



# THE SENATE OF PAKISTAN DEBATES OFFICIAL REPORT

Wednesday, the 12th February, 1975

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SENATE DEBATES  
SENATE OF PAKISTAN

Wednesday, 12th February, 1975

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

(Recitation from the Holy Quran)

STATEMENT ON BEHALF OF BOYCOTTING OPPOSITION

خواجہ محمد صفدر : جناب چیئرمین ! میں آپ کی اجازت سے اس ایوان میں اپوزیشن کی جانب سے ایک گزارش کرنا چاہتا ہوں اور اس بات کی وضاحت کرنا چاہتا ہوں کہ.....

Mr. Qamaruz zaman Shah : Point of Order, Sir.

Mr. Chairman : There is a Point of Order.

POINT OF ORDER

Mr. Qamaruz zaman Shah : Sir, it is very unfortunate thing that I find here that the Opposition comes and attends the session, and right at the very beginning before any item on the Orders of the Day is taken, they get up, make a statement, say whatever they want to say, and leave the House. Well, if that is the thing then while they are saying what they want to say, we will leave the House because if they do not want to listen to what we say, we would not like to listen to what they say. If Mr. Khawaja Safdar has to make any statement, I would request that he should sit till he hears everything what we have to say about it and then leave the House, if he has to leave the House.

خواجہ محمد صفدر : جناب والا ! میں کسی شرط کو قبول کرنے کے لئے تیار نہیں - اگر محترم چیئرمین صاحب ! اسٹیٹمنٹ دینے کی اجازت دیں گے تو

[Khawaja Mohammad Safdar]

اسٹیٹمنٹ دوں گا ، اگر اجازت نہیں دیں گے تو میں اسٹیٹمنٹ نہیں دوں گا۔ جہاں تک اس بات کا تعلق ہے کہ میں کوئی بیان دے سکتا ہوں کہ نہیں ، میں اپنی اس رائے کی تائید میں رولنگ پیش کرنے کی اجازت چاہوں گا۔

Mr. Chairman: That was a fair suggestion. If you want to make a statement, I will allow you to make a statement but, you see, there is no sense in making a statement and then immediately leave the House for a walk-out. That will not be very healthy.

خواجہ محمد صفدر : جناب والا ! مجھے اس جیسے ایوانوں میں بیٹھنے کا شرف ۲۵ سال سے حاصل رہا ہے۔ اسلئے میں سمجھتا ہوں کہ نہ ہی کبھی حزب اختلاف پر کوئی شرط عائد کی گئی اور نہ ہی کبھی حزب اختلاف کے واک آؤٹ کو پارلیمانی جمہوریت کے منافی سمجھا گیا۔ اپوزیشن کا بیان دے کر واک آؤٹ کرنا بھی عین پارلیمانی جمہوریت کے مطابق ہے۔ اسلئے میں التماس کرتا ہوں کہ میری درخواست کو تحمل سے سنیں۔

جناب چیئرمین : میری عرض بھی سنیں۔ میں ان کو مجبور تو نہیں کر سکتا کہ وہ آپ کی اسٹیٹمنٹ سنیں۔

خواجہ محمد صفدر : وہ چلے جائیں ، اگر نہیں سننا چاہتے۔

جناب چیئرمین : پھر کورم نہیں ہوگا۔

خواجہ محمد صفدر : جس طرح وہ مجھے مجبور نہیں کر سکتے اسی طرح

میں بھی انہیں مجبور نہیں کر سکتا کہ وہ میری بات سنیں۔

جناب چیئرمین : میری بات سنیں جھگڑے کی بات نہیں۔ اگر آپ واک آؤٹ کرنا چاہتے ہیں تو اسٹیٹمنٹ دینے کی کیا ضرورت ہے؟ آپ کا منشا یہی ہے کہ آپ کسی وجہ سے ایوان کی کارروائی میں حصہ نہیں لینا چاہتے اور آپ اس سے پہلے اسٹیٹمنٹ دینا چاہتے ہیں۔ آپ مجھے بتائیں کہ آپ نے کہا ہے کہ مجھے ۲۵ سال کا تجربہ حاصل ہے تو میں ۳۴ سال سے ممبر چلا آ رہا ہوں۔

خواجہ محمد صفدر : بیجا ہے ، بیجا ہے ۔

جناب چیئرمین : میں ۱۹۳۲ء سے ممبر منتخب ہو رہا ہوں ۔ آپ مجھے کیا بتاتے ہیں ؟ کوئی دقیقہ تو سی قسم کی رولنگ کوٹ کر دیں گے ۔

I am not bound by every ruling because we have got our own common sense.

خواجہ محمد صفدر : ان کتابوں میں جو روایات درج ہیں ان کو یہاں سے نکال دیجئے یا پھاڑ دیجئے ۔

جناب چیئرمین : یہ جو آپ بتا رہے ہیں یہ انڈیا کی ۱۹۲۱-۱۹۳۰ء کی ہوں گی ۔

خواجہ محمد صفدر : ہاں ، ہاں ۔

جناب چیئرمین : تو پھر اسمیں کیا بات ہے ؟

خواجہ محمد صفدر : اگر آپ سمجھتے ہیں کہ ان میں کوئی ایسی بات نہیں تو میں رولنگ نہیں پیش کروں گا ۔

جناب چیئرمین : رولنگز ہمیشہ تبدیل ہوتی رہتی ہیں ۔ رولنگز کوئی قانون نہیں بن جاتیں ۔

خواجہ محمد صفدر : جناب والا ! میں آپ کی خدمت میں ایک صاف اور سادہ سی درخواست کرنا چاہتا ہوں ۔ اگر آپ اجازت دیں ۔

جناب چیئرمین : خواجہ صاحب ، آپ بیٹھیں تو سمی ، میں آپ کو اجازت دیتا ہوں ۔ میری بات تو سنیں ۔

خواجہ محمد صفدر : جناب والا ! میں بیٹھ گیا ہوں اور نہایت احترام سے آپ کی بات سنتا ہوں ۔

جناب چیئرمین : دیکھیں ناں ، اگر کوئی Point of Order ہے ، Personal Explanation ہے ، کوئی clarification ہے یا کوئی اور چیز ہے اسکے لئے :

You are perfectly at liberty to make a statement.

[Mr. Chairman]

لیکن اگر آپ صرف اسلئے اسٹیٹمنٹ دینا چاہتے ہیں کہ اسکے بعد واک آؤٹ کر لیں گے تو میرے خیال میں :

It will be only unnecessary. I should not say waste of time but unnecessary.

اتنا میں نے آپ کو کہلا دیا ہے ۔

خواجہ محمد صفدر : جناب والا ! میری صرف اتنی گزارش ہے کہ آپ ہاں کہیں یا نہ کہیں ۔ اگر آپ اجازت دیں گے تو میں اسٹیٹمنٹ دوں گا ورنہ میں ان لوگوں میں سے نہیں ہوں جن کو اس کرسی کا احترام نہیں ہوتا ۔

جناب چیئرمین : یہ تو مجھے معلوم ہے کہ آپ کو ہاؤس کے وقار کا احترام ہے ۔

چوہدری محمد اسام : ہاؤس سے پوچھ لیا جائے ۔

جناب چیئرمین : اسی لئے میں ہمیشہ آپ کو accommodate کرتا رہا ہوں میں آپ کو latitude دیتا رہا ہوں لیکن یہ مسئلہ میں نے اخبار میں پڑھا ہے ۔

I was not present in the National Assembly yesterday but today I read in the papers that the same thing has happened in the National Assembly. Yesterday, Mufti Mahmud probably wanted to make some statement, then it was objected to by Mr. Pirzada who remarked that if you just want to make a statement then you cannot do it. Thereafter, the Prime Minister intervened and there was some agreement. So you can make a statement if you are prepared to agree to what has been suggested by the Treasury Benches.

خواجہ محمد صفدر : جناب والا ! مجھے انتہائی رنج اور افسوس سے کہنا پڑ رہا ہے کہ میں آج تک اپنے دوستوں کی خواہشات کا احترام کرتا رہا ہوں لیکن آج میں ان کی خواہشات کا احترام نہیں کر سکتا ۔ ملک کے حالات یہ ہیں کہ اس طرف دیکھتے ۔ قائد حزب اختلاف سمیت ساری نشستیں خالی ہیں

اسلئے ایسے حالات میں اس ہاؤس میں بیٹھ کر ایوان کی کارروائی میں حصہ لینا میرے لئے نا ممکن ہے -

(اس موقع پر خواجہ صاحب بمع دیگر ممبران اپوزیشن ایوان سے باہر نکل گئے)

سردار محمد اسلم : پوائنٹ آف آرڈر ،

جناب چیئرمین : پوائنٹ آف آرڈر کی کوئی ضرورت نہیں ہے اگر یہ انکے

متعلق ہے کیونکہ وہ تو اٹھ کر چلے گئے ہیں -

جناب قمرالزمان شاہ : پوائنٹ آف آرڈر ، جناب والا !

Point of Order is that under what provision of law does he want to speak.

Mr. Chairman: I have not allowed him to speak.

انہوں نے کہا کہ میں ایسے حالات میں نہیں بیٹھ سکتا -

جناب قمرالزمان شاہ : یہ اسٹیٹمنٹ ہی تھی -

Mr. Chairman : The statement which he wanted to make has not been made. This was not the statement. He said, "I want to go". He must have something else in his mind.

Now, we take up questions.

### STARRED QUESTIONS AND ANSWERS

Mr. Chairman : Question No. 49.

Sardar Mohammad Aslam: Question No. 49, Sir, on behalf of Mr. Shahzad Gul.

### SALINITY AND WATER—LOGGING

49. \*Mr. Shahzad Gul : Will the Minister for Fuel, Power and Natural Resources be pleased to state ;

(a) the area, district-wise, under salinity and water-logging in the N.W.F.P. during 1971-72, 1972-73, 1973-74 and 1974-75 ;

(b) the steps the Federal Government has taken so far or intends to take in the near future in each district to check and remove the causes of rapid increase in salinity and water-logging and to provide soil reclamation and irrigation facilities in the N.W.F.P. ; and

[Mr. Shahzad Gul]

(c) the amount spent during the years mentioned above or intended to be spent in the near future by the Federal Government and other agencies for the said purposes?

**Mr. Mohammad Yusuf Khattak:** (Read by Mr. Taj Mohammad Khan Jamali) (a) The required information for the year 1971-72, 1972-73 and 1973-74 is contained in the statement placed on the Table of the Senate (Annexure). Information for the year 1974-75 has yet to be collected and compiled.

(b) Prior to 1974-75, the control of water-logging and salinity had been the responsibility of the Provincial Governments. From the financial year 1974-75, the financial responsibility for the execution of the water-logging and salinity control schemes in the country has been assumed by the Federal Government. The Schemes are prepared and their execution planned by WAPDA in consultation with the Provincial Governments. An accelerated Programme for Water logging and Salinity Control, Phase I of which will be spread over a period of 11 years, has been formulated, and is being executed by WAPDA.

The following Schemes pertaining to N.W.F.P. have been completed by WAPDA or are under execution :—

- (i) Anti-Water-logging Scheme for Peshawar City—16 dug wells, 4,700 feet of tile drains and installation of a pumping station for the tile drainage system have been completed as Phase I of the Scheme. Siting of additional dug wells, under Phase II is in progress.
- (ii) Pabbi Tubewell Scheme—Unit I : 28 tubewells have been installed and put into operation.
- (iii) Kafur Dheri Scheme (Peshawar District). This scheme provides for the installation of 70 tubewells and remodelling of 13 miles of existing drains. Work has been allocated and arrangements for sinking of tubewells are in hand.

In addition, the following works were executed by the Provincial Government ;

- (i) Construction of drains in water-logged area of village Nari Mir Abbas, Haved Road, and improvement and extension of Naurang Bannu (Mamakhel) drainage Scheme in Bannu District in 1972-73.
- (ii) Minor drainage works on existing drains in Peshawar and Mardan Districts in 1973-74.

In addition to the Schemes completed or in hand, planning for the following Schemes has also been undertaken by WAPDA :

- (1) Pabbi Tubewell Scheme Unit II (Peshawar District).
- (2) Jui Sheikh Scheme (Peshawar District).
- (3) SCARP Bannu (Bannu District).
- (4) SCARP Mardan (Mardan District).

Provision of irrigation facilities is the responsibility of the Provincial Government. The details of the new area brought under irrigation by the NWFP Government, district-wise are given below :

District	Area brought under irrigation (areas)		
	1971-72	1972-73	1973-74
Peshawar	1,500	—	500
Mardan	6,283	1,500	—
Kohat	4,876	530	4,500
Bannu	(Link Channel)	2,100	2,100
Hazara	—	200	1,750
Dir	14,366	—	—
Swat	12,280	—	4,481
Chitral	—	—	1,475
Malakand Agency	—	—	1,576
<b>Total :</b>	<b>39,305</b>	<b>4,330</b>	<b>14,282</b>

Mr. Chairman: Sardar Mohammad Aslam, you want all these details to be read ?

سردار محمد اسلم : میں نے یہ عرض کیا تھا کہ Table پر آجائے۔  
 جمالی صاحب خود ہی پڑھ رہے ہیں۔  
 جناب چیئرمین : وہ اتنا لمبا ہے۔

Half of your time will be consumed on this one answer.

سردار محمد اسلم : بس جواب چاہیے تھا۔

جناب تاج محمد خان جمالی : ایک اور منٹ لگے گا۔

Let him be satisfied.

جناب چیمبرمین : ایک منٹ نہیں لگے گا۔ آپکا اندازہ غلط ہے۔

Mr. Taj Mohammad Khan Jamali : Sir, this is (c).

(c) The amounts spent by the Provincial Government on construction, improvement, maintenance and repairs of reclamation and salinity control schemes, district-wise are as follows : He can read them out. These are placed on the Table of the House.†

The Federal Government has provided a sum of Rs. 250 lakhs during the current year (1974-75) for Water-logging and Salinity Control Projects in the Peshawar, Mardan and Bannu Districts. The total amount to be spent over the 11 years period, on the NWFP Projects, would be about Rs. 32 crores.

The amounts spent by the Provincial Government on providing irrigation facilities district-wise are as follows : He can read them out, Sir. These are placed on the table of the House.††

†(c) The amounts spent by the Provincial Government on construction, improvement, maintenance and repairs of reclamation and salinity control schemes, district-wise are as follows :—

District	1971-72	1972-73	1973-74
Peshawar .. .. .	5,58,766	3,20,773	3,30,198
Mardan .. .. .	4,47,556	3,24,161	3,70,568
Bannu .. .. .	38,630	2,51,720	2,62,107
<b>Total ..</b>	<b>10,44,952</b>	<b>8,96,654</b>	<b>9,62,873</b>

††The amounts spent by the Provincial Government on providing irrigation facilities, district-wise are as follows :—

(In lakhs of rupees)

District	1971-72	1972-73	1973-74
Peshawar .. .. .	0.720	—	2.358
Mardan .. .. .	1.070	0.670	—
Kohat .. .. .	8.070	2.150	1.885
Bannu .. .. .	0.029	3.180	—
Hazara .. .. .	—	0.090	5.425
Dir .. .. .	7.610	—	—
Swat .. .. .	0.633	—	6.484
Chitral .. .. .	—	—	6.167
Malakand Agency .. .. .	—	—	2.997
<b>Total ..</b>	<b>18.152</b>	<b>6.090</b>	<b>25.316</b>

Annexure

STATEMENT SHOWING DISTRICT-WISE AREA IN ACRES AFFECTED  
BY WATER-LOGGING AND SALINITY IN N.W.F.P. FOR THE YEARS  
1971-72, 1972-73 and 1973-74

Sl. No.	Name of District	1971-72			1972-73			1973-74		
		Thur (Sali- nity)	Sem (Water Log- ging)	Total area	Thur (Sali- nity)	Sem (Water Log- ging)	Total area	Thur (Sali- nity)	Sem (Water Log- ging)	Total area
1.	Peshawar	11227	1354	12581	11556	1829	13385	14450	2115	16565
2.	Mardan	11347	3026	14373	11651	2762	14413	12269	2940	15209
3.	Kohat	6	—	6	6	—	6	6	—	6
4.	Bannu	8466	2898	11364	10160	2896	13056	10160	2896	13056
5.	Dera Ismail Khan	63672	161	63833	63672	161	63833	63672	161	63833
6.	Hazara	—	—	—	—	—	—	—	—	—
Total..		94,718	7,439	1,02,157	97,045	7,648	1,04,693	1,00,557	8,112	1,08,669

*Note.*—The above information relates to that area of the District which is included in the Chakbandi of the Government Canals.

† These numerical statements being lengthy were placed on the Table of the House.

Mr. Chairman: Question No. 50. Nobody is present. All right.

Question No. 29. Nobody is present. Well.

Question No. 43. Not present. Nobody to ask. All right.

Then the questions are over.

STARRED QUESTIONS AND ANSWERS LAID ON THE TABLE

[Senator Mohammad Zaman Khan Achakzai and senator Khawaja Mohammad Safdar being about, following Starred Questions Nos. 50, 29 and 43 and their answers laid on the Table of the House].

HAJ PILGRIMAGE FACILITIES

50. \*Mr. Mohammad Zaman Khan Achakzai: Will the Minister for Religious Affairs be pleased to state :

(a) the number of Pakistanis allowed to travel by sea, air and private cars separately, for the performance of the last Haj ;

(b) the amount paid by the Hajis for seats booked in first and second classes for and places reserved on decks of ships and in the aero- plane alongwith the fare and the amount of foreign exchange sanctioned in each case ;

[Mr. Chairman]

(c) the period spent in Saudi Arabia by the Hajis travelled :—

(i) by sea, and

(ii) by air ?

\*Maulana Kausar Niazi: (a) The number of Paktstanis who performed Haj (December) 1974, under official arrangements is as follows:—

By Sea	..	..	..	..	..	35,444
By Air	..	..	..	..	..	21,782
By Cars	..	..	..	..	..	453
						57,979

(b) The amount paid by Hajis who travelled by different modes from Pakistan alongwith the fare and the foreign exchange sanctioned in each case is attached as Annexure I.

(c) The Period of stay of each sea and air pilgrim in Saudi Arabia is 90/95 days and 30/35 days respectively.

Annexure I

**DETAILS OF AMOUNT DEPOSITED BY THE HAJIS FOR SEATS BOOKED IN THE SHIPS AND AEROPLANE INCLUDING THE AMOUNT OF FARE AND FOREIGN EXCHANGE SANCTIONED IN EACH CASE**

Class	Number	Amount Paid		Rate of Fare & Foreign Exchange		
		Rs.	Rs.			
<i>Sea</i>						
Ist	275	23,51,250	@Rs.	8,550	Fare ..	3,150
					Food ..	350
					Fee ..	50
					F.E. ..	5,000
2nd	664	53,45,200	@Rs.	8,050	Fare ..	2,650
					Food ..	350
					Fee ..	50
					F.E. ..	5,000
Deck	34,505	20,61,59,900	@Rs.	5,980	Fare ..	1,780
					Food ..	150
					Fee ..	50
					F.E. ..	4,000
<i>Air</i>	21,782	**16,98,47,000	@Rs.	11,492	Fare ..	3,442
					Fee ..	50
					F.E. ..	5,000

\*\*does not include amount of ship fare deposited by 1800 sea pilgrims diverted to air without excess fare.

Haj year			By Ship	By Air	By land	Total
Jan. 1973	Applicants	.. ..	92,841	8201	9810	1,10,852
	Successful	.. ..	56,626	6002	7601	70,229
	Unsuccessful	.. ..	36,215	2199	2209	40,623
Jan. 1974	Applicants	.. ..	55,299	6142	1217	62,658
	Successful	.. ..	41,564	5613	—	47,177
	Unsuccessful	.. ..	13,735	529	1217	15,481
Dec. 1974	Applicants	.. ..	43,116	*15,383	—	58,499
	Successful	.. ..	35,444	21,782	453	57,679
	Unsuccessful	.. ..	7,672	—	—	7,672

\*Does not include diversion from sea to air, Hujjaj persons diverted to air and persons allowed to travel on international passports. Total of Air and Land applicants.

## DEFERRED QUESTIONS AND ANSWERS

(Question originally set down for answer on 1-2-1975)

### PAKISTANIS IN GREAT BRITAIN

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

- the number of Pakistanis in Great Britain according to the latest census ;
- whether it is a fact that Pakistanis in Great Britain are facing great difficulties in taking out their families and dependents from Pakistan to Great Britain ; and
- if answer to (b) above be in the affirmative, the steps so far taken by the Federal Government for the removal of the difficulties faced by the Pakistanis ?

**Mr. Hafeezullah Cheema:** (a) The number of Pakistanis in Great Britain is estimated at more than 300,000.

- Yes.

[Mr. Hafeezullah Cheema]

- (c) The Federal Government has taken up the matter on several occasions with the British Government at diplomatic level. A number of British Organisations have also shown concern in this respect. A British Minister of State recently visited a number of South Asian countries including Pakistan with the express objective of looking into the procedure for issuing entry certificates by the British Missions. The Federal Government raised the matter with him as well. It is hoped that as a result of this visit, the situation in this regard may ease.

*(Question originally set down for answer on 8-2-1975)*

### REPATRIATION OF AN INTERNEE

43. \***Khawaja Mohammad Safdar** : Will the Minister for Interior, States and Frontier Regions be pleased to state :

- (a) whether it is a fact that one Zahida Khaatoon, resident of House No. 3, H. Postal Colony, Edward Road, Lahore, has time and again requested the Federal Government to get her son, Ashfaq Ali, as internee in Alipore Jail, Calcutta, repatriated; and
- (b) what steps the Federal Government has so far taken in this respect ?

Mr. Abdul Qaiyum: (a) No.

(b) Does not arise.

Mr. Chairman : Now we take Adjournment motions. Adjournment Motion No. 58.

### ADJOURNMENT MOTION *Re*: DEMONSTRATORS IN PESHAWAR RANSACKED NAP, JUI, TEHRIK-E-ISTIQLAL, JAMAT-E-ISLAMI OFFICES AND PRIVATE HOUSES

Mr. Chairman : This has been tabled by Khawaja Mohammad Safdar. He is absent.

Falls through. Next is 59.

### ADJOURNMENT MOTION *Re*: BAN ON NAP BY FEDERAL GOVERNMENT

Mr. Chairman : This is by Senator Mufti Zafar Ali Nomani. He is also absent. It also goes the same way.

Now, there is a message from the Secretary, National Assembly.

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

“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 National Assembly passed the Constitution Third Amendment Bill, 1975 on the 12th February, 1975. A copy of the Bill is transmitted herewith. Kindly acknowledge receipt.”

Now, item 3. Report of the Standing Committee is to be presented by Mr. Ihsanul Haq.

STANDING COMMITTEE REPORT Re: THE CAPITAL  
DEVELOPMENT AUTHORITY (ABATEMENT OF  
ARBITRATION PROCEEDINGS) BILL, 1974

Mr. Ihsanul Haq: Sir, I have the privilege to submit on behalf of the Committee its Report on the Capital Development Authority (Abatement of Arbitration Proceedings) Bill, 1974.

Mr. Chairman : Yes, the Report is presented.

Now, we take up legislative business. Yes, you start.

Malik Miraj Khalid: Item No. 11, Sir.

Mr. Chairman : It is upto you.

Malik Miraj Khalid: Item No. 11, Sir.

Mr. Chairman : You want me to take up item 11.

Mr. Tahir Mohammad Khan: Sir, but the House has to give the permission that we are taking this item out of turn.

Mr. Chairman : No, no. I want to ask you, you want me to take up item 11.

Malik Miraj Khalid: Yes, Sir.

Mr. Chairman : All right. The Permission is formally accorded. now, I will ask the House. I have accorded you permission but I have to ask the House.

The honourable Minister for Law and Parliamentary affairs has requested that Item No. 11 should be taken first. Is the House prepared to give him this leave? Should we start with Item No. 11 straightaway?

(Leave was granted)

Mr. Chairman : All right. The house has granted leave.

## THE CONSTITUTION (THIRD AMENDMENT) BILL, 1975.

**Malik Miraj Khalid :** Sir I beg to move.

“That the Bill further to amend the Constitution of the Islamic Republic of Pakistan [The Constitution (Third 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 Constitution of the Islamic Republic of Pakistan [The Constitution (Third Amendment) Bill, 1975], as passed by the National Assembly, be taken into consideration.”

Not opposed. There is no opposition from that side. You can straight-away proceed with it.

**Malik Miraj Khalid :** Should I make a short statement, Sir?

**Mr. Chairman :** Oh, Yes.

جناب معراج خالد : جناب چیئرمین ! آئین کا یہ ترمیمی بل آئین کے آرٹیکل نمبر ۱۰ اور آرٹیکل نمبر ۲۳۲ میں دو نہایت خفیف سی ترمیموں کا طالب ہے۔ آرٹیکل نمبر ۱۰ کی سب کلاز چار پانچ اور سات میں جو ترمیم مطلوب ہیں۔ وہ یہ ہیں کہ سب کلاز نمبر ۴ کے مطابق جہاں ایک ماہ میں Review بورڈ کو کسی فیصلے پر پہنچنا تھا۔ اب وہ مدت تین ماہ تک بڑھا دی گئی ہے اور یہ نہیں کہا کہ Review بورڈ کیلئے لامتناہی مدت ہوگی اسلئے آئین کی سپرٹ کے عین مطابق ہم نے محض مدت میں تھوڑا سا اضافہ کیا ہے۔ کلاز نمبر ۵ میں جہاں یہ موجود تھا کہ ایک ہفتے کے اندر اندر گورنمنٹ کو ان وجوہات کا بیان کرنا مطلوب تھا جن کے تحت کسی کو نظر بند کیا جائے گا وہ اب ۱۵ دن کی مدت کر دی گئی ہے۔

سب کلاز (۷) میں یہ موجود تھا کہ کسی شخص کو ۸ مہینے تک نظر بند کیا جا سکتا تھا لیکن اس کا اب اطلاق ان اشخاص پر نہیں ہوگا اس ترمیم کے ذریعے جو کہ واضح طور پر ملک دشمنی پہ اتر گئے ہوں اور جو ملک کی بقاء سلامتی، تحفظ اور دفاع کو نقصان پہنچانے کے مرتکب گردائے گئے ہوں اور حکومت کے پاس ان کے واضح ثبوت موجود ہوں۔ جناب والا ! آئین میں ترمیم اسوقت کی جاتی ہے جبکہ حالات اسکا تقاضا کرتے ہوں اور موجودہ حالات نے حکومت کے لئے یہ لازمی کر دیا ہے کہ

وہ اس سب کلاز (۷) کا اطلاق ان اشخاص پر نہ ہونے دیں جن کے بارے میں اب نہ صرف اس معزز ایوان کے معزز ممبران پوری طرح واقف ہیں بلکہ ساری قوم ان سے آگاہ ہے۔ انہوں نے ملک کی بقا، سلامتی اور وطن عزیز کی وحدت کو پارہ پارہ کرنے اور جمہوری قدروں کو پامال کرنے میں گھنٹاؤں کے جرائم کئے ہیں۔ اس لئے سب کلاز (۷) میں یہ ترمیم نہایت ہی لازم تھی۔ جناب والا! آئین کے آرٹیکل ۲۳۲ کی سب کلاز (۷) کے (بی) میں جو ترمیم مطلوب ہے اسکے ذریعے ہنگامی حالات کو قائم رکھا جا سکتا ہے۔ اس سے پہلے موجودہ حالات کو ہر ۶ ماہ بعد دونوں ایوان کے مشترکہ اجلاس میں فیصلہ کرنا پڑتا تھا کہ ہنگامی حالات رہیں یا نہ رہیں لیکن اب اس ترمیم کے ذریعے یہ فیصلہ کیا گیا ہے کہ جب بھی پارلیمنٹ چاہے کہ حالات نہ رہیں تو وہ اسکا فیصلہ اکثریت رائے سے کر سکتی ہے۔ تو یہ بھی جمہوری اسپرٹ کے عین مطابق ہے میں اس بحث میں نہیں جانا چاہتا خود پاکستان کے اندر جو آئین بنے۔ ۱۸۵۶ء کا آئین ۱۹۶۲ء کا آئین اس میں کسی حد تک ترمیم کی اجازت تھی اور ہمارے ہمسایہ ملک کے آئین میں کسی حد تک گنجائش ہے لیکن ہم نے جمہوری تقاضوں کے عین مطابق اس کو لازمی سمجھا ہے اور میں سمجھتا ہوں کہ یہ پارلیمنٹ کی بالا دستی کو ماننے کے اور مستحکم کرنے کے عین مترادف ہے۔ کیونکہ اگر پارلیمنٹ چاہے تو ہنگامی حالات کو ختم کر سکتی ہے۔ اسلئے اس ترمیمی بل کے ذریعے یہ معصوم سی ترمیم کی ہیں اور یہ جمہوریت کی بقا اور ملکی استحکام کے لئے ناگزیر ہیں۔ جناب والا! قومی اسمبلی میں حزب اختلاف نے بھی اس سے قطعی طور پر اختلاف نہیں کیا اور انہیں اسپرٹ قطعی طور پر اعتراض کرنے کی گنجائش نہیں تھی۔ ان کا قومی اسمبلی سے اور اس معزز ایوان سے واک آؤٹ کرنا اس بل کی بنیاد پر نہیں تھا بلکہ اسکی وجوہات وہ ہیں جو خواجہ صفدر صاحب نے اپنے مختصر بیان میں جانے ہوئے فرما دیں۔ تو اسلئے میں سمجھتا ہوں کہ اسپرٹ یہ معزز ایوان کلی طور پر متفق ہے اور میرا یہی تاثر ہے۔ اس لئے اسکو منظور فرمایا جائے۔

Mr. Chairman: Any body wants to speak?

None.

[Mr. Chairman]

Now, I put the question before the House. The question before the House is:

“That the Bill further to amended the Constitution of the Islamic Republic of Pakistan. [The Constitution (Third Amendment) Bill, 1975], as passed by the National Assembly, be taken into consideration.”

*(The motion was adopted)*

**Mr. Chairman :** Now, we take up clause by clause consideration of the Bill. The question before the House is :

“That clause 2 forms part of the Bill”.

Those who are in favour may kindly rise in their seats. Count be taken.

*(Counting took place)*

**Mr. Chairman :** Twenty seven are in favour of this motion.

So this clause is adopted by majority of the membership of the House.

Now, we take up clause 3.

The question before the House is :

“That clause 3 forms part of the Bill.”

Those who are in favour may kindly rise in their seats.

*(Counting took place)*

**Mr. Chairman :** Yes, 27 members are in favour in this clause.

So, the clause has been adopted by the majority of the membership of the House.

Now, we take up clause 1. The question before the House is :

“That Preamble and Short title form part of the Bill.”

Those who are in favour may kindly rise in their seats.

*(Counting took place)*

**Mr. Chairman :** Yes, again 27 votes is favour of this clause.

**Tahir Mohammad Khan :** Sir, there is no vote against the clauses.

**Mr. Chairman :** I have never said this. I said there are 27 Members in favour. So, the clause 1 is also adopted by majority of the total membership of the House. Twenty Seven are in favour. Now, you move Item No. 12.

**Malik Miraj Khalid :** Sir, I beg to move.

“That the Bill further to amend the Constitution of the Islamic Republic of Pakistan. [The Constitution (Third Amendment) Bill, 1975], be passed.”

**Mr. Chairman :** The motion moved is :

“That the Bill further to amend the Constitution of the Islamic Republic of Pakistan. [The Constitution (Third Amendment) Bill, 1975], be passed.”  
If you want you can make a speech. It is up to you.

ملک معراج خالد : جناب میں نے عرض کر دیا ہے۔ اس لئے مزید کچھ  
تہیں کہنا چاہتا ہوں۔

**Mr. Chairman :** Now, this time you have to take the trouble of going into division. The question before the House is :

That the bill further to amend the Constitution of the Islamic Republic of Pakistan [The Constitution (Third Amendment) Bill, 1975], be passed”.

Now, division.

The Division bell be rang for two minutes.

**Mr. Chairman :** Gentlemen, you please resume your seats because division is to be taken now.

*(The House divides)*

**Mr. Chairman :** Yes please. I have to announce the result.

Division is not yet over, unless I announce the result of it. Votes have been counted. There are 26 votes in favour of the Motion and none against.

So, the Motion has been adopted by a majority of the total membership of the House.

Now, as a result of the division, the Constitution (Third Amendment) Bill is passed.

I hope you are not tired. Can we proceed with other Bills.

Voices : Yes, Sir.

**Mr. Chairman :** All right. Yes, Syed Qaim Ali Shah.

### THE BOILERS (AMENDMENT) BILL, 1975

**Syed Qaim Ali Shah :** Mr. Chairman, Sir, I beg to move :

“That the Bill further to amend the Boilers Act, 1923 [The Boilers (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 Boilers Act, 1923 [The Boilers (Amendment) Bill, 1975], as passed by the National Assembly, be taken into consideration.”

**Mr. Chairman :** Do you want to say anything?

**Syed Qaim Ali Shah :** No.

**Mr. Chairman :** So, the question before the House is:

“That the Bill further to amend the Boilers Act, 1923 [The Boilers (Amendment) Bill, 1975], as passed by the National Assembly, be taken into consideration.”

*(The motion was adopted)*

**Mr. Chairman :** Now, we take up clause by clause consideration. We take up clause 2 first. 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. There is no other clause.

Now the question before the House is :

“That 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 take up item No. 5.

**Syed Qaim Ali Shah Jilani :** Sir, I move:

“That Bill further to amend the Boilers Act, 1923 [The Boilers (Amendment) Bill, 1975] be passed.

**Mr. Chairman :** The Motion moved is :

“That the Bill further to amend the Boilers Act, 1923 [The Boilers (Amendment) Bill, 1975] be passed.

No. opposition? No amendment?

Voice No Sir.

**Mr. Chairman :** You do not want to say anything?

**Syed Qaim Ali Shah :** I want to give a little bit of explanation.

Actually, the Boilers Act 1923 was a central subject before the 1956 Constitution. Under that Constitution it became a Provincial subject. Again in 1962 it became a central subject and in 1965 the subject was again transferred to the provinces. Now, under the present Constitution it is on the concurrent list. Therefore, this august House has the authority to enact on this subject of boilers.

Now, Sir, what the Bill seeks to amend is section 27A. The composition of this Board, which was promulgated to enforce this Act, was constituted as late as 1923 and, therefore, it does not suit the present conditions. So, we have to amend the section in order to suit the present conditions, and so the composition has been changed, because we have four Provinces in the country, and we want the representation of the provinces on the Board, we want the representation of different industries which are dealing with steam boilers so that proper representation should be given on this Board. At present, there are only four members on the Board and no representation is given to the provinces. This is what we seek to do in this Bill.

**Mr. Chairman :** No other Member wants to speak? I put the question to the House. The Question before the House:

“That the Bill further to amend the Boilers Act, 1923 [The Boilers (Amendment) Bill, 1975] be passed.”

*(The motion was adopted)*

**Mr. Chairman :** The Bill is adopted unanimously. Next item No. 6.

### THE PAKISTAN STANDARDS INSTITUTION (CERTIFICATION MARKS) (AMENDMENT) BILL, 1975

**Syed Qaim Ali Shah Jilani :** Mr. Chairman, Sir, I beg to move:

“That the Bill further to amend the Pakistan Standards Institution (Certification Marks) Ordinance, 1961 [The Pakistan Standard Institution (Certification Marks) (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 Pakistan Standards Institution (Certification Marks) Ordinance, 1961 [The Pakistan Standards Institution (Certification Marks) Bill, 1975], as passed by the National Assembly, be taken into consideration.”

No opposition? No amendment? No objection?

**Voices No.**

**Mr. Chairman:** All right. I put the question. The question before the House is:

“That the Bill further to amend the Pakistan Standards Institution (Certification Marks) Ordinance, 1961 [The Pakistan Standards Institution (Certification Marks) Bill, 1975] be passed.”

*(The motion was adopted)*

**Mr. Chairman:** Now, we take up clause by clause consideration of the Bill. Clause 2. 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.”

Next clause 3. 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.

Next Preamble, Short Title and Clause 1. The question before the House is:

“That 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 take up the next item.

**Syed Qaim Ali Shah Jilani:** Sir, I beg to move:

“That the Bill further to amend the Pakistan Standards Institution (Certification Marks) Ordinance, 1961 [The Pakistan Standards Institution (Certification Marks) (Amendment) Bill, 1975] be passed.

**Mr. Chairman:** The motion moved is:

“That the Bill further to amend the Pakistan Standards Institution (Certification Marks) Ordinance, 1961 [The Pakistan Standards Institution (Certification Marks) (Amendment) Bill, 1975] be passed.

**Syed Qaim Ali Shah Jilani:** May I explain a little bit? Sir, this Ordinance was passed in 1961 and the purpose of the Ordinance was to enforce quality control in certain standard goods used inside the country as well as goods which are manufactured for export so that there will be proper quality

control. Under the 1962 Constitution the subject became a provincial subject. Now, therefore, difficulty has been faced because the Federal Government at present is not able to maintain the quality of certain goods which are meant for export or for internal trade because in the present Constitution also the internal trade is a provincial subject but, of course, in order to attract our manufactured goods outside the country it is necessary to have certain standard goods. There are complaints that the proper quality is not being maintained for those goods which are exported. Therefore, it is necessary for the Federal Government to have certain provisions of section 9 under which the Federal Government used to maintain quality control. That section was removed in 1962 Constitution. Now, we want to revise that section under the provision in Article 238 of the present Constitution. This is what is the purpose of the Bill. The Federal Government should have the authority to maintain quality control in different provinces and for the manufacture of some standard goods in all the provinces.

**Mr. Chairman:** Any other honourable Member wants to speak? No. So, I will put the question. The question before the House is:

“That the Bill further to amend the Pakistan Standards Institution (Certification Marks) Ordinance 1961. [Pakistan Standards Institution (Certification Marks) (Amendment) Bill, 1975] be passed.

*(The motion was adopted)*

**Mr. Chairman:** The Bill is adopted. Now item No. 8.

THE PORTS (AMENDMENT) BILL, 1975

**Malik Mohammad Akhtar:** Sir, on behalf of Mumtaz Ali Bhutto, I beg to move:

“That requirement of sub-rule (2) of rule 83 of the Rules of Procedure and Conduct of Business in the Senate, 1973, in regard to the Bill further to amend the Ports Act, 1908. [The Ports (Amendment) Bill, 1975], as reported by the Standing Committee, be dispensed with.

**Mr. Chairman:** The motion moved is:

“That the requirement of sub-rule (2) of rule 83 of the Rules of Procedure and Conduct of Business in the Senate, 1973, in regard to the Bill further to amend the Ports Act, 1908. [The Ports (Amendment) Bill, 1975], as reported by the Standing Committee, be dispended with.”

Any objection ?

**Voices:** No, Sir.

**Mr. Chairman:** All right. Then I put the question. The question before the House is:

“That the requirement of sub-rule (2) of rule 83 of the Rules of Procedure and Conduct of Business in the Senate 1973, in regard to the Bill further to amend the Ports Act, 1908. [The Ports (Amendment) Bill, 1975], as reported by the Standing Committee, be dispensed with.”

*(The motion was adopted)*

**Malik Mohammad Akhtar :** Sir, I beg to move :

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

**Mr. Chairman :** any objection?

**Voices :** No

**Malik Mohammad Akhtar :** Sir, I will make a short statement. Sir, this Act was originally enforced in 1908. Subsequently, we found that the existing provisions in regard to the penalty are inadequate, and because the pollution of sea waters near the port, by discharge of oil mixed with water, has been on the increase for some time past and, Sir, the defaulters are either shipping companies or refineries, So in order to check them we have increased the penalty from Rs. 500/- to Rs. 50,000/-. Unless there is deterrent punishment these big institutions do not bother about the minor penalty. Then, Sir, another penalty is that supposing the offence has been committed as the person has been penalised but he persists in continuing that offence. In that case he will be liable to pay a sum of Rs. 2,000/- per day more until and unless he stops that offence. It is for this purpose that this amendment Bill is there and I hope it will be passed.

**Mr. Chairman :** The question before the House is :

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

*(The motion was adopted)*

**Mr. Chairman :** Now, we take up clause by clause consideration of the Bill. The question before the House is:

“That clause 2 forms part of the Bill.”

*(The motion was adopted)*

**Mr. Chairman :** The question before the House is :

“That Clause 3 forms part of the Bill.”

*(The motion was adopted)*

**Mr. Chairman :** Now, the question before the House is :

“That 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.

**Malik Mohammad Akhtar :** Sir, I beg to move :

“That the Bill further to amend the Ports Act, 1908. [The Ports (Amendment) Bill, 1975] be passed.”

**Mr. Chairman :** The motion moved is :

“That the Bill further to amend the Ports Act, 1908. [The Ports (Amendment) Bill, 1975] be passed.”

**Mr. Chairman :** Any gentleman who wants to speak.

*(Pause)*

**Mr. Chairman :** All right, I will now put the question. The question before the House is :

“That the Bill further to amend the Ports Act, 1908. [The Ports (Amendment) Bill, 1975] be passed.”

*(The motion was adopted)*

**Mr. Chairman :** The Bill stands passed.

Now, there is no other business left for today. So, we meet tomorrow. The House stands adjourned to reassemble tomorrow at 10.00 am.

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The House adjourned till Ten of the Clock on the morning of Thursday, February 13, 1975.

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