languages	..	..	3	72
6.	Education Planning Bureau	..	..	3	72
Total				12	288

LIST OF HOSTEL BEING CONSTRUCTED THROUGH THE
UNIVERSITY GRANTS COMMISSION

1. National Sports Trust, Karachi.
2. National Sports Complex, Islamabad.
3. Liaquat Memorial Hall, Rawalpindi.
4. National College of Arts, Lahore.
5. Teacher Training Institutes, Islamabad.
6. Sind University, Jamshoro, (Sind).
7. University of Peshawar, Peshawar.
8. Engineering and Technology University, Nawabshah.
9. University of Engineering and Technology, Lahore.
10. People's Open University, Islamabad.
11. University of Karachi, Karachi.
12. University Grants Commission, Hostel for Teacher Academy.

حاجی سید حسین شاہ : سپلیمنٹری سر ! کیا وزیر مملکت یہ ارشاد فرمائیں گے کہ مری بگٹی اور اسی طرح مکران علیحدہ علیحدہ ضلعے ہیں ان کو اس اسکیم سے کیوں خارج کیا گیا ہے ؟ وہاں کوئی ہوسٹل نہیں ہے ۔

Malik Mohammed Akhter : A detailed list of hostels to be constructed in Baluchistan is in that list at No. 6, there is 'Government High School, Turbat I consider, this is what the Honourable Member wanted to know.

حاجی سید حسین شاہ : مری اور بگٹی میں نہیں ہے ۔

Malik Mohammad Akhtar : Sir, there are so far no educational institutions in the area being pointed out by him. Inshallah when the Development Programme is through which we are going to have, there will be insitutions, hostels and there will be many other facilities over there and let us all cooperte for that purpose.

جناب زمرہ حسین : جناب چیرمین ! میں صرف ان کی معلومات میں اضافہ کے لئے بتانا چاہتا ہوں کہ ان کا گورنمنٹ ہائی اسکول مری میں موجود ہے گورنمنٹ ہائی اسکول بگٹی میں موجود ہے ۔ اور بہت سے پرائمری اسکول مری اور بگٹی میں موجود ہیں ۔

Malik Mohammad Akhtar : But there are hostels as well.

Haji Sayed Hussain Shah : No hostels.

Mr. Chairman : But why are you replying. He cannot supply information. He is seeking information from you. You are not bound to enter into controversy with him when he furnishes some information to you. This is no supplementary question.

حاجی سید حسین شاہ : سپلیمنٹری سر ! کیا محترم وزیر مملکت صاحب یہ وضاحت فرمائیں گے کہ بولان میڈیکل کالج جہاں تمام لڑکے باہر سے آتے ہیں وہاں ہوسٹل بنانے کا گورنمنٹ کا کیوں پروگرام نہیں ہے ؟

Where are those students being accommodated?

Malik Mohammad Akhtar : According to my information there is a hostel attached to Bolan Medical College. The hostels are proposed to be constructed where no hostels exist. It was thought necessary that the facilities may be extended to the other areas at present.

Mr. Chairman : Next question.

LOANS TO BALUCHISTAN FIRMS/COMPANIES

15. Haji Sayed Hussain Shah : Will the Minister for Finance, Planning and Development be pleased to state the names of firms/companies in Baluchistan who have been granted loans by PICIC, IDBP and the Equity Participation Fund during the years 1973-74 and 1974-75?

Ch. Mohammad Hanif Khan : The names of the firms/companies in Baluchistan which have been sanctioned loans by PICIC/IDBP during the year 1973-74 and 1974-75 are contained in the statement placed on the table of the House.

Equity Participation Fund does not provide assistance in the form of loans.

NAMES OF THE FIRMS/COMPANIES IN BALUCHISTAN WHICH HAVE BEEN GRANTED LOANS BY/IDBP DURING THE YEAR 1973-74 AND 1974-75

1973-74

<i>Name of Institution</i>	<i>Name of the company</i>
1. Pakistan Industrial Credit & Investment Corporation Ltd.	<i>Nil</i>
2. Industrial Development Bank of Pakistan.	1. National Food Industries Limited, Quetta 2. Chaghi Industries & Commercial Corporation Limited, Chaghi. 3. Achakzai Oil Transport Company, Quetta.

1974-75

(1-7-74 to 31-10-74)

<i>Name of the Institution</i>	<i>Name of the Company</i>
1. Pakistan Industrial Credit & Investment Corporation Limited.	1. Fikri Textile Mills Limited, Quetta.
2. Industrial Development Bank	2. Cheltan Ghee Mill Limited, Quetta.

16. *Transferred for answer on 30-11-1974 under No. 34.*

Khawaja Mohammad Safdar : Under the caption "1.7.74 to 31.10.74" we are told that Pakistan Industrial Credit & Investment Corporation

Limited has sanctioned loan for Fikri Textile Mills Ltd, Quetta. May I know the amount of loan sanctioned?

Ch. Mohammad Hanif Khan : This was 6,100 million rupees.

Khawaja Mohammad Safdar: What is the Foreign Exchange Component ?

Ch. Mohammad Hanif Khan: This information is not available with me.

Khawaja Mohammad Safdar May I know from the Honourable Minister whether this loan has been disbursed?

Ch. Mohammad Hanif Khan: Actually this was an additional loan for M s Fikri Textile Mills and orders have been issued for its disbursement.

حاجی سید حسین شاہ : کیا میں محترم وزیر مملکت سے دریافت کر سکتا ہوں کہ میں اچکزئی آئل ٹرانسپورٹ کو کتنا قرضہ دیا گیا ہے۔

Ch. Mohammad Hanif Khan: This is by I.D.B.P. It is 600 million rupees.

حاجی سید حسین شاہ : کیا محترم وزیر صاحب یہ بیان فرمائیں گے کہ اچکزئی آئل ٹرانسپورٹ کے مینیجنگ ڈائریکٹر کون ہیں ؟

Ch. Mohammad Hanif Khan : I would not be able to say that.

Mr. Chairman : It does not arise from the main question.

Ch. Mohammad Hanif Khan : I don't have this information.

حاجی سید حسین : اس کا مینیجنگ ڈائریکٹر کون ہے ؟

جناب چیئرمین : جب آپ کو معلوم ہے تو پھر سوال کس لئے :

حاجی سید حسین شاہ : غالباً کوئی M.P.A. ہیں۔

جناب چیئرمین : آپ تے پہلے کوئی نام لیا ہے ؟

حاجی سید حسین شاہ : شاید کوئی M.P.A. ہوگا۔

Ch. Mohammad Hanif Khan : If I had known that the whole object of putting this question is to know the name of the owner of Achakzai Oil Transport Company, then I would have prepared for it.

(Question No. 16 was transferred for answer on 30.11.1974 under No. 34)

Mr. Chairman : Next Question No. 17, Khawaj Sahib.

BANK DEPOSITS

17. Khawaja Mohammad Safdar: Will the Minister for Finance, Planning and Development be pleased to state :

(a) the total amounts of deposits, of all kinds made by private depositors in the Banks, excluding the Cooperative Banks, as on the 30th June, 1974 ;

(b) the amount of deposits held on 30th June, 1974 by the Banks in the Punjab, Sind, N. W. F. P., and Bauchistan separately; and

(c) the amounts of advances of all sorts to their private clients made during the year ending 30th June, 1974 by the Banks in the Punjab, Sind, N.W. F. P. and Baluchistan separately ?

Ch. Mohammad Hanif Khan : The information cannot be disclosed in public interest.

Khawaja Mohammad Safdar is a lawyer. He knows that it cannot be disclosed in public interest. Actually there has been some misunderstanding about this question. Being a lawyer he knows it himself that this information should not be made available at all.

Khawaja Mohammad Safdar : Let me explain, Sir. I do know that particulars of an account cannot be disclosed by a banker under the law.

لیکن میں نے تو یہ پوچھا ہے کہ لوگوں نے کس قدر رقوم جمع کر لیں اور کتنی مالیت کے اجتماعی طور پر قرضے حاصل کئے -
مداخلت

خواجہ محمد صفدر : میں نے عرض کیا کہ میں جمع شدہ رقوم کی مالیت معلوم کرنا چاہتا ہوں - گورنمنٹ کی اپنی مطبوعات میں سابقہ سال کے متعلق یہ اعداد شمار درج کئے ہوئے ہیں تو تا حال یہ اطلاع پوچھنا چاہتا تھا -

جناب چیرمین : کتابوں میں کیا چھپا ہے -

خواجہ محمد صفدر : ہمارے بینکوں میں کس قدر ڈپازٹ کی رقم موجود ہے اور یہ بھی چھپا ہوا ہے کہ وہاں کس قدر رقوم ہمارے بینکوں نے لوگوں کو قرضہ دیئے ہوئے صرف کی ؟

جناب چیرمین : کتابوں میں ہے -

خواجہ محمد صفدر : یہ پچھلے سال کی بات ہے - میں موجودہ پوزیشن معلوم کرنا چاہتا تھا - میں آج کی پوزیشن چاہتا تھا - ویسے یہ ان کا حق ہے کہ انکار کر دیں -

Ch. Mohammad Hanif Khan : Sir, the books are continued to be published. If he still wishes to secure this information the books will be published and he will come to know. (Laughter)

PICIC AND IDBP LOANS

18. ***Khawaja Mohammad Safdar :** Will the Minister for Finance, Planning and Development be pleased to state :

(a) whether it is a fact that the PICIC and IDBP sanctioned loans worth Rs. 498.65 million and Rs. 376.6 million respectively in 1973-74 ;

(b) whether it is a fact that out of the loans sanctioned by PICIC only loans worth Rs. 59.3 millions were disbursed and out of the loans sanctioned by IDBP, only loans worth Rs. 34.8 millions were disbursed ; and

(c) the reasons for non-disbursement of the loans as mentioned in (a) above?

Ch. Mohammad Hanif Khan : (a) No. The loans sanctioned actually amounted to Rs. 451.9 millions and Rs. 369 millions respectively.

(b) No. The disbursements out of the above loans made during the year actually amounted to Rs. 7 millions and Rs. 9.7 millions respectively.

(c) The reasons for non-disbursement of the entire loans sanctioned during 1973-74 were as under :—

The sanction of a loan is allowed by allocation of a line of credit, opening of a letter of credit and actual disbursement of loan. The allocation of a line of credit depends on the availability of credit acceptable to the borrower. After a line of credit has been allocated the formalities for opening the letters of credit start. These include acquisition of valid title of the ownership of land on which factory is to be set up, getting quotations from at least three suppliers of plant and machinery and legal documentation. Major disbursements are made after the shipment of machinery by the suppliers whom more often than not, commence the manufacture thereof after the establishment of the letter of credit.

All the operations take time with the result that it is not possible for the financial institutions to disburse the whole of the loan sanctioned during a particular year within that very year.

خواجہ محمد صفدر : محترم وزیر خزانہ صاحب ارشاد فرمائیں گے کہ ان کے پیش کردہ اعداد و شمار سے یہ ظاہر ہوتا ہے کہ ان قرضوں میں سے پی - آئی - سی - آئی سی - کے منظور شدہ قرضہ جات میں سے ڈیڑھ فیصد قرضے لوگوں سے وصول کئے ہیں - یا استعمال کئے ہیں آئی - ڈی - بی - پی - کے قرضہ جات میں سے تقریباً تین فیصد استعمال کئے ہیں کیا اس کی وجہ ان وجوہات کے علاوہ جو آپ نے بیان کی ہیں - یہ تو نہیں کہ لوگوں نے کارخانہ جات کی تنصیب بند کر دی ہے - کارخانہ جات لگانے بند کر دیے ہیں

Ch. Mohammad Hanif Khan : No. I don't think so, because these facilities are available to them. They can utilise them. If they don't avail of these facilities then that is a different thing but we can't compel the people.

Mr. Chairman : Certainly.

Ch. Mohammad Hanif Khan : It is available, Sir.

خواجہ محمد صفدر : سپلیمنٹری سر ! محترم وزیر صاحب کو یہ یقیناً معلوم ہے کہ جو لوگ ان بینکنگ اداروں سے قرضہ جات حاصل کرتے ہیں وہ

یقیناً ان قرضہ جات کی رقوم کو استعمال کرنا چاہتے ہیں۔ قرضہ جات کی رقم حاصل نہ کرنے کی وجہ یہ ہے کہ لوگوں نے کارخانہ جات کی تنصیب بند کر دی ہے کیا یہ درست ہے کہ لوگوں نے اس لئے کارخانہ جات کی تنصیب بند کر دی ہے کیونکہ انہیں موجودہ حکومت پر اعتماد نہیں رہا کیا یہ صحیح ہے؟

چوہدری محمد حفیظ خاں : یہ بالکل غلط ہے۔

Mr. Chairman : Do you expect any other answer :

سفتی ظفر علی نعمانی : جناب والا! میں بھی ایک گزارش کرنا چاہتا ہوں

جناب چیرمین : آپ گزارش نہیں کر سکتے۔

سفتی ظفر علی نعمانی : سپلیمنٹری سر! کیا یہ صحیح ہے کہ حکومت نے

کچھ سرمایہ داروں کو بلا کر ان کو مجبور کرنے کی کوشش کی ہے کہ آپ قرضہ لیں کیا یہ درست ہے؟

Mr. Chairman : But it doesn't call for any answer. Question No. 18-A
Haji Syed Hussain Shah : Question No. 18-A

POULTRY FARMING

18A. Haji Sayed Hussain Shah : Will the Minister for Finance Planning and Development be pleased to state :

(a) whether it is a fact that the Government has reserved a sum of Rs. six crore for providing liberal credit facilities on easy terms and conditions through Agriculture Development Bank of Pakistan for promotion of Poultry farming in the country; and

(b) if answer to (a) above be in the affirmative, what amount is allocated to each province?

Ch. Mohammad Hanif Khan : (a) No. Agricultural Development Bank of Pakistan has sufficient funds for meeting the credit requirements of poultry farmers in the country.

(b) The Bank will advance loans for poultry farms in the Provinces on the basis of the demand in each area.

حاجی سید حسین شاہ : سپلیمنٹری سر! کیا ہمارے محترم وزیر صاحب

یہ فرمائیں گے کہ بلوچستان میں پولٹری فارمنگ کے لئے کتنی رقم مخصوص کر دی گئی؟

چوہدری محمد حنیف خاں : میں نے عرض کیا ہے کہ اس میں رقم

مخصوص نہیں ہے لیکن فنڈز کافی موجود ہیں اور ان میں سے کافی فنڈ دیا جاسکتا

ہے بشرطیکہ ڈیمانڈ ہو کہ ہم پولٹری فارم کرنا چاہتے ہیں۔ اس سال خیال ہے کہ کافی رقم مختص کی جائے گی اگر ڈیمانڈ ہو تو وہ مل سکتی ہے۔

Mr. Chairman : Now we take up adjournment motions. Adjournment Motion No. 15. It stands in the name of Mr. Zamarrud Hussain.

ADJOURNMENT MOTION RE: ENTRY OF THIRTY THOUSAND
AFGHAN AGENTS IN BALUCHISTAN

Mr. Zamarrud Hussain : Sir, I beg leave of the House to move a notice of adjournment of the business of the Senate to discuss a definite matter of public importance and of recent occurrence namely a statement of Governor of Baluchistan published in daily Nawa-i-Waqt, Lahore, dated the 28th September, 1974 that thirty thousand Afghan Agents entered in the Baluchistan Province during last six months and remained engaged in anti-state activities.

The Federal Government has failed to safeguard against illegal entrance of Afghan Agents.

This has created great resentment amongst the public.

Malik Mohammad Akhtar : Opposed Sir on technical ground. Sir, an identical motion was ruled out probably on the second day when we met in the Senate. The matter is not of recent occurrence and the ruling was that it is a continuous proces

Mr. Chairman : I also remember. The adjournment motion was :

“That the Governor of Baluchistan while addressing a press conference as reported in the Nawa-i-Waqt of 20th October disclosed that about thirty thousand Afghan Nationals had entered Baluchistan and that they were inciting the Baluchistan against Pakistan. The failure preventing the Afghan Nationals from entering Pakistan has caused of the Government in great resentment.”

Well a similar motion has been disallowed by me. Now, it will be a wild gosse chase, you see.

Disallowed on the ground that a similar identical motion had been disallowed previously.

This is again your motion No. 16. Yes, Mr. Zamarrud Hussain.

ADJOURNMENT MOTION RE : INADEQUATE ARRANGEMENT
OF FRESH AIR IN COAL MINE LEASE NO. 8

Mr. Zamarrud Hussain : Sir, I beg leave of the House to move a notice of adjournment of the business of the Senate to discuss a definite matter of public importance and of recent occurrence namely, a news item appeared in daily Mashriq, Quetta, dated the 7th November, 1974, that due to inadequate arrangement of fresh air in Coal Mine Lease No. 8 of Sindji, Quetta, two workers died.

This has created great disappointment and resentment among public and labourers working in the Coal Mines.

Mr. Chairman : Where is that paper? Have you placed it on record?

جناب زمرہ حسین : دراصل اسکو بھول گیا -

جناب چیرمین : اس کو بھولیں تو نہیں - public importance ہے

ارجنٹ ہے -

ملک محمد اختر : پیپر جناب ردی کی ٹوکری میں پڑا ہے -

جناب زمرہ حسین : یہ خبر جناب نوائے وقت میں چھپی ہے - جس میں

کہا گیا ہے کہ ۲۰ آدمی ہلاک ہوئے ہیں -

Malik Mohammad Akhtar: On point of order Sir. He is going in details Sir.

جناب والا یہ خبر نوائے وقت میں چھپی ہے اس میں کہا گیا ہے کہ ۲۹

ادمی ہلاک ہوئے ہیں - اس پر پریس انفارمیشن نے نوائے وقت کی تردید میں

کہا کہ اس حادثہ میں دو آدمی ہلاک ہوئے ہیں -

It is a confirmed news:

Malik Mohammad Akhtar : Sir, I take the technical ground that Coal Mines are the concern of the Provincial Government. We should look into Item No. 30 in the Concurrent Legislative List.

Mr. Chairman : Item No. 30?

Malik Mohammad Akhtar : Yes, Sir.

Mr. Chairman : 'Regulation of labour and safety in mines, factories and oil fields.' This is on the Concurrent List. You are correct. Yes.

Malik Mohammad Akhtar : Now, Sir, I come to Section 3(aa) of the Mines Act 1923. The Federal Government is only concerned with mines of nuclear substances, oil field gas fields and the rest of the matters are to be governed by the Province concerned. So, I consider it to be a provincial subject.

Mr. Chairman : Yes.

جناب زمرہ حسین : جناب چیرمین ! جہاں تک mines میں labour

welfare کا سوال ہے یہ فیڈرل گورنمنٹ سے متعلق ہے اور اس سلسلے میں

فیڈرل گورنمنٹ Inspectors of Mines کو appoint کرتی ہے جن کی یہ ذمہ داری

ہے کہ وہ دیکھے کہ جو کام ہو رہا ہے اور کہیں کوئی خرابی تو پیدا نہیں

ہوگئی جس سے مزدوروں کی جانیں خطرے میں پڑ جائیں - - -

جناب طاہر محمد خاں : جناب چیرمین ! Coal Mines کے مزدوروں کے

ویلفیئر انسپکٹر صوبائی حکومت appoint کرتی ہے -

جناب زمرہ حسین : یہ فیڈرل گورنمنٹ کرتی ہے - چونکہ اس مسئلہ

کا تعلق مزدوروں کی ہلاکت سے ہے اس لئے یہ فیڈرل گورنمنٹ سے متعلق ہے۔

Malik Mohammad Akhtar : Appointment of the staff is done by the Provincial Governments. It is a Concurrent subject, Sir, but the functions of supervision are being performed by the Provincial Governments. We are concerned with the legislation. Now, we legislate certain things which is not within the executive competence of the Federal Government or which is a delegated executive function. My stand is, Sir, that this incident occurred, and if any responsibility could be attributed it would be to the Provincial Government.

Mr. Tahir Mohammad Khan : Provincial Assembly is meeting on 3rd, Sir.

حاجی سید حسین شاہ : پوائنٹ آف انفارمیشن جناب والا ! گزارش یہ ہے کہ ہمارے وزیر مملکت برائے پارلیمانی امور یہ فرما رہے ہیں کہ یہ مسئلہ صوبائی ہے۔ میں ان کی خدمت میں عرض کروں گا کہ ایک تو P.I.D.C. Coal Mines کے تحت ہیں جو مرکزی ادارہ ہے۔ دوسری بات یہ ہے کہ وہاں مزدور بجلی بند ہونے کے سبب دم گھٹ کر مر گئے ہیں اور بجلی کی سپلائی واپٹا کی ذمہ داری ہے اور یہ بھی فیڈرل گورنمنٹ کے تحت ہے۔

Malik Mohammad Akhtar : May I make a statement, Sir, if they are not satisfied.

جناب چیرمین : آپ نے یہ تو نہیں کہا کہ بجلی بند ہو گئی تھی جس کے نتیجہ میں یہ واقعہ ہوا۔ اس تحریک میں بجلی کا تو کوئی ذکر ہی نہیں۔

Malik Mohammad Akhtar : Sir, I would like to make a short statement. Sir, my information is that the supervising authority for this purpose is Chief Inspector of Mines, Government of Baluchistan. As such the matter belongs only to the Government of Baluchistan. The adjournment motion cannot be allowed on this ground also. Then more arguments are being advanced and only this statement is sufficient.

جناب چیرمین : ٹھیک ہے زمرہ حسین صاحب ! جس چیز کا آئین کے تحت اپنے ذکر کیا ہے یہ concurrent legislative list کی مدد نمبر ۳ کے تحت آتی ہیں۔ اس میں درج ہے Regulation of Labour and safety in mines factories and oil factories اس میں فیڈرل گورنمنٹ کو بھی اور صوبائی حکومت کو بھی دونوں کو یہ اختیار دیا گیا کہ ان امور کے متعلق وہ قانون بنا سکتی ہیں۔ M n e Ac , 1923 جو آئین کی رو سے ابھی تک جاری ہے اور چل رہا ہے اور جب تک اس قانون کو منسوخ نہ کیا جائے یہ ایک ایکٹ ہے اس میں صاف فیصلہ ہوا ہے کہ coals mines صوبائی مسئلہ ہے۔ میں آپ کو پڑھ کر سنا دیتا ہوں۔ اس میں appropriate government کے متعلق دیا ہوا ہے کہ یہ کرے گی وہ کرے گی۔

“Appropriate Government means in relation to mines of nuclear substances oil fields and gas fields, the Central Government

یہ مرکزی حکومت کے پاس ہیں - یہ دونوں حکومتوں نے آپس میں تقسیم کیا ہوا ہے - جہاں تک دوسری mines کا تعاقب ہے جن میں coals mines بھی آتی ہیں یہ صوبائی مسئلہ ہے - یہ ایکٹ ابھی تک جاری ہے اور اس ایکٹ کی Provisions کے مطابق coals mines کے متعلق appropriate government صوبائی حکومت ہے اس لئے coal mines صوبائی حکومت کی ذمہ داری ہے فیڈرل گورنمنٹ کی نہیں - یہ فیصلہ تو اس ایکٹ میں دیا گیا ہے نمبر دو بات یہ ہے کہ وہ categorically آپ کو کہتے ہیں کہ سپر وائرنگ اتھارٹی یعنی چیف انسپکٹر صوبائی حکومت کے ماتحت ہیں - تو یہ دو تین باتیں آپ اکٹھے کر لیں تو آپ کو معلوم ہو جائے گا کہ coal mines کی ذمہ داری فیڈرل گورنمنٹ پر نہیں - اس کے پاس صرف nuclear substances, oil and gas mines ہے تو یہ جو واقعہ coals mines میں ہوا ہے یہ صوبائی حکومت کا مسئلہ ہے -

Appropriate Government will deal with this matter and in connection with the coal mines that is a Provincial Government.

یہ صوبائی حکومت کرے گی یہ غلطی جس کی بھی ہے سپروائرنگ اتھارٹی کی ہے جو صوبائی حکومت کا ملازم ہے آپ نے اس تحریک میں یہی لکھا ہے کہ انہوں نے تازہ ہوا کا کوئی بندوبست نہ کیا - تازہ ہوا کے لئے یہاں سے حنیف صاحب یا ملک اختر صاحب تو نہیں جائیں گے - یہ کام تو سپروائرنگ اتھارٹی نے ہی کرنا ہے جو بلوچستان کی صوبائی حکومت کا ملازم ہے اور یہی بات ان کے بیان سے اور ان کے اعتراض سے مترشح ہوئی ہے -

حاجی سید حسین شاہ : جناب چیرمین ! میں گزارش کروں گا کہ چیف انسپکٹر کے پاس دو عہدے ہیں ایک چیف انسپکٹر Mines کا اور دوسرا چیف ویلفیئر آفیسر کا اور وہ فیڈرل گورنمنٹ کی طرف سے مقرر کیا جاتا ہے - یہ مسئلہ چیف ویلفیئر آفیسر سے متعلق ہے جو فیڈرل گورنمنٹ کے ماتحت ہے جناب زمرہ حسین : جناب والا یہ مسئلہ labour welfare کا ہے جو فیڈرل گورنمنٹ سے متعلق ہے -

جناب چیرمین : آپ common sense استعمال کیجئے جناب coal mines صوبائی حکومت کے تحت چلی گئی ہیں تو کیا وہاں تازہ ہوا فیڈرل گورنمنٹ لائے؟ اگر باقی انتظامات صوبائی حکومت کرتی ہے تو کیا تازہ ہوا کے لئے یہاں سے کوئی وزیر جائے گا؟

جناب زمرہ حسین : فیڈرل گورنمنٹ کو labour welfare کی ذمہ داری تو

پوری کرنی چاہئے کہ صوبائی حکومت تازہ ہوا مہیا کرتی ہے یا نہیں۔ وہ مزدوروں کی باتیں تو کرتی ہے لیکن یہ نہیں دیکھتی کہ صوبائی حکومت ان کے لئے مناسب انتظامات بھی کر رہی ہے یا نہیں۔

جناب چیئرمین : یہ ایک اور بات ہے۔

جناب زمر د حسین : جناب یہ welfare سے متعلق ہے۔ یہ ذمہ دار ہیں اس کے؟

جناب چیئرمین : آپ یہ suggest کرتے ہیں کہ ان کو Provincial Government کے کان کھینچنے چاہئیں۔ یہ اور بات ہے لیکن اس کا براہ راست تعلق صوبائی حکومت سے ہے۔

جناب زمر د حسین : جناب مزدوروں کا مسئلہ ان کی ذمہ داری ہے۔ اگر مزدور مرجائے تو یہ ان کی ذمہ داری ہے۔

I do not see any way to run away from all these statutory provisions. To me it seems to be a provincial subject. Provincial Government is responsible for that. They should be held responsible for this matter and this question can be agitated in the Provincial Assembly. I think, they are meeting on the 3rd of December, 1974. There you will succeed.

وہاں آپ انشاء اللہ جیت جائیں گے۔ آج آپ کا دن ہے مسٹر زمر د حسین۔

ADJOURNMENT MOTION RE: WHITE PAPER ON BALUCHISTAN

جناب زمر د حسین : جناب یہ تحریک التواہ بلوچستان کے متعلق white paper پر ہے لیکن چونکہ بلوچستان کے سلسلے میں یہ فیصلہ کیا گیا ہے کہ اس پر ۱۰ دسمبر کو بحث ہوگی اس لئے میں اس کو press نہیں کرتا اگر آپ کہیں تو پڑھ دوں۔

جناب چیئرمین : کیا ضرورت ہے پڑھنے کی؟

جناب زمر د حسین : بلوچستان کے white paper کے متعلق ہے کل کے agreement کے مطابق میں اس کو press نہیں کرتا۔

جناب چیئرمین : یہ تو directly بلوچستان کے متعلق ہے ٹھیک ہے

حاجی سید حسین شاہ

ADJOURNMENT MOTION RE: MISAPPROPRIATION OF RAIL-
WAY EARNINGS IN GUJRANWALA

Haji Syed Hussain Shah : Sir, I beg leave of the House to move a motion for the adjournment of the business of the Senate to discuss a definite matter of

urgent public importance and of recent occurrence, namely, failure of the railway authorities to trace the culprits who are responsible for misappropriation of railway earnings in Gujranwala District. As reported by the Daily Nawa-i-Qaaf Lahore in its issue dated the 30th October, 1974, more than one lakh rupees have been misappropriated on various Railway stations of Gujranwala District and not a single case is yet traced. This news has caused great concerned and resentment in the public.

جناب چیرمن : حاجی صاحب اگر آپ مکمل paper ساتھ شامل کر دیا کریں تو ہمارے لئے آسانی ہو جائے۔ ہمیں یہ مجبوری ہوتی ہے کہ معلوم کریں کہ کیا لکھا ہوا ہے۔ آیا خبر ہے اگر خبر ہے تو کس کی خبر ہے اے۔ پی۔ پی کی ہے پی۔ پی۔ آئی۔ کی ہے یا کسی منسٹر نے statement دیا ہے

What is the basis of this news item?

حاجی سید حسین شاہ : آپ اجازت دیں تو میں پڑھ دوں اخبار میرے پاس ہے۔

جناب چیرمین : ٹھیک ہے لیکن آپ ہمیشہ کوشش کریں کہ جب آپ کوئی تحریک التواء کسی اخبار کے حوالے سے دیں تو اخبار بھی ساتھ لگائیں ہمارے لئے آسانی ہوتی ہے۔

حاجی سید حسین شاہ : جناب ابھی شامل کر دوں؟

جناب چیرمین : چلو میں نے منظور کر لیا اس میں لکھا ہوا ہے شامل کرنے کی ضرورت نہیں۔

Malik Mohammad Akhtar : Sir, technical objections would be taken by me. If necessary the facts of the case will be given by the concerned Minister. With regard to the allegation relating to the failure of the Railway Authorities to trace the culprits who are responsible for misappropriation, it is stated that 13 persons have already been arrested, cases registered and as such the matter is subjudice. Therefore, the allegation that the Federal Government has failed to trace the culprits is not correct. And the adjournment motion cannot be entertained.

جناب چیرمین : وہ فرماتے ہیں کہ چور ہیں جنہوں نے misappropriation کیا ہے وہ گرفتار کر لئے گئے ہیں اور ان کے خلاف case register کئے گئے ہیں اور ان کے مقدمات عدالت میں جارہے ہیں۔

حاجی سید حسین شاہ : جناب اخبار میں یہ لکھا ہے کہ کوئی کارروائی نہیں ہوئی۔

جناب چیرمین : یہ تو آپ . ۳ اکتوبر کی بات کر رہے ہیں نا۔ یہ خبر اخبار میں . ۳ اکتوبر کو شائع ہوئی کہ حکومت نے کچھ نہیں کیا آج تو ہم . ۳ نومبر میں ہیں۔ اس خبر کو تقریباً چار ہفتے گذر چکے ہیں۔

حاجی سید حسین شاہ : جناب والا ! اس اخبار میں یہاں تک لکھا ہوا ہے کہ ریلوے کے ملازمین جو ہیں وہ اپنی تنخواہیں کٹا کر اس کمی کو پورا کر رہے ہیں -

جناب چیرمین : یہ ان کو انکار ہے نہ مجھے انکار ہے جو کچھ آپ نے کہا میں اس کو قبول کرتا ہوں - لیکن بات یہ ہے کہ یہ ۳ اکتوبر کی خبر ہے وہ کہتے ہیں کہ آدمی گرفتار ہو گئے ہیں - چالان ہو گیا ہے کیس عدالت میں جا رہا ہے - زیر سماعت ہے اب آپ فرمائیں آپ کیا کہتے ہیں آپ اپنے لیڈر سے تو پوچھئے کہ وہ کیا کہتے ہیں ؟

حاجی سید حسین شاہ : ٹھیک ہے جناب !

Mr. M. Zahurul Haq Mr. Chairman, with your permission Sir. I think a very factual reply has been given by the honourable Minister of State for Parliamentary Affairs. Since he is used to raising technical objections, he got up and raised a technical objection. But in fact he has given a reply to a question posed by a Member from the Opposition and that is the end of the matter. The question of the matter being sub judice does not arise. He has expressed an anxiety on the basis of a newspaper item that misappropriation has taken place and the culprits have not been traced. The Honourable Minister of State has replied that 13 persons have been got hold of. They have been arrested and that is the answer.

Mr. Chairman : Should I hold it in order or out of order ?

Mr. M. Zahurul Haq : It is in order and the reply has been given by the Federal Minister of State.

Mr. Chairman : If it is subjudice, should it be allowed ?

Mr. M. Zahurul Haq : My respectful submission is that subjudice question will occur only when the Investigating Agency puts in the challan in the court of Special Judge Anti-Corruption. Matters under investigation are not subjudice.

Mr. Chairman : No, no. Once the remand is taken by the police with the orders of the court, it becomes subjudice. As long as the magistrate does not come into the picture, for 24 hours the man is in the hands of the police and after 24 hours, as you know, a man must be produced before the court, and there is katcha challan. Then remand is given.

Mr. M. Zahurul Haq : I would not like to enter into this issue but we would like that the word "subjudice" should not be stretched even to police investigation because we are countenancing cases where there are tortures committed on various detenus. So occasions may arise when under the DPR, which is a Federal Law, we may bring an adjournment motion. So on this your honour may kindly reserve the ruling whether it is sub judice or not, and I would submit that the matter has been very candidly conceded by the learned Minister that 13 persons have been arrested and, therefore, that is the answer to his question, the adjournment motion.

Mr. Chairman : That is one side of the picture. Thirteen persons have been arrested. They have done their duty and he says since we have done our duty by arresting the culprits and registering cases, the case is subjudice. Therefore, it cannot be entertained.

Mr. M. Zahurul Haq : My only humble request is that this concept should not be introduced in this. That is all.

Mr. Chairman : Sorry, in view of the statement of the responsible Minister concerned, I cannot hold this to be in order.

Next, adjournment motion No. 19.

ADJOURNMENT MOTION *RE* : FAILURE OF RAILWAY TO PREVENT ACCIDENTS

Haji Sayed Hussain Shah : Sir, I beg leave of the House to move a motion for the adjournment of the business of the Senate to discuss a definite matter of urgent public importance and of recent occurrence, namely, failure of the Pakistan Railways to prevent accidents on a manned level crossing situated between Spezand and Sariab railway stations on Jacobabad Quetta Section. As reported by the Daily Mashriq, Quetta, in its issue dated the 7th November, 1974, one person was killed and five others were seriously injured when a goods train bound for Karachi collided with a truck which was crossing this level crossing some time in the evening of November the 6th. It was dark when the truck reached the level crossing and finding the gates wide open, the driver of the truck tried to cross the level crossing when it was hit by the engine of the goods train, which was being driven without any head lamp. This accident which occurred due to the negligence of the Railway authorities has caused great concern and resentment in the public."

Mr. Chairman : To the best of my knowledge, subject to your correction, this motion had been discussed and thrown out.

Malik Mohammad Akhtar : At No. 9, Sir.

Mr. Chairman : It was moved by the gentleman who is not in his seat now.

Mr. Chairman : Mr. Zamarrud Hussain, did you move an identical motion. No. 9, on the 22nd.

Mr. Zamarrud Hussain : Yes, Sir.

Mr. Chairman : This relates to the same incident.

Mian Mohammad Ataullah : Sir, I may add here that two people have already been arrested and the action is being taken. In view of this assurance, the mover did not press the motion when it was being thrown out.

Mr. Chairman : This is the same incident.

Mr. Mian Mohammad Ataullah : Yes, Sir.

Mr. Chairman : Subjudice, you see.

حاجی سید حسین شاہ : جناب والا ! مین لیول کراسنگ میں یہ کوئی پہلا واقعہ نہیں ہے بلکہ کئی واقعات ہوتے آئے ہیں -

ملک محمد اختر : یہ بھی کوئی پہلا واقعہ نہیں کہ جس پر ایڈجرنمنٹ

مروشن نہ آئی ہو -

Mian Mohammad Attaullah : Sir, the facts are being discussed and if the motion has been thrown out he can't discuss the facts.

حاجی سید حسین شاہ : اس لیول کراسنگ کے لئے کوئی ایڈجرنمنٹ نہیں آئی ہے۔

جناب چیئرمین : حاجی صاحب ، پچھلی دفعہ جب ایسا قابل افسوس واقعہ ہوا تھا تو میاں صاحب نے کہا تھا کہ ہم کوشش کر رہے ہیں کہ ایسے واقعات نہ ہوں۔ ان کی روک تھام کے لئے Preventive measures حکومت کر رہی ہے۔ ان کے بیان کے پیش نظر جناب زمر حسین نے اپنی ایڈجرنمنٹ موشن withdraw کر لی تھی۔ ایڈجرنمنٹ موشن کا withdraw کرنا یا پریس نہ کرنا ، disallowed ہوتا ہے۔ وہ آپ کی تسلی کرنے کی کوشش کریں گے۔

حاجی سید حسین : میں گزارش کرتا ہوں کہ ریلوے انجن ڈرائیور نے ایک murder کیا ہے لیول کراسنگ کے گیٹ کھلے تھے اور انجن کی پیڈ لائٹ بھی بند تھی۔

جناب چیئرمین : یہ سوال تو بہت پیچیدہ ہے۔ ہائی کورٹ بھی اس کا فیصلہ نہیں کر سکتی۔ ایک طرف سے انجن آ رہا تھا اور دوسری طرف سے بد قسمت ٹرک ڈرائیور آ رہا تھا۔ ٹرک والا نہ آو دیکھتا ہے نہ تاؤ دیکھتا ہے اور انجن کی آواز بھی نہیں سنتا۔ اسے murder کہا جائے یا accident یہ تو بڑا مشکل سوال ہے میں تو اسے حل نہیں کر سکتا۔

There is no other motion, you see. Time is also over. Now, we are left with legislative business. Malik Sahib, please move item No.3.

THE LAW REFORMS (AMENDMENT) BILL, 1974.

Malik Mohammad Akhtar : Sir, I beg to move :

“That the Bill further to amend the Law Reforms Ordinance, 1972 (The Law Reforms (Amendment) Bill, 1974, as reported by the Standing Committee, be taken into consideration at once.”

Mr. Chairman : The motion moved is :

“That the Bill further to amend the Law Reforms Ordinance, 1972 (The Law Reforms (Amendment) Bill, 1974) as reported by the Standing Committee, be taken into consideration at once.”

Mr. Mohammad Hashim Ghilzai : Opposed, Sir.

(at this stage the Chair was vacated by Mr. Chairman and occupied by Mr. Deputy Chairman)

Malik Mohammad Akhtar : Sir, there has been slight amendment in the

proviso to sub-section (2) of section 3 of Law Reforms Ordinance, 1972 which provides right to appeal to the High Court and, Sir, it has been sought that when an appeal shall be filed before the High Court there would be either a revision, appeal or review. We want to curtail the litigation to the possible extent. I consider that this is an improvement in the present law. You know that there was lengthy litigation and the object is to curtail lengthy litigation. Of course, I will be answering my learned friend who have raised objections and argued why he is opposing it. There could be one appeal, or one revision, or one review, that is why we have amended Section 3, Ordinance XII of 1972. And then, Sir, "the remedy of a further appeal in settlement matters is not now desirable, particularly in view of the repeal of the laws relating to Evacuee Property and Displaced Persons effected by the Evacuee Property and Displaced Persons Laws (Repeal) Ordinance, 1974. It is proposed to amend the said section 3 of Law Reforms Ordinance which refers to 1972, so as to make the proviso to sub-section (2) thereof applicable to any proceedings arising out of a particular enactment in which there is a provision for revision or review, though not for an appeal." Sir, we are providing appeal or revision or review in the present amending Bill and I consider and even I would like to add that writ jurisdiction is always available and it is being exercised, as such we are not curtailing anything. The entire remedies are available. We are just minimising litigation as justice delayed is justice denied. As we are reforming the laws, it is in the public interest and it is our object to minimise the litigation so that the people cannot be deprived of speedy justice as well as extravagant cost incurred.

Mr. Deputy Chairman : Who would like to speak now ?

مفتی ظفر احمد نعمانی : *جناب والا ! میں بہت مختصر اس مسئلے پر پر عرض کروں گا۔ جناب وزیر مملکت صاحب بڑی لمبی تقریر کر جاتے ہیں جہاں تک میرا خیال ہے یہ مسئلہ بڑا آسان ہے۔ شاید اسے سمجھنے کی پوری طرح کوشش نہیں کی گئی یا سمجھنے میں کوئی دشواری محسوس کر رہے ہیں۔ جناب والا! وہ تو ایک بڑے اچھے وکیل ہیں یہ تو ایک معمولی سی اور اتنی سی بات ہے کہ اس میں نظر ثانی کی گنجائش تو رکھی ہے مگر اپیل کی گنجائش ختم کر دی گئی ہے۔ یہ تو ایک مختصر سی چیز ہے۔

حالانکہ حکومت کا یا دنیا کے انصاف کا تقاضا یہ ہے کہ اگر وہ کہیں محسوس کریں کہ صحیح انصاف نہیں ہوا ہے تو اس کے لئے اپیل کی گنجائش ہوتی ہے۔ اپیل در اپیل کی گنجائش ہوتی ہے اس میں گنجائش رکھی ہے تو وہ ہائی کورٹ چھوڑ سپریم کورٹ میں رکھی ہے۔ اگر غریب لوگ ہائی کورٹ کے جج کے سامنے اپنا مقدمہ بار جاتے ہیں تو بینچ میں درخواست کرتے ہیں اس کے لئے انہیں نیا وکیل نہیں کرنا پڑتا ہے اور اسی فیس میں جو کہ انہوں نے پہلے اپنے وکیل کو دی ہوئی ہوتی ہے، بینچ میں چارہ جوئی کر سکتے ہیں۔ اب اگر وہ سپریم کورٹ میں اپنا کیس لے جائے گا تو اس کو ایک اعلیٰ

وکیل کی ضرورت ہوگی - یہ اس غریب پر ایک زائد خرچ ہے - ہماری حکومت خاص طور پر ملک اختر صاحب جو سب سے بڑے غریبوں کے ہمدرد ہیں ، سوچ کر اس میں کوئی گنجائش نکالیں کہ عوام اپیل ہائی کورٹ کے اندر بنچ کے سامنے یا چند ججوں کے سامنے پیش کر سکیں - آخر یہ پہلے گنجائش تھی اور اس گنجائش کو اب ختم کرنے حکومت کو کیا فائدہ حاصل ہوا ہے - حکومت کو کیا سلا ہے - اگر اس سے حکومت کا کوئی فائدہ ہوتا یا حکومت کا وقت بچتا ، تو ٹھیک تھا اور اس طرح سے جس طرح وہ کر رہے ہیں محض لوگوں کو بلاوجہ پریشان کرنا مقصود ہے - میں سمجھتا ہوں کہ جہاں تک اس قسم کے قوانین کا تعلق یا اس قسم قانون کے بنائے جانے کا تعلق ہے ان کا اس کے سوا اور کوئی مطلب نہیں ہے کہ لوگوں کو مالی دشواریوں میں مبتلا کیا جائے یا ان کے پیسے ضائع کئے جائیں - آخر یہ گڑ بڑ کیوں کی جاتی ہے -

جناب والا ! آپ کی وساطت سے ، میں ملک صاحب کی خدمت میں عرض کروں گا کہ اسے پہلی ہی شکل میں رہنے دیا جائے - اس کے متعلق آپ صحیح فیصلہ کریں اور غریب لوگوں کو اس دوہرے خرچ سے بچایا جائے -

Mr. M. Zahurul Haq : Sir, I think , I am quite impressed by the manner in which the Minister of State for Parliamentary Affairs has advanced his point of view. But I don't like to blame him because he is so much overworked. He needed time to study the implications of this proposed amendment. Now, the amendment which is being proposed and which is the statement of objects and reasons as stated is now desirable. It would be relevant for the information of this august House to read sub-section (2) of section 3, so that we can appreciate the exact purpose and the benefits or the damage which is likely to be caused by this amendment.

Sub-section (2) of section 3 is in following words :

“An appeal shall also lie to a Bench of two or more Judges of a High Court from an order made by a single Judge of that Court under clause (2) of Article 201 of the Interim Constitution of the Islamic Republic of Pakistan, not being an order made under sub-paragraph (i) of paragraph (b) of that clause”.

Now, inadvertently I suppose that the learned Minister of State for Parliamentary Affairs has referred to the writ jurisdiction. The original jurisdiction of a single Bench in the High Court is the writ jurisdiction and the orders and the Settlement Authorities are challenged in a writ jurisdiction which are final orders, which is an extraordinary jurisdiction.

Mr. Deputy Chairman : Please explain. You have said the original jurisdiction original or extraordinary jurisdiction?

Mr. M. Zahurul Haq : The original jurisdictions of the High Court are of two types. One is original civil jurisdiction, which is available to the Karachi Bench which entertains suits beyond Rs. 25,000/- and the other is original.....

Mr. Deputy Chairman : Original extraordinary jurisdiction which is created by the Constitution.

M. Mr. Zahurul Haq : So, there are writ petitions which are filed by various aggrieved persons against the final orders, and the scope of this Bill is also very limited because under the writ jurisdiction we can challenge final orders only if we see that the final authority has acted without jurisdiction, has crossed all the submit of law and, therefore, the orders are without lawful authority and enough legal effect. So, this is the ultimate relief of the aggrieved person, which he seeks under Article 199 of the Permanent Constitution, Article 201 of the Interim Constitution and Article 58 of the abrogated Constitution. Now, Sir, order of a single Bench or a single Judge exercising original jurisdiction was appealable to Judges under the Letters patent which were issued by Queen Victoria somewhere in 1300.

Malik Mohammad Akhtar : Sir, how that is available even now?

Mr. M. Zahurul Haq : I am submitting. Now, there is a specific provision for this enactment irrespective of the Law Reforms brought about whether the pending cases can be challenged in Letters patent or not. There is a specific provision in this sub-section (2) which says that order of a single Judge exercising jurisdiction under Article 201 of the Interim Constitution, which will be now read Article 199 of the Permanent Constitution, will be appealable to two judge of the High Court. Now, I come to the Objects. The desirability enunciated in the Objects and Reasons is, as expressed by the learned Minister of State for Parliamentary Affairs, to finish litigations. That is a wrong concept. The end of litigations is brought about only if the legislation says that there will be no institution of fresh litigations. But, as far as pending cases are concerned, pending cases which have come from one ladder to another ladder in the hierarchy, if we would like to deprive by express provisions of law the right of appeal to the two Judges, we will not be doing anything in the concept of ending the litigations but we will be sturdifying the grievances of a person who is not satisfied with the judgment of a single Judge. Again, I would say that the matter will not end here. The object and the purpose for which this Act is brought about will not be achieved because even if we do this then the order of the single Judge will be only, being granted under the Constitution, appealable to the Supreme Court. But if we thrash it out in the High Court by allowing this sub-section (2) to continue and one Judge decides against me, then on my grievance the two Judges decide against me, there is very little hope that I will succeed in an appeal to the Supreme Court. So, I am advancing this proposition from the point of view to convince my learned friend on the other side that this will not end the litigations and this is not the concept of ending the litigations. If you bring about a legislation that all cases pending today abate straightway that is the end of litigation as they have done with the services matters, all suits, all writs petitions and all things abate. But this will not abate. This is, Sir, in my humble opinion. I will suggest to my friend that in this way we are accentuating the gievances of those persons who are not satisfied with the judgment of a single Judge and who would like the matter to be agitated before the higher court. So I think that there are very valid grounds and knowing the knowledge of my learned friend on the other side, I think, he will agree with me.

Mr. Deputy Chairman : I think it should be enough from this side because Senator Zahurul Haq has very exhaustively dealt with the subject. Would you like to reply?

Malik Mohammad Akhtar : Just a line, Sir. I consider, I need not repeat my arguments. The only emphasis was given on a general sort of arguments that something contained in the Constitution may be curtailed. I only assure my

friend that no privilege contained under the Articles of the Constitution is being curtailed through this legislation nor an ordinary Bill is effective enough to affect the provisions of the Constitution. So whatever he has said, I need not add the next word, has got no foundation.

Mr. Deputy Chairman : Now, I will put the question to the House. The question before the House is :

“That the Bill further to amend the Law Reforms Ordinance, 1972 (The Law Reforms (Amendment) Bill, 1974, as reported by the Standing Committee, be taken into consideration at once.

(The motion was adopted).

Mr. Deputy Chairman : Now we take the Bill clause by clause. I think there are some amendments in Clause 2 of the Bill.

Mr. Malik Mohammad Akhtar : No, Sir.

Mr. Deputy Chairman : There was a change

Mr. Malik Mohammad Akhtar: We amended something at Committee stage.

Mr. Deputy Chairman : If there is no amendment then I put the clause to the House. Now, the question before the House is :

“That Clause 2 forms part of the Bill ”.

(The motion was adopted)

Mr. Deputy Chairman : Clause 2 stands part of the Bill.

There is no other clause. Therefore, I put Clause 1, preamble, short title. The question before the House is :

“That the Preamble, Short title and Clause 1 stands part of the Bill.

(The motion was adopted).

Mr. Deputy Chairman : The Preamble, Short title and Clause 1 stand part the Bill.

Now item No. 4.

Malik Mohammad Akhtar : Sir, I beg to move :

“That the Bill further to amend the Law Reforms Ordinance, 1972 (The Law Reforms (Amendment) Bill, 1974), be passed”.

Mr. Deputy Chairman : The motion before the House is :

“That the Bill further to amend the Law Reforms Ordinance, 1972 (The Law Reforms (Amendment) Bill, 1974, be passed”.

I think there is no opposition. Now, I put the question. The question before the House is :

“That the Bill further to amend the Law Reforms Ordinance, 1972 (The Law Reforms (Amendment) Bill, 1974), be passed”.

(The motion was adopted).

Mr. Deputy Chairman : The Bill stands passed.

Now there is no legislative business before the House. So, the House is adjourned to meet tomorrow, 27 th November, 1974, at 10.00 A. M.

The House adjourned to meet again at ten of the Clock in the morning on Wednesday, November 27, 1974.