



THE
SENATE OF PAKISTAN

DEBATES

OFFICIAL REPORT

Wednesday, August 13, 1975

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SENATE DEBATES

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 Wednesday, August 13, 1975

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

 (Recitation from the Holy Quran)

Mr. Acting Chairman : Now, Item No. 2 on the Agenda is presentation of the report by Mr. Masud Ahmed Khan.

**STANDING COMMITTEE REPORT RE : THE FEDERAL BOARD OF
 INTERMEDIATE AND SECONDARY EDUCATION BILL, 1975**

Mr. Masud Ahmed Khan : Mr. Chairman, Sir, I have the honour to present the report of the Standing Committee on the Bill to provide for the establishment of a Federal Board of Intermediate and Secondary Education [The Federal Board of Intermediate and Secondary Education Bill, 1975].

Mr. Acting Chairman : The report of the Standing Committee on the Bill to provide for the establishment of a Federal Board of Intermediate and Secondary Education [The Federal Board of Intermediate and Secondary Education Bill, 1975] stands presented.

Next, No. 3. Yes, Malik Mohammad Akhtar !

**MOTION RE : SUSPENSION OF RULE 232 SO AS TO PERMIT
 HOLDING OF AZAD JAMMU AND KASHMIR
 COUNCIL MEETING IN SENATE CHAMBER**

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

“That under rule 229 of the Rules of Procedure and Conduct of Business in the Senate, 1973, rule 232 of the said Rules be suspended so as to permit holding of a meeting of Azad Jammu and Kashmir Council in the Senate Chamber on the 18th August, 1975.”

Mr. Acting Chairman : The motion is :

“That under rule 229 of the Rules of Procedure and Conduct of Business in the Senate, 1973, rule 232 of the said Rules be suspended so as to permit holding of a meeting of Azad Jammu and Kashmir Council in the Senate Chamber on the 18th August, 1975.”

Is it not opposed? Do you want to say something?

Malik Mohammad Akhtar : Yes, Sir.

POINT OF ORDER RE: CLARIFICATION OF INCONSISTENCY OR DIFFICULTY JUSTIFYING MOTION FOR SUSPENSION OF RULE 232

Sardar Mohammad Aslam : Sir, point for clarification. Rule 232 says :

“The Chamber shall not be used for any purpose other... ..”

Mr. Acting Chairman : One minute please. Which rule did you say?

Sardar Mohammad Aslam : Rule 232, Sir.

Mr. Acting Chairman : Yes, rule 232 :

Sardar Mohammad Aslam : “The Chamber shall not be used for any purpose other than the joint sitting, sitting of the Senate or the Assembly”. The honourable Minister has sought its suspension under rule 229 which says :

“Whenever any inconsistency or difficulty arises in the application of these rules, any member may, with the consent of the Chairman, move that any rule may be suspended in the application to a particular motion.....”

May I ask the honourable Minister as to what is the inconsistency or difficulty to put this motion for suspension?

Malik Mohammad Akhtar : He is very right, Sir.....

Mr. Acting Chairman : Excuse me Malik Akhtar. What is your interpretation of this rule? Do you mean to say that rule 229 cannot be invoked for suspension of rule 232?

Sardar Mohammad Aslam : Yes, Sir.

Mr. Acting Chairman : Why?

Sardar Mohammad Aslam : Sir, rule 229 says that whenever— — — any inconsistency or difficulty arises in the implementation of any rule while rule 232 is clear that it is obligatory that the Chamber shall not be used for any other purpose, except for the sittings of the Senate, joint sitting or the National Assembly.

Mr. Acting Chairman : I think, this is the difficulty. Therefore they want to remove that difficulty in the national interest. They want to use Senate Hall for certain national objectives. But there is difficulty of rule 232. Therefore, for removing that difficulty he wants to invoke rule 229 for suspending rule 232.

Sardar Mohammad Aslam : That is why, Sir, I am going to ask the honourable Minister as to what is the national emergency only to allow this particular august House for the meeting of the Kashmir Council? It is for the Minister to explain.

Mr. Acting Chairman : Can you explain? What is the Council? What is the objective of the Council? Who will preside the Council? Which are the members of that Council?

Malik Mohammad Akhtar : *Thank you very much, Sir, for the guidance. Sir, I consider that every Senator, every Member of the House is entitled to ask the Government to explain when something extraordinary is going to happen. I do concede the privilege of this august House. Sir, we are seeking suspension of rule 232 and to support it, firstly, I will explain why it has become necessary. Sir, Azad Jammu and Kashmir Council wants to hold its meeting on 18th of August, 1975, when I consider the Hall would be available because we do not propose to meet on that day. It was discussed amongst the Members and the honourable Members decided that they will not be meeting on the 18th. Then, Sir, as a matter of fact, Azad Jammu and Kashmir has got a new Constitution which has been promulgated on the 24th of August, 1974, as this document shows.

It's Article 21 reads :—

There shall be an Azad Jammu and Kashmir Council consisting of :—

- (a) The Prime Minister of Pakistan.
- (b) The President, of course, the President of Azad Jammu and Kashmir Government.
- (c) Five Members to be nominated by the Prime Minister of Pakistan from time to time from amongst Federal Ministers and the Members and the Members of the Parliament.
- (d) The Prime Minister of Azad Jammu and Kashmir or a person nominated by him.
- (e) Six members to be elected by the Assembly from amongst the State subjects in accordance with the system and so on and so forth.

Then, Sir, No. 2 :

*Speech not correct by the honourable Minister.

The Prime Minister of Pakistan shall be the Chairman of the Council and, Sir, the President shall be the Vice-Chairman of the Council. Then, Sir, another fact besides this fact is that five Members of the Parliament are to be nominated under the Constitution on this Council. Our Prime Minister of Pakistan is going to be the President. This Council has identical functions as the Senate of Pakistan. That is, Sir, in Article 31.

“Subject to the succeeding provisions of this Section, both the Council and the Assembly (Assembly means Assembly of Azad Kashmir and Council means the Council which is under discussion) shall have powers to make laws.”

Sir, it is a sort of Upper House of Azad Jammu and Kashmir Legislature. They may be making their own House. May I remind the honourable Members that on the 5th or 6th August, 1973, when we gathered to elect our Chairman and Deputy Chairman, we had to make similar motions in the National Assembly as this august House did not have this dignified Hall by that time, and we were using National Assembly Chamber. So the precedent is there. As far as the legal implications are concerned, you have rightly pointed them out.

Under rule 229, “Whenever any inconsistency of difficulty arises in the application of these rules, any member” of course, not a member only but a Minister or a Minister of State is empowered, as under the constitution, to participate in the proceedings “may with the consent of the Chairman move that any rule may be suspended in its application to a particular motion before the Senate and if the motion is carried, the rule in question shall stand suspended.” Now, Sir, difficulty has arisen and in national interest a Council wherein we have got some of our Members to act as Members and our Prime Minister to preside that Council has to hold a meeting Sir, in this Chamber which cannot be used for any purpose other than the joint sitting, sittings of the Senate or of the Assembly under Rule 232, so, we are invoking the provisions of rule 229. A difficulty has arisen in our Sir, I request the honourable Senators to be kind enough to concede to this request of the Government of Azad Jammu and Kashmir, and in the national interest this will be a very good sign. We should cordially welcome them and provide all the facilities. You know, Sir, that the Senate itself had its Hall after a long time to have all these mikes fitted and all this Secretariat. So, let them come. They are our guests. I consider the House after this explanation will have no objection.

Mr. Afzal Khan Khoso : Mr. Deputy Chairman Sir, the learned Minister Malik Mohammad Akhtar, has pointed out that he wants to seek the help of rule 229, so that an ambiguity that has arisen should be removed. It is an ambiguity and some difficulty. Now, Sir, it is very clear in rule 229, “Whenever any inconsistency or difficulty arises in the application of these rules, any member may, with consent of the Chairman, move that any rule may be suspended” So, Sir, the words “any rule may be suspended” also include the rules that we have, Sir, in the Rules of Business. So, I feel that it is quite legitimate to accept that this rule 232 can also be suspended with the help of rule 229, which is very clear, Sir.

Mr. Acting Chairman : Thank you. Sardar Mohammad Aslam, I think, the arguments submitted by the Minister of State should be : (1) The House, the Chamber shall be used in the national interest and for the national objectives, and we the Members of the Parliament should also participate ; (2) but the difficulty is that rule 232 does not allow us or anybody to use this Chamber for any other purpose. Therefore, when the Nation needs this House, this Chamber, this building, for using in the national objective, and there is the precedent that earlier when the Senate met on 6th of August, 1973, there was no Hall. We had no Chamber, no House, no building of ours, and this provision was invoked, therefore, we met in the National Assembly Chamber. I think, because of the precedent and because of the national urgency, we have to suspended this Rule.

Sardar Mohammad Aslam : Sir, I do not have objection in allowing the Kashmir Council to meet in this Chamber. It is a Council of National importance, and certainly it is of great importance for the country. My contention was not to suspend the rule. A Chamber is announced and declared by the President by declaring a certain portion, a room of a building as a Chamber and President by Notification can say that this room is not a Chamber for the Senate for such and such date. So we will not need in this case to

suspend any rule. In case of National Assembly, it was not a precedent but the National Assembly was declared the Senate Chamber by the President. The Council can use this Hall easily by declaring this House not a Chamber for that particular date.

Mr. Acting Chairman : I do not agree with you. Chamber is the property of the Senate, and Senate is empowered to use for any purpose. It is not any other body except the Senate itself. The House can decide it. Now, I put the question before the House. The question before the House is :

• That under Rule 229 of the Rules of Procedure and Conduct of Business in the Senate, 1973, rule 232 of the said rules be suspended so as to permit holding of a meeting of Azad Jammu and Kashmir Council in the Senate Chamber on the 18th August, 1975."

The motion was adopted

Mr. Acting Chairman : There is no other business before the House today. Tomorrow, it is the 14th August a holiday, 15th is Friday, I think, there is no private members business before the House, 16th is Saturday, 17th is Sunday, a closed holdar. On 18th you have already permitted for a meeting of Azad Jammu and Kashmir. Now, 19th or 20th, which is to suit you ?

Malik Mohammad Akhtar : 10th, Sir.

Mr. Acting Chairman : 20th ?

Malik Mohammad Akhtar : Yes, Sir.

Mr. Acting Chairman : The Senate is adjourned to meet on the 20th August, 1975, at 5.30 p.m.



The House adjourned till half past five of the clock in the evening on Wednesday, August 20, 1975.



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Acting Chairman
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