



THE
SENATE OF PAKISTAN
DEBATES
OFFICIAL REPORT

Thursday, April 10, 1975

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SENATE DEBATES

SENATE OF PAKISTAN

Thursday, April 10, 1975

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

(Recitation from the Holy Quran)

OBITUARY REFERENCE RE : SAD DEMISE OF
DR. MAHMUD HUSSAIN

Rao Abdus Sattar (Leader of the House): Mr. Chairman, before starting the regular proceedings of this House, with your permission, I want to move a condolence message on the sad demise of late Dr. Mahmud Husain. Sir, he was a great educationist. He was a great patriot. He fought the battle of Pakistan. He was elected to the Constituent Assembly of Pakistan in 1946. He served Pakistan as a State Minister of Defence and then of Kashmir Affairs. Sir, we want that our sentiments should be conveyed to the bereaved family and we pray that his soul may rest in Heaven. We should offer 'Fateha' for the departed soul.

ملک محمد اختر (وزیر مملکت برائے پارلیمانی امور): ٹھیک ہے جناب فاتحہ پڑھ دی جائے۔

Mr. Chairman : Yes, gentlemen, I associate fully myself with the sentiments expressed by the Leader of the House. He was a great educationist as he has pointed out and an educationist of very high calibre. It is not personal loss of the family but it is a national loss which, I think, is irreparable. We join the family of the departed soul in mourning and pay homage to the departed soul. I would like a copy of this condolence resolution to be sent to the bereaved family. Now, I will request somebody to read the 'Fateha'.

Mr. Tahir Mohammad Khan : Anybody can join us, Sir.

Mr. Chairman : Well, I don't see any Maulvi Sahib today. All right, I will ask the Deputy Chairman to read 'Fateha'.

(Fateha was offered)

Mr. Chairman : Thank you.

STATEMENT LAID ON THE TABLE OF THE HOUSE

[Information promised in reply to Starred Question No. 100, asked by Senator Khawaja Mohammad Safdar, on 24th August, 1974, regarding Vanaspati Ghee]

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[Mr. Chairman]

Interin reply given by the ex-Minister without portfolio (Mr. Khurshid Hassan Meer) to Starred Question No. 100 on 24th August 1974 asked by Khawaja Mohammad Safdar, Senator, is as under :—

Question

Will the Minister for Industries be pleased to state :

(a) The break-up of the cost of production of 10 lbs. of Vanaspati Ghee in June, 1974 ;

(b) The gross profit of the Vanaspati Mills during 1973-74 ;

(c) The net profit of the Vanaspati Mills during the year 1973-74 and the manner in which the Vanaspati Board proposes to utilise these net profits ; and

(d) The overhead charges of all the Vanaspati Mills collectively each year since 1970-71 to date.

Answer

The information is being collected from the Provincial Boards of Management of Vegetable Ghee Industry and will be placed on the table of the House as and when received.

POSITION

2. The information has since been collected from the respective Boards of Managements and is placed on the Table of the House :—

(a) The break-up of the cost of production of 10 lbs. of Vanaspati manufactured by taken-over Vanaspati Ghee Mills in June, 1974 is at Annexure-I.

(b) Gross profit of the taken over Vanaspati Ghee Mills during 1973-74 is at Annexure-II.

(c) The net profits of the taken-over Vanaspati Mills during 1973-74 are at Annexure-III.

The first call on the profits will be that under Section 26 of the Hydrogenated Vegetable Oil Industry (Control & Development) Act, 1973. The remaining profits if any will be utilised for the betterment of the units in accordance with prudent business practices.

(d) The complete records prior to take-over are not available. Furthermore the accounting year differed from mill to mill. The information which could be made available is at Annexure-IV.

ANNEXURE-I

Only the following companies produced 10 LBS pack in the month of June, 1974 their cost statement of 10 LBS pack for the month of June 1974 is as follows :

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(In Rupees)

Name of Unit	Oil	Packing	Chemical	Excise Duty	Conversion	Total
1. Kohinoor Oil Mills Ltd., Lahore.	27.80	3.32	.54	4.17	2.17	Rs. 38.00
2. Morafo Industries Ltd., Lyallpur.	26.97	4.06	1.24	4.17	3.04	Rs. 39.48
3. Sh. Fazal Rehman & Sons, Lahore.	26.24	3.53	1.23	4.17	2.11	Rs. 37.28
4. Suraj Ghee Industries Ltd., Lahore.	27.03	3.09	.80	4.17	3.38	Rs. 38.47
5. United Vegetable Ghee Mills Ltd., Lyallpur.	25.87	3.26	.50	4.17	2.31	Rs. 36.11
6. Associated Industries, Nowshera.	27.75	2.70	.43	4.17	2.00	Rs. 37.05
7. Wazir Ali Industries Ltd.	23.66	3.39	.48	4.17	2.61	Rs. 34.31

Total: Rs. 260

Average 260 : 7 = Rs. 37.14

Statement of Gross Profits of Taken-over Vegetable Ghee Companies.

S. No.	Name of the Unit	Period	Gross profit (in lacs)	Remarks
SIND				
1.	Burma Oil Mills Ltd.	September 1973 to June 1974	144.97	—
2.	Bengal Vegetable Industries Ltd.	July 1973 to June 1974	23.56	—
3.	E. M. Oil Mills & Industries Ltd.	October 1973 to June 1974	99.58	—
4.	Hydari Industries Ltd.	October 1973 to June 1974	40.05	—
5.	Wazir Ali Industries Ltd.	January 1974 to June 1974	104.33	Previously financial year ended on 31st December, 1973.
N.W.F.P.				
6.	Associated Industries Ltd., Nowshera.	July 1973 to June 1974	52.77	—
PUNJAB				
7.	A & B Industrial Gases Ltd., Multan.	September 1973 to June 1974	25.89	Rs.
8.	Al-Hilal Vegetable Ghee Mills, Ltd. Multan.	—do—	82.11	
9.	Crescent Factories Ltd., Chichawatni (New & Old)	—do—	39.20/13.86	
10.	Fazal Vegetable Ghee Mills Ltd., Islamabad.	—do—	75.62	

Contd.....

ANNEXURE II (Contd.)

S. No.	Name of the unit	Period	Gross profit (in lacs)	Remarks
11.	Kakakhel Industries Ltd., Lyallpur.	—do—	45.41	
12.	Khyber Vegetable Ghee Mills Ltd., Lahore.	—do—	11.08	
13.	Kohinoor Oil Mills Ltd., Lahore.	—do—	47.15	
14.	Morafco Industries Ltd., Lyallpur.	—do—	50.83	
15.	Punjab Vegetable Ghee & General Mills Ltd., Lahore.	—do—	31.57	
16.	Sargroh Vegetable & General Mills Ltd., Lyallpur.	—do—	50.75	
17.	Sh. Fazal Rehman & Sons Ltd., Multan.	—do—	77.35	
18.	Suraj Ghee Industries Ltd., Lahore	—do—	64.87	
19.	United Vegetable Ghee Mills Ltd., Lyallpur.	—do—	96.78	
20.	Universal Oil & Vegetable Ghee Mills Ltd., Lahore.	—do—	30.39	
			Total : 1199.36	

Notes : Profits have been arrived at :

(a) without providing for-

1. Contribution toward-
 - (i) Workers Participation Fund.
 - (ii) Workers Welfare Fund.

2. Income Tax Liability.

(b) Without incorporating adjustments necessitated as a result of property audit e. g.

Stock Shortages

Provision for doubtful debts

Cash shortages

Time barred debts

(c) The above figures do not take into account losses incurred prior to September 2, 1973 as these are to be determined only after the finalization of audit.

Statement of Net PROFITS of Taken-over Vegetable Ghee Companies

S. No.	Name of the unit	Period	Net profits (in lacs)	Remarks
SIND				
1.	Burma Oil Mill Ltd.	September 1973 to June 1974	86.96	Before taxation.
2.	Bengal Vegetable Industries Ltd.	July 1973 to June 1974	19.08	—do—
3.	E. M. Oil Mills & Industries Ltd.	October 1973 to June 1974	73.88	—do—
4.	Hydari Industries Ltd.	October 1973 to June 1974	31.80	—do—
5.	Wazir Ali Industries Ltd.	January 1974 to June 1974	89.46	Previously financial year ended on 31st December, 1973. Net profit/before taxation.
6.	Associated Industries Ltd. Nowshera.	July 1973 to June 1974	25.07	
PUNJAB				
7.	A & B Industrial Gases Ltd., Multan.	September 1973 to June 1974	14.63	
8.	Al-Hilal Vegetable Ghee Mills Ltd., Multan.	—do—	23.77	
9.	Crescent Factories Ltd. Chichawatni (New & Old)	—do—	25.09 7.42	
10.	Fazal Vegetable Ghee Mills Ltd., Islamabad.	September, 1973 to June, 1974.	53.62	
11.	Kakakhel Industries Ltd., Lyallpur.	—do—	30.57	
12.	Khyber Vegetable Ghee Mills Ltd., Lahore.	—do—	6.44	

Contd.,.....

ANNEXURE-III (Contd.)

S.No.	Name of the unit	Period	Net Profit (in lacs)	Remarks
13.	Kohinoor Oil Mills Ltd., Lahore.	—do—	7.89	
14.	Moráfcó Industries Ltd., Lyallpur.	—do—	28.42	
15.	Punjab Vegetable Ghee & General Mills Ltd., Lahore.	—do—	24.33	
16.	Sargroh Vegetable & General Mills Ltd., Lyallpur.	—do—	42.97	
17.	Sh. Fazal Rehman & Sons Ltd., Multan.	—do—	63.57	
18.	Suraj Ghee Industries Ltd., Lahore.	—do—	45.95	
19.	United Vegetable Ghee Mills Ltd., Lyallpur.	—do—	73.76	
20.	Universal Oil & Vegetable Ghee Mills Ltd., Lahore.	—do—	1.78	

Total : 661.44

Notes : Profits have been arrived at :

(a) Without providing for—

1. Contribution towards
 - (i) Workers Participation Fund.
 - (ii) Workers Welfare Fund.
2. Income Tax Liability.

(b) Without incorporating adjustments necessitated as a result of propriety audit e.g.

- Stock shortages.
- Provision for doubtful debts.
- Cash Shortages.
- Time barred debts.

(c) The above figures do not take into account losses incurred prior to September 2, 1973 as these are to be determined only after the finalization of audit.

ANNEXURE-IV

Statement of Overhead Charges

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Ghee Units	(Rs. in lacs)			
	1970-71	1971-72	1972-73	1973-74
1. A & B Industrial Gases Ltd., Multan.	—	—	3.54	18.07
2. Al-Hilal Vegetable Ghee Mills Ltd., Multan.	—	16.25	15.86	18.02
3. Crescent Factories Ltd., Chichawatni.	—	—	—	51.39
4. Fazal Vegetable Ghee Mills Ltd., Islamabad.	—	25.60	26.82	26.27
5. Kakakhel Industries Ltd., Lyallpur.	—	17.35	16.94	17.70
6. Kohinoor Oil Mills Ltd., Lahore.	—	59.88	73.49	84.75
7. Khyber Vegetable Ghee Mills Ltd., Lahore.	—	—	—	7.03
8. Morafco Industries Ltd, Lyallpur.	—	10.82	11.25	12.16
9. Punjab Vegetable Ghee & General Mills Ltd., Lahore.	—	31.08	37.87	54.84
10. Sargroh Vegetable Ghee & General Mills Ltd., Lahore.	—	—	—	10.98
11. Sh. Fazal Rehman & Sons Ltd., Multan.	—	19.16	14.41	12.54
12. Suraj Ghee Industries Ltd., Lahore.	—	13.91	20.39	30.75
13. United Industries Ltd., Lyallpur.	—	122.65	138.25	130.43
14. Universal Oil & Vegetable Ghee Mills Ltd., Lahore.	14.80	19.24	8.04	15.21
15. A & B Oil Industries Limited.	6.98	6.53	—	N. A.
				(Account being audited)
16. Asaf Industries Ltd.	7.30	8.06	—	—do—
17. Bengal Vegetable Industries Ltd.	11.14	11.23	12.06	—do—
18. Burma Oil Mills Ltd.	68.94	62.37	62.77	—do—
				Contd.....

ANNEXURE-IV (Contd.)

(Rs. in lacs)

Ghee Units	1970-71	1971-72	1972-73	1973-74
19. E. M. Oil Mills & Industries Ltd.	57.13	56.83	73.29	--do--
20. Hydari Industries Ltd.	22.41	26.57	31.17	--do--
21. Maqbool Company Limited.	14.51	16.36	46.61	--do--
22. Wazir Ali Industries Ltd.	123.23	153.25	205.44	--do--
23. Associated Industries Ltd., Nowshera.	18.52	20.94	19.76	25.70
	Total :	359.76	698.08	817.96
				515.84

*Include a sum of Rs. 22.50 lacs provision for doubtful debts.

Note : The accounting periods of the units varied from each other before nationalisation.

ANNEXURE-IV (Contd.)

The above information is based on the following periods :—

1. A & B Industrial Gases Ltd., Multan.
1972-73 = Sept. 9, 1972 to Feb. 28, 1973
1973-74 = March 1, 73 to June 30, 1974
2. Al-Hilal Vegetable Ghee Mills Ltd., Multan.
1973-74 = 15 months period.
3. Crescent Factories Ltd., Chichawatni.
1973-74 = Sept. 2, 73 to June, 30, 1974.
4. Kohinoor Oil Mills Ltd., Lahore.
1973-74 = Sept. 3, 73 to June 30, 1974.
5. Kakakhel Industries Ltd., Lyallpur.
1973-74 = Oct. 1, 73 to June 30, 1974.
6. Khyber Vegetable ghee Mills Ltd., Lahore.
1973-74 = Sept. 2, 73 to June 30, 1974.
7. Morafco Industries Ltd., Lyallpur.
1973-74 = Oct. 1, 73 to June 30, 1974.
8. Sutraj Ghee Industries Ltd., Lahore.
1971-72 = August 1, 71 to March 31, 1972.
1972-73 = April 1, 72 to March 31, 1973.
1973-74 = April 1, 73 to June 30, 1974.
9. Universal Oil & Vegetable Ghee Mills Ltd., Lahore.
1971-72 = Oct. 1, 71 to Dec. 31, 1972.
1972-73 = Jan. 1, 73 to June 30, 1973.

Figures relating to the period from July 1, 73 to Sept. 1, 1973 were not available with the Unit.

ANNEXURE-IV (Contd.)

Where period has not been mentioned, the figures relate for 12 months.

10. Asaf Industries Ltd. Ist of July to 30th June.
11. A & B Oil Industries Ltd. Ist of March to 28th February.
12. Bengal Vegetable Industries Ltd. Ist of July to 30th June.
13. Burma Oil Mills Ltd. Ist of September, to 31st August.
14. E. M. Oil Mills & Industries Ltd. Ist of October, to 30th September.
15. Hydari Industries Ltd. Ist of October, to 30th September.
16. Magbool Company Ltd. Ist of August to 31st July.
17. Wazir Ali Industries Ltd. Ist of January to 31st December.
18. Associated Industries Ltd. Ist of July to 30th June.

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Mr. Chairman : Now, gentlemen we start our regular business.

**MESSAGE FROM THE NATIONAL ASSEMBLY RE : ADOPTION OF
THE OPIUM (AMENDMENT) BILL, 1975**

Mr. Chairman : Here is a message from the National Assembly Secretariat. It reads :

“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 passed the Opium (Amendment) Bill 1975, on the 8th April, 1975. A copy of the Bill is transmitted herewith.”

**MESSAGE FROM THE NATIONAL ASSEMBLY RE : ADOPTION
OF THE DECORATION BILL, 1975**

Mr. Chairman : There is also another message from the same Secretariat addressed to us. It reads :

“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 passed the Decorations Bill, 1975, on the 9th April, 1975, and a copy of the Bill is transmitted herewith.”

**MESSAGE FROM THE NATIONAL ASSEMBLY RE : ADOPTION
OF THE PAKISTAN INSURANCE CORPORATION
(AMENDMENT) BILL, 1975**

Mr. Chairman : There is yet another message from the National Assembly Secretariat addressed to us. It reads :

“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 passed the Pakistan Insurance Corporation (Amendment) Bill, 1975, on 9th April, 1975. A copy of the Bill is transmitted herewith.”

So, the messages are over. Now, the Leader of the House, Rao Abdus Sattar, has to present the report of the Standing Committee.

**STANDING COMMITTEE REPORT RE : THE DANGEROUS
DRUGS (AMENDMENT) BILL, 1975**

Rao Abdus Sattar : Sir, I have the honour to present the report of the Standing Committee on the Bill further to amend the Dangerous Drugs Act, 1930 [The Dangerous Drugs (Amendment) Bill, 1975].

Mr. Chairman : Yes, the report stands presented.

Now, we take up legislative business There are two Bills.

Yes, Malik Mohammad Akhtar !

THE BALUCHISTAN CONSTABULARY BILL, 1975

Malik Mohammad Akhtar (Minister of State for Parliamentary Affairs) : Sir, I beg to move :

“That the Bill to provide for the regulation of the Baluchistan Constabulary in Baluchistan [The Baluchistan Constabulary Bill, 1975], as passed by the National Assembly, be taken into Consideration.”

Mr. Chairman : The motion moved is :

“That the Bill to provide for the regulation of the Baluchistan Constabulary in Baluchistan [The Baluchistan Constabulary Bill, 1975], as passed by the National Assembly, be taken into consideration.”

Yes, Malik Mohammad Akhtar !

Malik Mohammad Akhtar : Sir, firstly, I would give in brief the objects and reasons of the Bill and subsequently, I will be given its contents in a brief form. Sir, it is proposed by this Legislation to provide in Baluchistan a new force which shall be called ‘The Baluchistan Constabulary’. Sir, we had similar force in NWFP and there is a Bill probably it is ‘Frontier Constabulary Act of 1915’ which is applicable at present to NWFP. Sir, almost all those provisions of the existing Legislation in NWFP have been carried for the purpose of providing a force in Baluchistan as it would be evident from the present Legislation. Sir, the object and reason of the Bill also would show that the purpose of this Legislation is to provide for better protection and better administration and better protection of external borders of Baluchistan which, I would repeat, is the need of the hour. Sir, the purpose is, as you know, that from time to time there have been complaints in this House that a lot of smuggling is going on across Baluchistan borders. Then infiltration is there. All that is what we have been debating over here. Then there are questions and problems of Afghan nationals. So, this new force which this Bill provides to regulate would strengthen the existing force. And then, Sir, as you know the communication position, and you remember we are debating these laws in West Pakistan Assembly as well and we proposed to introduce the ordinary laws in most areas of the Baluchistan but the handicap was that there was no such posts, we did not even have regular Thanas and Constabulary in most of the areas and at that time that idea had to be dropped. So, as the present revolutionary Government intends to raise the nomadic societies in the mountains of Baluchistan to civilised and educated societies, and the present Government wants to facilities our Baluch brethren to a larger extent and to introduce all those developmental.....

Mr. Chairman : Only Baluch not Phatans ?

Malik Mohammad Akhtar : By Baluch I mean the people who are living in Baluchistan, residents of Baluchistan, with better developmental

[Malik Mohammad Akhtar]

facilities. So, Sir, we are making this another reform in respect of Baluchistan, and I consider that the Bill, is a comprehensive legislation, and it regulates the Constabulary in Baluchistan and then, Sir, as it will be seen, it contains the provision of the constitution of the Constabulary, appointment of the Jawans in that Constabulary as well as Officers. Then, Sir, the provisions contains for the superintendence, control and administration which is necessary. There are also some internal rules and regulations which can control the discipline and the functions which have already been enumerated. Then, Sir, there are certain formal provisions as to indemnity and then it contains jurisdiction provisions to provide for jurisdiction and powers to make rules.

Mr. Chairman : Thank you. Yes, Mr. Tahir Mohammad Khan.

جناب طاہر محمد خان : جناب والا ! آپ کی اجازت سے میں اپنے دوست وزیر مملکت برائے پارلیمانی امور کی مکمل تائید کرتا ہوں کہ اس بل کا لایا جانا نہ صرف صوبے کے بارڈرز کی حفاظت کے لئے ضروری تھا بلکہ اس کے علاوہ بھی چونکہ بلوچستان میں سردادی نظام قائم رہا ہے اور سرداری نظام کے تحت سرداروں پر سیاسی فرائض عائد ہوا کرتے تھے۔ جسے political responsibility

کے اصول کہتے ہیں کہ وہ سڑکوں، ریلوے لائنوں، ٹیلیگراف وغیرہ کی حفاظت کریں۔ چونکہ صوبہ بلوچستان فاصلے کے لحاظ سے کافی دور واقع ہے۔ بہت لمبا فاصلہ ہے اور آبادی کم ہے اور جو اس وقت وہاں پولیس فورس بھرتی کی گئی تھی وہ وہاں کی ضروریات کے لیے بہت نا کافی تھی اور پولیس شاید ابھی تک قبائلی سوسائٹی میں اپنا وہ مقام نہیں بنا سکی ہے جس سے وہ اپنے فرائض بہتر طریقے سے انجام دے سکے۔ اس لئے ضرورت محسوس کی جا رہی تھی کہ کوئی ایسی منظم فورس اور بھی موجود ہو۔ جو شہر سے باہر، پہاڑوں میں اور ملک کی سرحدوں میں فوج و پولیس کے فرائض بھی انجام دے سکے اور ضرورت کے وقت مادر وطن کا دفاع بھی کر سکے تو چونکہ اس مقصد کے ہمیشہ نظر بلوچستان کانسٹیبلری کی نئی فورس قائم کی جا رہی ہے۔ بہت ہی مستحسن قدم ہے۔ میں سمجھتا ہوں کہ اس سے وہاں کے عوام کی حفاظت بہتر طریقے سے ہو سکے گی اور چونکہ عوامی حکومت وہاں کے قبائلی نظام کو بدل کر جمہوری نظام نافذ کر رہی ہے اس لئے جو فرائض سردار انجام دیا کرتے تھے ان کی انجام دہی کے لئے ہمارے پاس حکومت کی کوئی اپنی فورس ہوگی جو نہ صرف ریلوے لائنوں، ہلوں، بجلی کے تاروں اور ٹیلیگراف کی تاروں کی بھی حفاظت کرے، بلکہ تقنیش کے معاملہ میں بھی مقامی انتظامیہ کی معاونت کر سکے تو اس اصول کے پیش نظر یہ بنائی ہے۔ میں سمجھتا ہوں کہ اس صوبے کے حالات کے پیش نظر اس فورس کا قائم کیا جانا

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اس فورس کا بنانا بے حد ضروری تھا ، تاکہ لوگوں کی جان و مال عزت و آبرو کی بھی حفاظت کی جا سکے۔ اس کے علاوہ پولیس فورس میں چونکہ ابھی تک اس لیول کے تربیت یافتہ نہیں ہوا کرتے تھے کہ پولیس کے فرائض انجام دے سکیں تو یہ فورس چونکہ بنیادی طور پر ملیشیا کے انداز کی فورس ہوگی اور بلوچستان کے لوگ بھی اس سے قبل ملیشیا میں وافر تعداد میں بھرتی ہوتے رہے اس لئے ان کی یونیفارم بھی ملیشیا ہی کی ہوگی۔ میں سمجھتا ہوں کہ اس سے وہاں کے لوگوں میں بے روزگاری کم ہو سکے گی۔ لوگوں کی حفاظت ہو سکے گی۔ وہاں جو نئے نوجوانوں کا طبقہ ابھر رہا ہے اس طبقے کا بھی انتظام ہو سکے گا اور ان کے لئے روزگار کے مزید مواقع کھل جائیں گے اور قومی فورس میں ایک ابتداء ہوگی۔ جس کے بعد لوگ وہاں کی ماٹری میں ، اور جتنی بھی ڈیفنس سروسز ہیں ان میں بھی ان کے لئے راستے کھل جائیں گے۔ میں سمجھتا ہوں کہ یہ نیک شگون ہے۔ میں وزیر مملکت کو آپ کی وساطت سے یہ بھی گزارش کروں گا کہ اس فورس کے صحیح مقاصد حاصل کئے جائیں۔ ان الفاظ کے ساتھ میں آپ کا شکریہ ادا کرتا ہوں۔

Mr. Chairman : Thank you. Any other gentleman who wishes to participate ?

Malik Mohammad Akhtar : Sir, I would like to wind up the debate with the remark that the intention of the Bill is, as desired by the honourable Deputy Chairman of the Senate, that it is going to be a force comprising of the persons who are actually residing over there. Mostly, it would comprise of them.

Mr. Chairman : Any other gentleman ? No. Now, I will put the question.

The question before the House is :

“That the Bill to provide for the regulation of the Baluchistan Constabulary in Baluchistan [The Baluchistan Constabulary Bill, 1975], as passed by the National Assembly, be taken into consideration.”

(The motion was adopted)

Mr. Chairman : Now, we start clause by clause reading of the Bill. I think, there are no amendments.

Malik Mohammad Akhtar : No amendments, Sir.

Mr. Chairman : Then, we can safely put all the clauses together except one.

Malik Mohammad Akhtar : Yes, Sir.

Mr. Chairman : Well, there are 23 clauses.

The question before the House is :

“That Clauses 2 to 23 form part of the Bill.”

(The motion was adopted)

Mr. Chairman : Clauses 2 to 23 stand part of the Bill.

Mr. Tabir Mohammad Khan : Schedule, Sir.

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

“That Schedule to the Bill, form part of the Bill.”

(The motion was adopted)

Mr. Chairman : The Schedule stands part of the Bill. Now, the last question.

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 stand part of the Bill.

Yes, Malik Akhtar, you move item No. 4.

Malik Mohammad Akhtar : Sir, I beg to move :

“That the Bill to provide for the regulation of the Baluchistan Constabulary in Baluchistan [The Baluchistan Constabulary Bill, 1975], be passed.”

Mr. Chairman : The question before the House is :

“That the Bill to provide for the regulation of the Baluchistan Constabulary in Baluchistan [The Baluchistan Constabulary Bill, 1975], be passed.”

(The motion was adopted)

Mr. Chairman : The Bill stands passed.

Item No. 5. Are you moving on behalf of the Home Minister ?

Malik Mohammad Akhtar : Yes, Sir. He is on tour.

THE OPIUM (AMENDMENT) BILL, 1975

Malik Mohammad Akhtar : Sir, I beg to move :

“That the Bill further to amend the Opium Act, 1878 [The Opium (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 Opium Act, 1878 [The Opium (Amendment) Bill, 1975], as passed by the National Assembly, be taken into consideration.”

Malik Mohammad Akhtar : Sir, I would again give a brief background *i. e.* the objects and reasons of the present amending Bill which seeks to amend a century old Act. I would start with this fact that Pakistan became a party to the Convention on the Narcotics Drugs, 1961.

Mr. Chairman : I think, the correct name is ‘Single Convention on Narcotics Drugs, 1961.’

Malik Mohammad Akhtar : Yes, Sir. Thank you very much. As such, after having signed international Convention, we have to meet its requirements. In order to meet the objects of that international Convention it is necessary that a Board be constituted. The Board has already been constituted, vide Planning Division's Resolution of 8th March, 1973.

Sir, what we have sought by the present amending Bill is that the powers of the Board will be as those which have been provided in the original Act, probably under sections 14, 15 and 20. Sir, this old Act of 1878, under section 14 gives powers to enter, arrest and seize on information that opium is unlawfully kept in any enclosed place. Now, Sir, a question would arise, as to why are we amending this present law. Sir, we are amending this law because those powers are in respect of provincial authorities and we want to give those powers to the Narcotics Control Board which is going to act on the inter-provincial basis. Sir, you would again recall that in West Pakistan Assembly had been taking this objection that provincial laws did not remain within the purview of a Province when they were, as a result of certain conventions, ratified by the Federal Government, which of course, Sir, when the Central Government of Pakistan. Therefore, Sir, in order to meet those requirements which are our international obligations, we have got to have some sort of a Federal agency to act, at least, in provincial spheres.

Sir, I have explained that section 14 gives powers to this Board to enter, arrest and seize on information that unlawful opium is lying anywhere. Section 15 gives similar powers in respect of persons travelling in lorries and on moving vehicles, etc., Then we are amending section 20. And Sir, it is the regular procedure that a person who would be found in unlawful possession of opium shall be arrested. Then he will be produced before the magistrate and then all that procedure will take place which we generally follow.

[Malik Mohammad Akhtar]

So, Sir, the Narcotics Control Board was constituted in 1973. The Planning Division suggested it. In order to empower the officers of the Board to effectively carry out the purposes of the international convention, the Single Convention as your honour very kindly pointed out, we are giving powers to them and the rest is procedural matter.

جناب طاہر مہد خاں : جناب والا ! میں اس بل کی مکمل تائید کرتا ہوں۔ جناب چیئرمین ! جیسا کہ معزز وزیر مملکت نے فرمایا کہ اس Narcotics Drugs کے کنونشن میں دستخط کنندگان کی یہ تجویز تھی کہ بین القوامی سطح پر چونکہ Narcotics کی سمگلنگ ہوتی ہے جس کا اندازہ منشیات کی تجارت سے ہوتا ہے لہذا اس کی سمگلنگ کو روکنے کے لئے صرف ایک صوبہ یا ایک ملک کو کوشش نہیں کرنی چاہیے بلکہ ساری دنیا کی جتنی بھی اقوام اور ملک ہیں، سب کو مل کر ایسی کوششیں کرنی چاہیں کہ وہ منشیات کے استعمال، تجارت اور سمگلنگ کو روک سکیں۔ جناب والا ! ہمارے پاس اس وقت بھی ایکسائز لاز ہیں لیکن وہ ایک صوبے کے اندر operate کر رہے ہیں۔ اسی وجہ سے یہ ممکن نہیں تھا کہ قومی سطح پر ہم کسی طرح منشیات کے استعمال پر پابندی عائد کر سکیں اور اس کی تجارت کو کنٹرول کر سکیں چنانچہ اس کنونشن کے پیش نظر بورڈ تو قائم کیا گیا تھا لیکن بورڈ کے آفیسرز کے پاس اختیارات نہیں تھے کہ وہ منشیات کے کاروبار کو کنٹرول کر سکیں، ان کی تجارت کرنے والوں کو پکڑ سکیں اور اس کے استعمال پر پابندی لگا سکیں چنانچہ اسی غرض کے پیش نظر اب اس simple سے امینڈمنٹ کے ذریعے کہ جو اختیارات پہلے صوبائی پولیس کے عملے کو حاصل تھے وہ اس بورڈ کے ملازمین جو کہ ایک کیٹیگری تک کے ملازم ہوں گے، حاصل ہوں گے۔ اس طرح نہ صرف ایک صوبے کی بلکہ پورے ملک کی سرحدوں پر منشیات کی تجارت کو، منشیات کی سمگلنگ کو روکنے کے لئے موثر اقدامات کئے جا سکیں گے۔ میں سمجھتا ہوں کہ یہ بہت مفید قانون ہے اس لئے میں اس کی مکمل تائید کرتا ہوں۔

Mr. Chairman : Thank you. Any other gentleman wishes to contribute to the discussion ? Piracha Sahib ? No.

All right. Now, I will put the question.

The question before the House is :

“That the Bill further to amend the Opium Act, 1878 [The Opium (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 reading. There are only two clauses. So the first question would be :

“That clause 2 forms part of the Bill.”

(The motion was adopted)

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

Now, the next 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.

Malik Mohammad Akhtar : Sir, I beg to move :

“That the Bill further to amend the Opium Act, 1878 [The Opium (Amendment) Bill, 1975], be passed.”

Mr. Chairman : The motion moved is :

“That the Bill further to amend the Opium Act, 1878 [The Opium (Amendment) Bill, 1975], be passed.”

Would you like to add anything ?

Malik Mohammad Akhtar : No, Sir.

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

“That the Bill further to amend the Opium Act, 1878 [The Opium (Amendment) Bill, 1975], be passed.”

(The motion was adopted)

Mr. Chairman : The Bill stands unanimously adopted. Any other Bill ?

Malik Mohammad Akhtar : No, Sir. No other business today. As tomorrow in accordance with the rules it is Private Members Day, and since there is no understanding, we can meet on Monday.

Mr. Chairman : The Private Members are here. You can say that there is no business to transact tomorrow.

Malik Mohammad Akhtar : We discussed with the honourable Members before we assembled.

Mr. Chairman : Behind my back.

Malik Mohammad Akhtar : Yes, Sir, behind your back. We had a conference and we decided, and I would request your honour.....

Mr. Chairman : There are a number of motions already tabled.

Malik Mohammad Akhtar : It is for the worthy Chairman to adjourn.

Mr. Chairman : What should I do with those motions? Some of you can deputise for the Members of the Opposition in asking question on their behalf. Somebody can deputise. We have received a large number of motions.

Malik Mohammad Akhtar : But you will not find any mover because our friends in the Opposition are not participating.

Mr. Chairman : They were not here last time also and Members from the Government side obligingly deputised for them. Mian Sahib, what is your suggestion?

میاں احسان الحق : جناب والا ! یہ ہر ایک منسٹر کا بل لے آتے ہیں اور پاس کرواتے ہیں ۔ سارا کام انہوں نے سنبھالا ہوا ہے ۔ وہ موشن بھی لے آئیں گے ۔

Malik Mohammad Akhtar : Sir, if anybody is prepared to move resolutions on their behalf.....

Mr. Chairman : Now listen. My attention has been drawn to rule 117. You should have all these things on your finger tips You should have known this. You are an expert in reference. Rule 117 reads :

“A member in whose name a resolution stands in the Orders of the Day may, when called upon, either

- (a) move the resolution, in which case he shall commence his speech by a formal motion in the terms appearing in the Orders of the Day, or
- (b) not to move the resolution, but may make a brief statement”. Now number two is very relevant and material :

“(2) In the absence of the member in whose name the resolution stands in the Orders of the Day, any other member may move the resolution on his behalf with the consent of the Chairman.”

Malik Mohammad Akhtar : This is why we are seeking your consent.

Mr. Chairman : I have given my consent so liberally.

Malik Mohammad Akhtar : Sir, the rule is there and even without this rule you could direct.

Mr. Chairman : I wanted to be wiser. In case you were to ask questions on their behalf some of the gentlemen asked supplementaries, now why are you so hesitant in case of these resolutions.

Malik Mohammad Akhtar : I consider that the Members may not come forward. If any of the Members is desirous.....

Mr. Chairman : I will go by the consensus.

Agha Ghulam Nabi Khan : Sir, we do not know even the resolutions. So how can we decide ?

Mr. Chairman : Yes, Mr. Ghulam Nabi Pathan. What is your suggestion ? You are an older parliamentarian.

Agha Ghulam Nabi Khan : I was saying, we do not know the motions moved by the Opposition even the contents of the resolutions. How can we decide now when we do not know what are the resolutions ?

Mr. Chairman : Copies are circulated. Everybody is supposed to know. It has been circulated.

Mr. Tahir Mohammad Khan : Actually, the Minister of States is too shy to say he wanted to give the concession to the Opposition.

Mr. Chairman : What about official business ?

Malik Mohammad Akhtar : Sir, I consider we will be preparing the Bills.

Mr. Chairman : I have to take care of the rules. Now, we have received resolutions, we have received motions and there is private Members business tomorrow. For what reasons I should say there will be no work tomorrow and I should write off Private Members Day ? Why should you presume that the Opposition will be absent ?

Malik Mohammad Akhtar : As you desired the sense of the House, therefore, I submitted it.

Mr. Chairman : I am very anxious to abide by these rules. Now, this is your private information that probably they will continue their boycott tomorrow and all resolutions stand in the name of those who are absent and who will be absent tomorrow. You may be correct but so far as my position is concerned, in my official capacity as chairman for what reason should I put it off for the other day ? Tomorrow is a non-official day why should I presume that all those who have tabled these resolutions and motions and other business will be absent ?

Mr. Tahir Mohammad Khan : But there is official record to this effect. When Khwaja Safdar walked out of the House he said that they will be boycotting the session.

Mr. Chairman : Tomorrow is a non-official day. How do I know that they will not come, and will not participate in the non-official business ?

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Mr. Tahir Mohammad Khan : Sir, they have boycotted the session, not the official or non-official business.

Mr. Chairman : I simply say they are not present. They have not given me any notice that they have boycotted the session. Every time when I come in the House, I find that they are absent. Suppose I put off tomorrow, they may later on turn up and say, "It was a Private Members Day why were we not given an opportunity?"

Malik Mohammad Akhtar : Sir, I will show you the authority. It is Rule 19. It reads :

"19. (1). The Senate shall sit on such days as the Chairman, having regard to the state of business of the Senate, may from time to time direct."

Mr. Chairman : I was under no illusion that I have no powers. You thought that probably I did not know that I have got the powers.

Malik Mohammad Akhtar : You know the state of business tomorrow. It is Private Members' Day and, Sir, our friends who have tabled the motions are absent.

Mr. Chairman : Do not put the cart before the horse. They are absent. There is no doubt about it but how do you know that they will be absent tomorrow also ?

Malik Mohammad Akhtar : I am sure. I make a statement with a sense of authority that they will not be coming.

Mr. Chairman : You say that with full sense of authority ?

Malik Mohammad Akhtar : In any case, Sir, the poor Minister of State will be here. I leave it to your decision. I am going to be here in any case. In whatever way I am directed, I will be present.

Mr. Chairman : I am at your disposal. I do not want to stand in your way. Supposing if there is an objection that it was a Private Members Day and there was no session and they bring in a motion to that effect ?

Malik Mohammad Akhtar : Then, Sir, we can meet and disperse.

Mr. Chairman : Then I will have to take shelter behind your argument. You have then to confront them not myself.

Malik Mohammad Akhtar : I consider we will make a request to them and satisfy them.

Mr. Chairman : Then we meet day after tomorrow.

Malik Mohammad Akhtar : Monday evening.

Mr. Chairman : You have been having too many holidays.

Malik Mohammad Akhtar : Sir, I consider some legislation pending in the Assembly and some before the committees of the National Assembly, and it will be in the interest of smooth working if we meet on Monday evening.

Mr. Chairman : What is the sense of the House ? When should we meet tomorrow or day after tomorrow ?

Rao Abdus Sattar : Monday evening, Sir.

Agha Ghulam Nabi Khan : Sir, day after tomorrow will be Saturday. They like to go to their houses as their places are very near. They want to have more time, and that is why they want to return on Monday. I say why should we not work on Saturday and Monday both ?

Mr. Chairman : You want us to meet on Saturday ?

Agha Ghulam Nabi Khan : Yes, Sir.

Malik Mohammad Akhtar : Let us meet on Saturday.

Mr. Tahir Mohammad Khan : No, Sir, Monday evening.

Mr. Chairman : Why not Saturday ?

Mr. Tahir Mohammad Khan : For the time being there will be no work.

Rao Abdus Sattar : Sir, normally Saturday is a closed day so far as the Senate session is concerned.

میر عبدالنبی خاں : جناب چیئرمین ! آپ صرف جمعے کو اجلاس نہیں بلا رہے - ہفتے کو رکھ رہے ہیں - اس لئے بہتر ہے کہ پھر جمعے کو بھی اجلاس بلائیں - ورنہ پیر کو اجلاس بلائیں -

جناب احمد وحید اختر : جناب چیئرمین ! سینٹ میں ایک روایت چلی آ رہی ہے کہ ہم Saturday کو نہیں ملتے اور بظاہر کوئی کام بھی نظر نہیں آتا - اگر ہم Saturday کو آئیں تو پتہ چلے کہ ابھی نیشنل اسمبلی سے بل پاس ہو کر نہیں آئے اور پھر آپ کو ہاؤس adjourn کرنا پڑے - اس لئے اجلاس Monday کی شام کو رکھیں تو بہتر ہے - اگر آپ Saturday کو رکھیں تو پھر اگلے دن اتوار کو چھٹی ہے -

Mr. Chairman : Then should we meet on Monday evening ?

Senators : Yes, Sir.

Mr. Chairman : What about the morning ?

Senators : Evening.

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Mr. Chairman: You want to enjoy half of Monday also. All right, we should meet at 5, I think?

Malik Mohammad Akhtar: At about 5.00 p. m.

Mr. Chairman: Why not a bit earlier *i. e.* 4.30 p. m. ?

Malik Mohammad Akhtar: As you please, Sir.

Mr. Chairman: I am sorry, you see, I have just been reminded that I have to inaugurate USSR Photo Exhibition at 4.30 p. m. on Monday. Probably, I will be back here at 6.00 p. m.

Mr. Ihsanul Haq: Sir, 6 o'clock will be all right.

Mr. Chairman: All right, the House stands adjourned to meet on Monday evening at 6.00 p. m.

The Senate then adjourned till six of the clock in the evening on Monday, April 14, 1975.
