



THE SENATE OF PAKISTAN DEBATES

OFFICIAL REPORT

Wednesday, December 4, 1974

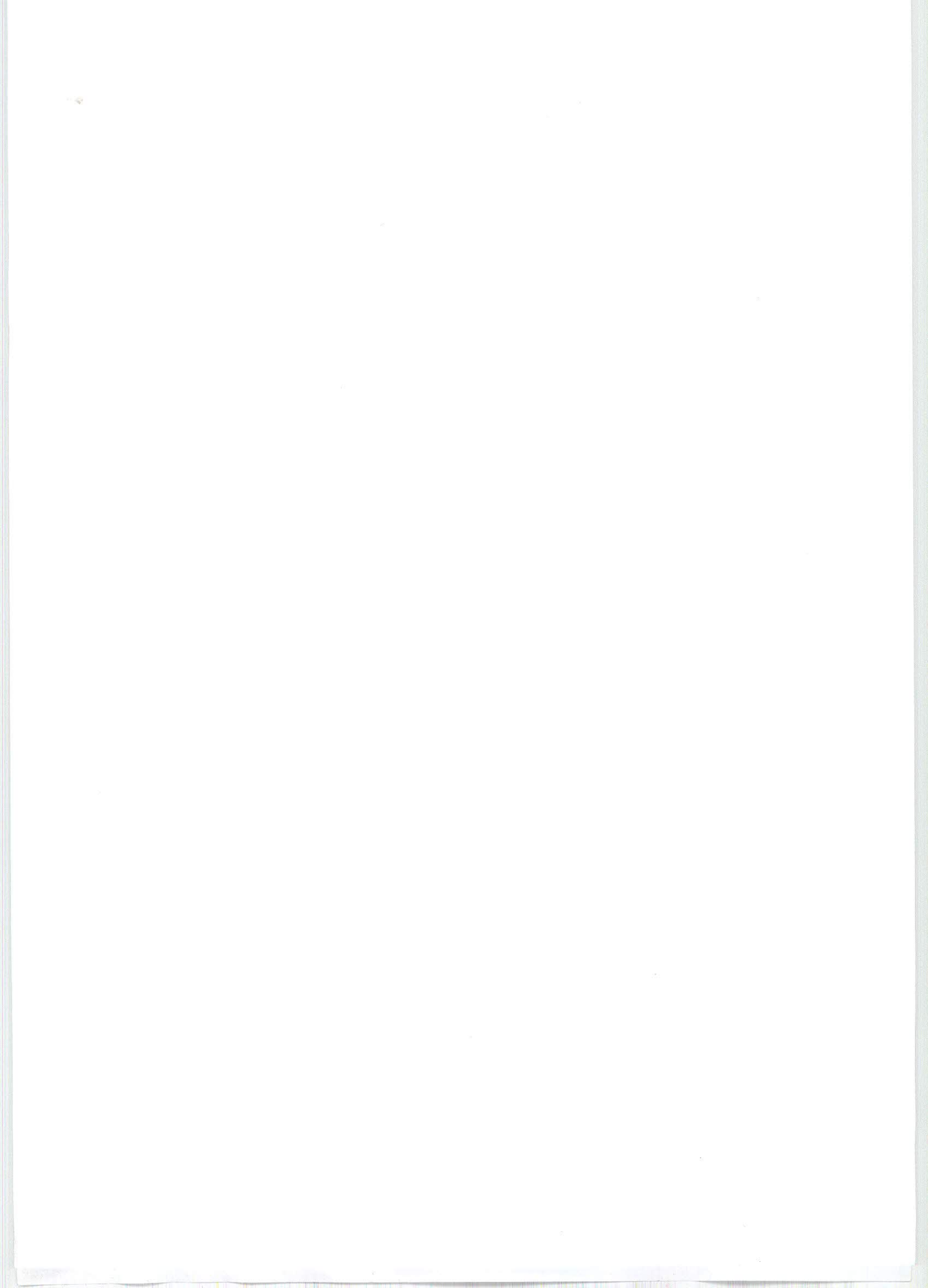
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**SENATE DEBATES
SENATE OF PAKISTAN**

Wednesday, December 4, 1974

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

Recitation from Holy Quran

STARRED QUESTIONS AND ANSWERS

Mr. Chairman: Question No. 45.

INDUSTRIAL LABOUR STRIKES

45. Khawaja Mohammad Safdar: Will the Minister for Labour, Health, Social Welfare and Population Planning be pleased to state :

- (a) the number of strikes, whether lawful or unlawful, by the industrial labour during the year 1973-74;
- (b) the total number of workers involved in these strikes;
- (c) the number of man-hours lost due to these strikes;
- (d) the number of lock-outs, whether lawful or unlawful, by industrial managements during the year 1973-74;
- (e) the number of workers involved in these lock-outs; and
- (f) the number of man-hours lost due to these lock-outs; and
- (g) the estimated value of loss in industrial production resulting from the strikes and lock-outs mentioned in (a) and (d) above?

Mr. Khurshid Hasan Meer :

- (a) 331 strikes.
- (b) 227984 workers.
- (c) 8109600 man-hours.
- (d) 26 lock-outs.
- (e) 4101 workers.
- (f) 321808 man-hours.
- (g) No such estimate can be made due to the diverse production processes involving varying degree of labour and other inputs.

Mr. Chairman : Now, question No. 46.

Mr. Zamarrudd Hussain : No. 46 Sir.

SIBI AND MEKLAN SCOUTS

46. Mr. Zamarrud Hussain : Will the Minister for Interior, States and Frontier Regions be pleased to state whether it is a fact that Civil Armed Forces, namely

'Sabi Scouts', 'Mekran Scout's, etc., were established in 1972-73, 1973-74 and 1974-75?

Mr. Abdul Qaiyum Khan: SIBI SCOUTS were created during May 1970. MEKRAN SCOUTS were sanctioned with effect from 2nd April, 1973, but raised with effect from 1st July, 1974.

Mr. Chairman : Next question.

Mr. Zamarrud Hussain : No. 47, Sir.

PROVINCIAL QUOTA IN FSF

47. Mr. Zamarrud Hussain: Will the Minister for Interior, States and Frontier Region be pleased to state the number of persons employed in the Federal Security Force together with the Provinces of their domiciles.

Mr. Abdul Qaiyum Khan :

The total number of persons employed in the Federal Security Force is 13,875 and the distribution of this number according to their domicile is as follows

Punjab	...	...	8,012
Sind	...	...	1,188
NWFP	...	...	4,103
Baluchistan	...	...	23
Azad Kashmir	...	...	337
Tribal Areas	...	...	212

جناب زمرہ حسین : ضمنی سوال ، کیا محترم وزیر صاحب یہ فرمائیں گے کہ فیڈرل سیکورٹی فورس کی کتنی تعداد بلوچستان میں کام کر رہی ہے ؟

Mr. Abdul Qaiyum Khan : I want notice of this question, Sir.

جناب زمرہ حسین : کیا وزیر صاحب یہ فرمائیں گے کہ بلوچستان کو جو فیڈرل سیکورٹی کی نمائندگی دی ہے ، تو اس سے مطمئن ہیں ؟

Mr. Abdul Qaiyum Khan : Sir, I am not satisfied with the representation of Baluchistan in the Federal Security Force. We want all the areas to be adequately represented. Reasons for under representation is that suitable men in sufficient numbers are not forthcoming from these two Provinces i.e. Sind and Baluchistan. A number of recruitment teams had been sent from time to time in the interior of these provinces but the people are not offering for induction in the force to the required number. Efforts are still continuing to maintain quota of the provinces laid down by the Federal Government.

حاجی سید حسین شاہ : کیا جناب والا ! فیڈرل سیکورٹی فورس کی بھرتی کے لئے بلوچستان میں کوئی سینیٹر ہے ؟

Mr. Abdul Qaiyum Khan : Sir, I have already stated I don't know, because the question has not been asked about it. I want notice on that. I have said that the recruiting teams have been sent repeatedly to those provinces and every human effort has been made to induce the people of those areas to come in but the response is not what we desire. Efforts as I have said are still continuing to main-

tain the quota at of the provinces. Honourable Members can help the Government by inducting the people to join the force in sufficient number.

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

Mr. Chairman : A notice is received regarding privilege motion.

The gist is as under:-

"I beg to raise a question of breach of privilege of the Senate, namely, Mr. Abdul Qaiyum Khan, the Minister for Interior on August 5, 1974, while replying to a privilege motion moved by Khawaja Mohammad Safdar, Senator, misstated the facts, and deliberately misinformed the Senate."

That was the gist read out by the mover.

Malik Mohammad Akhtar : Sir, I raised objections.....

Mr. Chairman : Objections that they will be taken up if the Minister concerned is present here.

Malik Mohammad Akhtar : That was the decision. I need not repeat my technical objections. They are already on record.

Mr. Chairman : Are you opposing it today or you leave it for the Minister concerned?

Mr. Abdul Qaiyum Khan : I don't know. I would like to know if Malik Sahib has raised any technical objections he can press them. Certain allegations have been made and I am quite prepared to reply.

Mr. Chairman : What actually happened was that he half-heardly raised some technical objections and then immediately he requested the Chair to defer it till your return from China because he said, "He is the Minister concerned and he will be in a better position to deal with this privilege motion." He didn't argue. He only mentioned technical objections and then immediately requested the House to defer.

Mr. Abdul Qaiyum Khan : I will answer. I don't want to take shelter behind the technical objections. I will answer the privilege motion.

Mr. Chairman : Now, you must have gone through the privilege motion and you can say what you want.

Khawaja Mohammad Safdar : Sir, at this stage when there is no technical objection Mr. J. A. Rahim should be allowed to make a short statement.

Mr. Chairman : To make a?

Khawaja Mohammad Safdar : Short statement.

Mr. Chairman : He will certainly make a short statement.

Mr. Chairman : What is your point Malik Akhtar? Are you on point of order?

Malik Mohammad Akhtar : No, Sir. I would like to bring to your kind

notice that I have not withdrawn my technical objections. They are there as yet.

Mr. Chairman: Who has suggested that you have withdrawn?

Malik Mohammad Akhtar : Khawaja Mohammad Safdar. He is probably saying that the technical objections are not being pressed. I say that they are there and they are being pressed yet some sort of clarification can be sought by any of the Members.

Mr. Chairman : Mr. J. A. Rahim, do you want to say something?

***Mr. J. A. Rahim:** Sir, you would recollect that from the very beginning I have said that I would raise this question of privilege or this question of statement made by the Honourable Minister in the House. Now the Minister of Interior has returned from China. There is a point that the statement was made by him in my absence. Technical objections were raised were peculiar, Sir. One of them was that it was simply subjudice because an FIR must have been filed with the police. There must be FIR I am not referring it, I am not disputing it but where it is that the word sub judice means the matter before the police. If it is so then policemen are judges, and it is my contention that you are converting Pakistan into a police state as it is corroborated by Mr. Wali Khan, otherwise I can assure you that we will never come to raise any motion in this House or the other House. You put cases in FIR and this is also followed in the case of Mr. Ahmed Raza Qasuri's father's assassination. This idea that the Parliament has no authority to discuss what happens in the country deprives the democracy of what is the only instrument it has of getting redress.

This is a fantastic state of affairs that the police can deprive the Parliament of the right to protect its citizens and protect the human rights of citizens. This Parliament is perfectly empowered to do so. Now, Sir, I have not proposed to bring the whole case before the Senate as if this was a court of law. But my contention is I was unheard indoctiquizi. A statement was made. I was given no opportunity to give my point. The facts are available but they were suppressed. All they want to do is to take my part of it. I do not imagine that the House can give any possible redress under such circumstances, and merely state what really happened. If you permit me, sir, I will state that, and then the honourable Minister can rely upon the police FIR as the gospel but at least my statement should be there. This is all I propose to do.

I will refresh my memory and I shall be very brief so that you need not think I am wasting the Senate's time, although the question of protection of human rights is the most essential right of parliament's duty. As Secretary General of the Party, it is I who drafted the articles about the human rights. I wanted much more. I thought the Party is nothing if it was unable to protect human rights. I maintain it today. The party has gone out of the track but that is not my fault.

Sardar Mohammad Aslam : Point of Order. Sir, The party's manifesto is not being discussed. It is only a motion of privilege. The party is not being discussed.

Mr. J. A. Rahim : I am not discussing the party. My point is only about human rights.

Mr. Chairman : You see, everybody knows what is the human right. To discuss the Party's manifesto will not be quite relevant for the purposes of discussion on this issue.

* Speech not corrected by the honourable Senator.

Mr. J. A. Rahim : I am not bringing party's manifesto as an argument. What I have said is that I have always stood for human rights and I still stand by it.

Sir, the facts very briefly stated are :

On the night of the 22nd to 23rd July, 1974, it may be a little before 1 a. m. my servant woke me up saying that there was a crowd of people before the house and some one at the door was demanding that it should be opened. Getting up immediately I went to the adjoining bedroom to alarm my son, telling him that there was a violent mob armed according to the servant attempting to get in. We could hear a lot of shouting and violent banging on the front door. I advised my son to arm himself with a shotgun and went back to my bedroom to get my revolver. I then went downstairs towards the front door and calling to the persons who were ponding it warned them not to enter the house as I was armed and would shoot. At that moment I thought that these persons were going to break down the door or force their way into the house in some other manner. In fact, some of the armed personnel actually climbed up the front balcony seeking an entrance from the first floor, as I learnt later.

Saeed Ahmad Khan, Chief of the Prime Minister's Security, who was at the head of that armed mob, answered that he had come to deliver a message from the Prime Minister. I told him that he could deliver the message from the door but he must not enter the house. I then ordered my bearer to open the door, that is the front door of the house 128F/6/1, and again told Saeed Ahmad to deliver the message but not to enter the House. I was standing inside about two yards from the doorway. As the door was opened, Saeed Ahmad Khan and several other persons came inside the house and Saeed Ahmad Khan immediately attacked me. He and one other person, may be two, were in plain clothes, the rest were in uniforms. I may mention that at no time was any message, even verbal delivered and no letter handed over to me. Fearing that the intention was to kill me, I fired two shots in the air in order to attract the attention of the neighbours. This was a means of preventing the assault going unnoticed. My son coming down the stairs saw me being attacked and what subsequently followed. Saeed Ahmed Khan hit me violently on the face and body and other persons also kept hitting me. I was hit by rifle butts besides being given blows with fists. I was thrown to the ground and was hit when prostrate. My son saw an uniformed man hitting me while I was lying on the ground and another holding a gun pointing at my chest. My son tried to intervene to protect me and was himself assaulted by FSF men. At this time I lost consciousness briefly. I was on the ground several yards away from the door-way. My servant too was attacked. One of the FSF men knocked him out. Saeed Ahmad Khan ordered his men to seize my son, who was overpowered after a struggle. My son tried to question the uniformed men as to what they were doing and who they were, but got no reply. Saeed Ahmad Khan now ordered his men to take us away. At this point my son tried to resist again having no idea where they were intending to take us and knowing they had no legal right to enter the house at night and take us away forcibly. I was not able to walk, hardly able to stand; a couple of men literally dragged me. His captors kept throttling my son every now and then. He had by this time lost his spectacles which were never recovered. I was put in one Jeep and my son in another. In either Jeep there were five FSF men. There was a black car waiting in front with a driver. Saeed Ahmad Khan and the other plain clothed men went in that car. My servant has reported that there were other Jeeps, besides the two in which we were taken, which were placed to surround the house. These are total of five jeeps. I could see as I was being taken away that there were an astonishing number of FSF men about the house. We were driven to the police station in Islamabad. We sat in the jeep for sometime and were then taken into a courtyard. We were separated. I was made to sit in a chair, but I was

in such a physical state that I could barely hold myself up. All the time I was bleeding from the injury to my nose, the left nostril having been ripped open. No medical attention was offered. We were in this state for almost a couple of hours until Mr. Rafi Raza arrived at the Police Station. We were then released and Mr. Rafi Raza took us to our house in his motor car. The time was shortly after 3.00 a. m. I was helped upstairs to my bedroom and into my bed. I seemed to keep losing consciousness. The telephone had been disconnected, so that Mr. Rafi Raza had to drive over to his own house to summon a doctor. Mr. Mushtaq was summoned and arrived. He said I was suffering from concussion, apart from other injuries, and feared that the cheek bone had been fractured by blows from a rifle butt. He, therefore, called the surgeon Dr. Shami, telephoning from Mr. Rafi Raza's house. The surgeon when he came surmised that the cheek bone had probably not been fractured but he was more concerned over the bleeding from the nose wound. He said that the nose would have to be attended to immediately and sent for an ambulance to take me to the Combined Military Hospital in Rawalpindi. It was about 6.00 a. m. when we left the house. Shortly after arrival at the hospital, I was taken to the operating theatre where an operation was performed on my nose under complete anaesthesia. After I recovered consciousness, I was taken to the room allotted to me. I was kept not only under medical care but police guard. Visitors were rudely turned out and only a few persons managed to pay me a visit. I am not giving you the name as I do not want them to be harassed. I insisted upon leaving hospital as early as possible and was discharged on the 5th July and came back to my residence.

I had to keep to bed for a week, as my injuries were painful and I found difficulty in standing and walking. On the 20th July I flew to Karachi.

Since it has been stated by the Minister for Interior that I was sent abroad at my own wish, I must relate the sequel, until I left for Europe with my son, to disprove this assertion. My contention is that I was under duress an additional charge and had little choice. I myself made no request to be sent abroad.

My arrival at Karachi Airport was marked by extraordinary police precautions. A police Cordon was drawn and truck loads of party workers who were coming to the airport to welcome me were stopped and turned back. To cut the story short, when I reached home I found the house surrounded by policemen and policemen in the garden of the house. That evening I sent for Dr. Nasir Shaikh of Hilal Hospital, which is not far away from my house. He was not allowed to enter the House. Next day a friend of mine tried to bring the doctor to my place, but both he and the doctor were stopped from entering. I was, however, allowed to go to Hilal Hospital, a whole van load of armed policemen following. The doctor removed the stitches from the nose wound. Until the day before I left the country no visitors except two Central Ministers were allowed into my house by the police. A number of distinguished callers were stopped from entering. My relatives were not allowed to visit me at home, not even my brother. It happened that Dr. Mubashir Hasan, then Minister of Finance, came to see me. He was allowed in. As he was leaving he saw my niece Begum Akhtatr Sulaiman, daughter of the late Mr. Suhrawardy, and her husband, standing at the gate. Even the Finance Minister was not able to persuade the police guards to allow them to enter the house. This sort of harassment continued until the day before I left for Europe. I was thus illegally kept under duress.

Mr. Chairman : Thank you. Yes, Mr. Abdul Qaiyum Khan.

Mr. Abdul Qaiyum Khan : Mr. Chairman; I am not at all happy that such an incident has taken place. Mr. J. A. Rahim was a very senior colleague of ours, and we were together for more than two years. I only intervene in this discussion because Mr. J. A. Rahim has stated that I made certain misstatements. It is with

a view to clear that position that I intervene in this discussion. I am glad that he has been afforded an opportunity to state his case in full. As far as the official version goes, I would like to first read the FIR because I was not present at the place where the occurrence took place, and whatever I said is based on this FIR and from what information I got from questioning the FSF Officer, who went with Mr. Saeed Ahmed Khan. Now, the FIR is No. 255, Police Station, Islamabad.

تاریخ وقت وقوعہ ساڑھے بارہ بجے ۳-۷-۷۴ ، تاریخ وقت رپورٹ سوا دو بجے رات ۳-۷-۷۴ بذریعہ تحریر جناب سعید احمد خان چیف سیکورٹی آفیسر جرم زیر دفعہ ۳۰۷ تعزیرات پاکستان کوٹھی رہائش مسٹر جے - اے رحیم جائے وقوعہ ---

Now, I will read it.

To

S. H. O.,
Islamabad.

Mr. J. A. Rahim, Minister for Production, Government of Pakistan, was dismissed by the Prime Minister for mis-conduct at about 11.30 hours on 2.7.1974, and I was directed to proceed to his residence at Islamabad and hand over the letter of dismissal to him. I took Mr. Ghulam Hussain Butt, Deputy Director, F. S. F. and reached Mr. J. A. Rahim's house at about 12.30 midnight, and asked the Guard Commander at his house to inform Mr. J. A. Rahim that I have come to deliver an important letter. He came down from upstairs with his grown-up son, opened the door with a pointed revolver at me and threatened to shoot. I told him that I had just come to deliver a letter to him from the Prime Minister. He, however, abused me and fired two shots at me from point blank distance. But I got aside and the two shots missed me. Thereupon Mr. Ghulam Hussain Butt pounced on Mr. J. A. Rahim and floored him. He let go two more shots and one of it hit the Guard Commander on his right thigh. The revolver was snatched from the hand of Mr. J. A. Rahim by Mr. Ghulam Hussain Butt. His son tried to get hold of the revolver but could not succeed. The revolver is of 22 bore, No..... such make and is six chambers with two and live four fired rounds. The sealed letter in question is handed over.

Mr. J. A. Rahim : No.

Mr. Abdul Qaiyum Khan : I am just reading the Report. I am not adding anything from me.

The sealed letter in question is handed over.

Sd/- Saeed Ahmad Khan.
CSO, PM

3.7.74
(1200 hrs.)
E(E/4)

تحریر مضمون بالا منجانب سعید احمد وغیرہ - ضرب ریوالور --- ساخت فلاں --- چار ضرب خول کارتوس - دو ضرب زندہ کارتوس ۲۲ بور - ایک عدد لفافہ سر بمہر جس پر مسٹر جے - اے رحیم - مسٹر آف پروڈکشن - اسلام آباد

ٹائپ ہے۔ بدست جناب غلام حسین بٹ ڈپٹی ڈائریکٹر۔ F.S.F. موصول ہوئی۔ جو مضمون تحریر سردست زیر جرم ۳۰۷ پائی جا کر رپورٹ ابتدائی لہذا بجرم مذکور مرتب ہوئی۔ ریوالور۔ خول کارتوس بذریعہ خود قبضہ پولیس میں لئے جا کر پارسل سر بمہر تیار کر کے۔ پس اب دیگر Formalities ہیں۔۔۔ بدست افسران نقول ہاء افسران ارسال۔

Now, there is a medical certificate about the Head Constable who was wounded.

“Central Government Polyclinic
Islamabad

...

Regarding Mohammad Ashraf, Head Constable.

The above-mentioned policeman was seen probably on 3. 7. 1974, in the early hours of the morning. Superficial bullet trail wound, right lower thigh.”

Now, this is the whole thing. Now, I questioned Mr. Ghulam Hussain Butt and this is what I got from him. His version is that he went along with Mr. Saeed Ahmad Khan. Both of them were in civil clothes and unarmed.

They knocked at the door and informed that they wanted to present a letter, and then they went in and this incident happened. Mr. Ghulam Hussain Butt told me that after Mr. J. A. Rahim had fired two shots— Mr. Ghulam Hussain Butt is a very hafty strong man— he grappled with him, floored him and hit him. He did hit him. There is no doubt about it and in this struggle Mr. J. A. Rahim received injuries after the two shots had been fired. He also told me that no FSF men had entered the compound. There were only those people who were on duty, the policeman or the policemen who are on duty as usual at the residences of the Ministers. But outside at a distance of 100 paces there were some FSF men whom Mr. J. A. Rahim saw when he was taken to the Police Station.

Now, Sir, that being the case, there is no question of any mistatement on my part. Why should I make a misstatement. The main gravamen of the charge is that some portions from the speech of the Interior Minister have been quoted and disputed by the mover in his motion. I quote from his privilege motion :—

“The Federal Security men did in fact enter my house fully armed, some of them even jumped on to the balcony to enter my bedroom and that the Federal Security men did beat me with rifle butts.”

Now, this is the version of Mr. J. A. Rahim which the House has heard. But the version given in the F. I. R. I have repeated and in that version they have denied that they used any rifle butts. It is stated that after the two shots had been fired by Mr. J. A. Rahim from point blank range then Mr. Ghulam Hussain Butt pounced at him and floored him to the ground. Unfortunately, at that time Mr. J. A. Rahim might have received injuries to his nose which is very unfortunate. Therefore, this is the official statement.

It is stated in the privilege motion that the Interior Minister misstated the facts and deliberately misinformed the Senate. Now, this question was raised in an earlier motion moved by Khawaja Mohammad Safdar Sahib and, there-

fore, I had to answer it. There is no question of deliberate misstatement. I was not present there. I have got the F. I. R., I have got the Medical Certificate and I have questioned the officers and this is their version which I have stated. I have not added anything and, therefore, the allegation that I had misinformed the House, is incorrect. I had no motives to misinform the House. I had no reason for this. I entertain great respect for Mr. J. A. Rahim. I may add it for the information of the House that Mr. J. A. Rahim was a very honoured and senior most Member of this Government and this Government is being villified. This Government is being called a police state. This Government is being given all sorts of uncharitable titles. But the fact remains that the Government version is, which I am bound to state, that Mr. J. A. Rahim's request he and his son, by this Government were sent abroad and given first class tickets to and back from Europe.

Mr. J. A. Rahim : Point of order, Sir.

Mr. Chairman: Mr. Qaiyum, you have to give way when he is on a point of order. He is not interrupting you. He is on a point of order.

Mr. J. A. Rahim : Sir, I have not disclosed confidences that went on between me and the intermediaries. I don't want to do that. But if he takes this attitude, then he will force me to do that. Please don't let him do it. I was also a Minister but why were the people prevented from coming to my house in Karachi? This is completely illegal.

Mr. Chairman : There is no occasion for entering into an unpleasant controversy over this issue. He was only making a statement.

Mr. J. A. Rahim : The point he is making "that I wanted" is not true. Let him not specify it.

Mr. Chairman : You cannot interrupt like this. You have stated your point of order. I have listened to you and the House knows it.

It would not be quite relevant.

Mr. Abdul Qaiyum Khan : I have got instructions. I am just stating the fact. Mr. J. A. Rahim has got his version that he never asked the Government to send him abroad. The House has heard it and, therefore, I have to reply to the point. If I am denied the right to reply, I am helpless.

Mr. Chairman : What did he say ?

Mr. Abdul Qaiyum Khan : He said that he had never asked the Government that he should be sent to Europe, although I say that the Government was humane enough to send him and his son to Europe, pay for their first-class tickets and first-class residential accommodation in hotel. After they stayed there for three months they have come back, and we are very happy that he is in a much better health. That is all.

Mr. Chairman : That is alright.

Mr. Abdul Qaiyum Khan : I am sorry that this debate has cropped up and this unfortunate incident has happened. I have reason to explain my position that I had not made any misstatement. What I have stated is based on the official facts supplied to me. I was not an eye-witness to the occurrence. There are two versions. The version of Mr. J. A. Rahim and the official version. I have stated the official version. I have not made any misstatement deliberately or otherwise,

and I have not misinformed the House. Far be it from me to misinform the House and misstate the facts. I wish Khawaja Mohammad Safdar had waited for the return of Mr. J. A. Rahim to raise this point because in his absence when the whole thing was taken up I stated these facts. I have stated these facts again.

خواجہ محمد صفدر : جناب والا ! میں بھی ایک گزارش کرنا چاہتا

ہوں ۔

Mr. Chairman : Will it be necessary?

خواجہ محمد صفدر : میرا بھی ذکر آ گیا ہے ۔ اس لئے میں بھی کچھ

عرض کرنا چاہتا ہوں ۔

جناب چیرمین : آپ کی بابت تو کچھ نہیں کہا۔ اگر آپ کا نام انہوں

نے بھول کر لیا ہے تو اور بات ہے ۔ آپ کے برخلاف انہوں نے کچھ کہا تو نہیں ۔

خواجہ محمد صفدر : اسی کے متعلق تو عرض کرنا نہیں ہوتا ۔ اور باتیں

بھی عرض کرنے والی ہوتی ہیں ۔

جناب چیرمین : انہوں نے تو میرا خیال ہے کہ وہ ایڈجرنمنٹ موشن۔

پرویلج موشن بولی ہے اور تو کچھ نہیں کہا ۔ یہ تو فیکٹس ہیں ۔ آپ پر تو تبصرہ نہیں کیا ۔

خواجہ محمد صفدر : حکومت نے انسانی ہمدردی کے پیش نظر ہمارے

محترم بزرگ سینیٹر مسٹر جے ۔ اے رحیم کو پاکستان سے باہر بھیجا یہ ساری باتیں یہاں اس ہاؤس کے سامنے پیش ہونی چاہئیں ۔

جناب چیرمین : اسکی ضرورت نہیں ہے ۔ میرے خیال میں جہاں تک

انہوں نے فرمایا ہے اسکا جواب دے دیا گیا ہے ۔

I don't think it is necessary to go into the details.

جناب عبد القیوم خان : ان کو آرام کیسے آئے گا جب تک یہ لطف

اندوز نہ ہوں ؟ خواجہ صاحب تو ایسے موقع کی تلاش میں رہتے ہیں ۔ اللہ دے خواجہ صاحب کو موقع !

Mr. Chairman: I don't think that this is a matter which should be debated.

خواجہ محمد صفدر : محترم وزیر داخلہ مجھے بات نہیں کرنے دیں گے ۔

جناب چیرمین : دیکھئے ناں میں عرض کردونگا ۔

خواجہ محمد صفدر : حقیقت یہ ہے کہ اس واقعے سے مجھے انتہائی رنج

ہے ۔

جناب چیرمین : کس کو رنج نہیں ہے ۔ محترم وزیر داخلہ صاحب ، ان

کو بھی رنج ہے ۔

خواجہ محمد صفدر : میں جناب والا ! یہ تجویز پیش کرونگا کہ اس تحریک کو پر ویلیج کمیٹی کے سپرد کر دیا جائے تاکہ اس کی چھان پھٹک ہو جائے ۔ جو کچھ محترم وزیر داخلہ صاحب نے ارشاد فرمایا ہے ۔ اس کے متعلق مجھے کوئی شک نہیں ہے کہ وہ درست ہوگا کیونکہ محترم وزیر داخلہ صاحب وہ بات کر رہے ہیں جو ان کے ماتحتوں نے انہوں بتائی ہے ۔ ظاہر ہے کہ جن لوگوں نے کوئی جرم کیا ہوگا انہوں نے اپنے بچاؤ کے لیے کوئی کہانی گھڑ لی ہوگی ۔ ان کے بیانات حرف آخر نہیں ہو سکتے ۔ ہمیں محترم جے اے رحیم صاحب کے بیان کو مدنظر رکھتے ہوئے ان پر یقین کرنا چاہیئے ۔ اس لئے میں درخواست کرونگا کہ اس تحریک استحقاق کو پر ویلیج کمیٹی کے سپرد کر دیا جائے ۔ وہ کمیٹی اسکی چھان پھٹک کر لیگی ، بند کمرے میں کوئی سنے گا بھی نہیں ۔ پھر کمیٹی کی رپورٹ آپ کے سامنے آجائیگی ۔

Malik Mohammad Akhtar: Sir, I would like to answer some of the points raised by the honourable Khawaja Sahib.

جناب شہزاد گل : جناب والا ! میں بھی تھوڑی سی گزارش کرنا چاہتا ہوں پھر وہ مشترکہ طور پر جواب دے دیں گے ۔

Mr. Chairman: Mr. Shahzad Gul, I have given the floor to Malik Mohammad Akhtar because he stood earlier.

Malik Mohammad Akhtar: As a matter of fact there are two statements before the House. The controversy would have been resolved after the statement of Mr. Abdul Qaiyum Khan and the statement of the honourable Senator.

Now, the honourable Member from the Opposition has suggested a way which I have got up to oppose. Sir, in case when there are two statements by two Honourable Members, one from the Honourable Senator and the other from the Member who happens to be the Honourable Minister, a question arose, Sir. Even allow me to quote ruling or more than one ruling.

Mr. Chairman : But you can give the gist of the ruling to the House, you see.

Malik Mohammad Akhtar : Sir, I will now give only two or three lines out of this lengthy ruling. "The sum and substance of the whole thing that if the sides stick to their own position, then it would not be a matter which can be held amounting to a breach of privilege but perhaps a case of honest difference of opinion. As such I held the privilege motion out of order". It was ruling No. 111 (1962-65).

Mr. Chairman : Where is the question of honest difference of opinion? It is not a difference of opinion, it is difference of facts.

Malik Mohammad Akhtar : Sir, then on one side the Honourable Minister has stated some facts and he is equipped with certain documents and probably

FIR and something other. He has mentioned and has referred to the official file, on the other hand the honourable Senator has stated certain facts and I don't want to be so strict that I should say that he has not produced those documents, I only want to restrict to this part of it, Sir, that two statements have been made in the House one by the Honourable Senator and the other by the honourable Minister and both are sticking to their sides. So, Sir, as such I consider that there is no breach of privilege and the matter can't be referred to a privilege committee.

Malik Mohammad Akhtar : Sir, I would like to answer some of the points raised by the honourable Khawaja Sahib.

Mr. Chairman : Mr. Shahzad Gul, I have given the floor to Malik Mohd Akhtar because he stood earlier.

Malik Mohammad Akhtar : As a matter of fact, there are two statements before the House. The controversy would have been resolved after the statement of Mr. Abdul Qaiyum Khan and the statement of the honourable Senator.

مفتی ظفر علی نعمانی : پوائنٹ آف آرڈر - جناب ! ملک محمد اختر صاحب اس معزز ایوان کے پارلیمانی آدمی ہیں۔ اس وقت ایوان میں دو باتیں کی گئی ہیں۔ ایک طرف تو یہ کہا گیا ہے کہ ---

جناب چیئرمین : یہ پوائنٹ آف آرڈر تو نہیں۔ پوائنٹ آف آرڈر اس وقت ہوتا ہے جب کسی نے خلاف ضابطہ بات کہی ہو۔

مفتی ظفر علی نعمانی : انہوں نے خلاف ضابطہ یہ بات کہی ہے کہ ایک طرف ایک معزز سنیٹر کا بیان ہے اور دوسری طرف وزیر داخلہ کا بیان ہے۔ جناب چیئرمین : نعمانی صاحب ! آپ تو بڑے پارلیمانی آدمی ہیں۔

مفتی ظفر علی نعمانی : وزیر داخلہ خود کہہ رہے ہیں کہ ان کا اپنا کوئی بیان نہیں اور انہوں نے جو کچھ کہا ہے پولیس کی F.I.R. کے مطابق کہا ہے۔

جناب چیئرمین : آپ کہنا کیا چاہتے ہیں ؟ آپ میری بات سنیں۔

مفتی ظفر علی نعمانی : جناب میں ایک حقیقت بیان کرنی چاہتا ہوں۔

جناب چیئرمین : اگر آپ میری بات نہیں مانتے تو ---

مفتی ظفر علی نعمانی : جناب ! مجھے بتائیں کہ میں کیا کہوں۔

جناب چیئرمین : آپ بیٹھ جائیں۔ مسٹر شہزاد گل !

جناب شہزاد گل : جناب والا ! خواجہ صاحب نے جو تجویز پیش کی

ہے کہ یہ مسئلہ مجلس امتحانات کے سپرد کر دیا جائے ---

جناب چیئرمین : مسٹر شہزاد گل ! آپ وکیل ہیں۔ آپ کو معلوم ہے۔

Don't repeat their arguments.

جناب شہزاد گل : جناب والا ! انہوں نے ایک بات کی ہے اور ---

There is no resolution and no motion.

He has only made a suggestion and that doesn't require your support.

جناب والا ! اگر آپ مجھے کچھ کہنے دیں تو میں بات ایوان کے سامنے لے آؤنگا۔ بات یہ ہے کہ ایک مسئلہ بالکل خفیہ رہ گیا ہے مسٹر جے۔ اے رحیم نے یہ الزام لگایا ہے کہ ---

Mr. Chairman: Mr. Shahzad Gul, Don't repeat their arguments. Everybody has heard what Mr. J. A. Rahim has said and what the Minister concerned has said.

جناب شہزاد گل : انہوں نے ایک بات کہی ہے کہ انہیں ہٹ سے مارا گیا ہے اور قیوم خان صاحب نے پولیس کی میڈیکو لیگل رپورٹ ---

Malik Mohammad Akhtar: Point of order, Sir. I will have to interrupt him. He is unnecessarily trying to generate heat.

Mr. Chairman : There is no use of repeating arguments.

جناب شہزاد گل : جناب ! میں repeat کی بات نہیں کرتا قیوم خان صاحب نے صرف پولیس کی میڈیکو لیگل رپورٹ پیش کی ہے۔

Malik Mohammad Akhtar: Then I want to be on point of order.

You must concede the floor to me.

Mr. Chairman: Please resume your seat. There is a point of order.

Malik Mohammad Akhtar: Sir, we are not concerned with what happened in the past. At present, we are concerned with it that if you take up the privilege motion; I beg to raise a question of breach of privilege of the Senate namely, Mr. Abdul Qaiyum Khan, the Interior Minister on 5th".....

Mr. Chairman : What is your point?

Malik Mohammad Akhtar: Sir, while replying to privilege motion moved by Khawaja Mohammad Safdar "misstated the facts and deliberately misinformed the Senate." We are concerned with that point of view.

Mr. Chairman : We have now had enough discussion.

جناب شہزاد گل : انہوں نے مسٹر جے۔ اے۔ رحیم کے زخموں کے متعلق کوئی رپورٹ پیش کی ہے اور۔

as an accused person, at least he must have made a statement.

جناب چیئرمین : آپ جتنا اس بات کو اچھا لیں گے اتنی ہی ان کے

زخموں پر نمک پاشی کریں گے۔

جناب شہزاد گل : جناب ! اگر یہ مسئلہ مجلس استحقاقات میں نہیں جائے گا تو اس کا فیصلہ نہیں ہوسکے گا۔ میں یہ عرض کر رہا تھا کہ پولیس نے ان کے زخموں کے متعلق میڈیکولیکل رپورٹ پیش نہیں کی۔

سردار محمد اسلم : پوائنٹ آف آرڈر۔ جناب والا ! ابھی تک تو Chair کی طرف سے یہ فیصلہ بھی نہیں ہوا کہ یہ تحریک باضابطہ ہے۔ اگر یہ باضابطہ قرار دے دی جائے تب اس پر بحث ہو سکتی ہے۔

Mr. Chairman : That is quite clear. I think we had enough discussion.

خواجہ محمد صفدر : میں آپ کی توجہ قاعدہ نمبر ۶۲ کی طرف دلانا چاہتا ہوں۔ یہ ایوان خود بھی اس تحریک استحقاق کے متعلق فیصلہ کر سکتا ہے۔

Mr. Qamaruz Zaman : Then we all have to make speeches.

Mr. Chairman : Mr. Qamaruz Zaman let us hear him.

انہیں اتنی تو اجازت دیں کہ وہ کہتے کیا ہیں ؟
خواجہ محمد صفدر : میں نے قاعدہ نمبر ۶۲ کا حوالہ دیا ہے۔

“If the Chairman holds the motion to be in order the Senate may consider and decide a question of privilege or may, on a motion either by the member who raised the question or by any other member, refer it for report to the Committee on Rules of Procedure and Privileges.”

Mr. Chairman : After it is held in order.

Khawaja Mohammad Safdar : I understood something else.

Mr. Chairman : Now, we have heard everybody. I will give my ruling tomorrow. I reserve it.

Mr. J. A. Rahim : As the honourable Chairman knows, I am leaving for Karachi tomorrow. My health is not good, and I want to go back for that reason.

Mr. Chairman : What do you want me to do now?

Mr. J. A. Rahim : You want to give a ruling on this.

Mr. Chairman : Now, I say I reserve it, and I will give my ruling tomorrow. Do you want me to give it just now?

Mr. J. A. Rahim : No. It is alright. I will not be attending the Session.

Mr. Chairman : I have no objection.

Mr. J. A. Rahim : The other reason is that I want to take rest in Karachi.

Mr. Chairman : That I know.

Mr. J. A. Rahim : But I want to give you information.

Mr. Chairman : If you want me to give ruling just now, I can give just now. It is upto you. I can reserve it or deliver it tomorrow, as you please.

Mr. J. A. Rahim : It is alright, but the ruling be considered ruling.

Mr. Chairman : What is his suggestion?

Khawaja Mohammad Safdar : Sir, he wants you to give your ruling after due consideration tomorrow.

Mr. Chairman : Otherwise if he wants I will give it just now. All right. I will give my ruling tomorrow. Reserved. There is another privilege motion tabled just this morning on 4th at 11.05.

میر نبی بخش زہری : جناب والا ! یہ مسئلہ جو اس وقت زیر بحث ہے اور جس کے متعلق جناب نے ابھی یہ فرمایا ہے کہ آپ کل رولنگ دیں گے۔ مجھے موقع دیجئے کہ میں بھی اس کے متعلق کچھ عرض کر دوں چونکہ یہ بڑا اہم مسئلہ ہے اور ایک معزز سنیٹر سے متعلق ہے۔ دوسری طرف پولیس والوں کا بیان ہے۔ قطع نظر ہمارے ذاتی اور سیاسی نظریات کے مسٹر جے۔ اے۔ رحیم ایک معزز سنیٹر ہیں ایک معزز ممبر ہیں۔ ہم نے جو خبریں مختلف اخبارات میں پڑھی ہیں ان سے ظاہر ہے۔۔۔

جناب چیئرمین : مسٹر زہری یہ معاملہ تو ختم ہو گیا جب میں نے کہہ دیا کہ میں نے سب کو سن لیا جن کا سننا ضروری تھا اور میں نے ان کو یہ بھی کہا کہ اگر آپ ابھی رولنگ چاہتے ہیں تو میں ابھی دے دیتا ہوں نہیں تو کل دے دوں گا۔ تو انہوں نے کہا کہ نہیں کل دے دیں تو پھر اس کے بعد اس پر تبصرہ کرنا تو ضیع اوقات ہوگا۔

میر نبی بخش زہری : مگر آپ نے مجھے خود فرمایا ہے کہ آپ کچھ کہنا چاہتے ہیں۔

جناب چیئرمین : میں نے کہا کہ آپ کیا کہنا چاہتے ہیں؟

میر نبی بخش زہری : میں کچھ کہنا چاہتا ہوں بحث نہیں کروں گا۔

جناب چیئرمین : آپ اس مسئلے پر اور کچھ نہیں کہہ سکتے۔

میر نبی بخش زہری : میں کچھ کہنا چاہتا ہوں بحث نہیں کروں گا۔

جناب چیئرمین : اس معاملے پر آپ کچھ نہیں کہہ سکتے۔ یہ تو ختم

ہو گیا ہے۔

میر نبی بخش زہری : جناب چیرمین ! سینٹ میں ہم اپنے حقوق کے متعلق اگر کچھ نہیں کہہ سکتے تو ہم کہاں جائیں ؟
 جناب چیرمین : آپ پریولج موشن لائیے ۔

میر نبی بخش زہری : پریولج موشن پیش کر سکتا ہوں ؟

جناب چیرمین : آپ پریولج موشن پیش کر سکتے ہیں ۔ آپ کو حق ہے ۔ اگر میرے فیصلے کے بعد آپ بولنا چاہتے ہیں اور اس مسئلے کو reopen کرنا چاہتے ہیں اور میں نے کہہ دیا کہ نہیں آپ اس مسئلے پر بحث نہیں کر سکتے تو اگر آپ محسوس کرتے ہیں کہ آپ کا breach of Privilege ہو گیا ہے تو آپ تحریک استحقاق پیش کر سکتے ہیں ۔

There is another privilege motion given notice of at about 11.05 am today. This is by Mr. Zamurrad Hussain. Yes.

PRIVILEGE MOTION RE: TREATMENT METED OUT BY POLICE TO A SENATOR.

Mr. Zamurrad Hussain : Sir, I beg to raise a questton involving breach of privilege of the Senators, namely, Senator Abdu Wahid Kurd was kept for 18 days in police lock-up in Cantonment Police Station, Quetta. He was not provided with any *charpai*. So, he was forced to sleep on the floor of the police lock-up during all this period. What to speak of heating facilities, he was not permitted to have heater or such like things from his own house. In this way the Senator spent 18 days in below the freezingtemperature of Quetta. During this period police took him to torture cel while his eyes were covered by a black *patti*. The Senator was compelled to sit at the back plank of the truck in a very insulting way. Torture cell was decorated with torture instruments. The officer on duty pointed towards the torture instruments and said "This is a notice; next time you will receive electric shocks also." After 18 days Senator Abdul Wahid Kurd was removed to Quetta District Jail where the undersigned interviewed him and got the above information.

Malik Mohammad Akhtar : It is opposed, Sir. But we will like to answer ascertaining the facts although it is a provincial matter. It may be deferred.

Mr. Chairman : If it is a provincial matter why should it be raised ?

Malik Mohammad Akhtar : Sir, it is a question relating to a Senator. We want to be very careful. We will like to have a complete report and then make a statement before the House in respect of the facts as well as technical grounds. So I would request that it may be deferred for the time being.

Mr. Chairman : You know that every privilege motion so far has been related to a member of the House.

Malik Mohammad Akhtar : Sir, we have been answering after due time was given and after considering the facts of the case.

Mr. Abdu Qaiyum Khan : I just want to ask one question from the honour-able mover. Is it a fact.....

Mr. Chairman : What is this procedure I want to know for my own information? When he moves a privilege motion you give him notice for questions?

Mr. Abdu/ Qaiyum Khan : No, Sir, I think this Senator has been convicted by court.

Voices : No. No.

Mr. Chairman : No. No. The case is still pending. As a matter of fact, this is just by the way. I am not going to express my opinion on the merits of the privilege motion but this is just by the way. Mr. Malik Akhtar and Mr. Minister for Home Affairs you know if you are so solicitous about the rights and privileges of the Senators, what they want you to do is this that a Member of this august House should not be treated in the manner just given out in this privilege motion to the House that he had been given 'C' class, he had been compelled to sleep on the floor, he was not allowed a heater or other necessary facilities in this cold season. He was blindfolded, taken in a very insulting and humiliating manner somewhere and was maltreated. There are so many things. What they actually want is an assurance from the spokesman of the Government that the Senator should be treated with consideration and with courtesy.

Khawaja Mohammad Safdar : He may be treated like ordinary human beings, Sir.

Mr. Chairman : Even ordinary human beings are not compelled to sleep on the floor without *Charpai*. Even our servants are using *Charpais*. We do not allow our servants to sleep on the floor in this cold season. This is exactly what they want. I have no objection to the postponement of the consideration of this privilege motion but this is what they want. You said that after all it is a question of the rights and privileges of the Senator and we must be very careful. We must collect correct information. This is all right. But what they want is this that after all you should be considerate, due courtesy should be shown to a Senator, due facilities should be given to him, due amenities should be provided to him and normally you do not equate a Member of Parliament to an ordinary criminal. Mind that 'A, B, C' — there are three classes only. Even to a murderer or to a dacoit you do not give 'D' Class because there is only 'C' class and if you give 'C' class to Members of Parliament also, you equate him with ordinary criminal. Naturally you will have so many privilege motions on this subject repeatedly. So they want an assurance, it does not cost you anything to say. "All right, we will see that honourable Members of this august House or for that matter Members of of another House — National Assembly — are not treated in this way and they will be shown due courtesy, facilities will be provided, amenities will be given." This is what they are driving at. They want an assurance from you, and the moment you give this assurance — and you should feel no difficulty in giving this assurance — I do not think they are going to press this privilege motion. Otherwise on technical grounds or technical objection it would not take half a minute to dispose.

Malik Mohammad Akhtar : I do not want to dispose it of on technical grounds nor I deny these privileges which must be given to the Senator but my difficulty is that I am not prepared to accept the facts stated by the honourable Senator. As a matter of fact, if the facts prove to be true we will surely punish the concerned quarters but if the facts are incorrect, I cannot make a statement in this House and accept what has been stated.

Mr. Chairman : Malik Mohammad Akhtar, mind that if the facts are in

correct, in other words he was not put in 'C' class, not made to sleep on the floor and was classified as 'A' class, there would have been no complaint. They do not complain on 'A' class or 'B' class having been given to a Senator.

Malik Mohammad Akhtar : Sir, I will take due care of the observations of the Chair but kindly do give me three or four days to get the information.

Mr. Chairman : Yes, I give you time but collect correct facts.

Malik Mohammad Akhtar : I am prepared to discuss in your presence with these gentlemen.

Mr. Chairman : You are in a much better position than myself to realize the pulse of the House.....

Malik Mohammad Akhtar : : Yes, I do.

Mr. Chairman :and to appreciate their sentiments on this sensitive issue when a Member of this august House is maltreated. I do not think what he has stated is correct cent per cent but if a member of this House is treated in the manner as alleged, whether that Member belongs to Treasury Benches or the opposition, everybody reacts in the same manner. This is not a question of the member of the opposition or Treasury Benches. It is a question of a Member of this august House. They have all got equal rights, equal privileges. There is no difference between this side or that side. You realize this and you also, I think, are quite capable of understanding and appreciating their sentiments and their feelings on this subject. So you have requested me to postpone it?

Malik Mohammad Akhtar : Yes, Sir, to satisfy myself and to take necessary action in the matter.

Mr. Chairman : And I will request you on behalf of the House to make these people understand that the House is very unhappy if the facts turn out to be correct and they are treated in this manner.

خواجہ محمد صفدر : مشکل یہ ہے کہ محترم وزیر مملکت صاحب نے ان
ہی سے پوچھا ہے جن کے خلاف ہمارا الزام ہے ۔

Mr. Chairman : So, Mr. Zamurrud Hussain, I think you should agree to the postponement.

Mr. Zamurrud Hussain : Yes, sir, I agree.

Mr. Chairman : All right . So, when you will be in a position to take it up?

Malik Mohammad Akhtar : Sir, at least seven days. Previously, I wanted three days and the reply came in 10 days, and I had a complete reply.

Mr. Chairman : What inference you draw from this delay in sending you reply?

Malik Mohammad Akhtar : Sir, they send telegraphic replies but I would like to have

Mr. Chairman : Telegraphic reply should not take ten days.

Malik Mohammad Akhtar : No, sir. But I would like to have their signatures and I got that in the other privilege motion. That record is available for one or two Members of the House to see.

Mr. Chairman : You require one week or ten days ?

Malik Mohammad Akhtar : One week, sir.

Mr. Chairman : All right. If you want one week I will give you ten days if they ask for 'B' Class you should accord 'A' Class to them. Do you like that? Be large hearted enough.

Malik Mohammad Akhtar : All right, sir.

Mr. Mohammad Hashim Ghilzai : Sir, we don't want that. We want legal treatment.

Mr. Chairman : All right. This privilege motion stands deferred to Saturday, 14.12.1974.

Malik Mohammad Akhtar : Thank you, sir.

Adjournment motion No. 35, sir. This motion was read in the House and I have got the information. The matter is sub judice. The Deputy Secretary, Home Department, Government of the Punjab

Mr. Chairman : No, no. Let me refresh my memory. What is this adjournment motion about?

Malik Mohammad Akhtar : All right, sir.

Mr. Chairman : Oh! I see. It is about the arrest of Air Marshal (Retd) Asghar Khan. Yes.

ADJOURNMENT MOTION RE: AIR MARSHAL (RTD) ASGHAR KHAN NOT ALLOWED BY FSF AND POLICE TO PROCEED BEYOND DAIRA DIN PANAH.

Malik Mohammad Akhtar : Sir, firstly, I will raise technical objection and then I will deny the facts. Sir, if the alleged incident occurred, it is a provincial matter. Secondly, the matter is sub judice in a lower court as well as

Mr. Chairman : Sorry to repeat my earlier observations. You are putting cart before the horse. Firstly, you tell me whether he has been arrested or detained, and if so whether it is provincial Government.

Malik Mohammad Akhtar : Sir, I tell you as you ordered. The Deputy Secretary, Home Department, Government of the Punjab, who was contacted on telephone has informed that a complaint has been filed by Mr. Muzaffar Hussain Shah, Vice President of Tehrik-e-Istiqlal, Muzaffargarh, in the Court of District Magistrate, Muzaffargarh, under Section 342, 362, 365, 357, 148 and 149 PPC against Assistant Commissioner, Liya, Resident Magistrate, Kot Udu and Deputy Superintendent of Police. The District Magistrate, Muzaffargarh, has fixed 11.12.1974 as the date for the hearing. Secondly, if you look at today's newspapers. This is "Jang", Rawalpindi. They have gone further.

لاہور، ۳ دسمبر (تمائندہ جنگ) - تحریک استقلال کے سربراہ (رہنما) (رہنما)

ایر مارشل محمد اصغر خان کی مبینہ نظر بندی کے سلسلے میں دائر کردہ جس بے جکی درخواست آج جب لاہور ہائیکورٹ میں پیش ہوئی تو اسسٹنٹ ایڈوکیٹ جنرل، میا۔ عبدالستار نجم نے عدالت عالیہ کو بتایا کہ (ریٹائرڈ) ایر مارشل اصغر خان کو نہ تو نظر بند کیا گیا ہے اور نہ ہی انہیں گرفتار کیا گیا ہے۔ انہوں نے مزید بتایا کہ مجھے صوبائی ہوم سیکریٹری نے اطلاع دی ہے کہ حکومت پنجاب نے تحریک استقلال کے سربراہ کی گرفتاری یا نظر بندی کا کوئی حکم جاری نہیں کیا اور اصغر خان کو آخری بار ایٹ آباد میں دیکھا گیا ہے۔ یہ درخواست تحریک استقلال کے سینئر نائب صدر اعلیٰ نے دائر کی ہے۔ ان کے وکیل مسٹر ایم انور نے کہا کہ اسسٹنٹ ایڈوکیٹ جنرل نے جو بیان دیا ہے اس کی تصدیق کے لئے سماعت ملتوی کر دی جائے۔ چنانچہ اب کل پھر اس درخواست پر غور ہوگا۔

So, sir, the matter is already before two courts, before the High Court and then before a.....

Mr. Chairman : So, the long and short of your objection seems to be, (1) the allegations are not correct. He has been neither arrested nor detained. That is what you say; (2) that the matter is sub judice;

Malik Mohammad Akhtar : And number 3, sir even if anything would have happened

Mr. Chairman : it is a provincial subject. But when you say nothing has happened.

Malik Mohammad Akhtar : I have denied the facts, sir.

Mr. Chairman : So, Khawaja Sahib :

Mr. Abdul Qaiyum Khan : Sir, may I add one thing more. I read in two newspapers, "Sun" and "Dawn" of Karachi, that the Deputy Leader of the Movement has filed writ petitions about this very matter in the High Court.

Khawaja Mohammad Safdar : Let me explain, sir.

Mr. Chairman : No, you understand what he has said : That he been neither arrested nor detained. In other words, the allegations in the adjournment motion have been completely denied, categorically denied. This is number one, and number two is, that the matter is sub - judice on a complaint by some leader of the Tehrik-e-Istiqal.

خواجہ محمد صفدر : جناب والا ! وزیر مملکت برائے پارلیمانی امور اگر میری تحریک التوا کے الفاظ کو سامنے رکھ لیتے تو شاید انہیں پہلا اعتراض اٹھانے کی زحمت گوارا نہ کرنی پڑتی ۔ میں نے یہ کہیں نہیں لکھا کہ انہیں گرفتار کیا گیا ہے ۔ میں نے جناب والا ! یہ کہیں نہیں لکھا ہے کہ ایر مارشل صاحب کو نظر بند کیا گیا ہے ۔ یہ الفاظ میں نے بالکل نہیں لکھے

بلکہ یوں کہہ لیجئے کہ میں نے یہ الفاظ دانستہ طور پر نہیں لکھے۔ کیونکہ ایسا واقعہ نہیں ہوا ہے۔ جو واقعہ ہوا ہے میں نے اسی طرح اس تحریک التوا میں درج کر دیا ہے میں اسے دہرائے دیتا ہوں۔

جناب والا! دائرہ دیں پناہ کے مقام پر جب کہ (ریٹائرڈ) ایئر مارشل اصغر خان اور ان کے ساتھی ڈیرہ غازی خان کی طرف لیہ کی جانب سے جا رہے تھے یعنی لیہ سے آ رہے تھے اور ڈیرہ غازی خان کی طرف جا رہے تھے، تو دائرہ دیں پناہ راستے میں ایک گاؤں آتا ہے۔ اس جگہ پر پولیس کھڑی تھی۔ انہوں نے ان کو آگے نہیں جانے دیا۔ وہ آگے جانا چاہتے تھے اور پولیس والے انہیں آگے نہیں جانے دیتے تھے انہوں نے کہا کہ ہم آگے جائیں گے۔ پولیس والوں نے کہا کہ ہم آگے نہیں جانے دیں گے یہ واقعہ ۱۰ بجے صبح کا ہے۔ اسی تکرار میں رات کے ۱۲ بج گئے۔ (ریٹائرڈ) ایر مارشل اصغر خان نے کہا کہ اگر آپ ہمیں آگے جانے سے روکتے ہیں تو ہم ملتان جاتے ہیں، مظفر گڑھ جاتے ہیں یا لیہ واپس چلے جاتے ہیں تو ان کو پولیس اور ایف ایف ایف والوں نے کہا کہ آپ کو کہیں نہیں جانے دیں گے۔ جہاں ہماری مرضی ہوگی وہاں آپ کو بھی لے جائیں گے۔ رات بارہ بجے (ریٹائرڈ) ایر مارشل اصغر خان کو وہاں سے اٹھایا گیا اور انہیں کہا گیا کہ حکومت کی جانب سے ہمیں آرڈر ہیں کہ ہم آپ کو جہاں ہم چاہیں، اٹھا کر لے جائیں پھر وہاں سے ایر مارشل صاحب اور ان کے ساتھیوں کو زبردستی اٹھایا اور ٹرک میں ڈال کر لے جایا گیا۔

جناب چیرمین : آپ نے یہ اپنی تحریک التوا میں کہا ہے ؟
خواجہ محمد صفدر : نہیں نہیں، میں تو آپ کو پورے واقعات بتا رہا ہوں۔

جناب چیرمین : ایک طرف آپ کہتے ہیں کہ میں نے نہیں کہا اور ان کا یہ اعتراض غلط ہے کیونکہ آپ نے کہا نہیں اور اب آپ کہتے ہیں کہ زبردستی سے ان کو ٹرک میں ڈالا گیا۔ یہی تو detention ہے۔
خواجہ محمد صفدر : جناب والا! میں جانتا ہوں کہ آپ جج رہے ہیں۔
جناب چیرمین : آپ کہتے ہیں کہ آپ نے detention کا ذکر نہیں کیا۔

Khawaja Sahib you forget that for one minute. You are not before a court and you are not pleading a client's case.

آپ نے اعتراض کیا ہے کہ ان کو زبردستی پکڑ کر ٹرک میں ڈالا گیا اور لے جایا گیا یہی تو arrest ہے۔ You know the definiton of arrest.

The moment you lay your hands upon a person it is arrest. That is all.

خواجہ محمد صفدر : یہ تو بعد کے واقعات ہیں جو میں آپ کو بتا رہا ہوں جو کہ مجھے بعد میں معلوم ہوئے ہیں۔ اخبار میں ان کی تصویر چھپی ہے۔ اس سے یہ انکار نہیں کر سکتے۔

(جناب چیرمین کو تصویر دکھائی گئی)

یہ تصویر جناب والا ! اخبارات میں چھپی ہے۔
 خان عبد القیوم خان : ملاقات کر رہے ہوں گے۔
 جناب چیرمین : ملک اختر، دل میں کیا کہتے ہوں گے کہ یہ پوز خود لے کر گئے ہوں گے۔
 خواجہ محمد صفدر : کیا اس تصویر کو خود ایر مارشل صاحب نے تیار کروایا ہے؟

Malik Mohammad Akhtar : I don't suppose that the gentleman has done so.

جناب چیرمین : یہ ملک صاحب کہہ سکتے ہیں۔

خواجہ محمد صفدر : ٹھیک ہے جناب والا ! ملک صاحب کہہ سکتے ہیں۔ آخر سچائی بھی کوئی شے ہے !

جناب چیرمین : تصویر کہاں ہے؟

خواجہ محمد صفدر : دائیں طرف دیکھیں۔

جناب والا ! یہی میرا گم اور شکایت ہے کہ ان کو روکا گیا ہے اور ان کے ساتھ زبردستی کی گئی ہے۔ یہی وجہ ہے کہ ہم کہتے ہیں کہ اس ملک کو پولیس اسٹیٹ بنایا جا رہا ہے۔ جناب والا ! ایک شریف آدمی کو اپنے ساتھیوں کے ساتھ جو کہ ڈیرہ غازی خان کی طرف جا رہے تھے، راستے میں روک دیا جاتا ہے۔ for nothing یہ بات تو مجھے تحریک التوا پیش کرنے کے بعد معلوم ہوئی ہے کہ پولیس ان کو زبردستی ٹرک میں ڈال کر ایبٹ آباد چھوڑ آئی ہے۔ اگرچہ میں یہ بات نہیں کرنا چاہتا اس کو چھوڑے دیتا ہوں۔

جناب والا ! ایر مارشل صاحب نظر بند نہیں ہیں، ان کے خلاف کوئی نیا مقدمہ نہیں بنایا گیا تو کیا وجہ تھی ان کو روکا گیا ہے؟ کیا یہ سڑکیں کسی خاص مقصد کے استعمال کے لئے بنائی گئی ہیں اور صرف خاص آدمی ہی ان پر چل سکتے ہیں۔ اور خاص قسم کے پاکستانی ان سڑکوں پر

نہیں چل سکتے؟ جناب والا! تو پھر کیا وجہ ہے کہ ان کو ڈیرہ غازی خان جانے سے روکا گیا ہے جیسا کہ اس تصویر سے ظاہر ہے اور پولیس والے ایر مارشل صاحب سے جھگڑ رہے ہیں؟

جناب والا! جیسا کہ اس تصویر سے ظاہر ہے کہ وہ پولیس والوں سے جھگڑا کر رہے ہیں کہ صاحب مجھے آگے جانے دیجئے وہ کہتے ہیں کہ ہم نہیں جانے دینگے۔ میرا اعتراض صرف یہ ہے کہ FSF اور پولیس نے خلاف ضابطہ طور پر۔۔۔

جناب عبد القیوم خان : کہاں ہے FSF ؟

خواجہ محمد صفدر : میں نے دیکھا تو نہیں مجھے جو اطلاع ملی ہے وہ میں نے عرض کر دی ہے۔۔۔

جناب عبد القیوم : تصویر میں کہاں ہے ؟

خواجہ محمد صفدر : کیا وزیر محترم کا خیال یہ ہے کہ FSF والے جو کام کرتے ہیں وہ وزیر داخلہ سے پوچھ کر کرتے ہیں؟ حضور ان کے اپنے بھی کچھ اختیارات ہیں۔ وہ کبھی اپنے اختیارات بھی استعمال کر لیتے ہیں۔ وزیر داخلہ صاحب سے ہر ایک بات پوچھتے نہیں ہیں۔ اگر آپ سے پوچھتے تو شاید آپ انہیں منع کر دیتے کہ ایئر مارشل شریف آدمی ہیں۔ چلو ان کو ڈی جی خان جانے دو۔ وہاں جاکر کیا کرینگے بات صرف یہ ہے کہ اس ملک کی ایک سیاسی پارٹی کے ایک معزز رہنما کو۔۔۔

Mr. Abdul Qaiyum Khan : On a point of order, Sir.

The question before us is that the admissibility is challenged on the ground that it is sub judice. Now, unless this admissibility question is decided till then facts cannot be discussed. The honourable Member has now given a very elaborate account of the encounter and how he was thrown in the lorry and all that sort of things. But if the case is pending in a court then the matter cannot be discussed.

Mr. Chairman : Mr. Abdul Qaiyum Khan, two objections were raised by your colleague, Malik Mohammad Akhtar. One objection was that the facts are denied, no arrest and no detention. Secondly, it is sub judice. He is dealing with the first objection. Malik Mohammad Akhtar said that he was neither detained nor arrested. He is making his statement.

He is stating his facts that no he was arrested or detained.

Mr. Abdul Qaiyum Khan : And if he admits that there is a case pending in the court?

Mr. Chairman : That is a different thing.

Mr. Abdul Qaiyum Khan : Then the question of detention is to be gone into by the court.

خواجہ محمد صفدر : میں اسی طرف آنے لگا ہوں۔ اگر محترم وزیر صاحب جناب چیرمین : پہلے اس کا جواب دیں۔

خواجہ محمد صفدر : اچھا پہلے میں اس کا جواب دے دیتا ہوں۔

Mr. Chairman : You reply to his contention, his objection that is sub judice.

What do you say to it ?

خواجہ محمد صفدر : میں یہ عرض کرونگا کہ محترم وزیر مملکت نے یہ ارشاد فرمایا ہے کہ تحریک استقلال کے نائب صدر ---

Mr. Chairman : By the way, Malik Akhtar Sahib, where is this in the Rules that if it is sub judice, it cannot be touched? The honourable Home Minister on a point of order pointed out that if it is sub judice, it cannot be discussed.

Mr. Abdul Qaiyum Khan : Yes, Sir.

Malik Mohammad Akhtar : It is an adjournment motion.

Mr. Chairman : No. No. That is not about the adjournment motion.

Mr. Abdul Qaiyum Khan : About adjournment motion. Everyday these points are raised. Law and order is a provincial subject.

Mr. Chairman : I am sorry. You are correct. Khawaja Sahib, you reply to this that if it is sub judice then what is to be done?

خواجہ محمد صفدر : جناب والا ! محترم وزیر مملکت نے پہلی بات یہ ارشاد فرمائی ہے کہ ڈی جی خان کی عدالت میں ایک استغاثہ دائر ہو چکا ہے۔

Mr. Chairman : Writ petition also?

خواجہ محمد صفدر : میں اس کی طرف آتا ہوں۔ انہوں نے دو باتیں کہی ہیں محترم وزیر مملکت صاحب نے یہ ارشاد فرمایا ہے کہ عدالت نے کسی فریق کو سمن کیا ہے یا نہیں کیا کیونکہ استغاثہ اور پولیس چالان میں بڑا فرق ہے جب تک استغاثہ میں کسی کو سمن نہیں کیا جاتا ہے۔ اس وقت تک قانون کے مطابق یہ نہیں کہا جاسکتا کہ عدالت نے اس مقدمہ کی Cognizance لے لی ہے جب تک سمن جاری نہ ہو جائیں کہ فلاں فلاں کو بطور ملزم سمن جاری کر دو۔ اس کے بعد کہا جاسکتا ہے کہ عدالت اس مقدمہ کی Cognizance لے چکی ہے اس صورت میں تو میں مانتا ہوں لیکن اگر ایسے نہیں ہوا اور جیسا کہ وزیر صاحب نے خود ارشاد فرمایا ہے کہ ایسا ابھی تک نہیں ہوا۔ شاید کل ہو جائے۔

جناب عبد القیوم خان : شاید ہو گیا ۔

جناب ملک محمد اختر : شاید ہو چکا ہو ۔

خواجہ محمد صفدر : میں نے کہا ہے کہ ابھی تک آپ نے یہ allege ہی نہیں کیا ۔ میں کیسے یہ مان لوں ؟ اگر آپ allege کرتے ۔ تو پھر شاید میں مان لیتا کہ شاید ہو گیا ہو اور Probablity کو بھی مان لیتا لیکن آپ نے تو allege ہی نہیں کیا ۔ میں کیسے مان لوں ؟ آپ نے تو یہ ارشاد فرمایا ہے کہ ایک رٹ ہائیکورٹ میں ان کی نظر بندی کے متعلق زیر غور ہے ۔ اس میں کوئی شک نہیں ہے ۔ میں نے بھی آج اخبار میں پڑھا ہے ہائی کورٹ میں ایک رٹ زیر غور ہے ۔ جس میں ۔۔۔

Mr. Chairman : In Lahore High Court?

خواجہ محمد صفدر : جی جس میں یہ کہا گیا ہے کہ ایئر مارشل صاحب کو نظر بند کر دیا گیا ہے ۔

جناب عبد القیوم خان : نہیں غیر قانونی طور پر روکا گیا ہے ۔

خواجہ محمد صفدر : میں نے جو پڑھا ہے ۔ میں وہی بیان کروں گا ۔

Mr. Chairman : Well, whether he has been detained or he has been taken away, that will make little difference, but anyhow a writ petition has been filed.

خواجہ محمد صفدر : جناب والا ! کسی وقت بھی کوئی غلط بیانی نہیں کرنی چاہیئے ۔

Mr. Abdul Qaiyum Khan : Sir, on a point of order. When a writ petition has been filed, nobody can discuss the merits of the case.

خواجہ محمد صفدر : وہ تو خارج ہو رہی ہے ۔

Mr. Abdul Qaiyum Khan : The honourable Member, who is himself a lawyer, says that it is going to be dismissed.

Mr. Chairman : Khawaja Sahib, how have you said that it is going to be dismissed?

خواجہ محمد صفدر : جناب والا ! ہائی کورٹ میں یہ مسئلہ پیدا ہوا اور حکومت نے واقعات سے انکار کر دیا ہے محترم اسسٹنٹ ایڈووکیٹ جنرل نے کہا ہے کہ ایسا کوئی واقعہ نہیں ہوا بلکہ ان کو ایبٹ آباد میں گھومتے پھرتے دیکھا گیا ہے ۔ اس لئے اس رٹ پٹیشن کو خارج کر دیا جائے ۔ جناب والا ! وہ تو خارج ہو رہی ہے ۔

Mr. Chairman: But how can you prejudge that it is going to be dismissed? It is a contempt of the court.

Khawaja Mohammad Safdar : I am sorry, Sir.

Mr. Abdul Qaiyum Khan : He has already committed the contempt of court by stating that the court is going to dismiss the case.

Malik Mohammad Akhtar : He should withdraw his words.

Mr. Chairman : A notice of contempt of court will be issued by the High Court concerned and not by me.

Mr. Abdul Qaiyum Khan : Mr. Chairman, Sir, you have to take a notice of this that it is a case which is pending in the High Court and is sub judice, the honourable Senator, who is himself a distinguished lawyer, says that the court is going to dismiss the same and that the Advocate General said this or that.

Mr. Chairman : It is an objectionable portion of his observation.

Mr. Abdul Qaiyum Khan : Once a matter has been stated to be sub judice, then the merits are out of order.

Mr. Chairman : He is not entering into the merits of the case. What he was stating is that as long as summons have not been issued.....

Mr. Abdul Qaiyum Khan : That was about the complaint. This is a writ petition filed by them. What does he say about the writ petition?

خواجہ محمد صفدر : ایک رٹ یٹیشن ہائیکورٹ میں زر غور ہے ۔

Mr. Abdul Qaiyum Khan : Here he contradicts himself.

خواجہ محمد صفدر : میں اس سے انکار نہیں کر رہا ہوں ۔

Mr. Abdul Qaiyum Khan : The Government counsel according to him, has made a statement. So, the case is proceeding. His two statements are contradictory. Now, he is discussing the merits of the case. Is it proper for a Senator to prejudice the proceedings of the case pending in a court. After all, we have independence of the Judiciary. We are not a court of law to discuss the merits of the case which is pending in the court.

Mr. Chairman : So, what do you say to another objection that it is a provincial matter because it was the provincial police involved here?

خواجہ محمد صفدر : نہیں جناب والا ! پولیس کے ساتھ FSF بھی تھی ۔
آس میں محترم وزیر داخلہ کا بھی محکمہ شامل ہے ۔

جناب چیئرمین : جب Province میں فیڈرل سیکورٹی فورس پولیس کے
ساتھ کام کرے گی تو ۔

They are doing under the direction of the provincial authority.

خواجہ محمد صفدر : نہیں جناب والا ! یہ تو ان وزیر داخلہ کے ماتحت ہے۔ انہوں نے ابھی فرمایا تھا کہ میرے ماتحت ہے۔ یہ کیسے انکار کر سکتے ہیں ؟

Mr. Chairman : He never said that.

Mr. Abdul Qaiyum Khan : I am sorry. The question is so clear. The honourable Member must know the law that when a Magistrate in aid of civil power calls either the Army or the FSF, they act under his orders and a Magistrate comes under the provincial Government. Law and order is a provincial subject. Even if the Army is ordered by the Magistrate to shoot, it does not mean that it becomes a question that it is the forum where it should be agitated. So this is a matter which should not have been discussed threadbare.

Mr. Chairman : Already, it has been discussed and very thoroughly discussed.

Khawaja Mohammad Safdar : Quite right, Sir. Thank you very much Sir.

Mr. Chairman : We feel personally that this so-called arrest or detention by the police is a provincial subject but even if FSF was there in aid of the police, they were doing it or functioning under the orders of the Provincial Government. Therefore, it is a provincial subject. I have said nothing about the issue whether it is sub judice or not.

MESSAGE FROM N. A. SECRETARIAT *RE* : ADOPTION FRONTIER CORPS (AMENDMENT) BILL, 1974.

Mr. Chairman : Now, there is a message from the Secretary National Assembly to the Secretary, Senate Secretariat, Islamabad :—

"Sir, in pursuance of Rule 109 of the Rules of Procedure and Conduct of Business in the National Assembly, 1973. I have the honour to inform the Senate Secretariat that the National Assembly passed the Frontier Corps (Amendment) Bill, 1974, on the 3rd December, 1974. A copy of the Bill is transmitted herewith.

Kindly acknowledge receipt."

No other adjournment motion. Report of the Standing Committee is to be presented.

STANDING COMMITTEE REPORT *RE* : THE FEDERAL INVESTIGATION AGENCY BILL, 1974.

Moulvi Zahoorul Haq : Sir, I beg to present the report of the Standing Committee on the Bill to provide for the constitution of Federal Investigation Agency (The Federal Investigation Agency Bill, 1974).

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

THE PEOPLE'S FINANCE CORPORATION (AMENDMENT) BILL, 1974.

Malik Mohammad Akhtar : Sir, I beg to move :

"That the Bill to amend the People's Finance Corporation Act, 1972. (The People's Finance Corporation (Amendment) Bill, 1974) as passed by the National Assembly, be taken into consideration."

Mr. Chairman : The motion moved is :

"That the Bill to amend the People's Finance Corporation Act, 1972 (The People's Finance Corporation (Amendment) Bill, 1974), as passed by the National Assembly, be taken into consideration."

Khawaja Mohammad Saffar : There is an amendment by me, Sir.

Sir, I beg to move :

"That the Bill to amend the People's Finance Corporation Act, 1972 (The People's Finance Corporation (Amendment) Bill, 1974), as passed by the National Assembly, be referred to the Standing Committee concerned.

Malik Mohammad Akhtar : Sir, I consider that in the past they have been adopting this procedure of reference and I don't want to depart from the past practice.

Mr. Abdul Qaiyum Khan : Sir, I would like to say something. I can appreciate the desire of the Honourable Senator that the matter should go to the Standing Committee but, Sir, we have seen that in the Standing Committee the Ministers have to wait for very long hours. The Ministers are very busy these days and there is never quorum and the complaints are that the meetings have been adjourned from time to time. I have no objection to every Bill being referred to the Standing Committee but I would request that if a Bill is referred to a Standing Committee then the Honourable Senators should be there at 9.00 a. m. or 10.00 a. m.

Khawaja Mohammad Saffar : All right Sir.

Mr. Abdul Qaiyum Khan : If there is no quorum and we have to waste hours and when we are very hard pressed these days for work, there is National Assembly Session, there is Senate Session and we have to do a lot of work, but this has been seen that nobody turns up, while we are sitting there for hours. Other Ministers also complained and if you send for the record certain meetings of the Standing Committees had adjourned two or three times.

Mr. Chairman : For lack of quorum.

Mr. Abdul Qaiyum Khan : Either let us do away with this quorum.

(Interruption)

Mr. Abdul Qaiyum Khan : Everybody was informed on telephone, only we have not been able to send cars.

Mr. Chairman : I quite realise your difficulty. There is no doubt about it that they are adjourning from day to day, but Malik Sahib has accepted to let it go to the Standing Committee, as is the practice. That is what he has suggested.

Malik Mohammad Akhtar : Sir, the statement made by my Honourable senior colleague was that the Members may be requested to attend.

Mr. Chairman : But the Honourable Senior Colleague is not going to impose his will on you.

Malik Mohammad Akhtar : He has only made a request and we can only request the Members.

Mr. Chairman : I think, once you have conceded, in future all concerned will be very careful.

Malik Mohammad Akhtar : I have conceded, Sir.

Mr. Chairman : This time you have conceded it?

Malik Mohammad Akhtar : I have conceded it with firm conviction.

Mr. Chairman : Let it go to the Standing Committee concerned.

Mr. Abdul Qaiyum Khan : I only wanted to point out.

Mr. Chairman : You are correct. I have also received reports that Standing Committee meetings are being adjourned from day to day for lack of quorum. It is the business of the Minister concerned, Leader of the House, Leader of the Opposition to see that their Members attend the standing Committee so that work may not suffer on account of undue delay. No other business. Would 11.00 a. m. tomorrow suit you?

Mr. Abdul Qaiyum Khan : Sir, I would like to make a submission. Tomorrow I have got a very important meeting at Peshawar. Besides that the TV Station is to be opened and I have been directed to perform the opening ceremony. There is another important meeting in which the Provincial Government and Federal Government are concerned. So tomorrow I will not be available.

Mr. Chairman : Now I don't think there is any privilege motion or adjournment motion or legislation in relation to your Ministry, but even if there is any you will be accommodated. The House stands adjourned to meet again at 11.00 a. m. tomorrow.

The House adjourned till eleven of the clock in the morning on Thursday
December 5, 1974.
