



THE
SENATE OF PAKISTAN
DEBATES

OFFICIAL REPORT

Tuesday, July 1, 1975

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SENATE DEBATES
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Tuesday, July 1, 1975

The Senate of Pakistan met in the Senate Chamber, (State Bank Building). Islamabad, at ten of the clock in the morning, Mr. Presiding Officer (Mr. Qamaruzzaman Shah) in the Chair.

Recitation from the Holy Quran)

Mr. Presiding Officer : We have received a message from the Secretary, National Assembly.

MESSAGE FROM THE NATIONAL ASSEMBLY RE: ADOPTION OF THE SENATE (ELECTION) BILL, 1975

Mr. Presiding Officer : The message reads :

“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 Senate (Election) Bill, 1975 on 30th June, 1975. A copy of the Bill is transmitted herewith”.

Now, legislative business. Malik Mohammad Akhtar.

POINT RE : MISREPORTING BY PAKISTAN TIMES

Malik Mohammad Akhtar (Minister of State for Parliamentary Affairs) : Sir, before your honour conducts the ordinary business on the Agenda, I would request that there is certain clarification rather correction to be made in respect of yesterday's proceedings published in the “Pakistan Times”. It is through an Agency, APP, and I would read :

“In reaching the understanding with the Opposition on procedural matters, Mr. Akhtar said that

[Malik Mohammad Akhtar]

the Government side had made it clear that it would surrender its right of outvoting as a majority party”.

As a matter of fact, I said that the Government side never surrendered its right to outvote the minority party. So, the word “would” should have been followed by the word “not”. If it is a misprint on the part of the local paper, they can correct it, and if it has been misreported by the Agency, they can issue a correction. I have seen the proceedings, Sir, and I request through you that this should be corrected. If the message is incorrect then the Agency can rectify it, and if there is some printing mistake then the local paper may do it.

Mr. Presiding Officer : The Agency as well as the Correspondent should make a correction.

Malik Mohammad Akhtar : Thank you, Sir.

Mr. Presiding Officer : Yes, Malik Mohammad Akhtar.

THE SENATE (ELECTION) BILL, 1975

Malik Mohammad Akhtar : Sir, I beg to move :

“That the Bill to provide for the conduct of election to the Senate, [The Senate (Election) Bill, 1975], as passed by the National Assembly, be taken into consideration.”

Mr. Presiding Officer : The motion before the House is :

“That the Bill to provide for the conduct of election to the Senate, [The Senate (Election) Bill, 1975], as passed by the National Assembly, be taken into consideration.”

Yes, Malik Mohammad Akhtar.

Malik Mohammad Akhtar : I would like to make a brief statement. It was considered necessary at the time of the framing of the Constitution that in order to keep the federal spirit, so that Pakistan works as a federation, all the Provinces should be given equal representation and a second House be constituted on the pattern of bicameral legislature as it is in the various parliaments of the world. Sir, the first Senate was accordingly constituted under Article 272. But, Sir, considering the number, it was provided under Article 59 (a) that each Provincial Assembly have 14 Members and five Members will be from the Federally Administered Tribal Areas and two Members will be from the Islamabad area, i.e. the Central area. But, Sir, it was decided that in the interim period, until the second Senate is elected after expiry of four years, the number of Members will be ten from each Province and three from Federally Administered Tribal Area and two from Federal Capital. Now, Sir, these Members were under clause (b) of Article 272, divided into two groups. Half the number of these Members was due to retire

at the expiry of two years. So, Sir, we are going to have 23 vacancies very shortly, and they are to be filled by 5th of August, if I am not mistaken, and the election proceedings are to be commenced 30 days earlier than the date they vacate the office, *i.e.* it should commence at the latest by 6th or 7th of July. Now, Sir, at that time for the Constitution of first Senate on the 12th April, 1973 a Law was promulgated. That was a Presidential Order. This Law was Senate Election Order and it expired on the 14th of August, 1974. Naturally, Sir, as the elections were coming in the month of July, this new law had to substitute the whole Presidential Order. Sir, it was thought proper at the time of framing the Constitution that when both the Houses and the Parliament are constituted, let the Presidential Order expire, and the Houses may enact a law for conducting its elections and a similar law is to be enacted to elect Members of the National Assembly as well. Now, Sir, almost the same provisions have been made here which were in the Presidential Order and which will be in the National Assembly Election Order and which have been in 1970 Election Laws and 1964 Election Laws. Of course, they were indirect laws, Sir. To enumerate those, I would say that a Returning Officer is to be appointed for each Province, Federally Administered Areas and Islamabad, separately. The Returning Officer is going to be the Presiding Officer. He is supposed to receive the Nomination Papers of one of the Members of the Electoral College. I may mention here that all the four Provincial Assemblies will be Electoral Colleges for their respective representatives and similarly the Members of the National Assembly would be electing the Members from the Federally Administered Areas. Then, Sir, one of the Members of the Electoral College will be a Proposer and the other will be Secunder. Sir, there will be scrutiny of the Papers. That is a normal course. Then, Sir, after scrutiny if there is any rejection of the Papers, the security amount which has been fixed at Rs. 5,000 is returnable. But, Sir, in very rare cases it is forfeited. Then, Sir, there may be some appeals against counts and then petitions can be filed within 45 days after the election results. And then, Sir, there will be a tribunal to hear all those appeals and then filling of the casual vacancies will be according to the procedure that I have already given. Of course, Sir, there is some addition to this Presidential Order which has expired. A chapter on disqualifications has been provided. Formally, Sir, we have made certain other orders to provide for qualification and disqualification.

Now, as we are giving a fresh law, we are embodying the entire qualifications and disqualifications in this very Act. Of course, Sir, we are going to be very vigilant and strict about the expenses. If any person makes excess expenditure than the specified limit, he will be disqualified for five years and then, Sir, there is another penalty that a person may be disqualified for two years if he is found guilty of corrupt or illegal practices. Sir, we have provided this Bill to coincide with the life of this House, so that the newly-elected Members would be in office for two years from the date of first meeting of the Assembly. We have provided as a precedent to make laws in relation to the elections to the Federally Administered Areas. We will be having a sanction in respect of a provision in those areas. So, Sir, this is the sum up and the summary of the Law. But one thing I would like to make very clear, Sir, that we did not have that criticism in this House. I am presenting this Bill just now, but some apprehensions were made during the course of the discussion, though they may not be relevant over here. We are giving more powers to the Executive. Sir, I say that any such criticism which was levelled at any forum is unfounded. We have got chapter on conducting the election. We are going to have Chief Election Com-

[Malik Mohammad Akhtar]

missioner. He is going to be either a retired Judge of the Supreme Court or a sitting Judge. He is to conduct the elections, and so naturally he is to constitute his own Election Commission and to appoint his own officers. And here we are empowering him to form his own rules of conduct of election. I assure that the elections are going to be impartial and fair, and this Government believes in impartial and fair elections. When this Government came into power, impartial elections were held and 'Inshallah' we are going to hold impartial and fair elections.

Mr. Presiding Officer : We now take up the Bill clause by clause. Does anyone else want to speak ? Yes, Sardar Mohammad Aslam?

سردار محمد اسلم : جناب والا ! میں اور تو کچھ نہیں کہنا چاہتا مگر ایک بات کی clarification چاہتا ہوں کہ جو آپ نے "کمشنر" لکھا ہوا ہے اس کی definition کہیں نہیں کی گئی ہے کہ آیا یہ کمشنر جو ہے یہ ریونیو کمشنر ہے ڈویژنل کمشنر ہے یا کوئی اور کمشنر ہے کئی قسم کے کمشنر ہوتے ہیں۔ اس کی ذرا definition کر دیں تاکہ وضاحت ہو جائے کہ کونسا کمشنر ہوگا۔

Malik Mohammad Akhtar : Sir, the Commissioner means Chief Election Commissioner, and there is a Chapter in the Constitution of 1973 that there shall be a Chief Election Commissioner, in this Part referred to as the Commissioner.

Mr. Presiding Officer : Clause 2 says, "Words and expressions used but not defined in this Act and also used in the Constitution shall, unless the context otherwise requires, have the meanings assigned to them in the Constitution". This is page 2 Clause 2. Does that satisfy you ?

Sardar Mohammad Aslam : That is all right Sir.

Mr. Presiding Officer : The question before the House is :

"That the Bill to provide for the conduct of election to the Senate [The Senate (Election) Bill, 1975], as passed by the National Assembly, be taken into consideration."

(The motion was adopted)

Mr. Presiding Officer : Now, we take the Bill clause by clause. I think, since there is no amendment moved, we can put right from Clauses 2 to 88.

The question before the House is :

"That from Clauses 2 to 88 form part of the Bill"

(The motion was adopted)

Mr. Presiding Officer : Clauses 2 to 88 form part of the Bill. Now, Clause 1, Short Title and Preamble.

The question before the House is :

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

(The motion was adopted)

Mr. Presiding Officer : Yes, Malik Mohammad Akhtar.

Malik Mohammad Akhtar : Sir, I beg to move :

“That the Bill to provide for the conduct of election to the Senate [The Senate (Election) Bill, 1975] be passed.”

Mr. Presiding Officer : The motion before the House is :

“That the Bill to provide for the conduct of election to the Senate [The Senate (Election) Bill, 1975], be passed.”

(The motion was adopted).

Mr. Presiding Officer : The Bill is passed.

Since there is no other business, the House is adjourned till 6 p. m tomorrow.

The Senate then adjourned to meet again at six of the clock in the evening on Wednesday, July 2, 1975.)
