

**THE  
SENATE OF PAKISTAN  
DEBATES**

**OFFICIAL REPORT**

Thursday, November 28, 1974

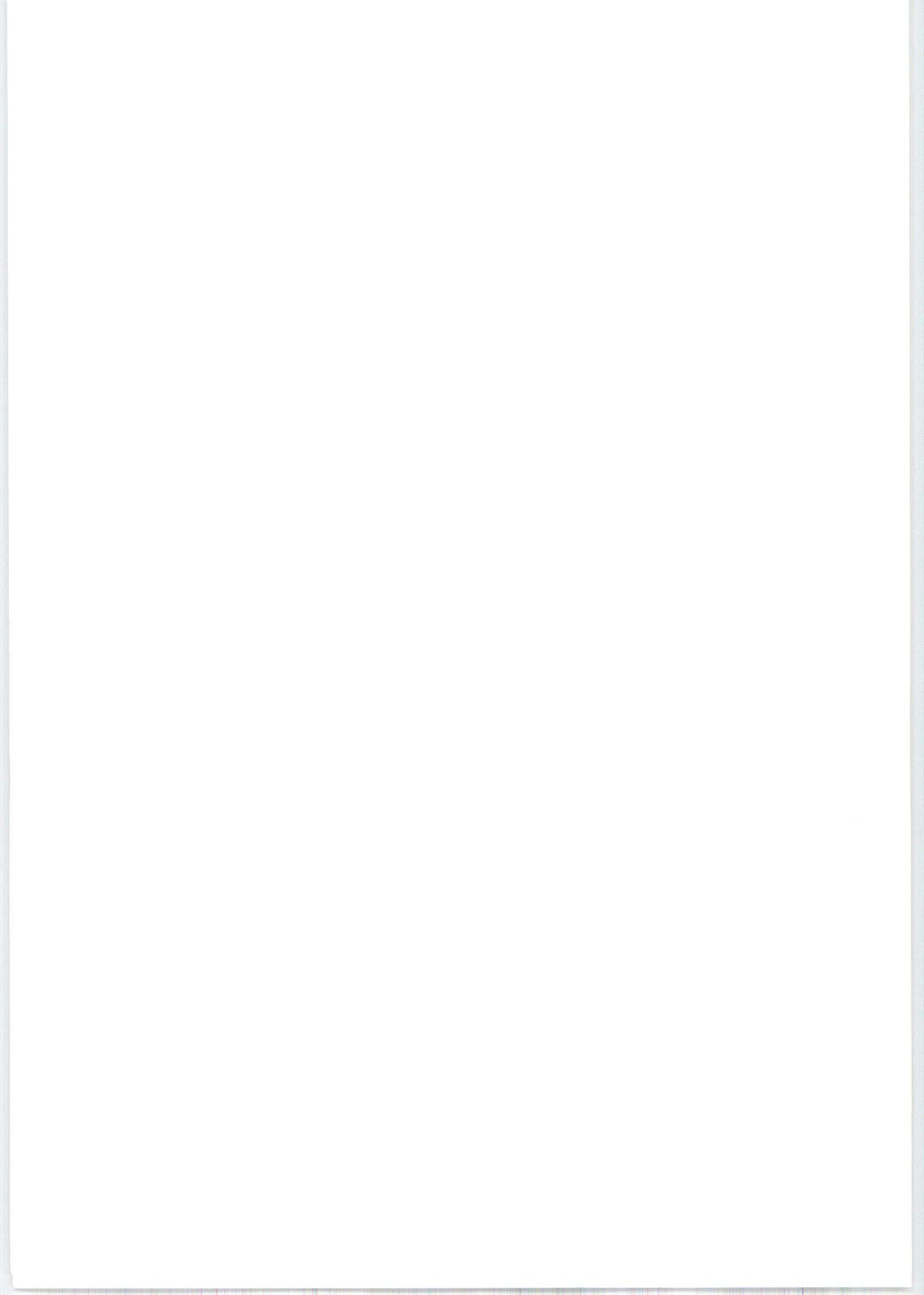
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**SENATE DEBATES  
SENATE OF PAKISTAN**

**Thursday, November 28, 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).

**PRIVILEGE MOTION *RE* : INTERIOR MINISTER'S INCORRECT  
STATEMENT IN SENATE ON 5TH AUGUST, 1974.**

**Mr. Abdul Qaiyum Khan :** Mr. Chairman, Sir, as Mr. J. A. Rahim is not feeling well, so his privilege motion may please be taken up on Tuesday. He has requested that.

**Mr. Chairman :** I don't mind.

**Mr. Abdul Qaiyum Khan :** Then I can withdraw because the other business is to be attended to by Malik Mohammad Akhtar.

**Mr. Chairman :** Do you agree, Mr. J. A. Rahim?

**Mr. J. A. Rahim :** On Tuesday? Thank you very much, Sir.

**Mr. Chairman :** It will be taken up on Tuesday.

**STARRED QUESTIONS AND ANSWERS**

Now we take up Questions ; Question No. 23, Mr. Mohammad Zaman Khan Achakzai.

**BALUCHISTAN QUOTA IN CENTRAL SERVICES**

**23. Mr. Mohammad Zaman Khan Achakzai :** Will the Minister of State for Establishment be pleased to state :

(a) the measures the Federal Government propose to take to make up deficiency in the central services of persons domiciled in Baluchistan ; and

(b) when concessions in age limit, academic qualifications and relaxation of Recruitment Rules will be granted in view of the backwardness of the province of Baluchistan

**Major General (Retired) Jamal Dar :** (a) & (b) A quota of 3.5% of the total posts in various Department and cadres under the Federal Government which are filled by direct recruitment is allocated to Baluchistan. If vacancies allocated to Baluchistan cannot be filled by observing the normal standards of recruitment the standard is lowered and age-limits relaxed. To make up deficiency of Baluchistan in senior posts special allocation is made in their favour through lateral entry even more than their quota on population basis.

**Mr. Chairman :** Next, No. 24, Mr. Abdul Wahid Kurd.

### BALUCHISTAN QUOTTA IN GRADE 20

**24. Mir. Abdul Wahid Kurd :** Will the Minister of State for Establishment be pleased to state :

(a) the number of persons from Baluchistan selected through lateral entry for appointment to posts in Grade 20 in the Federal Government or equivalent posts in the Provincial Secretariats;

(b) whether any of the persons so selected has been appointed to the vacant posts in Grade 20 in the Federal Government or the Provincial Government of Baluchistan ; if not, the reasons therefore; and

(c) whether it is a fact that services of certain officers of lower grades have been obtained from other provinces to officiate as officers in Grade 20 in the Provincial Government of Baluchistan ; if so, the reasons therefor?

**Major General (Retired) Jamal Dar :**

(a) 1973	...	...	2]
1974	...	...	2]

(b) All the four persons have been appointed.

(c) When officers of appropriate qualifications and standard are not available in a Province, the services of absolutely minimum number of officers from other Provinces are obtained in the interest of running efficient administration, for limited period until officers of the same Province of requisite standing and experience become available.

Sir, the reply to part (b) of the question as already circulated is slightly modified. I read the modified version :-

“(b) The appointments of all the four persons have been notified. However, one of them has yet not been given a posting by Government of Baluchistan.

(c) As printed.

**Mr. Chairman :** Question No. 25, Mir. Abdul Wahid Kurd.

### LATERAL ENTRY EXAMINEES

**25. Mir Abdul Wahid Kurd :** Will the Minister of State for Establishment be pleased to state :

(a) the names of officials of the Central Secretariat who appeared in the recent lateral entry examination ; and

(b) the names of officials of the Central Secretariat who have failed in the recent lateral entry examination and have not been reverted to their original posts; if so, the reasons therefor?

**Major General (Retired) Jamal Dar :** (e) The names of officials of the Central Secretariat, who were promoted to the posts of Deputy Secretary and Joint

Secretary on provisional basis subject to qualifying in the written test for lateral entry and who appeared in the written test are given in Statement 'A' placed on the table of the House.

(b) The names of the officials from amongst the above list, who failed to qualify in the written test are given in Statement 'B' placed on the table of the House. Taking into consideration their excellent record the question whether they should be given another chance is being considered. These officials who declined to take the written test, have, however, been reverted.

**Statement 'A'**

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**LIST OF OFFICIALS, PROMOTED AS JOINT SECRETARY/DEPUTY SECRETARY ON PROVISIONAL BASIS AND WHO APPEARED IN THE WRITTEN TEST TO THESE GRADES**

*Joint Secretary :*

1. Mr. Mohammad Taqi Khan.
2. Mr. M. A. Rashid.
3. Mr. Nusrat Beg.
4. Mr. Mohammad Nazir.
5. Mr. Aziz Ahmad.
6. Mr. M. Alimuddin.

*Deputy Secretary :*

1. Mr. M. Y. Ansar.
2. Mr. A. Latif.
3. Mr. S. Niaz Ahmad.
4. Mr. Mohammad Ishaq.

**Statement 'B'**

**LIST OF OFFICIALS, WHO APPEARED AT THE WRITTEN TEST FOR JOINT SECRETARY/DEPUTY SECRETARY BUT FAILED TO QUALIFY.**

*Joint Secretary :*

1. Nusrat Beg.
2. Mr. Mohammad Nazir.
3. Mr. Aziz Ahmad.
4. Mr. M. Alimuddin.

*Deputy Secretary :*

1. Mr. S. Niaz Almad.

2. Mr. Mohammad Ishaq.

**Mr. Chairuan :** Question No. 26, Mir Abdul Wahid Kur.

### BALUCHISTAN QUOTA IN AUTONOMOUS BODIES

**26. Mir Abdul Wahid Kurd :** Will the Minister for Production, Town Planning and Agrovilles be pleased to state :

(a) whether it is a fact that vacancies in grade 20 existing in various autonomous bodies like PIDC, etc., are proposed to be filled in by appointing nominees of the Government of Baluchistan against the quota of Baluchistan; and

(b) if answer to (a) above in the affirmative, the reasons for not appointing persons of the requisite status who are available in the Government of Baluchistan?

**Mr. M. Rafi Raza :** (a) Provincial quotas are kept in view in making appointments to such posts in the corporation.

(b) The principal constraint has been the availability of suitable senior officers.

جناب زمرہ حسین : کیا وزیر موصوف یہ بتائیں گے کہ بلوچستان میں اس اہلیت کے لوگ موجود ہیں۔

**Mr. M. Rafi Raza :** Sir, the position in fact is that there are no regular posts in Grade 20 and Grade 21 in P. I. D. C. and other corporations. They are sent on deputation from the Government as and when a post falls vacant. The P. I. D. C. had a Director, Raja Ahmad Khan, domiciled in Baluchistan. His services on the request of the Government of Baluchistan, have been returned. We are waiting for another suitable officer from the Provincial Government.

**Mr. Chairman :** Question No. 27, Khawaja Mohammad Safdar.

خواجہ محمد صفدر : سوال نمبر ۲۷ جناب۔

### RECONSTRUCTION OF VILLAGE SUKHO CHAK

**27. Khawaja Mohammad Safdar :** Will the Minister-in-Charge of the Cabinet Division be pleased to state :

(a) whether it is a fact that Village Sukho Chak, in Tehsil Narowal, Sailkot District, was demolished by the occupying Indian Army in 1971;

(b) whether it is a fact that the said village was proposed to be rebuilt as a model colony and on 29th January, 1973 on his visit to the said village the Prime Minister announced his approval of the plan of building that village as a model colony;

(c) whether it is a fact that the Minister for Information on 15th February, 1973, and the Minister for Law and Parliamentary Affairs on 18th March, 1973, during their respective visits repeated the announcement made by the Prime Minister;

(d) whether it is a fact that the inhabitants of the village are still living under

under tents, waiting for the construction of their village; and

(e) if answer to (a), (b) (c) and (d) above be in the affirmative, the reasons for not reconstructing so far the village as promised?

**Major General (Retired) Jamal Dar :** (a) Yes.

(b) The Prime Minister visited the village Sukho Chak on 29th January, 1973. It is not correct however, that the Prime Minister announced on that visit his approval of the plan of building Sukho Chak village as a model colony.

(c) The Ministers visited the area on the dates mentioned and announced that basic facilities essential for a model colony will be provided for the rehabilitation of war displaced persons.

(d) The village is reconstructed. The work on community buildings and facilities is in progress and is likely to be completed soon. Almost all the permanent inhabitants of village have already built temporary or permanent structures and are living under roofs. However, a small number of camps are still being used by those inhabitants who are constructing their permanent houses.

(e) The village is being reconstructed as stated above.

خواجہ محمد صفدر : ضمنی سوال جناب والا ! کیا محترم وزیر صاحب اس بات کے لئے تیار ہیں کہ وہ سکھوچک کا دورہ میرے ہمراہ کریں اور میں ان کو بتاؤں کہ میرے سوال کا جو جواب انہوں نے دیا ہے وہ بالکل غلط ہے؟ کیا اس بات کے لئے وہ تیار ہیں۔

میجر جنرل (ریٹائرڈ) جمال دار : میں بڑی خوشی کے ساتھ آپ کے ساتھ دورہ کروں گا۔ میں نہیں سمجھتا کہ کون سی چیز غلط ہے۔

خواجہ محمد صفدر : وزیر اعظم نے واضح الفاظ میں پہلک جلسے میں ہزاروں آدمیوں کے سامنے یہ وعدہ کیا تھا سکھوچک میں ماڈل کالونی بنائی جائے گی۔ ایک بات، بھر مولانا کوثر نیازی صاحب وفاقی وزیر اور محترم پیر زادہ صاحب وفاقی وزیر دونوں تشریف لے گئے تھے۔ یہ تاریخین میں نے سوال میں درج کی ہوئی ہیں۔ انہوں نے پہلک جلسوں میں کہا تھا کہ اس گاؤں کو ایک ماڈل کالونی کی شکل میں تعمیر کیا جائے گا۔ تین سال سے وہ لوگ انتظار کر رہے ہیں آج تک وہاں کوئی تعمیر نہیں کی گئی اور وہ لوگ سائبانوں کے نیچے آج تک پڑے ہوئے ہیں۔ میں چیلنج کرتا ہوں اس بیان کو جو محترم وزیر صاحب نے اس ایوان میں دیا ہے۔

میجر جنرل (ریٹائرڈ) جمالدار : وہ میں نے بتا دیا ہے کہ بنیادی ڈھانچے جو ہیں وہ گورنمنٹ بنائے گی۔ لیکن باقی مکانات جو ہیں وہ انفرادی طور پر لوگ خود بنائیں گے۔ یہ کہا گیا ہے کہ یہ دیگر جگہ بنائی جائے۔ لیکن تمام گاؤں میں سرکار ماڈل ٹاؤن بنائے گی۔

خواجہ محمد صفدر : میرا اور آپ کا اختلاف ہی یہ ہے۔ میں آپ کو ہزاروں آدمی اس بات کے شاہد پیش کر سکتا ہوں۔ جو یہ کہیں گے کہ محترم وزیر اعظم صاحب نے، محترم وزیر پالیمانی امور نے محترم وزیر اطلاعات نے اپنے اپنے دورہ کے موقع پر واضح الفاظ میں کہا تھا کہ ماڈل کالونی بنائی جائے گی۔ اس واسطے وہ تین سال سے انتظار کر رہے ہیں۔ اب اس وعدے سے یہ گورنمنٹ منحرف ہو رہی ہے۔ میرا یہ الزام ہے۔ اور اس لیے نیا راستہ تلاش کیا اور وہ لوگوں کو ایک ایک ہزار روپیہ، جیسا کہ میرے ضلع کے تمام لوگوں کو جو کہ سابقہ جنگ سے برباد ہوئے تھے جو گاؤں بھارتی فوج کے قبضہ میں رہ چکے تھے، ان گاؤں والوں کو ان مالکان کو ایک ایک ہزار دیا گیا تھا۔ امداد کے طور پر کہ وہ اپنے مکانات تعمیر کر لیں۔ سکھو چک والوں کے لیے یہ سکیم نہیں تھی۔ ان کے لیے وعدہ تھا کہ ماڈل کالونی بنے گی۔ اس لیے انہوں نے آج تک ایک ایک ہزار روپیہ وصول نہیں کیا، اور ناہمی انہوں نے اپنے مکانات بنائے۔ اب حکومت ان کو یہ کہہ رہی ہے کہ دیکھیئے اب ہم ماڈل کالونی نہیں بنا سکتے اس لیے آپ ایک ایک ہزار روپیہ لے لیں۔ وہ بنیادی سہولتیں جن کی طرف یہ اشارہ کر رہے ہیں۔

This Government has backed out of its promise and this is my grievance.

**Mr. Chairman :** But can how this fact be verified from the visit of the Prime Minister and statement of the Minister concerned?

خواجہ محمد صفدر : جناب والا ! یہ اخباروں میں آیا۔

چیرمین : اگر اخباروں میں آیا ہے تو پھر ؟

خواجہ محمد صفدر : میں تو کہتا ہوں کہ لوگوں سے جا کر پوچھ لیجیئے وہ لوگ جو ان پبلک جلسوں میں موجود تھے۔

میجر جنرل (ریٹائرڈ) جمالدار : جناب والا ! ستر فیصد لوگوں نے پہلے ہی ایک ایک ہزار روپیہ لے لیا ہوا ہے۔

**Mr. Chairman :** All right. Now Question No. 28.

**Khawaja Mohammad Safdar :** No. 28, Sir.

#### PROVINCIAL QUOTA IN PAKISTAN STEEL CORPORATION

**28. Khawaja Mohammad Safdar :** Will the Minister for Production, Town Planning and Agrovilles be pleased to state in a tabular form :

(a) the designations and number of all the executive and managerial posts in the Pakistan Steel Corporation separately showing the representation of each province in all categories of posts ;

(b) whether it is a fact that the orders of the Federal Government fixing the quota of employees from different provinces regions apply to the Corporation and

(c) whether the orders of the Federal Government referred to above are being implemented by the Corporation; if not, the reasons therefor?

**Mr. M. Rafi Raza :** (a) A statement is placed on the table of the House.

(b) Yes.

(c) Yes.

PROVINCIAL REGIONAL REPRESENTATION AGAINST MANAGERIAL POSTS IN THE CORPORATION (AS ON 23RD NOVEMBER, 1974)

Category	Total posts	Punjab	Sind Urban	Sind Rural	NWFP	Balu-chistan	Northern Area	Azad Kashmir
Chairman .. .. .	1	—	1	—	—	—	—	—
Directors .. .. .	5	3	2	—	—	—	—	—
General Managers ..	4	—	3	1	—	—	—	—
Chief Engineers ..	5	1	4	—	—	—	—	—
Deputy Secretary ..	1	—	—	—	—	1	—	—
Deputy General Manager	1	—	1	—	—	—	—	—
Deputy Chief Engineers	3	—	3	—	—	—	—	—
Senior Managers ..	3	2	1	—	—	—	—	—
Managers .. .. .	7	—	5	1	1	—	—	—
Superintending Engineers	4	2	1	1	—	—	—	—
Deputy Managers ..	21	8	12	—	1	—	—	—
Executive Engineers ..	6	—	6	—	—	—	—	—
Accountants .. .. .	3	—	3	—	—	—	—	—
Assistant Secretary ..	1	—	1	—	—	—	—	—
Private Secretaries ..	5	3	2	—	—	—	—	—
Assistant Managers ..	19	5	14	—	—	—	—	—
Assistant Accountants	6	1	5	—	—	—	—	—
Assistant Engineers ..	2	2	—	—	—	—	—	—
Asstt:Executive Engineers	2	—	1	1	—	—	—	—
Senior Lecturers ..	6	3	3	—	—	—	—	—
Lecturers .. .. .	10	4	5	1	—	—	—	—
Graduate Engineers ..	53	16	14	13	5	4	1	—
<b>Total ..</b>	<b>168</b>	<b>50</b>	<b>87</b>	<b>18</b>	<b>7</b>	<b>5</b>	<b>1</b>	<b>—</b>

**Mr. M. Rafi Reza :** I need not read the satatement,

**Khawaja Mohammad Safdar :** Not necessarily :

**Mr. Chairman :** Question No. 29.

**Khawaja Mohammad Safdar :** Question No. 29, Sir.

#### IMPORT OF CARS

**29. Khawaja Mohammad Safdar :** Will the Minister for Production be pleased to state :

(a) the number of motor cars imported from the 1st of June to 31st October, 1974; and

(b) the total value of such motor cars ?

**Mr. M. Rafi Raza :** (a) 6,919.

(b) Rs. 1,191,07 lacs.

خواجہ محمد صفدر : سپلیمنٹری سر - جناب والا ! میں پوچھ سکتا ہوں محترم وزیر صاحب سے کہ اتنی تعداد میں گاڑیاں منگوانے کی کیا ضرورت تھی جن کی وجہ سے اب کراچی پورٹ گاڑیوں کا قبرستان بنا ہوا ہے ؟

جناب چیرمین : میں نہیں سمجھتا - وہ سمجھے ہوں میں نہیں سمجھا - گاڑیوں کے قبرستان کا کیا مطلب ہے ؟

خواجہ محمد صفدر : جناب والا ! میرا یہ سوال تھا کہ . . . .

جناب چیرمین : کہ گاڑیاں کے منگوانے کی کیا ضرورت تھی ؟

خواجہ محمد صفدر : یکم جنوری سے لے کر ۱۳ اکتوبر تک کتنی گاڑیاں منگوائی گئیں ؟ انہوں نے ارشاد فرمایا ہے کہ چھ ہزار نو سو انیس - تو میں نے یہ سوال کیا کہ ازراہ کرم یہ ارشاد فرمائیں کہ اتنی تعداد میں گاڑیاں منگوانے کی کیا ضرورت تھی جن کی وجہ سے کراچی بندرگاہ موٹر گاڑیوں کا قبرستان بن چکی ہے -

جناب چیرمین : کیا وہ ٹوٹ گئی ہیں ؟

خواجہ محمد صفدر : نہیں صاحب وہاں جا کر تو دیکھیے اتنی گاڑیاں پڑی ہوئی ہیں ، جن کا کوئی حساب ہی نہیں -

**Mr. M. Rafi Raza** : Sir, I don't know the car graveyard in Karachi to the Honourable Member is referring, but the reason for import of cars is that for the last two and a half years there was absolutely no import of cars and there was a shortage of cars. We felt that 6,919 cars should be imported. In future we are cutting down as much as possible. The import of cars was only to make up the backlog of three years on the basis of about 2,000 a year.

خواجہ محمد صفدر : جناب والا ! اس غریب ملک کا اتنی کثیر مقدار میں زرمبادلہ ضائع کرنے کی کیا وجہ ہے ؟

**Mr. M. Rafi Raza** : In fact, this year's budget allocation we don't propose to utilize fully. The budget which has been approved we don't want to utilise it for import of cars.

خواجہ محمد صفدر : میں عرض کروں :

آن کہ دانا کند کند نادان نیک بعد از خرابی بسیار آئندہ کے لیے احتیاط کر رہے ہیں سابقہ جو کچھ ہو گیا ہو گیا -

**Mr. M. Rafi Raza** : Sir, there is no grave yard of cars in Karachi. Because of the distribution control on cars there was some accumulation. We have decontrolled them and now they are moving out satisfactorily.

**Mr. Chairman :** It is quite understandable.

PRIVILEGE MOTION *RE* : FAILURE OF FEDERAL GOVERNMENT  
TO PLACE THE ISLAMABAD (REQUISITIONING OF IMMOV-  
ABLE PROPERTY ) BILL, 1974 BEFORE SENATE WITHIN NINETY  
DAYS

**Mr. Chairman :** Now, we take up privilege motion.

**Malik Mohammad Akhtar :** Sir, I request that this motion may kindly be deferred. We have received it half an hour ago.

**Khawaja Mohammad Safdar :** Let this privilege motion be read out and then you can get it deferred.

**Khawaja Mohammad Safdar :** I will just make a short statement.

**Mr. Chairman :** Read your privilege motion.

**Khawaja Mohammad Safdar :** Sir, I beg to raise a question involving breach of the Privilege of the Senate, namely, the failure of the Federal Government to place the Islamabad (Requisitioning of Immovable Property) Bill, 1974, before the Senate for its consideration within ninety days of the receipt of the Bill from the National Assembly, as required under Article 70 (1) and (2) of the Constitution. This has deprived the Senate of its privilege to consider and pass the Bill with or without amendments, as the time limit of ninety days as laid down in the Constitution has expired, and the Bill is now deemed to have been passed by the Senate.

Sir, I would like to make a short statement.

**Mr. Chairman :** First about the admissibility.

**Khawaja Mohammad Safdar :** No, Sir. Under the rules I am allowed to make a short statement. I will show you the rule.

**Mr. Chairman :** Without my consent?

**Khawaja Mohammad Safdar :** Yes, Sir.

**Mr. Chairman :** Without my consent?

**Khawaja Mohammad Safdar :** Yes, Sir.

**Mr. Chairman :** I thought otherwise, you see.

After studying the relevant rule.

**Khawaja Mohammad Safdar :** I am sorry, Sir. Not without your consent. I am very sorry for misinterpreting the Rule.

**Mr. Chairman :** "A member may with the consent of the Chairman ....."  
You said no.

**Khawaja Mohammad Safdar :** I am extremely sorry

**Mr. Chairman :** You make a short statement first. I will give consent only ..... (Laughter) ... if you satisfy me that *prima facie* it is admissible, subject to the statement from the Minister concerned. Only admissibility nothing

more. Once it is admitted then it is very easy. First you tell us : On the 15th it was received in the National Assembly, passed by them all right referred to the Standing Committee and then I don't know what happened.

**Khawaja Mohammad Safdar :** I think so: It was referred to the standing Committee.

**Mr. Chairman :** I remember it was referred to the Standing Committee, but thereafter I don't know what happened to that.

Then the privilege of the House has been infringed?

خواجہ محمد صفدر : جناب والا ! میں اس کے متعلق ابتداً عرض کردوں کہ یہ بات اس معزز ایوان کے اولین فرائض میں شامل ہے کہ حکومت نے جو قانون سازی کرتی ہے اگر وہ کسی خاص قسم کی ہے تو وہ کسی پرائیویٹ ممبر سے بھی Initiate کرائی جاسکتی ہے ورنہ عام طور پر یہ قومی اسمبلی کی طرف سے شروع کی جاتی ہے۔ جب قومی اسمبلی اسے پاس کر دے تو پھر اس معزز ایوان کے فرائض میں یہ بات شامل ہے کہ وہ نیشنل اسمبلی کے اس منظور شدہ۔ پاس شدہ بل پر غور کرے۔ اس کو منظور کرے یا اسے ترامیم کے ساتھ منظور کرے یا اسے سیدھا مسترد کر دے۔ یہ تینوں صورتیں یہ معزز ایوان اختیار کر سکتا ہے۔ یہ اس کے functions, duties & privileges ہیں جو آئین کی دفعات ۷ اور ۱۷ میں دئے ہوئے ہیں۔ لیکن آرٹیکل ۷ میں یہ بھی درج ہے کہ اگر قومی اسمبلی کی جانب سے کوئی بل اس معزز ایوان کو بھیجا جائے تو اس کی وصولی کے بعد ۹ دنوں کے اندر اندر اگر یہ معزز ایوان اس بل پر اپنی رائے کا اظہار نہ کرے۔ اس پر غور و فکر نہ کرے تو وہ بل از خود اس معزز ایوان سے پاس شدہ تصور ہوگا۔ تو اس بل کو دونوں ایوانوں کا منظور شدہ مسودہ قانون تصور کرتے ہوئے جناب صدر مملکت کی خدمت میں ان کی منظوری کے لئے پیش کر دیا جائے گا۔

جناب والا ! اب ظاہر ہے کہ ہماری حکومت کو اور خصوصیت سے پارلیمانی امور کی وزارت یا ڈویژن کو یہ معلوم ہونا چاہئے کہ کون سا بل کونسی سٹیج میں ہے اور اس کے متعلق کیا کرنا ہے۔ اگر وہ غلطی سے یا بھول سے۔ دانستہ یا نا دانستہ کسی طور پر بھی ۹ دن گزار دیتے ہیں اور اس ایوان کو اس کے حق سے محروم کر دیتے ہیں کہ وہ کسی بل پر اپنی رائے کا اظہار کرے تو اس سے زیادہ اس ایوان کے استحقاق کو کسی دوسری صورت میں نقصان نہیں پہنچایا جاسکتا۔ جتنا زیادہ سے زیادہ نقصان اس ایوان کے استحقاق کو اس صورت میں پہنچ سکتا ہے اور کسی صورت میں نہیں پہنچ سکتا۔ ایک طریقہ ہے کہ اس کے متعلق ہنگامہ کیا جائے لیکن شائد یہ بھی کم ہو اور خدا نہ کرے کہ یہاں ہنگامہ ہو۔ لیکن جناب چیئرمین ! یہ کام حکومت

کا ہے۔ یہ نہ آپ کا ہے۔ نہ آپ کے سیکریٹریٹ کا ہے۔ یہ کام محض حکومت کا ہے اور جہاں تک میں نے اس کا مطالعہ کیا ہے اگر حکومت چاہتی ہے۔ اگر پارلیمانی امور کی ڈویژن چاہتی کہ باقاعدہ طور پر اس بل کو واپس لے لے تو اس کی بھی کوئی آئین میں نہیں اس کی کوئی گنجائش نہیں رکھی گئی کہ کس صورت میں اسے واپس لیا جاسکتا ہے جہاں تک میں آئین کے اس آرٹیکل کو سمجھا ہوں۔ ۹ دن گذر چکے ہیں اور Islamabad Requisitioning of Immovable Property Bill 1974 قومی اسمبلی نے تو باقاعدہ غور و فکر کے بعد پاس کیا اور ہمیں حکومت نے اس حق سے محروم کیا اور اب یہ بل اس ایوان کی طرف سے بھی پاس شدہ متصور ہے۔ یہ ہے اس معزز ایوان کا استحقاق جو میں سمجھتا ہوں کہ بری طرح مجروح کیا گیا ہے بعد میں اس تحریک کے ذریعے آپ کی اور اس معزز ایوان کے ممبران کی اس امر کی طرف توجہ دلاتا ہوں۔

**Mr. Chairman :** I would like to know one thing Yes, you will have your say Malik Mohammad Akhtar, I am going to give you an opportunity well, so far as. I have been able to understand your case, it is that the Bill was passed by the National Assembly and was transmitted to this House, as required by the Constitution. Then it was referred to the Standing Committee and after that nothing is known about it. Now, I want to know, for my satisfaction, whether it was mandatory under the Constitution for the Minister to lay it before the House. Is he bound to place that Bill before the House? That is the crux of the whole thing. That is the decisive point in the whole thing. If the Minister or, for that matter, a representative of the Federal Government was bound under the Constitution to lay the Bill before the House then it is all right and you can argue. But, supposing if he has no such obligations to place it before the House, then you only tell me, you cite any Article, you quote any provision of the Constitution that it was mandatory for the Minister concerned to place it before the House. You only show this to me that he was bound to place it before the House.

خواجہ محمد صفدر : میں آرٹیکل ۷۰ کا حوالہ دے رہا ہوں۔ میں یہ

پڑھ دیتا ہوں۔

**Mr. Chairman :** Yes.

**Khawaja Mohammad Safdar :** "A Bill with respect to any matter in Part I of the Federal Legislative List shall originate in the National Assembly and shall, if it is passed by the Assembly, be transmitted to the Senate for its consideration".

**Mr. Chairman :** That has been complied with. This clause (4) of Article 70, which you have read just now, has been fully complied with.

**Khawaja Mohammad Safdar :** Clause (2) Sir.

**Mr. Chairman :** That has been complied with. Now, you proceed ahead.

**Khawaja Mohammad Safdar :** "The Senate may, within ninety days ...".

**Mr. Chairman :** 'May' mind that — not 'shall'.

**Khawaja Mohammad Safdar :** "The Senate may, within ninety days of the receipt of the Bill under clause (4), either pass it, with or without amendment,

or reject it; and upon the failure of the Senate to do so, the Bill shall be deemed to have been passed by it without amendment at the expiration of that period”.

**Mr. Chairman :** This has also been complied with.

**Khawaja Mohammad Safdar :** No, Sir.

**Mr. Chairman :** Failure of the House to pass this Bill within 30 days will result in the automatic passage of this Bill.

**Khawaja Mohammad Safdar :** That is my grievance.

کہ کیوں ایسے حالات پیدا کئے گئے ؟

**Mr. Chairman :** Because the Constitution provides.

خواجہ محمد صفدر : آئین کی provision پر عمل کس کو کرنا ہے ؟  
ظاہر ہے جس نے بل پیش کیا تھا حضور والا ! اسی طرح تو اس ایوان ---

**Mr. Chairman :** I am not going to gag you. Not at all. That is not my intention. What I wanted to point out to you is this that when the Bill comes here after having been transmitted by the National Assembly following the passage by it, then the Senate may or may not consider it. If they consider it, they may pass it as it has been transmitted, they may amend it or they may reject it. There are so many courses open for the Senate. They may accept the whole Bill, as passed by them, and say okay to it; they may amend it; or they may reject it completely. They may. But if they don't want to do that, then after the expiry of ninety days the Bill stands passed automatically.

**Malik Mohammad Akhtar :** That is the correct position.

خواجہ محمد صفدر : جناب کیا میں جناب کی وساطت سے یہ سوال  
کر سکتا ہوں ---

**Mr. Chairman :** Hear me. At the cost of repetition, I will have my say. Clause (2) boils down to this that the Senate may consider it, and if the Senate considers it, they may pass it in the form as it has been received, or they may amend it or they may reject it. But supposing if the Senate does not exercise its right to consider it, they may or may not, there is no word 'shall', so it is not mandatory and it is upto the Senate they may consider it or they may not consider it, and if they consider, it may amend it, they may pass it or they may reject it. But if the Senate does not consider the Bill, then it automatically stands passed after the expiry of ninety days. I wanted to know whether it is mandatory; whether this provision is mandatory that the Minister concerned must place it before the House. You tell me this.

خواجہ محمد صفدر : بالکل جناب والا ! یہ obligatory ہے جناب والا ! کیا  
میں نہایت ادب سے یہ سوال کر سکتا ہوں کہ سینٹ کو کب یہ موقع دیا  
گیا کہ ہم یہاں اپنے جذبات اور خیالات کا اظہار اس بل کے متعلق کر سکیں۔

جناب چیئرمین : پہلے آپ میرے سوال کا جواب دیں

خواجہ محمد صفدر : جناب میں اسی کا جواب دے رہا ہوں کہ اگر اس کو موقع نہیں دیا گیا اور جواب نفی میں ہے تو وہ کون سی اتھارٹی ہے ؟

**Mr. Chairman :** My question was, if it was mandatory, obligatory that the Minister was bound to place it before the House ?

**Khawaja Mohammad Safdar :** Yes, Sir. They are bound to place it before the House.

**Mr. Chairman :** Where is this ?

**Sardar Mohammad Aslam :** The Government was bound to place the Bill before the House.

**Mr. Chairman :** This is what I wanted to say. I don't see anything in Clause 2 of Article 70 and if there is any provision, I don't know.

**Sardar Mohammad Aslam :** Sir, I quote Article 70 (1) :-

"A Bill with respect to any matter in part I of the Federal Legislative List shall originate in the National Assembly and shall, if it is passed by the Assembly, be transmitted to the Senate for its consideration"

**Mr. Chairman :** That has been transmitted.

**Sardar Mohammad Aslam :** It has been transmitted but it has not been considered.

Then the 2nd part is that the "Senate may within 90 days," So then the question of "may" comes.

**Mr. Chairman :** No. No. There is no such thing.

**Sardar Mohammad Aslam :** The Senate may within 90 days either pass the Bill, with or without amendment, or reject it; and upon the failure of the Senate so to do; the Bill shall be deemed to have been passed by it. The failure comes when it has been put before the House for consideration. It has not been put before the House for consideration.

**Mr. Chairman :** So, you support the contention of Khawaja Sahib that the Government or the Government representative, the Minister was bound to place the Bill before the House and his failure to place it before the House tent-amounts to infringement of the privilege of the House. That is what you meant to say?

**Sardar Mohammad Aslam :** Yes, Sir.

**Khawaja Mohammad Safdar :** He is quite correct.

**Mr. Chairman :** He is quite free to support you, not because he belongs to Treasury Benches. He is not prevented from supporting you.

**Mr. M. Rafi Raza :** Sir, before the Minister of State for Parliamentary Affairs ends this thing, may I make just one point. I don't know what the complaint is of the honourable Member. His complaint is that the matter has not come to the Senate. This situation, of which he complains, is actually contemplated in the Constitution itself, as the Chairman pointed out. So what is the

basis of his complaint?

**Khawaja Mohammad Safdar :** Where is it?

**Mr. M. Rafi Raza :** The Article contemplates that if the Senate does not do one or the other thing, if it does not pass it or does not reject it, that means that if there is a default on the part of the Senate, it is deemed to have been passed. So, the situation of which the honourable Member is complaining is in fact contemplated in the Constitution itself in the 2nd half of the Clause (2) of Article 70.

**Mr. Chairman :** Clause 3 ?

**Mr. M. Rafi Raza :** No, 2nd half of Clause (2), which reads :-

“.....; and upon the failure of the Senate so to do ,.....”

That is, default or any sort of delay :

“.....the Bill shall be deemed to have been passed by it without amendment at the expiration of that period.”

**Mr. Chairman :** This is what I have said.

**Mr. M. Rafi Raza :** So, the situation of which he is complaining is actually contemplated in the Constitution itself. Thus how can there be an infringement of the Constitution. If it was not contemplated the than honourable Member would have some basis for saying that the powers of the Senate have been infringed. But where the situation is itself contemplated in the Constitution, there is no infringement.

**Sardar Mohammad Aslam :** Sir, may I submit ?

**Mr. Chairman :** Let us hear your supporter.

**Sardar Mohammad Aslam :** Not the supporter.

**Mr. Chairman :** Supporter of his position. I don't mean that you support the Member of the opposition.

**Sardar Mohammad Aslam :** I support the contention of Khawaja Mohammad Safdar.

The 2nd part of this Clause is :-

“The Senate may, within ninety days of the receipt of the Bill under Clause (1), either pass it, with or without amendment, or reject it;.....”

You cannot dissociate second half “and upon the failure.....” Failure comes when it has been put for consideration before the House. The sentence starts “.....; and upon the failure .....”

**Mr. Chairman :** For easy understanding you can read it like this. The Senate may consider it and pass it in the form in which it has been received from the National Assembly.

(Interruption)

**Mr. Chairman :** Don't interrupt me. Don't be in a hurry, Mr. Aslam. You cut me short like anything. Clause (2) as I have been able to understand, is the Senate may consider and if the Senate considers the Bill, it may pass the Bill in the form in which it has been received from the National Assembly or it

may amend it or it may totally reject it or it may fail to consider it at all. Now if it is passed in the form in which it has been received from the National Assembly, then it shall be presented to the President for assent; Or the Senate may pass it with amendment or the Senate may reject it. But if neither of the three things are done, then it becomes the failure of the Senate and then automatically the Bill, as received from the National Assembly, will be considered as having been passed, and it will be presented, in due course of time, to the President for assent.

What I wanted to know was that whether it is obligatory of the Senate to debate because the Constitution has provided that if the Senate fails to consider it then it automatically stands passed ?

**Sardar Mohammad Aslam :** Yes, Sir,

**Mr. Chairman :** This is the Constitutional provision. It is not the inferences drawn by any person or the Chair or the Senate. It is a Constitutional provision that if the Senate fails to consider it, in that case it automatically stands passed. That is all.

**Sardar Mohammad Aslam :** With due respect, I beg to differ. The question of failure comes when it has been considered. It has not been considered at all. So the consideration of the Bill by the Senate is a must. It is obligatory. There is no question of "may".

**Mr. Chairman :** Mind that. It is self-contradictory "consideration and failure to consider". You mean to say that the Bill has been considered and yet the Senate has failed to consider. If the Bill is not considered by the Senate, it amounts to failure.

The next turn is of Mr. Shahzad Gul. I don't inflict my words or my interpretation of the Constitutional provisions on you. You are free to differ.

**Mr. Shahzad Gul :** I fail to understand how the Senate will be able to consider unless the Bill is brought before the Senate by a Member who is incharge of the same.

**Mr. M. Rafi Raza :** It has been brought before the Senate.

**Mr. Shahzad Gul :** Sir, I quote Rule 83 (1) of the Rules of Procedure :-  
"83 (1) When a Bill has been received back from the Standing Committee, or when the time fixed for the Standing Committee to send it back has expired, the Secretary shall cause copies of the Bill as introduced, together with modifications, if any, recommended by the Standing Committee, to be supplied to each member within seven days after the receipt back or, as the case may be expiry of the time and shall set down the Bill on the Orders of the Day for a day meant for Government business or on a day meant for private member's business according as the Bill is a Government Bill or a private member's Bill, for a motion under rule 84"

**Mr. Chairman :** The rules follow the Constitution.  
First let us decide about the Constitutional provision.

**Mr. Shahzad Gul :** My submission is, Sir, that the Senate has not failed because the Bill has not been brought before the Senate. It was not set down on the Orders of the Day meant for Government business. How the Senate has failed? The Senate was deprived because the Bill was not brought before the House. Therefore, the question of failure of the Senate does not arise.

**Mr. Chairman :** The failure of the Senate, for certain situation or for certain reasons we are not concerned, is envisaged or is contemplated by the Constitution and then the punishment is also provided.

**Mr. Shahzad Gul :** How has the Senate failed ?

**Mr. Chairman :** The failure of the Senate is contemplated by the Constitution and the punishment is also provided that if the Senate fails to consider it then in that case the punishment is there. What is the punishment? The Bill automatically stands passed.

**Mr. Shahzad Gul :** The Bill has not been placed on the Orders, of the Day. The Senate will not do any business except what is on the Orders of the Day.

**Mr. Chairman :** This is what I wanted to know, whether somebody is bound to place it on the Orders of the Day?

**Mr. Shahzad Gul :** Yes, Sir.

خواجہ محمد صفد : جناب والا ! مجھے اجازت دیں -

جناب چیرمین : آپ نے تین باریاں لے لی ہیں - چوتھی بار کے لئے صبر کریں -

سردار محمد اسلم : جناب والا ! میں آپ کے پروائٹڈ کا جواب دے رہا ہوں -

Sir, let me explain. Whether the Government was bound to put the Bill before the House for consideration.

Article 70 (1) says :

“A Bill with respect to any matter in Part I of the Federal Legislative List shall originate in the National Assembly and shall, if it is passed by the Assembly, be transmitted to the Senate for its consideration.”

The Bill was never put before the House for consideration. It was only introduced and sent to the Standing Committee and it was not put before the House for consideration. When it has not been put before the House. How the Senate has failed to pass it ?

**Mr. Chairman :** Let us consider this question. This is a constitutional question, this is a legal question, this is a question involving interpretation of rules. Let us be clam and cool. The requirement of sending the Bill, as passed by the National Assembly, to the Senate for consideration has been complied with. The Assembly has passed and transmitted it to the Senate for consideration. This is clause 1. The gist of clause 1 is that a Bill is originated in the National Assembly and is passed by the National Assembly, then the National Assembly will transmit it to the Senate for consideration, that has been done. That requirement has completely been complied with.

**Khawaja Mohammad Safdar :** I beg to differ, Sir.

**Mr. Chairman :** Oh yes.

**Mr. Qamaruz Zaman :** Sir, with due respect and with all respect to the...

**Mr. Chairman :** Chair.....

**Mr. Qamaruz Zaman\*** : to the opinions of the Honourable Members, I think there is a little point on which we are confusing the issue. The point here is that yes it is a fact that the Bill was transmitted, it came before the Senate that the Senate refer it to the Standing Committee. We would be creating a very bad precedent. In case we allowed these kinds of things to happen again and again then it will be very easy to bypass the Senate and the Bill, without being considered by the Senate, without being argued in the Senate, without the Members of the Senate expressing their opinion about the Bill, would be considered or deemed to have been passed. I would, therefore humbly request the Honourable Chair to please consider this aspect of the ruling which you would be likely to give now. Yes we admit that the constitutional requirement has been complied with, the Bill was transmitted to the Senate, it was put before the Senate for consideration and the Senate referred it to the Standing Committee. Now, who is at fault? It is that particular section — whether it is the office of the Senate, the Minister of Law, the Minister — whoever is the agency which was required to present that Bill before the Senate after its consideration by the Committee has certainly failed in its duty to present that Bill before the Senate after the Standing Committee had done something about it. They could have even informed the Standing Committee that the ninety days were expiring they better dispose of the matter so that it should go before the Senate otherwise it would be deemed to have been passed. The very fact that the Senate referred it to the Standing Committee means that the Senate was interested in knowing more about this consideration of the Bill and the Standing Committee opinion was sought by the Senate. The Senate did not send it to the Standing Committee because they were not interested in this Bill and they didn't want to give their opinion on this Bill. Why was it kept back and why was it not brought? So any agency that was responsible to bring this Bill before the Senate after it had been considered by the Standing Committee has certainly failed and has certainly deprived us a very valuable right, and if these kind of precedents are allowed then we can easily be by passed, then why are we here for?

**Mr. Chairman:** The very basis of your contention doesn't simply exist. The bill had been received from the Standing Committee and presented before the House.

**Kawajah Mohamad Safdar :** Would you kindly permit me .....

**Mr. Chairman :** Please wait. Don't shield him. Your contention is that after having been sent to the Standing Committee the Bill never saw this House. Again I correct you and this is the basis of your whole contention as to why the Bill was not presented to the House from the Standing Committee. I will inform you that the Bill was handed over, delivered and entrusted to the Standing Committee for consideration and then the report of the Standing Committee was received and placed before the House.

**Mr. Qamaruz Zaman :** Sir, I was merely quoting your honour when you say that it was sent to the Standing Committee and thereafter nothing is known, therefore, I followed you.

**Mr. Chairman :** No, no. If I make mistake you should not follow me in a wrong path, you see.

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\*Speech not corrected by the honourable Senator.

**Mr. Qamaruz Zaman :** I think, your opinion is the most correct opinion.

**Mr. Chairman :** If I commit mistake, you should not follow me blindly. You should be wise enough yourself. No, I have been told just now that it has been actually received from the Standing Committee and the report of the Standing Committee was presented to this House, therefore, this fact completely knocks the bottom out of your case. You can raise some other point.

**Mr. Qamaruz Zaman :** Then it was definitely obligatory on the Ministry of Law.

**Mr. Chairman :** This I wanted to know. You have placed it. I want to know whether it was obligatory for the Minister. This I want to know from the very beginning I have been asking this question whether it was mandatory for him, whether it was obligatory of him, where he was bound to proceed with the Bill, that is the thing. If it is shown to me that he was bound to proceed with the Bill after having been received from the Standing Committee and presented it to the House, well then probably I may change my mind. I am not in a mood to give my ruling yet. Don't be in a hurry. This is a question of interpretation of course. Facts are not so much involved. They are admitted on both sides. Facts are there, there is no dispute. The question is of interpretation of the constitutional provisions.

خواجہ محمد صفد : جناب والا! میں نہایت ادب سے درخواست کرتا ہوں کہ جہاں تک آرٹیکل ۷۰ کے سب آرٹیکل ۱ کا تعلق ہے۔ اس کے معنی درست طور پر سمجھنے کی کوشش نہیں کی جا رہی ہے۔ زیادہ زور لفظ "ٹرانسمیشن" پر لیا جا رہا ہے۔ لفظ "کنسیڈریشن"، جو اس آرٹیکل کے آخر میں موجود ہے اس پر غور نہیں کیا جا رہا ہے۔ ٹرانسمیشن فار کنسیڈریشن۔ صرف ٹرانسمٹ ہی نہ کیا جائے اسے ایوان کنسیڈر کرے۔ اس کے آگے پارٹ ۲ میں ہے۔ کہ اگر اسے ایوان کنسیڈر کرے۔ اس کے پارٹ ۲ میں ہے کہ اگر اسے ایوان کنسیڈر نہیں کرتا تو پھر یہ نتائج نکلیں گے۔ مجھے محترم دوست سے اختلاف نہیں ہے۔ میں یہ ذاتی طور پر سمجھتا ہوں کہ جیسا کہ عام طور پر interpretation of Status اکثر مقامات پر لفظ may بطور "shall" استعمال ہوتا ہے۔ تو یہاں بھی لفظ may بمعنی "shall" ہے۔ جناب والا، اب میں آپ کی خدمت میں عرض کرتا ہوں کہ ایوان میں مسودہ قانون پر غور کرنے یا consider کرنے کے لئے صدر مملکت نے قواعد کی رو سے کیا طریقہ مقرر کیا ہوا ہے۔ جناب والا! اس سلسلے میں آپ کو رول نمبر ۱۰۴ کا حوالہ دیتا ہوں۔ یہ رول ان بلوں کے متعلق ہے جو نیشنل اسمبلی سے پاس ہو کر اس میں آتے ہیں۔ رول ۱۰۴ - صفحہ نمبر ۴۰ -

"On the day on which the motion for consideration is set down in the Orders of the Day which shall, unless the Chairman otherwise directs, be not less than two days from the receipt of the notice, the Minister or, as the case be, the member giving notice may move that the Bill be taken into consideration."

Then What happen to this Bill. I refer you to Rule 106.

جناب والا! اس پر عمل ہو گیا۔ جیسا کہ آپ نے بھی فرمایا ہے۔  
اب جناب والا! میں آپ کو رول ۸۳ کا حوالہ دیتا ہوں۔

Rule 106 : "Any member may move as an amendment that the Bill be referred to a Standing Committee and if such motion is carried, the Bill shall stand referred to a Standing Committee, and the rules regarding Bills originating in the Senate and referred to the Standing Committee shall then apply."

Now, I read Rule 83. "Time for consideration of Bills"

"(1) When a Bill has been received back from the Standing Committee, or when the time fixed for the Standing Committee to send it back has expired, the Secretary shall cause copies of the Bill as introduced, together with modifications, if any, recommended by the Standing Committee, to be supplied to each member within seven days after the receipt back or, as the case may be, expiry of time and shall set down the Bill on the Orders of the Day for a day meant for Government business or on a day meant for private members' business according as the Bill is a Government Bill or a private member's Bill, for a motion under rule 84.

(2) At least two clear days shall intervene between the day of supply of copies of the Bill to members and the day for setting down of the Bill for a motion under rule 84."

جناب والا! جہاں تک مجھے معلوم ہے کہ رول نمبر ۸۳ کی سٹیج تھی اس ایوان میں پہنچ چکی تھی۔

It was set down in the Orders of the Day for consideration.

Mr. Chairman : This Chapter X relates to Bills originating in the Senate.

خواجہ محمد صفدر : جناب والا! میں نے ابھی رول نمبر ۱۰۶ پڑھا ہے اس رول کی آخری سطریں یہ کہتی ہیں کہ جب یہ بل اسٹنڈنگ کمیٹی کی طرف سے واپس آئے گا۔ تو پھر یہ رول اس پر لاگو ہوتا ہے۔

Mr. Chairman : No What I mean is that Chapter X relates to Legislation.

خواجہ محمد صفدر : میں ۱۰۳ کی آخری دو سطریں پھر پڑھے دیتا ہوں

Mr. Chairman : I am not disputing your contention. But I wanted to know, this Chapter X pertaining to Legislation relates to Bills originating in the Senate.

Khawaja Mohammad Safdar : I am sorry.

جناب والا! میں سمجھا نہیں سکا۔ I am sorry۔ ۱۰۶ اس پر apply کرتا ہے لیکن جس بل کا میں ذکر کر رہا ہوں۔ اس کی ابتدا نیشنل اسمبلی سے ہوئی ہے اس لئے اس بل پر قواعد ۱۰۲ سے لیکر ۱۰۶ تک apply کرتے ہیں۔ لیکن

۱۰۶ میں یہ لکھا ہوا ہے کہ جب اسٹینڈنگ کمیٹی کی رپورٹ آ جائے تو پھر chapter دس میں دوج شدہ قواعد apply کریں گے۔ یہ بات صفحہ ۷۴۶ سے شروع ہوتا ہے۔

**Mr. Chairman :** You are correct because this is given in Part 3. You are correct.

**Khawaja Mohammad Safdar :** I read Rule 84, Sir.

“On the day for which a Bill is set down under rule 83, or on any subsequent day to which the matter might have been adjourned, the member-in-charge may make any of the following motions in regard to his Bill, namely :-

- (a) that it be taken into consideration at once; or
- (b) that it be taken into consideration on a date to be fixed forthwith; or
- (c) that it be referred to a Select Committee ; or
- (d) that it be circulated for the purpose of eliciting opinion thereon.

جناب والا ! میری contention یہ ہے اور چہاں تک مجھے حالات کا علم ہے۔ یہ سٹیج پوری نہیں کی گئی۔ اور میں وثوق کہہ سکتا ہوں۔ کہ حکومت نے اس بل کو واپس لے لیا تھا اور یہ فیصلہ کیا تھا کہ یہ بل دوبارہ کابینہ کے سامنے پیش کیا جائے۔ اور یہی وجہ ہے کہ اس بل کو یہاں نہیں آنے دیا گیا۔

**Mr. Chairman :** You don't attribute motives.

خواجہ محمد صفدر : جناب والا ! میں کسی کی نیت میں شک نہیں کرتا حکومت اس بل کو واپس لے لیتی تو بہتر ہوتا میں ان کی حمایت کرتا۔ کیونکہ اس سے گندہ بل پیش کرنا ممکن نہیں تھا۔ اگر حکومت کی نیت اس مسودہ قانون میں اصلاح کرنے کی تھی تو مجھے ان سے کوئی اختلاف نہ تھا اس بل کی منظوری کے بعد میں یقین سے کہہ سکتا ہوں کہ اسلام آباد میں عمارات کی تعمیر بالکل رک جاتی۔ کیونکہ اس بل کے پاس ہونے کے بعد اسلام آباد میں کسی قسم کی تعمیر نہیں ہو سکتی۔۔۔

(مداخلت)

خواجہ محمد صفدر : جناب والا ! چھوڑیے میں اس کی بات نہیں کر رہا۔ میں کہتا ہوں کہ کابینہ نے یہ فیصلہ کیا کہ اس بل کو واپس لیا جائے۔ اور جیسا کہ میری اطلاع ہے کہ کابینہ اس بل پر دوبارہ غور کر کے اس کو اصلاح کرے گی اور اس کے ناقص پہلوؤں کو دور کر کے اس کو بہتر شکل میں پیش کرے گی۔ مجھے اس بات کی خوشی ہے۔ میں یہ نہیں کہتا کہ۔ انہوں نے دانستہ ایسا کیا ہے بات صرف یہ ہے کہ آپ جو اس بات پر بار بار

اصرار کر رہے ہیں کہ میں آپ کی خدمت میں یہ واضح کروں کہ گورنمنٹ کس طرح پابند ہے کہ وہ بل کو ضرور اس ایوان میں پیش کرے۔ جناب والا آرٹیکل 17 کے تحت یہ گورنمنٹ کا بل ہے۔ کسی پرائیویٹ آدمی کا بل نہیں ہے۔ گورنمنٹ اس لئے پابند ہے کہ اگر اس نے نیشنل اسمبلی سے یہ بل پاس کرایا تو اس کا فرض ہے کہ اس ایوان کو موقع فراہم کرے کہ اس بل پر اپنی رائے کا اظہار کرے۔ وہ آئین میں درج اپنے اختیارات کو ایوان استعمال کرے۔

اگر گورنمنٹ اسے موقع فراہم نہیں کرتی۔ تو گورنمنٹ اس ایوان کے اختیارات میں مداخلت کرتی ہے اور اسے اپنے اختیارات استعمال کرنے سے روکتی ہے اور اس کے حقوق پر چھاپہ مارتی ہے جناب والا! جیسا کہ میرے محترم دوست سید قمرالزمان شاہ صاحب نے ارشاد فرمایا ہے۔ کہ یہ ایک نازک مسئلہ ہے۔ فرض کیجئے کہ یہ حکومت نہیں کوئی اور حکومت ہو اور وہ اس ایوان کو معطل کرنا چاہتی ہے تو پھر بڑی آسانی سے یہ کام کیا جاسکتا ہے کہ نیشنل اسمبلی سے ایک بل پاس کرایا اور سکرٹری نیشنل اسمبلی کی طرف سے ایک نوٹس اس ایوان کو بھجوا دیا کہ This Bill is transmitted اور اس کے بعد بل غائب۔ جیسا کہ یہ بل غائب ہے۔ اس طرح تو یہ ایوان ہوا میں معلق رہے گا۔ اگرچہ یہ ایوان بالا کہلاتا ہے۔۔۔

جناب چیرمین : خواجہ صاحب! ایوان بالا ہی ہوا میں معلق رہتا ہے۔  
نچلا نہیں رہتا۔

خواجہ محمد صفدر : جناب والا! ہمیں اس پر نہایت غور و فکر اور ٹھنڈے دل سے غور کرنا چاہئے۔ اس وقت بات نہ اپوزیشن کی ہے۔۔۔

**Mr. Chairman** : We quite appreciate your arguments.

خواجہ محمد صفدر : یہ بات اس ایوان کے حقوق کی ہے۔ اس ایوان کے فرائض کی ہے اور مجھے یقین ہے۔۔۔

**Mr. Chairman** : That I know. Now, for my information, supposing that a Bill is sent to the Standing Committee and the report is received. Is the Minister-in-Charge empowered under the Constitution to withdraw it? I want to know for my information.

**Khawaja Mohammad Safdar** : Under the Constitution he is not empowered, Sir.

آئین میں جہاں تک مجھے علم ہے کہ ایسا کوئی اختیار وزیر صاحبان کو حاصل نہیں ہے۔

**Mr. Chairman :** That is why I wanted it for my information whether the Minister-in-Charge can withdraw any Bill, at any stage, Has he got this power under the Constitution or under the rules?

خواجہ محمد صفدر : جناب والا! جہاں تک مجھے اس کا علم ہے کہ اس ایوان سے جس ایوان میں کوئی بل originate ہوتا ہے وہاں سے بل واپس جا سکتا ہے۔ یا کسی موشن کو واپس لیا جا سکتا ہے۔ جس ایوان میں وہ موشن پیش ہوئی ہے وہ بھی اس ایوان کی مرضی اور اس کی اجازت سے لیکن جہاں تک ایک ایسے بل کا تعلق ہے جو اس ایوان سے اس ایوان میں گیا ہے۔ یا اس ایوان سے اس ایوان میں آیا ہے۔ سیری رائے میں وہ ایوان یہ تو کہہ سکتا ہے کہ وہ اس کو زیر بحث لانا نہیں چاہتے لیکن یہ اجازت نہیں دے سکتا کہ وہ بل واپس چلا جائے۔

**Mr. Chairman :** Let us see

خواجہ محمد صفدر : مجھے تو کوئی ایسا آرٹیکل نہیں ملا شائد۔

**Mr. Chairman :** No, no. I wanted to know for my information. Yes, Mr. Rafi Raza.

**Mr. M. Rafi Raza :** Sir, If I may just have a couple of minutes to reply to the honourable Member. Sir, on the first point, he was talking about the provisions of Article 70, clause (2). I am not talking on the Constitutional aspect and as to the propriety of it. We will go into that later. He says that the Senate 'may' and that the ..... word 'may' should be read as 'shall', as it is in some statutes though not in all statutes as the honourable Member suggests. But if in this statute, if in the Constitution, if the third word of clause (2) 'may' is read as 'shall' then the second half of the clause become would nonsensical; because if the Senate 'shall' do this then the Constitution would not contemplate any failure, that is, there would no words to the effect that upon the failure of the Senate to do so then it will be deemed to have been done. So, in this case, as I said, purely on a Constitutional point of interpretation, I would make the distinction. In clause (2) of Article 70, the word 'may' cannot be read as 'shall' because of the provisions of the second part of that clause. As a matter of constitutional right, the Senate does not have to consider every Bill and here I would point out that this matter is on the exclusive Federal List. Article 70 of the Constitution governs legislation in the exclusive Federal List. Part II of the Federal List, namely, the Council of Common Interests provisions and the Concurrent List are not governed by Article 70. There is a separate procedure provided. The separate procedure is provided in Article 71 where both Houses have an equal say. If the Senate does not pass it then it can originate in the other House. If the other House does not pass it then the originating House can call a joint sitting. I would request the honourable Member to keep this distinction in mind between what is an Exclusive Federal matter and what is in Part II of the Federal List, namely, the Council of Common Interests matters and the Concurrent List matters. There is a different procedure provided. If I might read Article 71, clause (1) :

(1) A Bill with respect to any matter in Part II of the Federal Legislative List or in the Concurrent Legislative List may originate in either House and shall, if it is passed by one House, be transmitted to the other House; and, shall if the Bill is passed without amendment, now here is without amendment by the other House also it shall be presented to President for assent.

Clause (2) :

(2) If a Bill transmitted to a House under clause (4) is rejected or is not passed within ninety days - this is in negative - of its receipt or is passed with amendment, the Bill, at the request of the House in which it originated, shall be considered in a joint sitting.

So, there is a specific contemplation of both types of procedures. There is a specific contemplation in Article 71 where it is Part I of the Federal List that if the Senate does not consider it there is no infringement.

Now, in respect of propriety, the point raised by the honourable Member, Mr. Qamruz Zaman Shah and supported by Khawaja Muhammad Safdar here, that is a different matter.

What should be the relationship between the Senate and the National Assembly? Whether the Senate, as has been alleged, should be deprived in this manner or not? What should be the form? What should be the practice? What is the propriety of the thing? That is a separate question. On that, certainly, what has been said here would and should be taken into account by the Government. But that is not the same as a constitutional infringement. It is how we evolve, and we should evolve, the working relationship between the Senate and the National Assembly, and if this debate is confined to that level, then certainly the Government should and indeed must take into consideration what has been said here. But, I repeat, it is not a constitutional infringement as has been alleged. This is the only point I would like to make.

**Mr. Chairman :** Will you kindly let me know for my information the matter, namely, legislation for Federal Capital falls under Part I or Part II?

**Mr. M. Rafi Raza :** Part I.

**Mr. Chairman :** This falls in Part I.

**Khawaja Mohammad Safdar :** Article 142 covers this, Sir.

**Mr. M. Rafi Raza :** It falls under the Exclusive Federal List, Part I of the Federal List.

**Mr. Chairman :** 142 (a) because it is not provided in Part I or Part II and it is with respect to any area which is not included in any province. You are correct. Now, what would be the procedure for that ?

**Supposing** it apparently falls under Article 142(d)?

**Mr. M. Rafi Raza :** It is really deemed passed. There is a constitutional provision. There is a specific distinction made between exclusive Federal List and Part II of the List read with Concurrent List.

**Mr. Chairman :** The procedure will be the same as in Article 70?

**Mr. M. Rafi Raza :** It is an Article 70 matter. Therefore, I say it is not a breach of the privilege of the House because the Constitution has itself contemplated such a situation. What is proper and what should be done, that is a matter which will evolve in due course as the working relationship between the two Houses. The Senate has recently come into being. This is a matter of parliamentary practice and it should evolve and indeed what has been said by the honourable Members should be kept in mind and the Bills should be brought before the House. But this failure is not a breach of the privilege of the House. This is the only point I would like to make.

**Mr. Chairman :** Just by the way. The failure as you say had occurred on the part of the Federal Government and you should have availed of the earliest opportunity. The earliest opportunity was the 42th of November, 1974. Why are you late by 16 days?

(Laughter)

**Malik Mohammad Akhtar :** It means he has committed the breach of privilege.

**Mr. Chairman :** The earliest opportunity available to you was on 12th of November, 1974. You could have come to the House on the 12th.

**Khawaja Mohammad Saifur :** There was no sitting on that date.

**Mr. Chairman :** Then you should have done it on the 18th. Now, instead of 18th you have come to this House on the 28th. Why this failure on your part?

خواجہ محمد صفدر : مجھ سے یہ غلطی ہوئی میں مانتا ہوں میں جانتا تھا کہ اگر میری تحریک میں کوئی سقم ہے تو یہی ہے -

جناب چیرمین : اگر آپ کو اس infringement of rules کی معافی دی جاسکتی ہے تو ان کو کیوں نہیں دی جاتی ؟

خواجہ محمد صفدر : میں نے تو کہا ہے کہ مجھے یہ پیش کرنے کی ضرورت نہ ہوتی میں تو اس پر زور بھی نہیں دینا چاہتا - میں تو واپس لینے کے لئے بھی تیار ہوں - - -

**Mr. Chairman :** All right now. This is just by the way.

**Malik Mohammad Akhtar :\* :** The first objection was that he should have come on 18th of November, 1974.

**Mr. Chairman :** I could read your mind.

**Malik Mohammad Akhtar\* :** But, Sir, as a matter of larger importance and interest, there is no intention on the part of the Government to deprive the Senate of any of its privileges. Then, Sir, I support your contention and the contention of my learned friend, Mr. Rafi Raza, who was equally interested in improving the legislation, and I consider that there has been no breach of the privilege but as yet I also assure that neither there has been any breach of the privilege nor any attempt will be made to deprive the Senate of its privileges in any form, directly, indirectly, expressly or implicitly, and as the Constitutional position explained by your honour is over there, and the privilege motion can be made only by the consent of the Chair, I consider that this motion technically falls out of order. We can equally debate it further unless they are satisfied. Neither a breach of privilege has been done nor the motion has been made at the earliest opportunity. In any case I assure the honourable Senators that due care shall be taken that no cause of action arises in any form, whether it is mandatory or directory. We will try to lay all the papers before them and then the Senate has not been in Session from 7th of September, 1974 till that. This is an additional point. There is not question of any breach of privilege, and even this is to be looked into and if the debate prolongs, I will show that it falls out of order. But I donot consider that we should go into the details. In any case, there is no breach of privilege, and secondly the motion is technically defective, and thirdly, Sir, I assure there is no such intention to deprive the honourable Senators to have what is conferred whether it is mandatory or directory. We will be complying even with the directory provisions, and I think that instead of getting a ruling on this privilege mo-

\*Speech not corrected by the honourable Minister.

tion it may not be pressed. It has been sufficiently debated and if Khawaja Sahib insists then I will answer all the points tomorrow.

خواجہ محمد صفدر : جناب والا !

جناب چیرمین : انہوں نے آپ کو personally درخواست کی ہے جو کچھ ہو گیا وہ ہو گیا ۔

**Khawaja Mohammad Safdar** : I am sure, there was no such intention.

**Mr. Chairman** : And more important his observation was that he would see that in future nothing of the sort happens.

خواجہ محمد صفدر : جناب والا! میں بحث نہیں کر رہا ۔  
جناب چیرمین : یہ تو ہو گیا آئندہ اس کا اعادہ نہیں کریں گے ۔  
خواجہ محمد صفدر : جناب چیرمین ! میں وہی عرض کر رہا ہوں ۔  
جناب چیرمین : دیکھیں ناں خواجہ صاحب ! یہ تو وہ مانتے ہیں کہ ہو گیا اور اس پر کافی بحث بھی ہو گئی ہے ۔

The Senate should have considered and now it is deemed to have passed.

خواجہ محمد صفدر : جناب والا ! محترم وزیر صاحب کی یقین دہانی کے بعد میں نہیں سمجھتا کہ اس Motion پر اس ایوان کے سامنے اصرار کروں ۔ البتہ میں محترم وزراء کی توجہ خصوصیت سے مسٹر رفیع رضا کی توجہ مبذول کرانا چاہتا ہوں کہ میں نے اس سلسلہ میں اس آئین کا مطالعہ کیا ہے ۔۔۔ اب حکومت کے پاس اس بل کو سینٹ سے منظور کرانے کا کوئی طریقہ باقی نہیں رہا ۔۔۔ اب تو صرف دو ہی راستے ہیں ۔۔۔ اس بل کو سات دن کے اندر اندر پریذیڈنٹ صاحب کو پیش کر دینا اور اگر وہ منظوری دے دیں اور اگر حکومت میری ہی طرح اس بل کو ناپسند کرتی ہے جیسا کہ مجھے معلوم ہوا ہے ۔ تو پھر اس کا طریقہ یہ ہے کہ پہلے جناب صدر مملکت اس کی منظوری دیں اور پھر اس کے خلاف ایک Repeal آرڈیننس جاری کریں ۔۔۔ اگر اس کے علاوہ انہیں کوئی اور راستہ ملے تو اختیار کریں لیکن میری رائے میں صرف یہی ایک راستہ ہے کہ پہلے سیکریٹری نیشنل اسمبلی اس بل کو اس کلاز کے تحت کہ نوے دن گذر گئے ہیں لہذا یہ بل سینٹ سے منظور شدہ تصور کرتے ہوئے اس کو جناب صدر مملکت کی خدمت میں پیش کریں ۔۔۔ Then that bill will become a law چونکہ یہ قانون مفاد عامہ کے خلاف ہے ۔ اس لئے اس کو منسوخ کرنے کے لئے اس کے فوراً بعد ایک اور آرڈیننس لایا جائے ۔ یہ ہے میری رائے لیکن

خواجہ محمد صفدر : اگر محترم وزیر مملکت کوئی اور راستہ اختیار کرنا

چاہتے ہیں تو وہ بھی آزما لیں اور اس مسئلے پر مزید غور فرما لیں۔ میرے  
تزدیک صرف یہی ایک راستہ ہے۔

Thank you very much Sir, I donot press it, Sir.

**Mr. Chairman :** Mr. Malik Akhtar, you see such like mistakes if any, even if they occurred inadvertently are to be misunderstood or misinterpreted sometimes that the Government is deliberately by passing .....

**Malik Mohammad Akhtar :** Not Sir.....

**Mr. Chairman :** No, no I say inadvertently they are likely to be misunderstood or sometimes misinterpreted that the Government is deliberately bypassing the Senate, not allowed to exercise its right of debate on certain Bill, I hope that such things would not occur in future .....

**Malik Mohammad Akhtar :** Inshallah it will not occur.

**Mr. Chairman :**..... because the complaint is not only from this side it is from your side also.

**Malik Mohammad Akhtar :** It is a unanimous complaint from both sides.

**Mr. Chairman :** There is feeling that even if this has been done inadvertently not deliberately, most probably it has been done inadvertently, unconsciously, that is why the complaint comes from both sides. In fact there are some other gentlemen who are feeling the same way, although they have not been given the opportunity to have their say, they have not spoken, they also felt the same that probably the Senate is deprived of its powers to consider such like things. So let us hope such like things would not be repeated in future. In view of your assurance, and having taken it very seriously that you mean what you say and when given an assurance that will be carried out, that will be shown due respect by other functionaries of the Government also I think Khawaja Sahib is not pressing it.

**Khawaja Mohammad Safdar :** Not pressing, Sir.

**Mr. Chairman :** Not having been pressed by Khawaja Mohammad Safdar it falls through.

**Malik Mohammad Akhtar :** Sir, I again assure the House that due care will be taken for this.

**Mr. Chairman :** Personally I have no doubt about it. Mind it what you say is also tape recorded, you see. All right. Now, we move on to the next item. This is adjournment motion No. 21. It stands in the name of Khawaja Mohammad Safdar.

#### ADJOURNMENT MOTION *RE* : FAILURE OF STATE CEMENT CORPORATION TO ADJUST ITS EXPORT PRICE

**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, Pakistan's Cement exports have almost come to a standstill because of the failure of the State Cement Corporation of Pakistan to adjust its export price to the fluctuating international price levels, as reported in Dawn dated, 10. 10. 1974. This has resulted in huge loss in foreign exchange earnings. This news has greatly perturbed the minds of the public.

**Mr. M. Rafi Raza :** Mr. Chairman, I am sure the honourable mover of this adjournment motion will not press this motion if I give certain facts, Sir, very briefly. From the period June till the end of October, and the press note is of October, 10, it is a very distorted note. The quantity of cement exported in those

first four months I will give 1973 figures and then 1974 figures. The quantity was 1,25,931 in 1973, and 1,82,145 in 1974. The average price at which it was exported during those four months of 1973 was \$ 18.89. We have average in spite of carrying over some of the old contracts the lower rates for these four months \$ 47.33. The total foreign exchange earned during those first four months of 1973 were \$ 2.4 million. The total foreign exchange earned in the first four months of 1974 were \$ 8.6 million. The price of cement was extremely low till a few months ago and on renegotiating some of the old contracts the Government of Pakistan has earned additional \$ 5 million and even during the months in which this newspaper item appeared i. e. the 10th of October in that month compared to 73 figures I will give it to the honourable mover of the motion October 1973, 12650 tons, October, 1974, 60,741 tons.

**Khawaja Mohammad Safdar :** Quite right.

**Mr. M. Rafi Raza :** Mr. Chairman, a similar article appeared some where else also. The prices were extremely low. We have renegotiated the prices, raised them and there is a group of people who are therefore trying to suggest that our export of cement is slowing down. Secondly, I would go a little beyond that to say whether we should export at all is also a question. Because cement is not cotton which we donot consume here. We consume half or one third and two third of our cotton production we have to export. Our total capacity of cement production is 34 lac. We can use much more in our own development programme. So in terms of exporting unless we get good price Cement is more than capable of use over here. There is no question of our losing foreign exchange as made out in this press note. On the contrary therefore these measure we have made about U. S. \$ 4.5 million extra. I think having said these few facts I am sure the Honourable mover of the motion is satisfied. If he wants to press his motion then we can have a full debate on it. But I don't thing in the light of these facts it is worth adjourning the business of the House to debate this matter.

**Khawaja Mohammad Safdar :** I don't press it Sir, in view of these facts.

**Mr. Chairman :** It is not pressed.

Now this is adjournment motion No. 24

It stands in the name of Khawaja Mohammad Safdar :

#### ADJOURNMENT MOTION RE : INCREASE IN PRICES OF CIGARETTES

**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, for the second time in two and half months the Pakistan Tobacco Company has increased the prices of Cigarettes. In fact, it is the third increase in the prices of Cigarettes since May. This has resulted in almost doubling the prices of Cigarettes within six months. The failure of the Federal Government to put a stop to the latest arbitrary increase in prices which has added paisa 75 in the price of a packet of 20 has greatly perturbed the public. (Dawn 25 October, 74).

**Malik Mohammad Akhtar :** It is objected, Sir, on technical grounds and if necessary then some statement will come. Sir, I would read the newspaper and it is to show that it is a continuing process. It has been referred that.....

**Mr. Chairman :** Let me get it.

**Malik Mohammad Akhtar :** It is a continuing process.

**Mr. Chairman :** From where are you going to read ?

**Malik Mohammad Akhtar :** It is first paragraph.

“This is, in fact, the third increase in the prices announced by the PTC. The first increase 5 to 40 per cent was made in few cheaper brands last May. The second increase of about 25 per cent in almost all brands was effected on August 10 following the latest increase. The cost of best brand would go up to Ps. 75 for a packet of 20 cigarettes.” So, Sir, it is a continuing process since May and August and for the last six months and, Sir, it is neither a matter which has just arisen suddenly and nor a matter of urgent public importance. The statement referred to by the honourable mover contradicts his claim that it is sudden matter. It is not of urgent public importance.

خواجہ محمد صفدر: جناب والا! میرے محترم دوست یہ تسلیم فرماتے ہیں کہ پاکستان ٹویکو کمپنی قیمتیں بڑھا رہی ہے۔ یہ ہوسکتا ہے کہ پہلی بڑھوتی کے وقت لوگوں میں ابھی کچھ حوصلہ ہو۔ اور دوسرے اضافے کے وقت بھی عوام میں کچھ قوت برداشت ہو۔ لیکن ۷۵ پیسے فی پیکٹ تیسری بڑھوتی کا ذکر کر رہا ہوں۔ اور جناب والا ان کی خدمت میں درخواست کروں گا۔ میری تحریک التوا کی تین لائنیں پڑھیں۔ یہ ہے جس کے متعلق میں اعتراض کر رہا ہوں۔

“The failure of the Government to put a stop to the latest arbitrary increase in prices which has added paise 75 to the price of a packet of 20.”

**Malik Mohammad Akhtar :** Sir, if I read these three lines then a claim is made that I should read the first paragraph and when I say it has more than one issue then he comes to the first paragraph. Sir, I repeat that he has not denied that it is a continuous process and it has been for the last six months.

خواجہ محمد صفدر: میں کہتا ہوں کہ صبر کہاں تک کیا جائے۔ جب صبر کا پیمانہ لبریز ہو جائے گا تو پھر تحریک التوا آجائے گی۔

**Mr. Chairman :** Are you a smoker Khawaja Sahib?

**Khawaja Mohammad Safdar :** Yes, sir, I am a smoker, and most of us here are smokers.

**Mr. Chairman :** There is a personal ring about your arguments.

**Malik Mohammad Akhtar :** It is a continuous process for the last six months. So, it is not recent.

خواجہ محمد صفدر: یہ تو ٹھیک ہے یہ continuous process بھی ہوسکتا ہے۔

but I expect that the Government should take note of such things that the manufacturing companies are increasing the prices of their products arbitrarily and without any reason. Therefore, I would suggest to the Government to please look into this matter.

**Mr. Chairman :** Your complaint is quite correct but it is a continuous process.

خواجہ محمد صفدر : جناب رفیع رضا کچھ فرمانا چاہتے تھے انہیں کچھ کہنے کا موقع دیا جائے :

**Mr. M. Rafi Raza :** It is correct that it is a continuous process. But the question, he has raised, that the Government should take note of it, that we do. In fact, we have by a process of imposing excise duty in proportion to the price increase, which makes it higher, taken corrective measures. We also do keep watch on the prices. But as the honourable Member has said, it is a continuous process.

**Mr. Chairman :** This rise in prices started six months ago. So, this is a continuous process.

**Mr. M. Rafi Raza :** A question can be asked if the honourable Member wants to know the material facts as to why this increase of 75 paise and 25 Paise has taken place. He is free to ask any question.

**Mr. Chairman :** Yes, Khawaja Sahib, I am constrained to hold it out of order on the ground that this complaint of yours commenced since May last. There was an increase in May, then in August and then the third time. So, it is a continuous process and not recent.

**Khawaja Mohammad Safdar :** All right sir.

**Mr. Chairman :** This is adjournment motion No 25.

ADJOURNMENT MOTION RE : PUBLICATION OF MATERIAL  
AGAINST PAKISTAN IN 'ALFAZAL'

مفتی ظفر علی نعمانی : \* میں نہایت ادب سے اس معزز ایوان کی کارروائی پر تحریک التوا کی تحریک پیش کر کے ایوان کی توجہ اس اہم مسئلہ کی طرف دلانا چاہتا ہوں جو زبردست تشویش کا باعث بنا ہوا ہے۔ "الفضل" نے اپنے ادارے بعنوان "مسلم اور اسلام"، میں پاکستانی عوام کی اکثریت جو عقیدہ ختم نبوت پر یقین رکھتی ہے ان کے خلاف زبردست زہر افشانی کی ہے جس سے پاکستانی عوام کے جذبات مجروح ہوئے ہیں۔ وفاقی حکومت اس قسم کو دل آزار حرکتوں کو روکنے میں قطعاً ناکام رہی ہے۔

جناب والا ! میں اس کے ساتھ ہی ساتھ ایک اور گزارش کرنا چاہتا ہوں۔ وزیر مملکت جو بڑے مخلص ہیں لیکن ان کی خدمت میں درخواست کروں گا کہ وہ اسے ایک دو روز کے لئے ملتوی کر دیں۔ بڑی مہربانی ہوگی۔

جناب چیئرمین : جس اخبار سے آپ نے یہ اطلاع لی ہے وہ کہاں ہے ؟

مفتی ظفر علی نعمانی : جناب ! یہ میں اس لئے عرض کر رہا ہوں کہ جس اخبار کا میں نے حوالہ دیا ہے وہ چوری ہو گیا ہے اور اب کراچی سے

بذریعہ ہوائی جہاز آرہا ہے۔  
 جناب چیئرمین : مفتی صاحب اگر آپ یہ اخبار اپنی تحریک کے ساتھ  
 دے دیتے تو یہ چوری نہ ہوتی۔

**Malik Mohammad Akhtar :** All right, Sir, it may be deferred.

مفتی ظفر علی نعمانی : تو جناب ! میری گزارش ہے کہ اس تحریک  
 کو ایک دو روز کے لئے ملتوی کر دیا جائے۔  
 جناب چیئرمین : کیا یہ اخبار پرسوں تک آپ کو مل جائے گا ؟  
 مفتی ظفر علی خاں : جناب امید ہے مل جائے گا۔  
 جناب چیئرمین : آپ کوشش کریں کہ یہ Saturday تک آجائے۔

**Mr. Chairman :** All right. We will take up this adjournment motion on Saturday. There are more adjournment motions and there is also more time. This is No. 26, Yes, Khawaja Sahib, it is in your name.

#### ADJOURNMENT MOTION *RE* : LIFTING OF EMBARGO ON U. S. ARMS SUPPLIES TO PAKISTAN

**Khawaja Mohammad Safdar :** Sir, I beg leave of the Senate to move a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance and of recent occurrence, namely, the failure of the Federal Government to persuade Dr. Henry Kissinger, Secretary of State, U. S. A. during his recent visit to Pakistan to agree to the lifting of the embargo on U. S. arms supplies to Pakistan in order to fulfil treaty obligations between the two countries, has dismayed the public of Pakistan.

**Mr. Aziz Ahmed :** Sir, I would like to make a brief statement, and I hope that the honourable Member will reconsider pressing this motion for adjournment.

Negotiations between the parties in this case are between two sovereign countries. As far as function and duty of the Government of Pakistan are concerned it has to present its case in as strong and as cogent terms as possible. That duty has been performed. Now the question is whether the Government of the United States will decide to lift the ban on the supplies of arms, and when that ban will be lifted, this is a matter for decision by the United States Government. I would say that, as far as the Government of Pakistan is concerned we have not failed in discharging our duty because the ban has not been immediately lifted. There is no reason for the people of Pakistan to feel dismayed. Diplomacy is a continuing process. We will undoubtedly continue to press for our entitlement to arms aid under the agreement of mutual cooperation of 1959 between us and the United States. That we will continue to do and undoubtedly the United States will take their decision in the light of their own national interest, and we hope they will take their decision. But, in the meantime, we will continue to press for a decision to implement that agreement. I would again submit that there is no failure on our part and there is no reason for the public to feel dismayed because we will continue to press for this decision.

خواجہ محمد صفدر : جناب والا ! مجھے اس بات پر خوشی ہوئی ہے  
 کہ محترم وزیر مملکت برائے امور خارجہ نے ارشاد فرمایا ہے کہ وہ اپنی

جانب سے پوری کوشش کر رہے ہیں اور انہیں یقیناً معلوم ہوگا کہ ڈاکٹر ہنری کیسنجر پاکستان آنے سے پہلے ہندوستان گئے اور ”ٹائمز میگزین“ کے مطابق وہاں یہ وعدہ کر کے آئے۔ ایک وعدہ یہ تھا کہ ہندوستان کو پانچ لاکھ ٹن گندم دی جائے گی اور دوسرا وعدہ یہ تھا کہ پاکستان کو کسی قسم کے ہتھیار نہیں دیے جائیں گے۔ میرے نزدیک ان وعدوں کے بعد ان کا یہاں تشریف لانا اور ہماری حکومت کا ان کے ساتھ ان موضوعات پر گفتگو کرنا سعی لاحاصل تھا۔ جناب والا! محترم وزیر برائے امور خارجہ کو یہ بھی معلوم ہوگا کہ foreign press کے یہ تاثرات تھے کہ ڈاکٹر ہنری کیسنجر

“Dr. Henry Kissinger's reception at Delhi was cold but his send off was warm.”

ان تمام باتوں کے ہوتے ہوئے کیا یہ مناسب نہیں۔۔۔

جناب چیئرمین : ہندوستان میں کہ یہاں؟

خواجہ محمد صفدر : ہندوستان میں۔ تو ان تمام باتوں کے ہوتے

ہوتے میں یقین سے کہہ سکتا ہوں جیسے کہ اس اخبار نے رپورٹ دی ہے کہ محترم وزیراعظم صاحب اس ملاقات میں اسلحہ اور اقتصادی امداد کے مسائل اٹھائیں گے :

Bhutto to raise arms and economic aid issues.

جناب والا! یہ خبر اسلام آباد سے شائع کی گئی ہے کہ محترم وزیراعظم صاحب ہنری کیسنجر سے ملاقات کے دوران یہ دونوں مسائل ضرور اٹھائیں گے اور انہوں نے ضرور اٹھائے ہونگے۔ لیکن سوال یہ ہے کہ ہمارے ان کے ساتھ معاہدات بھی ہیں اور وہ یہاں آنے سے پہلے ہندوستان کے ساتھ یہ فیصلہ کر کے آتے ہیں کہ وہ پاکستان کو کسی قسم کا اسلحہ نہیں دیں گے تو کیا پاکستان کو امریکہ کے ساتھ اپنے تعلق پر نظر ثانی کی ضرورت نہیں۔ اس درخواست کے ساتھ میں کہوں گا کہ وزیر مملکت برائے امور خارجہ میری گزارشات پر غور فرمائیں۔

Mr. Chairman : The motion is not pressed.

ADJOURNMENT MOTION RE: SUICIDE IN FRONT OF PRIME MINISTER'S RESIDENCE

Mr. Zamarrud Hussain : 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, a person aged 40 years, named Sabir, of Kahuta burnt himself by throwing Petrol on his body in front of the residence of Prime Minister. Sabir was unemployed. He had add-

ressed several appeals to Prime Minister for help in the shape of employment but he had received no reply to his appeals. Out of disappointment and exasperation and by way of protest he sprinkled petrol on his body and put a light to it on 30th October, 1974. He was removed to the Hospital where he succumbed to burns. This act of immolation has caused a great resentment amongst the public."

**Malik Mohammad Akhtar :** Sir, I have got some technical objections. Firstly, the incident occurred on the 30th of October, 1975. Secondly, it is something of provincial nature. If they insist then some clarification can be made by the honourable Minister sitting here.

**Mr. Khurshid Hasan Meer :** In addition to the technical objection raised by the Minister of State for Parliamentary Affairs that this is not a Federal subject, while endorsing that objection, I would like to put the record straight. Sir, what has happened actually, is that on 30th October, 1974, according to a police report F. I. R. lodged in the Police Station Rawalpindi, one gentleman died because of an accident. He was carrying a petrol can and was also smoking and petrol got fire. An effort was made to save him. He was rushed to Hospital and he died there. This is the copy of F. I. R. supplied to us by the office of the D. I. G. Rawalpindi. The other inference drawn in the newspaper report that it was in front of the Prime Minister's House is not correct.

**Mr. Zamarrud Hussain :** Where is the Prime Minister's House ?

**Mr. Khurshid Hasan Meer :** Prime Minister's House is near the Golf Course. Then why say near the Prime Minister's House and why not near the Golf Course ?

(Laughter)

**Khawaja Mohammad Safdar :** I would like to know as the who lodged the F. I. R.

**Mr. Khurshid Hasan Meer :** The F. I. R. was lodged by one gentleman who himself was busy repairing his Taxi which was broken down. From him this man asked for some petrol. If you want me to read the F. I. R. I will read it out. The F. I. R. says :-

مسمی نورالحق ولد سجاد خاں قوم پٹھان ساکن مریڑ مکان نمبر C/429 راولپنڈی نے بجاجزی تھانہ آکر تحریر کروایا کہ امروز قریب آٹھ بجے دن میں اپنی ٹیکسی جو کہ گٹ مل ہوٹل کے قریب اچانک خراب ہو گئی تھی کو ٹھیک کر رہا تھا کہ ایک شخص جس کا نام اب صابر حسین ولد سخنی محمد قوم سندھڑ راجپوت ساکن متھیاتا معلوم ہوا ہے - میرے پاس سے ایک ڈبہ پٹرول خالی ہاتھ میں لئے گذرا اور مجھ سے فالتو پٹرول پوچھا اور کہا کہ اس کی گاڑی کا پٹرول گاستان کالونی کے قریب ختم ہو گیا ہے وہ رقم دے دیگا - میں نے کہا کہ میری گاڑی میں پٹرول تو ہے لیکن نالی نہیں ہے اگر تمہارے پاس نالی ہے تو لے سکتے ہو چونکہ اس کے پاس نالی نہ تھی وہ چلا گیا - کچھ دیر کے بعد مذکورہ میرے پاس سے السلام علیکم کر کے گذرا - میں نے پوچھا پٹرول مل گیا ہے تو اس نے کہا کہ مل گیا

ہے کیا گاڑی ٹھیک کراتے ہیں ، امداد کی ضرورت ہے ، تو امداد کروں ؟ میں نے کہا کہ گاڑی کا گیر خراب ہے - مسٹری بلوایا ہوا ہے - چنانچہ صابر حسین اس پر جانب گلستان کالونی چل پڑا - میں اپنی گاڑی کے قریب کھڑا تھا کہ ابھی وہ جیل روڈ کے قریب پہنچا تھا ، تو سگریٹ سلگانے لگا کہ اچانک پٹرول کے ڈبے کو آگ لگ گئی اور پٹرول مذکورہ کے کپڑوں پر گر گیا - مذکورہ نے شور کیا ، میں بھی بھاگا - پاس سے اور اشخاص بھی آئے - آگ بجھانے کی کوشش کی ، لیکن مذکورہ کے کپڑوں کو چونکہ کافی آگ لگ چکی تھی ، بمشکل بجھائی ، لیکن اس کے تمام جسم پر آبلے پڑ گئے اور چہرہ اور جسم کے دیگر حصے جل گئے - ہم نے اسے سول ہسپتال پہنچایا ، اس کی حالت خطرناک ہے - میں برائے رپورٹ آیا ہوں -

And then the Medical Examination Report. Now, Sir I would like to say something more in addition to the fact that it is a provincial subject and only to bring the Federal Government needlessly this whole scene has been made out. Let us look at the facts. After all it is not for the Government to deal with this problem alone. It is for the whole nation to deal with the problem of unemployment. The problems of the country will not disappear just by wishful thinking. We will have to struggle hard and work hard for long and prolonged period of time and then only we can overcome the acute economic problems of the country. After all there is a legacy of 100 years of colonial rule and of under-development and of poverty and the figure of unemployment is one of our major problems. To say that the unemployment may disappear within two years and two and a half years is a illusory. Unemployment will disappear when the country is fully economically developed. To say that we will have complete employment without full development is not rational thinking and that is why we said that in a new country like ours unless we have a complete socialist system, there can be no full employment. Even in fully developed countries of the Western World where there is capitalistic system, there is unemployment. It is only in a completely socialist system that full employment can be provided to every worker. Whereas the situation in this country is this Sir, .....

**Mr. Chairman :** You will be providing him with an excuse to reply to you, then this will develop in another debate.

**Mr. Khurshid Hasan Meer :** But, Sir, there is a figure and is a very interesting figure. Everybody should be alive to this figure.

The Planning Division has estimated the labour force to be 2.7 million i. e. 33.3% of the total labour force at the end of 1975. We will have to work hard and develop the country economically. This unemployment crisis do lead the country to poverty but then the nation has to work hard and overcome the problems. There are no easy solutions.

**جناب زمر د حسین :** \* جناب چیئرمین! میر صاحب نے بہت خوبصورت باتیں کہی ہیں اور پھر FIR بھی انہوں نے پڑھ کر سنائی ہے لیکن میں

ایک بات آپ کے نوٹس میں لانا چاہتا ہوں اور آپ کے through اس باؤس کے نوٹس میں لانا چاہتا ہوں کہ اگر یہ واقعہ اتنا ہی simple تھا جیسا FIR میں بیان کیا گیا ہے تو پھر Press Information Department کا ایک بہت ہی senior آفیسر اخبارات کے دفتر کیوں گیا کہ اس خبر کو شائع نہ کیا جائے اور یہ کیسے ممکن ہوا کہ پاکستان میں تو یہ خبر فہمیں چھپی۔ لیکن روزنامہ ملت جو لندن سے شائع ہوتا ہے اس میں چھپی ہے؟ میں یہ سمجھتا ہوں کہ واقعہ ایسا نہیں ہے جیسا کہ FIR میں درج کیا گیا ہے۔ واقعہ یہ ہے کہ وہ آدمی بیکار تھا۔ اس نے ملازمت کے حصول کے لئے درخواستیں دی تھیں لیکن بے سود۔ وہ Prime Minister House کے سامنے گیا۔ وہاں اس نے لوگوں کو اکٹھا کیا۔ پندرہ منٹ تقریر کی۔ اپنی بے بسی اور بے چارگی کا رونا رویا اور اس کے بعد اس نے اپنے کپڑوں کو آگ لگا دی۔

جناب چیرمین : یہ تو repetition ہے۔

جناب زمرد حسین : جناب والا! میر صاحب نے کہا ہے کہ بر روزگاری کا علاج صرف Socialist Society سے ہی ممکن ہے۔ وہ ایک اور بات ہے۔ لیکن جہاں تک FIR کا سوال ہے۔ میں اس سلسلے میں پوچھنا چاہتا ہوں کہ Information Department کا ایک Senior Officer اخبارات کے دفاتر میں، ریڈیو، ٹیلیفون اور ٹیلی گراف کے دفاتر میں۔ خبر کی اشاعت کو روکنے کے لئے کیوں گیا؟

**Malik Mohammad Akhtar** : On a point of order. Sir, the matter is sub judice.

جناب چیرمین : آپ یہ تو فرماتے ہیں کہ یہ ہوا۔ وہ ہوا۔ لیکن اس ایوان کی تسلی کے لئے آپ کے پاس کیا ثبوت ہے؟ آپ نے فرمایا کہ یہ صحیح ہے۔ منسٹر صاحب نے انکار کیا اور کہا کہ یہ غلط ہے ایسا نہیں ہوا۔ ایسا ہوا ہے تو آپ بتائیے؟

The burden of proof is on you to substantiate your allegations.

**Mr. Zamarrud Hussain** : Sir, I submit.

جناب والا میری گزارش یہ ہے۔

جناب چیرمین : پہلے میری گزارش سن لیں۔ اور پھر جواب دیں۔

Allegations have been denied and refuted by the Minister concerned. I want to know how you can satisfy the House. How you can substantiate your allegations.



The Suppression of Terrorist Activities (Special Court) Bill, 1974/."

**Mr. Chairman :** The Bill stands introduced. No other business. Tomorrow is Friday.

**Malik Mohammad Akhtar :** Sir, let us meet tomorrow in the afternoon. Might there be National Assembly meeting in the morning and I have got some privilege motion to deal with in the National Assembly.

**Mr. Chairman :** Are you sure that the National Assembly is meeting in the morning.

**Malik Mohammad Akhtar :** This is what I have been told.

**Mr. Chairman :** If it is meeting in the morning then surely I will give you permission to go there and look after your work.

**Malik Mohammad Akhtar :** I have got some assignment.

**Mr. Chairman :** Then, I think, four is all right.

**Malik Mohammad Akhtar :** Right.

**Mr. Chairman :** Do the honourable Members of this House agree to it..... tomorrow at 4.00 ?

**Senators :** Yes.

**Mr. Chairman :** All right the House stands adjourned to reassemble tomorrow at 4.00 p. m.

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The House adjourned till four of the clock in the evening /on Friday, November 29, 1974.

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