



THE SENATE OF PAKISTAN DEBATES OFFICIAL REPORT

Tuesday, the 11th February, 1975

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PRINTED AT THE INTERNATIONAL PRESS, KARACHI.
PUBLISHED BY THE MANAGER OF PUBLICATIONS, KARACHI.

Price : Paisa 50

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SENATE DEBATES
SENATE OF PAKISTAN

Tuesday, 11th February, 1975

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

(Recitation from the Holy Quran)

OPPOSITION RESOLVES TO RESUME BOYCOTT

خواجہ محمد صفدر : جناب والا ! میں آپ کی اجازت سے ایک بات عرض کرنا چاہتا ہوں۔

جناب چیئرمین : کیا فرمایا آپ ، نے؟

خواجہ محمد صفدر : جناب والا ! میں نے کہا ہے کہ میں آپ کی اجازت سے یہ عرض کرنا چاہتا ہوں کہ نیشنل اسمبلی میں بحث کے دوران یہ فیصلہ کیا گیا ہے کہ ۱۰ ممبران پر مشتمل ایک کمیٹی بنائی جائے اور یہ کمیٹی بنا دی گئی ہے جس میں حزب اقتدار اور حزب اختلاف کے ممبران شامل ہیں۔ کمیٹی حزب اقتدار اور حزب مخالف کے مابین اختلافات پر غور کرے گی آپ شاید جانتے ہوں۔

جناب چیئرمین : نہیں میرے پاس information نہیں اور نہ ہی آج میں وہاں گیا ہوں۔

خواجہ محمد صفدر : بہر حال میں عرض کرتا ہوں کہ حال ہی میں ۱۰ فروری کو حکمران جماعت اور حزب اختلاف کے مابین متنازعہ امور پر سمجھوتہ ہوا تھا۔ یہ ایک انتہائی اہم مسئلہ ہے اس پر غور کے لئے ایک

[Khawaja Mohammad Safdar]

۱۰ رکنی کمیٹی بنائی گئی ہے جب تک ان کے درمیان کوئی agreement کی صورت نہیں نکلتی اسوقت تک ہم اس اجلاس میں شرکت سے معذوری کا اظہار کرتے ہیں۔

Malik Mohammad Akhtar: I have never contradicted my friend.

Mr. Chairman: There is no harm in listening.

***Malik Mohammad Akhtar:** I have never contradicted my friend since we have known each other but I am afraid he has been misinformed. I was present in the House. It has been agreed to a very great extent that the Accord will be honoured but a controversy arose in respect of the interpretation of the Accord. After it was agreed to than suddenly Mian Mahmud Ali Qasuri wanted some extension of time or something like that and it was again disputed. But to say that the Accord is being negotiated is incorrect. I am making a statement on the floor of the House. My friend can verify it. But they have agreed that they will sit in a Committee—Select Committee to consider the Third Constitutional Amendment Bill and the Select Committee has been formed and probably ten or more persons have been nominated on that Committee, and the Opposition has agreed and they have resumed the work. They have gone in a Committee. But to say that some negotiations are going on, as far as my best knowledge is concerned. I consider my honourable, worthy, elderly statesman, my brother has not been correctly informed. I was in the House. No negotiations are continuing. The Opposition has agreed to participate in the Committee. The meeting is being held. Why should we defer our business unnecessarily. It is upto him. He has got so many adjournment motions. Many of the honourable Senators were there in the gallery. I am sure others will also testify to what I have said. They have agreed. They have gone to a Committee. The Committee is to submit its report tomorrow at 10.00 a.m. and the National Assembly is going to meet at 11.00 a.m. in the light of that Committee's Report. So I categorically deny that any further negotiations are being held. What I have said was decided in the House. Outside the House if any thing has happened that I do not know but in the House they have agreed to participate in the proceedings of the Committee and in accordance with that decision, the Committee has been formed and the Committee is to place its report tomorrow before the House, that is, National Assembly. So I do not find any reason why my worthy friend should not participate in the proceedings today when he has got some important adjournment motions because the word 'adjournment' denotes that the matter is of an urgent nature. So I request them to participate. Nothing is going to happen. Tomorrow, they

*Speech not corrected by the Honourable Minister.

can change their mind if there is some interpretation or further development. Presently no negotiations are going on. They have agreed to the Select Committee which has been formed unanimously.

سردار محمد اسلم : پوانٹ آف آرڈر ، نیشنل اسمبلی میں اسلئے نہیں کمیٹی بنائی گئی ہے بلکہ وہ بل پر غور کرنے کے لئے کمیٹی بنائی گئی ہے۔
جناب چیئرمین : اسکے متعلق آپ نے پوانٹ آف آرڈر پہلے اٹھانا تھا اب تو ملک صاحب نے بتا دیا ہے۔

We are not concerned with this matter. It is too large a question for a point of order.

خواجہ محمد صفدر : جناب والا! میں اپنا ماضی الضمیر پوری طرح آپ کے سامنے واضح نہیں کر سکا اسلئے محترم وزیر مملکت میرے بات کو غلط سمجھے ہیں۔ میں نے یہ کہا ہے کہ اراکین کی کمیٹی ایک ایسے بل کے متعلق ہی بنائی گئی ہے جس میں کوئی شک نہیں یہ کمیٹی یہ معلوم کرنے کی کوشش کریگی کہ وہ معاہدہ جو چند دن پیشتر اپوزیشن اور جذب اقتدار کے مابین ہوا تھا اسپر کس حد تک ارباب اقتدار عمل کرنا چاہتے ہیں۔ میرے ساتھی اور میں اسوقت کی اس ایوان کی کارروائی میں حصہ نہیں لیں گے۔

(The Opposition withdraw from the House)

جناب چیئرمین : آپ کی appeal کا ان پر کوئی اثر نہیں ہوا۔

Mr. Chairman: All right. Now, we take up adjournment motions.

ADJOURNMENT MOTION *Re*: DISAPPEARANCE OF SMUGGLED WATCHES SEIZED BY CUSTOM AUTHORITIES

Mr. Chairman: Yes, Senator Haji Syed Hussain Shah. Not present. Then, I think, when the Member is not here, leave cannot be sought:

"A leave to make a motion shall be asked only by the Member who has given notice." Only by the same Member. It is not like questions that any other Member can rise and ask question on behalf of someone else. So, it falls through because of the absence of the Member concerned under rule 72, para 2.

Now, the next.

ADJOURNMENT MOTION *Re* : DERAILMENT OF A RAILWAY
ENGINE AND THREE WAGONS NEAR MUSLIM BAGH
RAILWAY STATION

Mr. Chairman: Senator Zamarud Hussain.

Members : Not present.

Mr. Chairman: It meets the same fate. Well, the next.

ADJOURNMENT MOTION *Re* : ARREST OF SENATOR
MOHAMMAD HASHIM GHILZAI, LEADER OF THE OPPOSITION

Mr. Chairman : Yes, this adjournment motion is by Senator Haji Shabib Shah and Mr. Mohammad Zaman Khan Achakzai. None is present. It falls through.

So, the next.

ADJOURNMENT MOTION *Re* : ARREST OF
MR. ABDUL WALI KHAN, MNA

Mr. Chiirman: Senator Khawaja Mohammad Safdar.

He is not here. Falls through.

Next.

ADJOURNMENT MOTION *Re* : ARREST OF SENATOR
MOHAMMAD HASHIM GHILZAI

Mr. Chairman: This is again by Senator Khawaja Mohammad Safdar.

It meets the same fate.

Now, the next.

ADJOURNMENT MOTION *Re* : DISSOLUTION OF
NATIONAL AWAMI PARTY

Mr. Chairman: This is by Senator Khawaja Mohammad Safdar.

Meets the same fate.

Then, the next.

ADJOURNMENT MOTION *Re* : MASS ARRESTS OF MNA's,
SENATORS, MPAS ETC

Mr. Chairman : Senator Khawaja Mohammad Safdar again.

He is absent. Falls through.

ADJOURNMENT MOTION *Re*: ARRESTS OF SENATOR SHAHZAD GUL.

Mr. Chairman : Again Khawaja Muhammad Safdar.

He is absent. Falls through.

So, the next.

ADJOURNMENT MOTION *Re*: ARREST OF SENATOR
M. ZAHURAL HAQ

Mr. Chairman : This is again by Khawaja Mohammad Safdar.

He is absent. Falls through.

Now, the last.

ADJOURNMENT MOTION *Re*: ARREST OF SENATOR
HAJI SYED HUSSAIN SHAH

Mr. Chairman : This is another by Senafor Khawaja Mohammad Safdar.

Yes, he is absent. Falls through.

Now, we proceed with the next item, namely the information received from the authorities concerned about the arrest of Senators under the Rules of Procedure. This is by the SSP, Rawalpindi addressed to the Chairman of the Senate.

INTIMATION *Re*: ARREST OF SENATOR
MOHAMMAD HASHIM GHILZAI

Mr. Chairman : "I have the honour to inform you that I have found it my duty in the execution of an order issued by the Districts Magistrate, Rawalpindi, under section 3 of the West Pakistan Maintenance of Public Order Ordinance, directing that Mr. Muhammad Hashem Khan Ghilzai s/o Sardar Bagh Mohammad Khan." It was unnecessary to mention his father's name. Mohammad Hashim Khan Senator is quite sufficient - "Member of the Senate, be arrested and detained for acting in a manner prejudicial to public safety and maintenance of public order. So, Mr. Mohammad Hashem Ghilzai s/o Sardar Bagh Muhammad Khan, Member of the Senate, was accordingly arrested at 12.12 p.m. on 10.2.75 and is at present lodged in the District Jail, Rawalpindi."

Yes, there is another information as required by the Rules. It has been given by the Senior Superintendent of Police, Rawalpindi, the same authority and is addressed to me.

INTIMATION *Re* : ARREST OF SENATOR
HAJI SAYED HUSSAIN SHAH

Mr. Chairman: "I have the honour to inform you that I have found it my duty in the execution of an order issued by the District Magistrate, Rawalpindi, under section 3 of the West Pakistan Maintenance of Public Order Ordinance, directing that Mr. S. Hasan Shah Hazara s/o S. Ahmad Shah, Member of the Senate, be arrested and detained for acting in a manner prejudicial to public safety and maintenance of public order. So, Mr. S. Hasan Shah Hazara s/o S. Ahmed Shah, Member of the Senate, was accordingly arrested at 12.5 p.m. on 10.2.75 and is at present lodged in the District Jail, Rawalpindi."

Mr. Qurban Ali Shah: Sir, I think, the name given is wrongly mentioned.

Mr. Chairman : Well, I can only read what has been written.

Now, here is another intimation.

This is by the Deputy Commissioner, Mardan addressed to Chair.

INTIMATION *Re*: ARREST OF SENATOR SHAHZAD GULL

Mr. Chairman: "The Superintendent of Police, Mardan has intimated to me to have arrested Mr. Shahzad Gul Bacha, Member, Senate of Pakistan, on 10.2.75, in case FIR No. 72, dated, 8.2.1975, under section 302/307 PPC plus 3/4 Explosive Substances Act, 43/49, Defence of Pakistan Rules, Police Station Tehkel, District Peshawar. This information is being passed on to your honour for information".

These are the intimations about the arrest of the Senators. Now, I will read the message received from the Secretary National Assembly addressed to this Secretariat.

MESSAGE FROM N.A. SECRETARIAT *Re*: ADOPTION OF THE
PAKISTAN STANDARDS INSTITUTION (CERTIFICATE MARKS)
(AMENDMENT) BILL, 1975.

Mr. Chairman: "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 Pakistan Standards Institution (Certification Marks) (Amendment) Bill, 1975 on the 11th February, 1975. A copy of the Bill is transmitted herewith. Kindly acknowledge receipt."

There is another message from the same source to this Secretariat.

MESSAGE FROM N.A. SECRETARIAT *Re*: ADOPTION OF THE
BOILERS (AMENDMENT) BILL, 1975

Mr. Chairman: "In pursuance of rule 109 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 Boilers (Amendment) Bill, 1975, on the 11th February, 1975. A copy of the Bill is transmitted herewith. Kindly acknowledge receipt."

There is a third message of the same nature from the same source to this Secretariat.

MESSAGE FROM N.A. SECRETARIAT *Re*: ADOPTION OF THE
IMPORT OF GOODS (PRICE EQUALIZATION SURCHARGE)
(AMENDMENT) BILL, 1975

Mr. Chairman: "In pursuance of rule 112-D of the Rules of Procedure and Conduct of Business in the National Assembly, I have the honour to inform the Senate Secretariat that the Import of Goods (Price Equalization Surcharge) (Amendment) Bill, 1975, passed by the Senate with amendments was reconsidered by the National Assembly and passed on the 11th February. A copy of the Bill is transmitted herewith. Kindly acknowledge receipt."

There is a fourth message from the Secretary National Assembly.

MESSAGE FROM N.A. SECRETARIAT *Re*: ADOPTION OF THE
EXCLUSIVE FISHERY ZONE (REGULATION OF FISHING)
BILL, 1975

Mr. Chairman: "In pursuance of rule 112-D 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 Exclusive Fishery Zone (Regulation of Fishing) Bill, 1975, passed by the Senate with amendments, was reconsidered by the National Assembly and passed on the 11th February. A copy of the Bill is transmitted herewith. Kindly acknowledge receipt."

That is all. So, we take up item No. 2, Report of the Standing Committee has to be presented by Mr. Mohammad Sulleman.

STANDING COMMITTEE REPORT *Re*: THE PORTS
(AMENDMENT) BILL, 1975

Mr. Mohammad Sulleman M. Samejo: Mr, Chairman, Sir, I have honour to submit on behalf of the Committee its report on the Ports (Amendment) Bill, 1975, referred to the Standing Committee. The Report is laid on the table of the House.

Mr. Chairman: Yes, it is placed on the table of the House.

Now, we take up legislative business. Malik Sahib it is your turn.

THE EXPLOSIVE SUBSTANCES (AMENDMENT) BILL, 1975

Malik Mohammad Akhtar: Sir, I beg to move:

“That the Bill further to amend the Explosive Substances Act, 1908. [The Explosive Substances (Amendment) Bill, 1975], as reported by the Standing Committee, be taken into consideration at once.”

Mr. Chairman: The motion moved is :

“That the Bill further to amend the Explosive Substances Act, 1908. [The Explosive Substances (Amendment) Bill, 1975], as reported by the Standing Committee, be taken into consideration at once.”

No amendment?

Malik Mohammad Akhtar: No amendment, Sir. I only want to explain that because the term ‘sentence for transportation’ is no longer a legal sentence and could not therefore be awarded, That is why the present Act has been amended. We have substituted the sentence ‘transportation for life’ as a sentence for ‘imprisonment for life.’ Sir, that was done in accordance with the Law Reforms Ordinance and we are amending certain laws in accordance with the Law Reforms Ordinance, 1972 and that is a consequential amendment and nothing is to be said more than that.

Mr. Chairman: Yes, would any other Honourable Member of the House want to say for or against the motion? Nobody. All right. Then if there are no other speeches, I will put the question to the House. The question before the House is:

“That the Bill further to amend the Explosive Substances Act, 1908. [The Explosive Substances (Amendment) Bill, 1975], as reported by the Standing Committee, be taken into consideration at once.”

(The motion was adopted)

Mr. Chairman : Now, we move clause by clause consideration of the Bill. Second reading.

The question before the House is:

“That clause 2 forms part of the Bill.”

(The motion was adopted)

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

Then clause 3. I hope there is no amendment. The question before the House is:

“That clause 3 forms part of the Bill.”

(The motion was adopted)

Mr. Chairman : Clause 3 forms part of the Bill.

Then clause 4. The question before the House is :

“That clause 4 form part of the Bill.”

(The motion was adopted)

Mr. Chairman : Clause 4 forms part of the Bill.

Now the question before the House is :

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

(The motion was adopted)

Mr. Chairman : The Preamble, Short title and clause 1 form part of the Bill.

Yes, Malik Sahib.

Malik Mohammad Akhtar: Sir, I beg to move :

“That the Bill further to amend the explosive Substances Act, 1908. (The Explosive Substances (Amendment) Bill, 1975), as reported by the Standing Committee, be taken into consideration at once.”

Mr. Chairman : The Motion moved is :

“That the Bill further to amend the Explosive Substances Act, 1908. (The Explosive Substances (Amendment) Bill, 1975), as reported by the Standing Committee, be taken into consideration at once.” Do you like to say anything?

Malik Mohammad Akhtar: Nothing, Sir, it is an ordinary technical amendment.

Mr. Ihsanul Haq: Sir, he has already enlightened the House. We are fully convinced by his arguments.

Malik Mohammad Akhtar: I think, Sir, they have been co-operative.

Mr. Ihsanul Haq: This is not Co-operative Society.

Malik Mohammad Akhtar: I still think for your co-operation, Sir.

Mr. Chairman: I put the question before the House.

The question before the House is :

“That the Bill further to amend the Explosive Substances Act, 1908. (The Explosive Substances (Amendment) Bill, 1975), be passed.”

(The motion was adopted)

Mr. Chairman : The Bill stands passed unanimously.

Now, there is no other work for today.

The House stands adjourned to meet tomorrow at 19.00 P.M.

Then the House adjourned to meet again at seven of the clock in the evening on Wednesday February 12, 1975.

Mr. Chairman: The Motion moved is :
That the Bill further to amend the Explosive Substances Act, 1908. (The Explosive Substances (Amendment) Bill, 1975), as reported by the Standing Committee, be taken into consideration at once.
Mr. Chairman: The Motion moved is :
“That the Bill further to amend the Explosive Substances Act, 1908. (The Explosive Substances (Amendment) Bill, 1975), as reported by the Standing Committee, be taken into consideration at once.”
Mr. Chairman: Nothing, Sir, it is an ordinary technical amendment.
Mr. Ishaq: Sir, he has already explained the House. We are fully convinced by his arguments.
Mr. Ishaq: I think Sir, they have been co-operative.
Mr. Ishaq: This is not Co-operative Society.
Mr. Ishaq: I still think for your co-operation, Sir.