



THE
SENATE OF PAKISTAN
DEBATES

OFFICIAL REPORT

Wednesday, the 5th February, 1975

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Mr. Chairman: What is worrying you?
SENATE DEBATES

Malik Mohammad Akhtar: ... important and the question itself was:

Wednesday, February 5, 1975

(a) Whether it is a fact that the Chairman, Railway Board, has been sent on four months compulsory leave before retirement; 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?

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 Qur'an)

(b) There is no Vice-Chairman in the Railway Board since 31st July 1974. The Divisional Superintendent, Railways, Karachi Division, were reported under Section 13(ii) of the Civil Servants Act, 1973, as they had completed 25 years of service.

Malik Mohammad Akhtar: Mr. Chairman, before you conduct the regular proceedings of the House, I have to point out a matter of extreme urgency, which is in respect of misreporting by one of the newspapers, i.e., "Nawa-i-Waqt" of this day.

Mr. Chairman: Of which date?

Malik Mohammad Akhtar: Today, Sir. You recollect, Sir, that there was a question in respect of retirement. I would request you, Sir, and I requested the Joint Secretary to supply me with the proceedings.

Mr. Chairman: Yes, Sir.

Malik Mohammad Akhtar: Sir, was in connection with the questions.

Mr. Chairman: Which question you mean? Its number?

Malik Mohammad Akhtar: Sir, I give you the number. It is No. 37.

Mr. Chairman: Question No. 37 of 4th February, 1975.

Malik Mohammad Akhtar: Yes, Sir.

Mr. Chairman: Yes, yes, I have it.

Malik Mohammad Akhtar: Sir, the question was will the Minister of State for Railways be pleased to state.....

Sir, the answer given to this question was: ... (443)

Mr. Chairman : What is worrying you ?

Malik Mohammad Akhtar : I tell you, Sir, there is something very important and the question itself was :

- Whether it is a fact that the Chairman, Railway Board, has been sent on four months compulsory leave before retirement ; if so, the reasons therefor ;
- 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
- Whether it is a fact that Pakistan Railways is proposed to be divided into two zones, *i.e.*, Northern Zone and Southern Zone.

The answer was :

(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 31st July 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.

Then, Sir, this report has been factually given as far as I have read. Then there was a supplementary, Sir. It was by the honourable worthy Deputy Chairman of the Senate and I would repeat the supplementary.

جیسا کہ میرے محترم دوست محترم وزیر نے فرمایا ہے کہ وہ کو ریٹائر کیا گیا ہے اور مجھے یقین ہے کہ محترم وزیر صاحب بھی سیری طرح اخبارات پڑھتے ہونگے اور شاید انہیں دفاتر کا بھی تھوڑا سا حال معلوم ہو، تو کیا یہ آپ کے علم میں ہے کہ 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 نکالا جا رہا ہے۔ یہ ایک تاثر ہے۔ چونکہ آپ ریلوے کے وزیر سندھ سے ہیں، اسلئے پنجاب کا ناطقہ بند کیا جا رہا ہے۔ ان کا ناطقہ بند کیا جا رہا ہے۔ وہ تین آفیسرز یہ پراپیگنڈہ کر رہے ہیں۔ کیا اس بات کے لئے دلائل اور ثبوت آپ کے پاس رکھا جائے کہ یہ تمام campaign جو فیڈرل گورنمنٹ اور وزیر مواصلات کے خلاف اخبارات میں آرہی ہے، اس conspiracy کے پشت پناہ یہ تینوں آفیسرز ہیں تو کیا آپ ان کے خلاف تادیبی کارروائی کرنا مناسب سمجھیں گے

Now, my answer, Sir : If any such substantive evidence is available, the Government shall certainly take an appropriate action against any person who violates and tries to break the law.

Now, Sir, I made it very clear that action shall be taken against those three officers, if proof is there that they have started a campaign against the Government that they were victimized and turned out. Now, I read the Newspaper :—

”ریلوے کے متعلق ایک سوال کے جواب میں ملک اختر صاحب نے بتایا کہ ریلوے کو شمالی اور جنوبی زون میں تقسیم کرنے کی کوئی تجویز نہیں، ریلوے بورڈ کے چیئرمین کو بھی ریٹائرمنٹ سے قبل چار ماہ کی رخصت پر نہیں بھیجا، حقیقت یہ ہے کہ افسر مذکور نے بذات خود رخصت کی درخواست کی تھی جسے قبول کر لیا گیا۔ آپ نے بتایا کہ ریلوے بورڈ کے شعبہ ٹریفک کے رکن اور ڈویژنل افسر کو عوامی مفاد کے تحت ریٹائر کر دیا، ان کی سلازمت کے ۲۵ سال پورے ہو چکے ہیں۔“

اب یہاں یہ جھگڑا پیدا ہوتا ہے کہ طاہر محمد خان کے ایک ضمنی سوال کے جواب میں، ضمنی سوال ایک ہی ہوا تھا جو میں نے پڑھ دیا ہے۔

”آپ نے کہا کہ اگر اس امر کی شہادت مل گئی کہ ان افسران کو ہٹانا پنجابی افسروں کو نشانہ بنانے کی کارروائی کا حصہ ہے تو حکومت اس کے بارے میں ضروری تدابیر کرے گی۔“

تو جناب میں نے یہ کہا کہ انہیں پبلک انٹرسٹ کے تحت ۲۵ سال کے بعد ریٹائر کیا گیا ہے طاہر محمد صاحب کا سپلیمنٹری یہ تھا کہ جناب ! کیا یہ درست ہے کہ انہوں نے حکومت کے خلاف campaign چلائی ہے۔ اس کے جواب میں میں نے یہ کہا کہ اگر یہ ثابت ہو جائے کہ

that these three officers have conspired a campaign against the Federal Government. If the evidence is available, we will proceed against them, in accordance with law of the land.

تو اس کو اخبار نے بالکل الٹ چھاپا ہے۔ میں سردست یہ درخواست کروں گا کہ میں نے تین پروسیڈنگ ان سے لی ہیں، آج اس اخبار کو ہدایت

[Malik Mohammad Akhtar]

Now, my answer is: If any such substantive evidence is available, the Government will certainly take an appropriate action against any person who...
کی جائے کہ ان کو شائع کرنے جو پروسیڈنگ ہیں۔

And if they don't do it, then I may be allowed to move a formal Privilege Motion against this Paper tomorrow, because misreporting of the facts is a positive breach of privilege. Proceedings are to be reported correctly.

ذبحہ لیتا رہا یہ باہجے کے نامہ لکھا رفلتہ کی کہیں
سردست میں آپ سے یہی درخواست کروں گا
رہا کے ذبحہ جیسا کہ نامہ لکھا رہا اس کے کہیں کے کہیں

that kindly issue the direction which the Speaker normally does, and I consider the honourable Chairman is quite competent to safeguard that the proceedings are correctly reported. Let them say that it was otherwise and actions contemplated against the retired officers. If there is evidence available that they are conspiring some campaign against the Government action will be taken against them and not against the persons who retired them because they were retired in public interest and in accordance with law. I have mentioned even the law under which action was taken to retire them. That is all, Sir. I will humbly request you, I will not go into controversy with the news media. Some time there is misunderstanding, some time there is lack of information and I have got all the respect for this Paper but I would request you to kindly direct them and also request them to rectify and factually report the matter.

Let me refresh my memory by going through the record of the proceedings. Now, with a view to enabling the House to appreciate the points raised by honourable Malik Akhtar and also see if there is any difference between the record of the proceedings as actually taken place in the House and the report published in the Press Nawa-i-Waqt of today. I will just read out the whole thing again.

Now, Mr. Tahir Mohammad Khan's supplementary is as follows:—

Mr. Ahmad Waheed, you will please attend.

تجہ کے ٹیسٹنا رکھی رہتا ہے میں نے یہ بانہ ہا
"سپلیمنٹری سر! جیسا کہ محترم وزیر نے فرمایا ہے کہ ان کو
ہا لینے! بانہ میں تو ہا رہی منیٹس کے ہمہ کلمہ ہا کے لیے ہا کے ہا
رہتا کیا گیا، مجھے یقین ہے کہ میری طرح محترم وزیر
بھی اخبارات پڑھتے ہیں اور شاید وہ دفاتر کا تھوڑا حال بھی
معلوم ہے، تو کیا آپ کے علم میں ہے کہ یہ تینوں آفیسرز

تینوں آفیسرز ہیں جن کے ناموں کی سرکاری پوری کر کے
بعد ان کے استعفیٰ کا حق ریلوے اسٹیشن منٹ کو نہیں۔

This thing is attributed to the officers that this campaign has been started by the three officers who have been retired and they have been telling the papers to the Press.

Mr. Chairman-

This is quite a different thing, absolutely different thing. There was not, if I have been able to correctly understand and read the proceedings on the record, there was not a least suggestion even by implication by the honourable Member, Mr. Tahir Mohammad Khan, that action should be taken against those concerned who are victimising Punjabis. Well, I don't know, this has been done deliberately or it has been published inadvertently as both things are possible. It is possible that probably the press concerned has not correctly understood the supplementary and the answer. It is also possible that it deliberately twisted or distorted the text and it has been published with a view to giving a wrong impression and to creating a question between Punjabi and Sindhi. So, anyhow, I don't think it necessary at this stage for me to take a very serious view of this matter because had I been satisfied that it has been deliberately done then it was a different matter, to be frank. I am not quite sure whether this has been done deliberately, unwittingly, inadvertently, knowingly, unconsciously—both things are possible. I would like first, to give a chance to the Press to correct it, and I hope that my directive for them should be to publish at the earliest opportunity tomorrow for making a correction of the whole thing. This has been read by the Minister concerned and this also, has been read again by me with a view to informing the House and the Press and everybody concerned that this is exactly what had been stated in the supplementary and the answer, and this is what it meant. I have also read out again the Press report. You see, these two things are absolutely contradictory, incompatible irreconcilable. So this is not correct reporting. Therefore, I issue directive to the Press concerned to make a necessary correction in the next issue of their paper, say tomorrow. You see, if it is done, well and good, and if it is not done, then the other question will be considered. Thank you.

Does the House agree with the step I propose to take?

Voices : Yes, Sir.

Mr. Chairman : Thank you.

Now for the time being this item is also over, although it was not on the Agenda. Now, we proceed to the next item. Before I do it, I read out a message from the Secretary, National Assembly.

MESSAGE FROM N. A. SECRETARIAT RE : ADOPTION OF THE
PORTS (AMENDMENT) BILL, 1975

Mr. Chairman : The message is :

“In pursuance of Rule 109 of the Rule of Procedure and Conduct of Business in the National Assembly, I have the honour to inform the Senate Secretariat that the National Assembly has passed the Ports (Amendment) Bill, 1975 on the 4th February, 1975. A copy of the Bill is transmitted herewith. Kindly acknowledge receipt of the same”.

MESSAGE FROM N. A. SECRETARIAT RE : ADOPTION OF THE
STATE BANK OF PAKISTAN (AMENDMENT) BILL, 1975

Mr. Chairman : There is also another message from the National Assembly :

“In pursuance of Rule 109 of the Rules of Procedure and Conduct of Business in the National Assembly, I have the honour to inform the Senate Secretariat that the National Assembly has passed the State Bank of Pakistan (Amendment) Bill, 1975 on the 4th February, 1975. A copy of the Bill is transmitted herewith. Kindly acknowledge receipt”.

Mr. Chairman : These are two messages.

Now, we proceed to take up next item.

ELECTION OF MEMBERS OF THE SENATE TO THE EXECUTIVE COUNCIL OF THE PEOPLE'S OPEN UNIVERSITY

Mr. Chairman : It is item No. 2. I would like to inform the honourable Members of the House that the Minister concerned, the Minister of Education Mr. Abdul Hafeez Pirzada, is unavoidably absent because he is busy attending some other important meeting. So, the consideration of this item No 2 namely—"Election of Members of the Senate to the Executive Council of the People's Open University", should be postponed.

ELECTION OF MEMBERS OF THE SENATE TO THE NATIONAL EDUCATION COUNCIL

Mr. Chairman : This is another one. It is also to be deferred. So, both these items should be postponed and the consideration of these two motions is to be deferred to some other day. Do you agree to the deferment of these two items so that these may be taken up when the Minister concerned is present. Do you agree?

Voices : Agreed, Sir.

Mr. Chairman : Thank you.

Now, we pass on to Item No. 4. Yes, Malik Sahib.

THE EXPLOSIVE SUBSTANCES (AMENDMENT) BILL, 1975

Malik Mohammad Akhtar : Sir, I beg to introduce a Bill further to amend the Explosive Substances Act, 1908 [The Explosive Substances (Amendment) Bill, 1975].

Mr. Chairman : The motion moved is to introduce a Bill further to amend the Explosive Substances Act, 1908 [The Explosive Substances (Amendment) Bill, 1975].

Mr. Chairman : The Bill stands introduced.

Malik Mohammad Akhtar : Sir, because it stands introduced, this is another measure, which I can say, that the Government has taken because it is the right of this House to have any legislation introduced in this House which falls under Part 2nd of Federal Legislative List or Concurrent Legislative List, and I assure my friends whatsoever legislation is possible to be introduced in either of the Houses, this House will get the precedence, as far as possible.

Mr. Chairman : Thank you very much. Yes.

I offer you apology. I remember now, you see, you wanted to say something.

Mr. Tahir Mohammad Khan : You explain what I wanted to say, Sir.

Mr. Chairman : Did I do it correctly?

Mr. Tahir Mohammad Khan : It should be referred to the Standing Committee.

Mr. Chairman : Which one you mean?

Malik Mohammad Akhtar : Item No. 4.

Mr. Tahir Mohammad Khan : Under Rule 82.

Mr. Chairman : Well, send that to the Committee concerned—Standing Committee. Naturally and automatically, it stands referred to the committee concerned. You are correct. If I did not say, I say again that the Bill stands referred to the Standing Committee concerned.

Now, we take Item No. 5.

THE STATE BANK OF PAKISTAN (AMENDMENT) BILL, 1975

Malik Mohammad Akhtar : Sir, on behalf of Rana Mohammad Hanif Khan, I beg to move that the Bill further to amend the State Bank of Pakistan Act, 1956 [The State Bank of Pakistan (Amendment) Bill, 1975], as passed by the National Assembly, be taken into consideration.

Mr. Chairman : The motion moved is that the Bill further to amend the State Bank of Pakistan Act, 1956 [The State Bank of Pakistan (Amendment) Bill, 1975], as passed by the National Assembly, be taken into consideration.

There is an amendment by you Mr. Tahir Mohammad Khan.

جناب طاہر محمد خان : اصل میں میں نے اسٹینڈنگ کمیٹی کو نہیں اور یہ اسٹینڈنگ کمیٹی کو ریفر کر دی گئی تھی اس پر یہاں میٹنگ ہوئی (اور یہاں پر میں بل کی ارجنسی کی وجہ سے اس موشن کو موو نہیں کرتا ہوں۔)

Mr. Chairman : You don't want to move it. All right, the amendment is not moved. Yes, Malik Mohammad Akhtar.

Malik Mohammad Akhtar : Sir, this is a small amendment.

Mr. Chairman : You don't mind. Sometime I say Mr. Akhtar and Malik Akhtar and sometime I say the honourable Minister, you don't mind.

Malik Mohammad Akhtar : Unless you say me, Mrs. Akhtar, I don't mind.

Mr. Chairman : Sometime I consider you as my old colleague while we were on the opposite side. I remind old days. You don't mind if I say Mr. Akhtar.

Malik Mohammad Akhtar : I am in your hands, Sir.

Mr. Chairman : All right, don't mind, you see.

Malik Mohammad Akhtar : You know my humble position, Sir, as compared to the Chairman of the Senate.

Mr. Chairman : Yes.

Malik Mohammad Akhtar : Sir, I will make a brief statement. An Agreement has been signed between the Governor, State Bank of Pakistan and the Governor, Central Bank of Libya regarding the grant of loan of Libyan Dinars 15 million by the Central Bank of Libya to the State Bank of Pakistan for use by the Government of Pakistan. The Agreement *inter alia* provides that the loan shall carry interest at one per cent and shall be repaid in 30 equal annual instalments, so it is to be repaid in 36 years. The first instalment shall be paid at the end of the sixth year from the date on which the loan is paid. Now, Sir, sub-section (a) of section 17, and sub-section 16 of section 17 of the State Bank of Pakistan Act, 1956, provides that the State Bank of Pakistan can borrow money for a period not exceeding three months. It is considered to add this provision to enable the State Bank to borrow loans for longer maturity than three months. This amendment has been carried through in the National Assembly Sir. We are giving that facility for such a huge, colossal amount as mentioned, about 15 million Lybian Dinars, and the rate is 1% and the first instalment is to be paid after six years and in 30 annual instalments. Sir, probably, as I have been told the Lybian Government only gives loan only from one bank to another bank. So this deal had to be transacted through the two banks, namely, their official bank and our State Bank and there was a bar that the State Bank could not raise loan beyond three months. Secondly, we are a poor country and we may be needing loan and the State Bank may be obtaining some more loans. As such we are making this sort of amendment and there should be no question. I consider it is in public interest and an achievement of the present Government under its worthy Prime Minister. We have been getting these loans at 1% interest. So I request, of course, I will be moving amendment in the second reading, that it may be carried.

جناب طاہر محمد خان : سر! میں نے پہلے بھی اصل میں صرف اس تاثر

کو ختم کرنے کے لئے کہ جو معزز ممبران ہاؤس کے اس طرف بیٹھے ہوئے ہیں ، وہ محض بت نہیں ہیں۔ وہ اس ہاؤس کی تمام کارروائی میں actively participate کرتے ہیں۔ لیکن چونکہ پارلیمانی پریکٹس میں ایک قاعدہ بن گیا ہے کہ ہم لیجسلیشن کے سلسلے میں consideration کمیٹیوں میں کرتے ہیں۔ ہاؤس کے اندر نہیں کرتے۔ ہاؤس کے اندر اگر اپوزیشن والے چاہتے ہوں تو وہ بل کے مختلف پہلوؤں پر، جن پر کہ committees کے اندر agreement نہ ہوا ہو ان پر یہاں گفتگو کرتے ہیں، تو چونکہ یہ بل بڑا اہم بل تھا اس لئے اس سے قبل Informally Treasury Benches سے متعلق لوگ لابی میں بیٹھے اور انہوں نے اس بل کے مختلف پہلوؤں پر توجہ کی، غور کیا، اور اس نتیجے پر پہنچے کہ چونکہ موجودہ حالات کے پیش نظر اس بل کا فوری طور پر پاس کیا جانا ضروری تھا اس لئے ہم اس بل کی مکمل تائید کرتے ہیں۔

Mr. Chairman : Does any other Member want to speak? Haji Sahib do you want to say anything? This time you have not contributed. Do you support or oppose? All right. The question before the House is :

“That the Bill further to amend the State Bank of Pakistan Act, 1956 [The State Bank of Pakistan (Amendment) Bill, 1975], as passed by the National Assembly, be taken into consideration at once.”

(The motion was adopted)

Mr. Chairman : Now, we move to the next item.

Malik Mohammad Akhtar : Sir, clause-wise reading.

Mr. Chairman : Yes. A friend in need is a friend indeed.

Malik Mohammad Akhtar : So you are, Sir.

Mr. Chairman : Now, we take clause by clause consideration of the Bill. We take clause 2. Of course, there is no amendment. So, the question is :

“That clause 2 stands part of the Bill”.

(The motion was adopted)

Mr. Chairman : Clause 2 forms part of the Bill.

Malik Mohammad Akhtar : Sir, it is a very simple Bill. I would like to add an amendment. This is a new clause. As a matter of fact, there is some amendment, and I would like to move this oral amendment, with your permission Sir, and if the House agrees,

Mr. Chairman : Do you want to move oral amendment to clause 2?

Malik Mohammad Akhtar : No, Sir, insert new clause.

Mr. Chairman : All right.

Malik Mohammad Akhtar : Sir, I beg to move that the following new clause be added after clause 2,

“Repeal of Ordinance I of 1975 : The State Bank of Pakistan (Amendment) Ordinance, 1975 (I of 1975) is hereby repealed”.

Mr. Chairman : So this is a new clause and it will be added as clause 3.

Malik Mohammad Akhtar : Yes, Sir.

Mr. Chairman : So, now the oral amendment moved by the honourable Minister is that there should be a new clause, clause 3. The heading is :—

“Repeal of Ordinance I of 1975 : The State Bank of Pakistan (Amendment) Ordinance, 1975 (I of 1975) is hereby repealed”.

The question is that the amendment be adopted.

(The motion was adopted)

Mr. Chairman : The clause is adopted. Now, we take up Preamble, Short Title and Clause 1. The question is :

“That the Preamble, Short Title and Clause 1 form Part of the Bill”.

(The motion was adopted)

Mr. Chairman : Preamble, Short Title and Clause 1 form part of the Bill. Now you move item No. 6.

Malik Mohammad Akhtar : Sir, I beg to move that the Bill further to amend the State Bank of Pakistan Act, 1956 [The State Bank of Pakistan (Amendment) Bill, 1975] be passed.

Mr. Chairman : The Motion before the House is that the Bill further to amend the State Bank of Pakistan Act, 1956 [The State Bank of Pakistan (Amendment) Bill, 1975] be passed.

There is hardly any necessity to say anything on this Motion because that has already been said. So I will put the question.

Mr. Chairman : The question before the House is :

“That the Bill further to amend the State Bank of Pakistan Act, 1956 [The State Bank of Pakistan (Amendment) Bill, 1975], as amended be passed.”

(The motion was adopted)

Mr. Chairman : The Bill, as amended, stands passed. Now item No. 7.

Malik Mohammad Akhtar : Sir, I beg to move :

“That the Bill further to amend the Ports Act, 1908 [The Ports (Amendment) Bill, 1975] as passed by the National Assembly, be taken into consideration.”

Mr. Chairman : The motion moved is :

“That the Bill further to amend the Ports Act, 1908 [The Ports (Amendment) Bill, 1975], as passed by the National Assembly, be taken into consideration.”

Mr. Tahir Mohammad Khan : Sir, I beg to move :

“That the Ports (Amendment) Bill, 1975, as passed by the National Assembly, be referred to the Standing Committee concerned.”

Mr. Chairman : The amendment moved is :

“That the Ports (Amendment) Bill, 1975, as passed by the National Assembly, be referred to the Standing Committee concerned.”

Malik Mohammad Akhtar : Sir, I have got no objection but I will only request that it may be brought up before the House, if possible, tomorrow.

Mr. Chairman : All right.

Malik Mohammad Akhtar : If possible, Sir, otherwise next day.

Mr. Chairman : I will put the question. The question before the House is :

“That the Ports (Amendment) Bill, 1975, as passed by the National Assembly, be referred to the Standing Committee concerned.”

(The motion was adopted)

Mr. Chairman : Now, this Bill will go to the Standing Committee concerned. Well, if it is possible, it should be placed on the agenda—on the Orders of the Day tomorrow. It is up to you if you can complete the whole thing.

Malik Mchammad Akhtar : We will try.

Mr. Chairman : All right, then I will issue instructions to the Secretariat to place it on the Orders of the Day for tomorrow.

There is no other business. So, we meet tomorrow at 10.00 a.m. The House stands adjourned to meet again tomorrow at 10.00 a.m.

The Senate then adjourned till Ten of the Clock on the morning on Thursday, February 6, 1975.