



THE
SENATE OF PAKISTAN
DEBATES

OFFICIAL REPORT

Tuesday, the 4th February, 1975

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SENATE DEBATES

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Tuesday, February 4, 1975.

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

(Recitation from the Holy Quran)

STARRED QUESTIONS AND ANSWERS

Mr. Chairman : Question No. 35.

Mr. Ahmad Waheed Akhtar : 35, Sir, on his behalf.

OUT-OF-TURN PROMOTEES OF TELEPHONE DEPARTMENT

35. ***Khawaja Mohammad Safdar** : Will the Minister for Communications be pleased to state the names, designations and provinces of domicile of the employees of the Telephones Department in Grade 10 and above, who have been promoted out of turn since January, 1972 ?

Mr. Mumtaz Ali Bhutto (Read by **Malik Mohammad Akhtar**) : This information has already been given on 28th January, 1975 against Question No. 21.

Mr. Chairman : Yes.

Malik Mohammad Akhtar : But since the question has been repeated, I will repeat the answer given on 28th January, 1975, with your permission.

Mr. Chairman : Yes.

Malik Mohammad Akhtar : The following officials were promoted out of turn since January, 1972 :—

Name and Designation	Province of domicile
1. Mr. Mohammad Issa Hashmani, Engineering Supervisor, Grade 11, promoted as Assistant Engineer, Grade 16.	Sind.
2. Mr. Khush Mohammad Bhutto, Engineering Supervisor, Grade 11, promoted as Assistant Engineer, Grade 16.	Sind.
3. Mr. Sher Mohammad Soomro, Engineer Supervisor, Grade 11, promoted as Assistant Engineer, Grade 16.	Sind.
4. Mr. Nur Mohammad Akhund, Engineering Supervisor, Grade 11, promoted as Assistant Engineer, Grade 16.	Sind.
5. Mr. Ismail Usman, Engineering Supervisor, Grade 11, promoted as Assistant Engineer, Grade 16.	Sind.
6. Mr. Peer Shah, Engineering Supervisor, Grade 11, promoted as Assistant Engineer, Grade 16.	Sind.
7. Mr. Mohammad Abbas Khan, Engineering Supervisor, Grade 11, promoted as Assistant Engineer, Grade 16.	Sind.
8. Mr. Fazlur Rehman, Engineering Supervisor, Grade 11, promoted as Assistant Engineer, Grade 16.	Sind.
9. Mr. Mohammad Amin Malik, Time Scale Clerk, Grade 7, promoted as Welfare Inspector, Grade 11.	Punjab.

The first seven officials were promoted out of turn in purely temporary arrangement to make up the shortage in the representation of the persons from rural areas of Sind in the cadre of Assistant Engineers (Grade 16) of the Telegraph and Telephone Department. They will have to pass the prescribed departmental qualifying examination before their regular promotion in the grade.

The remaining two were promoted in recognition of the meritorious services rendered by them.

Mr. Chairman : Next question No. 36.

Mr. Zafar Ahmed Qureshi : 36 Sir.

OUT-OF-TURN PROMOTEES OF PAKISTAN RAILWAYS

36. ***Khawaja Mohammad Safdar :** Will the Minister for Railways be pleased to state the names, designations and provinces of domicile of the employees of the Pakistan Railways in Grade 10 and above, who have been promoted out of turn since January, 1972, giving reasons for such out of turn promotions ?

Mian Mohammad Attaullah (Read by Malik Mohammad Akhtar) : 1. M/s. Mohammad Inamullah, Mushtaq Ahmed Malik and Abdul Waheed Sheikh, Assistant Engineers having the domicile of Punjab have superseded Mr. Mohammad Ejaz Ahmad Qureshi, Assistant Engineer, Lyallpur (Province of Domicile Punjab) for promotion to Grade 18 on account of the conduct of the officer being under investigation on grounds of indiscipline.

2. Mr. M. A. Hameed (Province of Domicile Punjab) a Junior Stenotypist of the Railway Board, Lahore, has been posted with the Liaison Officer, in the Ministry of Railways, Islamabad, as senior Stenotypists were not in a position to move to Islamabad and gave an undertaking that they had no objection if a junior Stenotypist was promoted and posted at Islamabad. Mr. M. A. Hameed also furnished an undertaking not to claim seniority over his seniors and he was accordingly promoted as a Stenographer in Grade 11.

The above information does not include (i) purely temporary promotions that had been ordered locally in different offices pending regular selection because the temporary appointments are initially of a short duration and ultimately duly selected personnel are posted, and (ii) cases where appointment/promotion is made by a positive act of selection and seniority alone is not the deciding factor.

جناب طاہر محمد خان : سپلیمنٹری ، سر ! جیسا کہ سوال نمبر ۳ اور سوال

نمبر ۳۳ دونوں سے اندازہ ہوا ہے کہ کچھ out of turn ترقیاں دی گئی ہیں تو میں کیا محترم وزیر صاحب سے یہ پوچھ سکوں گا کہ بلوچستان میں جو تھوڑے بہت بلکہ انگلیوں پر گنے ہوئے لوگ ریلوے میں سلازم ہیں تو جبکہ سندھ میں سلازمین کو rural areas میں out of turn ترقیاں دی ہیں تو کیا بلوچستان کے جو لوگ آپ کے اسٹاف میں ہیں ان لوگوں کو out of turn تو بڑی بات ہے یہ آپ کی مہربانی ہوگی اگر ترقی دے دیں تو وہ لوگ جن کی باری بھی ہے کیا ان لوگوں کو promotions دیں گے ؟

Malik Mohammad Akhtar : Sir, I am happy that this question has been made by my honourable friend. I would explain the position. Until August, 1973, there was no reservation for the persons belonging to the rural areas. Sir, we have decided since then that a specific quota for backward areas shall be maintained. We are trying our utmost to get the qualified persons who are up to mark at least, so that they get the promotion and justice is done to all the parts of the country. I assure him that, as demanded by him, we would look into the matter and will satisfy him by getting the requisite information in due course.

Mr. Chairman : He does not want the information. He wants to know whether this kindness will be done in rural areas also.

Malik Mohammad Akhtar : I assure that it will be done, because the rural areas are being neglected in the past.

جناب طاہر محمد خان : جناب والا ! وزیر محترم کی بڑی مہربانی ہے کہ

انہوں نے وعدہ فرمایا لیکن جب متعلقہ وزیر صاحب ہوں تو کیا وزیر محترم ان سے یہ communicate کریں گے کہ انہوں نے یہ وعدہ سینیٹ میں فرمایا ؟

Malik Mohammad Akhtar : It is a collective responsibility, so there is no question of any doubt about that.

Mr. Chairman : Assurance of one Minister is as good as of the Minister concerned. It is a joint responsibility. You can take his assurance as an assurance of the Minister concerned, the Railway Minister.

Now, we come down to Question No. 37.

Mr. Ahmad Waheed Akhtar : Question No. 37, Sir, on behalf of Khawaja Mohammad Safdar.

CHAIRMAN, RAILWAY BOARD

37. ***Khawaja Mohammad Safdar :** Will the Minister of State for Railways be pleased to state :

(a) whether it is a fact that the Chairman, Railway Board, has been sent on four months compulsory leave before retirement and ; if so, the reasons therefor ;

(b) whether it is a fact that the Vice-Chairman, Railway Board and the Divisional Superintendent, Railways, Karachi Division, have been compulsorily retired and, if so, the reasons therefor ; and

(c) whether it is a fact that Pakistan Railways is proposed to be divided into zones *i.e.* Northern zone and Southern zone ?

Mian Mohammad Attaullah (Read by Malik Mohammad Akhtar) : (a) No ; he had applied for leave preparatory to retirement which was sanctioned to him.

(b) There is no Vice-Chairman in the Railway Board since 31-7-1974. The Member (Traffic), Railway Board, and the Divisional Superintendent, Karachi Division, were retired from service in the public interest by the competent authority under Section 13 (ii) of the Civil Servants Act, 1973, as they had completed 25 years of service.

(c) No.

جناب طاہر محمد خان : سپلیمنٹری ، سر ! جیسا کہ میرے محترم دوست ، محترم وزیر نے فرمایا ہے کہ نوکو ریٹائر کیا گیا ہے — مجھے یقین ہے کہ میری طرح محترم وزیر بھی اخبارات پڑھتے ہیں اور شاید دفاتر کا تھوڑا حال بھی معلوم ہو — تو کیا آپ کے علم میں ہے کہ یہی تینوں آفیسرز جنہیں آپ سمجھتے ہیں کہ ۲۵ سال کی سروس مکمل کرنے کے بعد ان کے استعفیٰ کا حق ریلوے establishment کو نہیں ہے ۔ وہ اخبارات میں campaign کر رہے ہیں کہ پنجابی آفیسرز کو عمداً victimise کر کے نکالا جا رہا ہے اور یہ ایک تائر دے رہے ہیں کہ چونکہ ریلوے کے وزیر سندھ کے ہیں اس لئے پنجابیوں کا ناطقہ بند ہے اور ان کا قافیہ تنگ کیا جا رہا ہے ، تو کیا اگر اس بات کے لئے دلائل اور ثبوت آپ کے پاس رکھا جائے کہ یہ تمام campaign جو فیڈرل

گورنمنٹ وزیر اور مواصلات کے خلاف اخباروں میں آرہی ہے اس کے پشت پناہ یہی تین آفیسرز ہیں تو کیا آپ ان کے خلاف اس نرم کارروائی کے بعد سخت کارروائی کرنا بھی مناسب سمجھیں گے؟

Malik Mohammad Akhtar : If any such substantive evidence is available, the Government shall certainly take an appropriate action against any person who violates or tries to break the law.

Mr. Chairman : Yes. Next Question 38.

Mr. Zafar Ahmed Qureshi : Question No. 38, Sir, on behalf of Khawaja Mohammad Safdar.

PAKISTANI CIVILIANS AND CIVIL INTERNEES IN BHARAT

38. ***Khawaja Mohammad Safdar :** Will the Minister for Foreign Affairs be pleased to state :

(a) the approximate number of Pakistani civilians and civil internees in Bharat ; and

(b) the steps so far taken by the Federal Government for their repatriation ?

Mr. Aziz Ahmed (Read by Malik Mohammad Akhtar) : (a) It is estimated that there may be two hundred or more Pakistanis in India who were detained there after the 1971 war.

(b) Pakistani civilians who were interned in India during the 1971 war and those who had been detained on various charges before the war, have been repatriated already, under agreements between India and Pakistan. The Government is now engaged in efforts to secure repatriation, on a reciprocal basis, of persons who were put under detention after the 1971 war.

جناب طاہر محمد خاں : کیا آپ تفصیل سے یہ بتا سکیں گے اس وقت

موجودہ پوزیشن کیا ہے اور ہمارے کتنے internees ہیں جو کرائمز کی بنیاد پر یا کسی اور بنیاد پر بھارت کی گورنمنٹ نے رکھے ہیں ؟ ان کو واپس لانے کے لئے موجودہ گورنمنٹ کیا کر رہی ہے ؟ اگر ہمارے پاس جو انڈین شہری ہیں تو کیا ان کے ساتھ کوئی رعایت برتی گئی ہے اور ان کو ابھی تک رکھا گیا ہے تاکہ ان کے کیسز سیٹل ہوں ؟

Malik Mohammad Akhtar : Sir, I will explain the entire efforts and steps which the Government has taken, and I will have to make a statement in support of that, Sir.

[Malik Mohammad Akhtar]

Pakistani citizens under detention in India comprised three categories:—

- (i) Those who had been placed under detention before the 1971 war on charges ranging from illegal entry to violation of the Criminal Code ;
- (ii) Civilians, who were interned during the war ; and
- (iii) Those placed under detention after the 1971 war, again on such charges as illegal entry, espionage, smuggling, etc.

The civilian internees of second category in Indian custody were released in 1972 after Pakistan decided to release India civilian internees in Pakistan. The Pakistani civilian internees in India who had been brought from former East Pakistan after the surrender, were repatriated after the agreement of August 28, 1973.

The pre-war detainees were the subject of an India-Pakistan Agreement signed on April 9, 1974. Citizens of India and Pakistan in this category were visited by representatives of the Swiss Embassy, and after verification of their claim to Nationality of Pakistan or India, they were repatriated. They were 608 Pakistani detainees from India and 297 Indian detainees from Pakistan. It is possible that some persons in this category remained unlocated but both India and Pakistan have agreed that as soon as any pre-war detainee is located, he will be promptly repatriated. In addition, there are a few persons whose claims to citizenship of the other country have not been accepted so far but as soon as the other Government accepts the claims, the detainees will be repatriated. Having disposed of these large categories, the two Governments are now looking into the problems of citizens of one country detained in the other after the 1971 war. Normally, such cases are dealt with first under the law of the country in which they are detained. The country of which they are citizens can only offer them "consular protection" which generally means intercession with the legal authorities. India and Pakistan have in principle agreed that representatives of the Swiss Embassies in the two countries will be given access to the citizens of the other country who are under detention. Such persons would normally be tried under the relevant laws and repatriated after they have been acquitted or have served their sentences. The number of Pakistan citizens in this category under detention in India is not yet known. According to occasional letters that the Foreign Office receives from relatives of such persons and bits of information collected from the Indian Government, it is possible that the number may be two hundred or more.

Mr. Chairman : Yes. No further supplementary. All right.

MESSAGE FROM N.A. SECRETARIAT *RE*: ADOPTION OF INDUSTRIAL RELATIONS (AMENDMENT) BILL, 1975

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

"Sir, in pursuance of Rule 119 of the Rule 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 Industrial Relations (Amendment) Bill, 1975 on the 3rd February, 1975. A copy of it is transmitted. Kindly acknowledge receipt."

How do you feel? Should we meet tomorrow at 10 a.m.

Malik Mohammad Akhtar : Sir, I intend to introduce certain new legislation, as we had done in the last Session of the Senate. Sir, we have certain Ordinances, I may be introducing a fresh Bill. My efforts are, Sir, to bring whatsoever on the Concurrent Legislative List and Part second of Federal Legislative List first in this House, so that this House is kept busy and we do not get any difficulty in completing 90 days.

Mr. Chairman : So, tomorrow you are bringing that Bill.

So do you all agree ? Well the House stands adjourned to meet again tomorrow at 10 a.m.

The House adjourned till ten of the clock in the morning on Wednesday, February 5, 1975.
