



THE
SENATE OF PAKISTAN

DEBATES

OFFICIAL REPORT

Wednesday, July 9, 1975

CONTENTS

	PAGES
Message from the National Assembly <i>Re</i> : Adoption of the National Guards (Amendment) Bill, 1975— <i>Read out</i> ...	69
Message from the National Assembly <i>Re</i> : Adoption of the Newspaper Employees (Conditions of Service) (Amendment) Bill, 1975— <i>Read out</i>	69
Point of Order <i>Re</i> : Attendance of Ministers— <i>Sentiments to be Conveyed</i>	70
The National Guards (Amendment) Bill, 1975— <i>Adopted</i> ...	77
The Newspaper Employees (Conditions of Service) (Amendment) Bill 1975— <i>Adopted</i>	79

SENATE DEBATES
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Wednesday, July 9, 1975

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

(Recitation from the Holy Quran)

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

Mr. Chairman : Now Gentlemen, there is a message from the National Assembly Secretariat addressed to this Secretariat. It reads :
"To the Secretary, Senate Secretariat, Islamabad. 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 National Guards (Amendment) Bill, 1975, on the 8th July, 1975. A copy of the Bill is transmitted herewith. please acknowledge receipt."

This is one message.

MESSAGE FROM THE NATIONAL ASSEMBLY *RE* : ADOPTION
OF THE NEWSPAPER EMPLOYEES (CONDITIONS OF
SERVICE) (AMENDMENT) BILL, 1975

Mr. Chairman : Now, there is another message from the Secretary, National Assembly, addressed to the Senate Secretariat. It 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 has passed the Newspaper Employees (Conditions of Service) (Amendment) Bill, 1975, on the 8th July 1975. A copy of the Bill is transmitted herewith. Please acknowledge receipt."

These are two messages.

There are no questions today, so we take up the Legislative business.

[Mr. Chairman].

Item No. 2 stands in the name of Education Minister, Mr. Abdul Hafeez Pirzada.

Malik Mohammad Akhtar : On his behalf, Sir.

POINT OF ORDER RE : ATTENDANCE OF MINISTERS

Mr. Ihsanul Haq : Point of order, Sir.

Mr. Chairman : Point of order ?

Mr. Ihsanul Haq : Yes, Sir.

Mr. Chairman : Yes.

Mr. Ihsanul Haq : Sir, the position is this that we are well conversant that Malik Sahib is a very enlightened Minister and he enlightened us very much with the pros and cons of the Bill but it has become a routine in the Senate that none of the Ministers come, and these were the remarks once passed by the Chair. So, we are prepared to go with the business he has started but he has become an expert from Malaria Eradication, Commerce and now to the Science and Technology. So, if it is the case then, I think, the whole work should be assigned to Malik Akhtar. He has very heavy and strong shoulders to carry the burden. So, this is my request.

Mr. Chairman : Let Mr. Akhtar also explain.

(Interruption)

Mr. Chairman : Please listen to me first. Why are you in hurry ? You are not at war with him.

Malik Mohammad Akhtar (Minister of State for Parliamentary Affairs) : No, Sir.

Mr. Chairman : I think, he has made an appeal, not an attack. Well, you will have your chance, and you can reply in usual manner. Before we take the legislative business there a point of order raised by the honourable Member, Mr. Ihsanul Haq. Would you like to reply to it, Malik Akhtar ?

Malik Mohammad Akhtar : Yes, Sir. If it is point of order, the Law Minister will reply.

Mr. Chairman : Why did you brush him aside summarily while he was on his legs ?

ملک معراج خالد : جناب والا! آپ نے usual manner کا لفظ استعمال کیا تھا

تو اس لئے میں

Mr. Chairman : But I had given the floor to him.

Malik Miraj Khalid : All right, Sir, as your honour.

Mr. Chairman : No, no, you will have your chance, not once but more than once. But since he was on his legs and I gave him the floor, he may take it as discourtesy that he has been so summarily brushed aside. Yes, Malik Akhtar.

Malik Mohammad Akhtar : If you kindly refer to definition clause at page 3.

Mr. Chairman : Well, listen to me. Are you referring to Constitution or the Rules of Procedure ?

Malik Mohammad Akhtar : Rules of Procedure, Sir.

Mr. Chairman : Which rule ?

Malik Mohammad Akhtar : Sir, definition rule. It is rule 2 at page 3.

Mr. Chairman : Rule 2 ?

Malik Mohammad Akhtar : Yes, Sir. I read it.

“Minister means the Prime Minister, a Federal Minister or a Minister of State.”

Mr. Chairman : He never disputed that you are not a Minister of State.

Malik Mohammad Akhtar : We are not debarred from that. Any Minister may come and handle the load of another Minister. We will at the same time make efforts that the concerned Ministers are available for the benefit of the House.

Mr. Chairman : I do not think that he has disputed your Ministership. Well, I remember definitely that he got up and raised the point of order. He said ‘the concerned Minister’ he did not say ‘the Minister of State’ Minister means the Prime Minister, a Federal Minister or a Minister of State, and you are a Minister, no doubt about it, for the purpose of transaction of official business. His point, if I understand correctly, was about ‘the concerned Minister’.

Malik Mohammad Akhtar : That can be a suggestion, Sir, and we welcome that, and we will try to meet that, but it cannot be a point of order. If it is a point of order then a technical way out is there that the Minister includes all the Ministers and it is the joint responsibility.

Mr. Chairman : This is point for information. It is all right. I think, Mr. Abdul Hafeez Pirzada is already busy in some important work somewhere else, and it is for this reason, otherwise I do not believe that he absented himself deliberately. Probably, he is busy somewhere else, and since he thinks that you are quite capable and efficient enough to successfully pilot this Bill, I think, he has entrusted it to you. I agree with you Mr. Ihsan.

Mr. Ihsanul Haq : Yes, Sir.

Mr. Chairman : I quite agree with you.

Mr. Ihsanul Haq : I am very clear as honourable Minister has quoted that rule that Minister means the Prime Minister, a Federal Minister or a Minister of State, but my only request is that since this House has started meeting, majority of the Bills have been piloted by Malik Akhtar and not by the concerned Ministers. No doubt there is a rule which empowers him, but my request was that as far as the Members are concerned, if the Minister concerned comes and pilots his Bill, he can give the background of the Bill in a better and benefiting manner than the Minister who is not concerned and who is not fully conversant with the history of the Bill. That is my own view. So, my request was this that if all these had been the functions of the Minister of State, then all the portfolios would have been assigned to him. He is a Minister of State for Parliamentary Affairs only. So, that is my request. That is what I wanted to convey to him that he should try to get at least the Minister of State concerned of the Department to come and pilot the Bill, so that we can proceed well. That is my request.

Mr. Chairman : You know that some people are volleyball champions, some are football champions, some are hockey champions and some are very well boxers, like Mohammad Ali, and some are all-rounders. So, Malik Akhtar is an all-rounder in Finance, Economic, Education and in every field. So, I think, he is doing justice to the subject. I am quite sure you will do that. It was a request, you don't mind it.

Malik Mohammad Akhtar : No, Sir. He has every right to say, and we will try to concede.

Mr. Chairman : Technically, you call it objection but it was a request. It will be better if the Minister concerned sometime attends the House and pilots his Bill.

Malik Mohammad Akhtar : We will certainly try, Sir, to abide by these instructions. Sir, may I move the motion.

Mr. Chairman : Yes.

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

Mr. Tahir Mohammad Khan : Sir, the Law Minister should enlighten this House.

Mr. Chairman : Well, I think, he has paid in the same coins. I promised the Law Minister to give a chance but he did not give him a chance.

Mr. Tahir Mohammad Khan : But, Sir, the House is really impatient to hear him because he came after three months.

Mr. Chairman : Yes, the Law Minister.

[ملک معراج خالد (وزیر قانون و پارلیمانی امور): جناب چیرمین! آپ نے اور دوسرے معزز ممبران نے اس مسئلے کے بارے میں فرما دیا ہے۔ ملک اختر صاحب منسٹر آف اسٹیٹ و پارلیمانی امور ہیں۔ اگر کوئی منسٹر یا منسٹر آف اسٹیٹ متعلقہ محکمہ کا نہ ہو تو یہ ان کا فرض ہے کہ وہ یہاں موجود ہوں اور ضرورت کو پورا کریں۔ لیکن جہاں تک معزز ممبران کا یہ خیال ہے، مطالبہ ہے، خواہش ہے کہ متعلقہ

منسٹر کو موجود ہونا چاہیے تو یہ بالکل درست ہے اور میں ملک اختر صاحب سے بالکل اتفاق کرتا ہوں کہ ہم اس خواہش کے مطابق عمل کرانے کی پوری کوشش کریں گے اور آپ کو شکایت نہ ہو گی۔

(Mr. Tahir Mohammad Khan stood up in the meantime)

Mr. Chairman : I think, the last speaker in line should be Leader of the House, Rao Abdus Sattar. If you take the floor of the House, you do not give him a chance. Well, Yes, Mr. Deputy Chairman :

جناب طاہر محمد خان (جناب ڈپٹی چیرمین) : جناب والا ! میری گزارش یہ ہے کہ ہمارے رولز میں منسٹر انچارج کا بھی ایک لفظ شامل ہوتا ہے اور یہ پابندی ہے کہ منسٹر انچارج جو نوٹس دے ، اس کے نوٹس کے مطابق اس کے نام سے آرڈر آف دی ڈے میں بل رکھ دیا جاتا ہے لیکن یہاں سینٹ میں ہماری بدقسمتی ہے کہ ضرورت پوری کرنے کی دوا میسر آگئی ہے تو اس لئے یہاں منسٹر انچارج کا concept آہستہ آہستہ fade ہوتا جا رہا ہے۔ اگر رولز کی منشا یہ ہے کہ جو شخص جس ڈویژن کا انچارج ہو وہ اپنے بل کا نوٹس دے ، بل کی study کرے ، بل کے خصوصی aspects کو examine کرے اور اگر صرف Floor of the House پر فوری طور پر کوئی amendments ہوں جن کے لئے فوری Judgement کی ضرورت ہو تو یہ خیال رکھتا ہو کہ وہ Judgements کو بروئے کار لائے ، ان پر بحث کرے تاکہ قانون سازی کا کام بھی صحیح چل سکے۔ چنانچہ ایک spirit of the law کا concept ہے جو رول انہوں نے وضع کیا ہوا ہے لیکن جناب والا ! جہاں اس ہاؤس میں ایک دفعہ ، دو دفعہ ، تین دفعہ اور اب تین سو دفعہ اس بات کی اجازت دی گئی کہ منسٹر انچارج نہ آئے کیونکہ Proxy پر کوئی بھی منسٹر آسکتا ہے۔ رولز میں further یہ گنجائش رکھی گئی ہے اور کبھی ایسا موقع آجائے کہ منسٹر واقعی مصروف ہو ، کام پر ملک سے باہر گیا ہو بیمار ہو ، وہ نہ آسکتا ہو اس کے نہ آنے کی مناسب وجوہات ہوں ، مناسب اسباب ہوں تو کوئی منسٹر ہو سکتا ہے۔ رولز میں اس بات کی گنجائش رکھ دی گئی ہے لیکن جناب والا ! ہم دیکھتے ہیں کہ یہ استثنائیں قانون بن گئی ہیں۔ جو استثنا تھی وہ اس ہاؤس میں Sub-rule بن گئی ہے۔ میں تو اس لئے مشتاق تھا کہ لا منسٹر کو منوں۔ اگر آپ مہربانی فرما لیں ، ہم کو یہ حکم دین کہ ہم اس رول کو amend کریں تو ہم آپ کی اجازت سے آج اس رول کو ان کی خوشنودی کے لئے amend کر دیں گے تاکہ ہم اس توقع سے نہ آئیں کہ جس منسٹر کی ڈویژن کا بل ہے ، ہم اس منسٹر کو proposal بھی دے سکیں گے۔ جناب والا ! ملک اختر صاحب میرے گہرے بھائی ، دوست ، ساتھی ہیں لیکن مجھے یقین ہے کہ یہ ڈویژن ان کی نہیں

Mr. Chairman : Well, I will give you a chance Maulana Sahib. Now, Mr. Deputy Chairman has referred to the Minister-in-Charge suggesting that there is a difference between the definition of Minister and Minister-in-Charge. I quite appreciate this point, but you just note the definition of Minister-in-Charge. Mr. Ihsanul Haq referred to the Minister and you said Minister-in-Charge. Minister-in-Charge according to the rules means, in case of a Government Bill, a Minister and in any other case the Member who has introduced the Bill or the Member authorised by him in writing to assume charge of the Bill. So, if he is authorised to assume charge of the Bill, even according to this definition, he becomes Minister-in-Charge, if the Minister-in-Charge authorised him. So far as legal or constitutional objection is concerned, I think, he is quite competent to pilot this Bill and bring it to the House.

Now, Maulana Sahib, you wanted to say something. Before you start your plea, please let me know whether you are on a point of order, privilege motion, adjournment motion, objection or a point of information.

Maulvi Zahoorul Haq : I am on a point of information, Sir.

میں یہ عرض کرنا چاہتا ہوں کہ یہ متعلقہ وزیر تو ہیں نہیں لیکن جو موجود ہوتے ہیں وزیر جیسا کہ آپ نے فرمایا ہے کہ ملک اختر صاحب all-rounder ہیں تو یہاں وزیر قانون بھی تشریف رکھتے ہیں۔ میں صرف یہ انفارمیشن لینا چاہتا ہوں کہ کیا وزیر قانون جو ہیں وہ ان سے زیادہ all-rounder نہیں ہیں ؟

جناب چٹرمین : یہ آپ انفارمیشن دے رہے ہیں یا پوچھ رہے ہیں ؟

مولوی ظہورالحق : میں یہ کہتا ہوں کہ یہ بہتر ہو گا کہ جو لا منسٹر ہیں وہ سینئر ہیں، وہ یقینی طور پر زیادہ all-rounder ہوں گے تو بہتر یہ ہو گا کہ جہاں بار بار ملک اختر صاحب ہر چیز پیش کرتے ہیں، اس سے بھی ممبر گھبراتے ہیں، اکتاتے ہیں، اس لئے اگر کبھی کبھی لا منسٹر صاحب بھی اس میں اپنا کوئی کمال دکھائیں تو میرے خیال میں ممبر جو ہیں وہ زیادہ بور نہ ہوں گے۔

سردار محمد اسلم : جناب point of explanation.

جناب چٹرمین : آپ کیا explanation دے رہے ہیں۔ آپ نے speech بھی نہیں کی۔

سردار محمد اسلم* : جناب عرض یہ ہے کہ درمیان میں یہ جھگڑا شروع ہو گیا کہ ملک اختر صاحب کیوں پائیلٹ کر رہے ہیں۔ اس قسم کی کوئی شکایت نہیں کہ ملک صاحب کیوں پائیلٹ کر رہے ہیں۔

*Speech not corrected by the honourable Senator.

[Sardar Mohammad Aslam]

ممبران تو یہ کہتے ہیں کہ منسٹر صاحبان 22 ہیں - ہم کبھی کبھی ان کو دیکھ لیا کریں منسٹر صاحبان ہاؤس میں نہیں آتے - یہ ملک صاحب کے ہائیلٹ کرنے پر کوئی اعتراض نہیں ہے کہ یہ کیوں ہائیلٹ کر رہے ہیں 22 منسٹر اور منسٹر فار سٹیٹ ہیں - کوئی تو ان میں سے آیا کرے ماسوائے ملک معراج خالد اور ملک محمد اختر کے کوئی سینٹ میں آتا نہیں ہے - ممبران کو ضرورت پڑتی ہے کبھی وہ بات کرتے ہیں منسٹری کے متعلق ، حلقہ انتخاب کے متعلق ، ڈویژن کے متعلق اور باتیں ہوتی ہیں ، ہاؤس میں ان کے فرائض کے متعلق -

مولوی ظہورالحق : وزیر قانون جو ہیں وہ تو خاموش تماشائی ہیں ان کو سننے کا بھی بڑا شوق ہے -

(اس مرحلے پر بہت سے معزز اراکان نے اکٹھا بولنا شروع کر دیا)

جناب چئرمین : ایک وقت میں ایک صاحب بولیں ، آپ نے ختم کر دیا جو کچھ کہنا چاہتے ہیں ؟ یہ تو نہ point of information ہے نہ point of explanation ہے نہ point of interpretation -

جناب طاہر محمد خان : یہ ایک point of wish ہے - یہ ہماری خواہش ہے -

سردار محمد اسلم : یہ ملک صاحب پر اعتراض نہیں ہے کہ یہ کیوں ہائیلٹ کر رہے ہیں آخر باقی جو منسٹر ہیں As of right they must attend the House ٹھیک ہے کہ کوئی ایک مصروف ہوتا ہے ، دو مصروف ہوتے ہیں - ہائیس کے ہائیس تو ایک دفعہ مصروف نہیں ہوتے -

جناب چئرمین : میرے خیال میں ، آپ کے جو جذبات ہیں ، آپ کے جو خیالات ہیں ، اعتراض تو میں نہیں کہہ سکتا - وزیر متعلقہ تک پہنچا دئے جائیں گے اور میرے خیال میں ملک اختر ان تک پہنچا دیں گے کہ سینیٹر صاحبان کی یہ خواہش ہے -

ملک محمد اختر : میں کوشش کروں گا کہ آئندہ وزیر متعلقہ آئیں -

Mr. Chairman : You please convey the sentiments and feelings of the House. You see, there is no exception so far that sometime you should come or that you should come whatever be the assignment. He is held up with some more important work and that is why he is absent.

جناب طاہر محمد خان : کوشش کرنے کی بات نہیں ہے - بات تو صرف اتنی ہے کہ ملک صاحب ان سے یہ کہہ دیا کریں کہ میں آپ کا کام نہیں کروں گا - وہ آجا یا کریں گے -

جناب چیئرمین : یہ ایک اچھی تجویز ہے لیکن اس سے تصادم پیدا ہو جائے گا۔ اگر یہ کہیں کہ میں آپ کا کام نہیں کرتا پھر تو تصادم ہو گیا۔
جناب طاہر محمد خان : نہیں جناب ! یہ تصادم نہیں ہو گا۔

جناب چیئرمین : اگر وہ کہیں کہ آپ مہربانی کر کے آج یہ کام کریں اور یہ کہیں کہ میں نہیں کرتا تو آخر لڑائی تک نوبت پہنچ جائے گی۔ خدا نہ کرے۔

All right, so much for that point. Now, Malik Akhtar, please speak.

Malik Mohammad Akhtar : Sir, with your permission and with the permission of the House

Mr. Chairman : You have my full permission.

THE NATIONAL GUARDS (AMENDMENT) BILL, 1975

Malik Mohammad Akhtar : Sir, I beg to move :

“That the Bill to amend the National Guards Act, 1973 [The National Guards (Amendment) Bill, 1975], as passed by the National Assembly, be taken into consideration.”

Mr. Chairman : The motion moved is :

“That the Bill to amend the National Guards Act, 1973 [The National Guards (Amendment) Bill, 1975], as passed by the National Assembly, be taken into consideration.”

Malik Mohammad Akhtar : Sir, I would like to make a short statement.

Mr. Chairman : Any opposition ? Any objection ?

No.

Malik Mohammad Akhtar : *Sir, National Guards Act was passed by the Parliament in September, but it was brought in force on the 24th of December, 1973. Then, Sir, with effect from 1st of October, 1973 or even before it was brought into force. This Scheme of giving national privilege to the persons joining this Institution was enforced in 70 colleges. Then, Sir, for the academic year of 1975, certain privileges were given, that 10% additional marks will be given to the persons who join this National Cadet Corps, in addition to their own merits. Sir, the case went to the High Court. In the High Court it was held that since no examination was provided for admission to Medical College, clause (c) of section 29 of the National Guards Act, 1973, did not apply. The certificates, which had been issued to the students, who had completed 50% of the training, as provided under sub-rule (3) of rule 22, were not held to be valid certificates for the purposes of counting and completion of the training, as prescribed in clause 29. An appeal was filed in the Supreme Court. It was held by the Supreme Court that, if the college authorities could make necessary arrangements, the students,

*Speech not corrected by the Minister.

who had been given 10% credit in the marks obtained by them in the F. Sc., B. Sc. pre-medical examinations under the National Guards Act, 1973, could continue to attend the classes to which they were already admitted but that this would in no way affect the right of admission of respondents in whose favour the High Court had issued a writ.

Naturally, after these judgements, we have to amend the law, I mean to say, the National Guards Act, 1973, and we are seeking to amend Clauses 29(c) and 35(c) of the Ordinance which was issued, Sir. And now to quote what benefit we are giving :

“The candidate of National Cadet Corps shall be awarded 20 marks in addition to the marks obtained by him in the examination irrespective of the fact whether an examination is held for the purpose of admission or whether the public examination is considered as a basic qualifying examination on the basis of which he seeks admission.”

So, Sir, in order to give incentives to the people and youngsters to join this scheme of National Cadet Corps, an additional benefit is given so that for the time which is being spent in getting training, some benefit has got to be given, otherwise these boys will lag behind. And, Sir, these are the boys who lay their lives for the country these are the boys who are Mujahids : these are the boys who are Shahids. Sir, I consider that a country like ours needs such a voluntary corps. And, Sir, many a time this has been brought on the floor of this August House that there should be National Army, and I consider that this is the step towards that, and I request the House to agree to this proposal and give this additional benefit to these youngsters.

Mr. Chairman : Mr. Ihsanul Haq, you wanted to say something.

Mr. Ihsanul Haq : Sir, it is a very important Bill, a very good Bill, and we must pass it in the national interest. Those boys, who are joining the National Guards, are doing the national service and must be given their merits in numbers and all that. It is very essential, and it will depict a national character also. So, Sir, I support Malik Akhtar Sahib.

Mr. Chairman : Any other Gentleman wishing to participate in the debate ?

No. All right, now I put the question. The question before the House is :

“That the Bill to amend the National Guards Act, 1973 [The National Guards (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. I do not think there is any amendment moved to any of the clauses. Are there no amendments ?

Senators : No, Sir.

Mr. Chairman : So, we can take all the clauses together.

Now, the question before the House is :

“That Clauses 2, 3, 4, 5, 6, 7, 8, 9 and 10 stand part of the Bill.”

(The motion was adopted)

Mr. Chairman : Now, the next and the last question is :

“That Clause 1, Short title and the Preamble do stand part of the Bill.”

(The motion was adopted)

Mr. Chairman : Yes, the next motion?

Malik Mohammad Akhtar : Sir, I beg to move :

“That the Bill to amend the National Guards Act, 1973 [The National Guards (Amendment) Bill, 1975], be passed.”

Mr. Chairman : The motion moved is :

“That the Bill to amend the National Guards Act, 1973 [The National Guards (Amendment) Bill, 1975], be passed.”

Mr. Chairman : Would you like to add something?

Malik Mohammad Akhtar : No, Sir.

Mr. Chairman : Any other gentleman wishing to speak? None. Then, I will put it to the House.

The question before the House is :

“That the Bill to amend the National Guards Act, 1973 [The National Guards (Amendment) Bill, 1975], be passed.”

(The motion was adopted)

Mr. Chairman : Now, we will take up Item No. 4, which is in the name of Mr. Hafeezullah Cheema.

THE NEWSPAPER EMPLOYEES (CONDITIONS OF SERVICE) (AMENDMENT) BILL, 1975

Malik Mohammad Akhtar : Sir, I beg to move :

“That the Bill to amend the Newspaper Employees (Conditions of Service) Act, 1973 [The Newspaper Employees (Conditions of Service) (Amendment) Bill, 1975], as passed by the National Assembly, be taken into consideration.”

Mr. Chairman : The motion moved is :

“That the Bill to amend the Newspaper Employees (Conditions of Service) Act, 1973 [The Newspaper Employees (Conditions of Service) (Amendment) Bill, 1975], as passed by the National Assembly, be taken into consideration.”

Any objection, opposition ? None.

(At this stage Mr. Hafeezullah Cheema entered the House)

Mr. Chairman : It is your Bill, Mr. Cheema. On Item No. 4, it is your Bill. Would you like to speak ?

Mr. Tahir Mohammad Khan : Sir, the motion has not been put to the House.

Mr. Chairman : All right, I will put the motion. Mr. Cheema, I was just reading the motion when you came into the House.

The motion made is :

“That the Bill to amend the Newspaper Employees (Conditions of Service) Act, 1973 [The Newspaper Employees (Conditions of Service) (Amendment) Bill, 1975], as passed by the National Assembly, be taken into consideration.”

Mr. Chairman : There is no objection, no opposition.

Mr. Hafeezullah Cheema : *Sir, the Newspaper Employees (Conditions of Service) Act was promulgated in 1973 in order to provide certain benefits to the Newspaper employees and the Journalists community in the country. One of the provisions was to have a Wage Board to determine the conditions of service of employment of newspaper employees. The Award has since been given by the Wage Board which was headed by a retired Judge of the High Court. While giving the Award, the Chairman of the Board mentioned that for the implementation of the Award itself, there should be a sort of independent machinery. To give effect to the wishes of the Chairman and of the demands of the journalists community in the country, we are providing machinery for the implementation of that Award. So, this is being headed by an independent person, a retired Judge of the High Court, who has already been appointed. To meet those requirements, this Bill has been brought before the House.

Malik Mohammad Akhtar : Sir, as the honourable Minister had stated in the House that an independent machinery has been made, I will go a step further to explain that according to Sections 12 and 13 of the Newspaper Employees (Conditions of Service) Act, 1973, there was already a machinery, but in spite of that, the Government has desired to concede to the demands of the journalists, and they have made another machinery. And, Sir, another thing which I would like to add that penalty was only Rs. 500/-.....

Mr. Chairman. What ? What ?

*Speech not covered by the honourable Minister.

Malik Mohammad Akhtar : Sir, the penalty was Rs. 500/- which has now been raised to six months in case the violation is done by any of the owners of the newspaper. Then, Sir, I would add something more. As you remember, Sir, in the West Pakistan Assembly and during the Ayub regime, we had big agitations and protests by the newspapermen, by the persons employed in this industry. We had it in 1963. Then some laws were amended, as you, know, Sir, and the newspaper employees have been constantly fighting for their rights. Many a time awards were given but they were not implemented. It is the wish and desire of the present regime, the Government, that whatsoever is decided, all the benefits given to the journalists, to the persons connected with this industry, may be given, and the Wage Board Award given, must be implemented in letter and spirit. This is the desire of the Government and that is why this measure has been brought.

Mr. Chairman : Thank you. Yes. Mr. Qamaruzzaman.

Mr. Qamaruzzaman Shah : *Sir, while supporting this Bill, I would like to mention that a number of Wage Boards were formed by various regimes here. Wage Boards did give their awards but it has been the desire of the Journalists to see that the Wage Board Award is implemented both in letter and spirit. What had been happening was that the people who owned the newspaper industry, were not implementing the Wage Board Award. They were not giving all those salaries and emoluments that were mentioned in the Wage Board Award and the Journalists have been time and again asking for this that there should be some authority that should have the power to see that this Award is implemented. Apart from that, Sir, their contention was that in case any newspapermen, that is the owners, the proprietors, did not adhere to the Awards, and did not give those emoluments, there should be an authority who could see that those awards are implemented. While supporting this, Sir, in the context of what we have said earlier, I would submit that on all those Bills on which the honourable Ministers are present to explain, Malik Akhtar may kindly refrain because otherwise the Ministers would see that even when they were present, Malik Akhtar has to explain. It is perfectly all right when they were not here, but it would on the contrary deter the Minister from coming here. I would request the Chair that when the honourable Ministers are themselves present, at least then Malik Akhtar may kindly be told to refrain from giving his valuable opinion on those Bills.

Mr. Chairman : Why are you so sensitive to his address to the House.

Mr. Qamaruzzaman Shah : Sir, I am not sensitive. Actually, I am saying in the context of what we had earlier discussed. We know that Malik Akhtar is all rounder. He can speak on any of the Bills. That is why all the Ministers have been passing their Bills to him because they know that he might do better. Merely in order to see that the honourable Ministers themselves come and pilot their own Bills, Malik Akhtar may kindly refrain to explain in their presence. I am only requesting him through the Chair. Not that he should be stopped from doing that. He has every right as a Member of the Cabinet to give his opinion. But I would only request him through the Chair that at least on those Bills

[Mr. Qamaruz zaman Shah]

where the honourable Ministers are there, he may just refrain from giving his opinion, so that the same may attract the honourable Ministers to be present.

Mr. Chairman : He has done after the Minister concerned has made his speech.

Mr. Qamaruzzaman Shah : True, Sir, what I was saying was ...

Mr. Chairman : I think, he has made some contribution to the discussion just as you have done. You also participated in the discussion because there was something left out which you wanted to fill in. There must have been some gap. According to the rules you cannot repeat the arguments but if you want to say something new, which you have said, then you can participate in the debate. So, Malik Akhtar has also said new things which were not said by the Minister concerned, and you should not be so much touchy about it.

Mr. Qamaruzzaman Shah : I am not touchy at all about it.

Mr. Chairman : Then why should you say that he should refrain from participating in the discussion ?

Mr. Qamaruzzaman Shah : I would only request him through you that when the Minister concerned is present, he may like to refrain from speaking.

Mr. Chairman : If you lay down this rule and this principle that when a Minister Incharge or concerned speaks on the Bill, then other Ministers, much less Malik Akhtar, should not participate, I think, it will not be fair.

Mr. Qamaruzzaman Shah : Everybody else should be permitted. I have only said, in connection with what was said earlier, that all the Ministers feel that Malik Akhtar can do such better in piloting their Bill ; so if in their presence also on their Bills Malik Akhtar speaks so well, and Malik Akhtar's contribution becomes better than the Ministers concerned probably may not pilot their own Bill.

Mr. Chairman : When Mr. Cheema finished his speech he looked to his left. Probably he gave him a hint to speak on it.

Malik Mohammad Akhtar : He left something for me to say.

Mr. Chairman : Any other gentleman who wants to participate ?

Mr. Tahir Mohammad Khan : Sir, we wholeheartedly support this Bill because there is something in it for the Working Journalists. This class has not been getting its right for so long. The whole House supports this.

Mr. Chairman : Thank you very much.

The question before the House is :

“That the Bill to amend the Newspaper Employees (Conditions of Service) Act, 1973 [The Newspaper Employees

(Conditions of Service) (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. I think, there is no amendment moved?

Senators: No, Sir.

Mr. Chairman: Then, we can take all the clauses together, except 1. It is six clauses Bill. So, I will put the question.

The question before the House is:

"That Clauses 2, 3, 4, 5 and 6 form part of the Bill."

(The motion was adopted)

Mr. Chairman: Clauses 2 to 6 form part of the Bill. Now, the question is:

"That Clause 1, Preamble and Short title form part of the Bill."

(The motion was adopted)

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

Now, there is only one and last item left. Yes, Mr. Cheema.

Mr. Hafeezullah Cheema: Sir, I beg to move:

"That the Bill to amend the Newspaper Employees (Conditions of Service) Act, 1973 [The Newspaper Employees (Conditions of Service) (Amendment) Bill, 1975, be passed."

Mr. Chairman: The motion moved before the House is:

"That the Bill to amend the Newspaper Employees (Conditions of Service) Act, 1973 [The Newspapers Employees (Conditions of Service) (Amendment) Bill, 1975]], be passed".

Mr. Chairman: Yes, would you like to say anything?

Don't you want to say anything?

Mr. Hafeezullah Cheema: Nothing, Sir.

Mr. Chairman: Then, you should allow Malik Akhtar to say something.

Mr. Hafeezullah Cheema: He has every right to do it.

Malik Mohammad Akhtar: Nothing, Sir.

Mr. Chairman: It will be unusual if you say nothing. You should say at least one word, if not more. That puts life in the debate. You not only enlighten the House but also enliven the House.

Malik Mohammad Akhtar : Sir, I consider we have passed a very good measure. We are in the third reading, and at this stage, it can only be said whether the measure passed is good or bad. It is a very good measure. The Government intends to raise the standard of newspapers to the international level, and I am proud of the fact that we are respecting the independence of Press, and there shall be liberty and independence and freedom of the Press for all the time to come, and the Government is committed and honour-bound to it. Even in our election manifesto we made the promise that we would be keeping and preserving the freedom of Press, and would give all the benefits to all the working clauses including the Working Journalists.

Mr. Chairman : Didn't I say he will say something new. Not a single gentleman referred to the independence and freedom of the Press, which is the most important thing. You see everybody forgot but he had that in his mind.

Mr. Hafeezullah Cheema : I think, the credit should go to the Chair to get this point out of Malik Akhtar.

Mr. Chairman : Thank you. No other gentleman ?

All right, I put the question.

The question before the House is :

“That the Bill to amend the Newspaper Employees (Conditions of Service) Act, 1973 [The Newspaper Employees (Conditions of Service) (Amendment) Bill, 1975], be passed.”

(The motion was adopted)

Mr. Chairman : The Bill stands unanimously passed.

There is no other business. So, we should meet tomorrow.

Malik Mohammad Akhtar : Yes, in the morning, Sir.

Mr. Chairman : Because in the evening there will be National Assembly sitting also ?

Malik Mohammad Akhtar : Yes, Sir.

Mr. Chairman : So the House stands adjourned to meet tomorrow at 10.00 a. m.

The Senate then adjourned till ten of the clock in the morning on Thursday, July 10, 1975.