



THE  
SENATE OF PAKISTAN  
DEBATES

OFFICIAL REPORT

Wednesday, August 20, 1975

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**SENATE DEBATES**  
**SENATE OF PAKISTAN**

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Wednesday, August 20 1975  
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The Senate of Pakistan met in the Senate Chamber, (State Bank Building), Islamabad, at half past five of the clock in the evening, Mr. Deputy Chairman (Mr. Tahir Mohammad Khan) in the Chair.

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(Recitation from the Holy Quran).  
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**SHORT NOTICE QUESTION AND ANSWER**

**Mr. Deputy Chairman :** Questions. There are some short notice questions in the name of Senator Afzal Khan Khoso.

**Rao Abdus Sattar :** Sir, question No. 1 on behalf of Haji Sayed Hussain Shah.

**Mr. Deputy Chairman :** Actually there is a leave application from Mr. Khoso. If you like we can postpone his questions. Perhaps he has interested to know something himself, and the Minister will be able to reply him and satisfy him.

(Pause)

**Mr. Deputy Speaker :** So the questions of Mir Afzal Khan Khoso are postponed.

**STARRED QUESTIONS AND ANSWERS**

**Mr. Deputy Chairman :** There are other questions in the name of Haji Sayed Hussain Shah. Now, you can ask on his behalf if you like.

**Rao Abdus Sattar :** Question No. 1, Sir, on behalf of Haji Sayed Hussain Shah.

**OUT OF TURN PROMOTEEES IN GEOLOGICAL SURVEY  
OF PAKISTAN**

1. \***Haji Sayed Hussain Shah :** Will the Minister for Fuel, Power and Natural Resources be pleased to state the names, designations and provinces of domicile of the employees of the Geological Survey of Pakistan in grade 6 and above who have been promoted out turn since January, 1972 ?

Mr. Mohammed Yusuf Khattak (Read by Mir Taj Mohammad Khan Jamali): None.

Mr. Deputy Chairman: No supplementaries?

Voices: No.

Mr. Deputy Chairman: Next question.

Rao Abdus Sattar: On behalf of Haji Sayed Hussain Shah Question No. 2, Sir.

Mr. Deputy Chairman: Question No. 2.

### BALUCHISTAN QUOTA IN DIRECT RECRUITMENT TO VACANCIES IN GEOLOGICAL SURVEY OF PAKISTAN

2. \*Haji Sayed Hussain Shah: Will the Minister for Fuel, Power and Natural Resources be pleased to state:

(a) the number of posts in various grades in the Geological Survey of Pakistan filled in by direct recruitment during the years 1972-73, 1973-74 and 1974-75;

(b) the number of posts, out of those mentioned in (a) above, which were allocated to the Province of Baluchistan;

(c) the number of persons belonging to the Province of Baluchistan appointed against the posts reserved for the province; and

(d) if any of the above posts reserved for Baluchistan has not been filled in by appointment of a candidate belonging to that province, the reasons therefor?

Mr. Mohammed Yusuf Khattak (Mir Taj Mohammad Khan Jamali): (a) to (d) A statement showing the required information in respect of Question No. 2 is placed on the table of the House.



Against 40 posts reserved for direct appointment 27 persons of Baluchistan domicile are already working whereas their entitlement according to quota does not exceed one post.

Against 26 posts reserved for direct appointment 7 persons of Baluchistan domicile are working in the department whereas their entitlement does not exceed even one post.

Against 25 posts reserved for direct appointment 3 persons of Baluchistan domicile are already working whereas their entitlement does not exceed even one post.

Against 74 posts reserved for direct appointment 43 persons of Baluchistan domicile are already working whereas their entitlement does not exceed even 2 posts. In addition to 43 employees already working one person of Baluchistan domicile was employed during 1972-73, 2 persons during 1973-74 on ad-hoc basis as the selected candidates from other regions did not report for work at Quetta.

Against 6 posts reserved for direct appointment 4 persons of Baluchistan domicile are working in the department whereas their entitlement is NIL according to quota.

Against 79 posts reserved for direct appointment 35 persons of Baluchistan domicile are already working whereas their entitlement does not exceed even 2 posts. In spite of this number, one person of Baluchistan domicile was employed in 1973-74 and one in 1974-75 on ad-hoc basis

11. 1 17 5 ... ..

9. 2 1 ... ..

8 3 5 ... ..

7. 11 12 4 ... ..

6. ... .. 1 ... ..

5. 20 7 1 ... ..

Grade No.	(1)	(2)	(3)	(4)	(5)				
	1972-73	1973-74	1974-75	1972-73	1973-74	1974-75	1972-73	1973-74	1974-75
3.	...	25	35	...	...	...	...	...	...

as the selected candidates from other provinces did not report for duty at Quetta.

Against 245 posts reserved for direct appointment 62 persons of Baluchistan domicile are already working in the department whereas their entitlement does not exceed 8 per cent on quota basis. In spite of this 4 persons were employed in 1973-74 and one in 1974-75 on adhoc basis as the selected candidate from other region did not report for duty at Quetta.

Note.—Posts in grades No. 1 and 2 are filled on zonal basis. There is no quota for the said posts. The posts in grade No. 4, 10, 12, 13, 14 and 15 are filled on promotion basis and selections are not made through direct appointments.

جناب سردار محمد اسلم : سپلیمنٹری سر ! جناب یہ جو اسٹیٹمنٹ شو کی گئی ہے ، اس کے گریڈ میں ۱ کے against یہ تین پوسٹیں بلوچستان کے لئے اپلائی کی گئی ہیں - 1974-75ء recruited for جس کے آگے یہ نوٹ دیا گیا ہے کہ

“Out of 50 posts reserved for direct appointment 3 persons of Baluchistan domicile are already working whereas their entitlement according to the quota percentage does not exceed 2 posts.”

کیا اس کا مطلب یہ ہے کہ یہ تین آدمی 1974-75ء میں ڈائرکٹ اپوائنٹ ہوئے ہیں یا promotion basis پر اسی ڈیپارٹمنٹ میں سے ان کو گریڈ ۱ میں پروموشن دی گئی ہے ؟

جناب تاج محمود خان جمالی : گریڈ ۱ میں پروموشن دی گئی ہے -

سردار محمد اسلم : سپلیمنٹری سر ! جیسا کہ جواب میں وزیر صاحب نے فرمایا ہے ، یہ اسٹیٹمنٹ کے آخر میں انہوں نے کہا :

“Posts in Grades 1 & 2 are filled on zonal basis. This is no quota for the said posts. The posts in Grades Nos. 4, 10, 12, 13, 14 and 15 are filled on promotion basis and selections are not made through direct appointments.”

تو یہ پروموشن دی گئی ہے ان پچاس پوسٹوں پر جو ریزرو تھیں - تو کیا :

Does this promotion affects the quota of that Province which was reserved for direct appointment from outside the Department ?

جناب تاج محمد خان جمالی : وہاں کوئٹہ کا ذرا فرق ہے - وہ تو امینڈمنٹ کر رہے

ہیں -

Instead of giving two to Baluchistan, we have given three.

That means .....

جناب ڈپٹی چیئرمین : ان کا تو سوال یہ ہے کہ کیا ڈائرکٹ اپوائنٹمنٹ جو پچاس پوسٹیں تھیں اس میں ان کا حق دو پوسٹوں کے لئے تھا ؟ یہ آپ خود مانتے ہیں -

Mr. Taj Mohammad Khan Jamali : They have asked only for Baluchistan.

جناب ڈپٹی چیئرمین : بلوچستان کے بارے میں پوچھ رہے ہیں -

Mr. Taj Mohammad Khan Jamali : In Baluchistan, instead of two, we have given them three.

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**BALUCHISTAN QUOTA IN DIRECT RECRUITMENT TO VACANCIES IN GEOLOGICAL SURVEY OF PAKISTAN 62**

**Mr. Deputy Chairman :** No, no. You have not given them three because actually they have been promoted to Grade 17. So, it is not an appointment as you have explained in your this column.

**Mr. Taj Mohammad Khan Jamali :** They have got the promotion. They are from Baluchistan.

جناب ڈپٹی چیئرمین : وہ تو سوال ہی ان کا اور ہے - جمالی صاحب -

**Sardar Mohammad Aslam :** In the statement, item No. 2(a) shows :

The number of posts in various grades in the Geological Survey of Pakistan filled in by direct recruitment during the years 1972-73, 1973-74 and 1974-75.

According to the statement of the honourable Minister three persons who were already serving in the department and were domiciled in Baluchistan, were promoted. It means that no direct appointment was made. So, out of 50 posts reserved for the direct appointment how many persons domiciled in Baluchistan were recruited in Grade 17 ?

**Mr. Taj Mohammad Khan Jamali :** We have mentioned that they are three.

**Mr. Deputy Chairman :** You have not satisfied him. He says that these three persons would not disqualify them for the direct appointments.

آپ اس میں ذرا توجہ کریں - آپ سوال ذرا پڑھ لیجیے گا -

جناب تاج محمد خان جمالی : سوال کیا ہے جناب ؟

جناب ڈپٹی چیئرمین : آپ ذرا بریف میں ملاحظہ کر لیں شاید اس میں ہو -

(b) The number of posts in various grades in Geological Survey of Pakistan filled in by direct recruitment during 1972-73.. ...

سوال آپ سے ڈائریکٹ ریکروٹمنٹ کا پوچھ رہے ہیں - آپ پرو موشن کا بتا رہے ہیں - اعتراض جو ہے سینیٹر اسام کا یہ ہے آپ نے جواب نہیں دیا - کچھ اور کہہ دیا -

**Mr. Taj Mohammad Khan Jamali :** I think, I should get a fresh notice for it.

**Mr. Deputy Chairman :** No. Actually, the notice of this question has been given and no answer has come so far. Well, you can study this question. We can postpone it for some time.

**Malik Mohammad Akhtar :** Sir, if the honourable Minister allows me. Let us defer this question and a revised answer can be given.

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Mr. Deputy Chairman : This question is also deferred to some other day.

Rao Abdus Sattar : Question No. 3 on behalf of Haji Sayed Husain Shah.

### ENUMERATION OF WATERLOGGED AND SALINITY AFFECTED AREAS

3. \*Haji Sayed Hussain Shah : Will the Minister for Fuel, Power and Natural Resources be pleased to state :

(a) whether field inspection to enumerate areas affected by 'Thur' (Waterlogging and 'Sem' (Salinity) is carried out every year in N.W.F.P., Sind and Baluchistan Provinces ; and

(b) if answer to (a) above be in the negative, the reasons for not enumerating such areas in these provinces ?

Mr. Mohammad Yusuf Khattak (Mr. Taj Mohammad Khan Jamali) : (a) The field surveys to enumerate areas affected by waterlogging and salinity are the responsibility of the Provincial Governments. According to information received from the Provincial Irrigation Departments the position is as under :—

#### *N.W.F.P.*

Field inspection/surveys are carried out every year to enumerate canal irrigated areas affected by salinity and waterlogging.

#### *Baluchistan*

The canal irrigated areas affected by waterlogging and salinity have already been surveyed and it is proposed to continue the yearly surveys in future.

#### *Sind*

Field inspections/surveys of canal irrigated areas affected by salinity and waterlogging are carried out every year in the Sukkur Barrage command. In the case of Guddu and Kotri Barrage commands the sub-soil water table observation are taken every year. However, field inspection to enumerate areas affected by salinity is not being carried out on an yearly basis. For the current financial year additional staff has been sanctioned to extend the field activities in these areas. Proposals for re-organisation of Directorate of Reclamation, which deals with the surveys, have been prepared so that scope of activities may be further increased to meet the requirements of the entire irrigated areas.

(b) As explained in (a) above.

Mr. Deputy Chairman : No supplementary ?

Voices : No, Sir.

**Mr. Deputy Chairman :** Sardar Aslam, don't you want to ask any supplementary ?

**Sardar Mohammad Aslam :** Sir, I don't want to bother Jamali Sahib.

**Mr. Deputy Chairman :** Thank you. No supplementary. The question of Mr. Afzal Khan Khoso has been deferred to some other day.

### LEAVE OF ABSENCE

**Mr. Deputy Chairman :** There is a leave application. Mr. Afzal Khan Khoso, Senator has given an application. He has asked for leave of absence from the sitting of the Senate on 20th and 21st of August, 1975. Has he the leave of the House to be absent on the 20th and 21st of August ?

*(Leave was granted)*

**Mr. Chairman :** Now, item No. 3.

### RESOLUTIONS PASSED BY PROVINCIAL ASSEMBLIES RE : CO-OPERATIVE FARMING SOCIETIES

**Mr. Deputy Chairman :** "In pursuance of clause (1) of Article 144 of the Constitution of the Islamic Republic of Pakistan, this Provincial Assembly resolves that Parliament may by law regulate the matters of co-operative farming societies."

یہ قرار داد صوبائی اسمبلی بلوچستان نے ۱۲ جون ۱۹۷۵ء کو منظور کی۔

There is another resolution by the Provincial Assembly of Punjab. It reads :

This House is of the opinion that the Federal Legislature may enact uniform law for all provinces regulating the establishment and conduct of co-operative farming societies."

یہ دو قرار دادیں موصول ہوئی تھیں۔ میں نے آپ کے لیئے پڑھ دیں۔

and are laid on the table of the House.

**Mr. Deputy Chairman :** Mr. Ihsanul Haq :

### STANDING COMMITTEE REPORT RE : GENERAL STATISTICS

BILL, 1975

**Mr. Ihsanul Haq :** I have the privilege to submit on behalf of the Committee its report on the General Statistics Bill, 1975.

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**Mr. Deputy Chairman:** The report of the Standing Committee on the Bill to constitute certain authorities for the collection and co-ordination of statistics to facilitate economic and other planning. [The General Statistics Bill, 1975], is presented.

Now, No. 5.

**Mr. Deputy Chairman:** Rana Mohammad Hanif Khan :

**THE COMPANIES (MANAGING AGENCY AND ELECTION OF DIRECTORS) (AMENDMENT) BILL, 1975**

**Ch. Mohammad Haneef Khan :** Sir, I beg to move :

“That the Bill further to amend the Companies (Managing Agency and Election of Directors) Order, 1972 [The Companies (Managing Agency and Election of Directors) (Amendment) Bill, 1975], as reported by the Standing Committee, be taken into consideration at once.”

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

“That the Bill further to amend the Companies (Managing Agency and Election of Directors) Order 1972. [The Companies (Managing Agency and Election of Directors). (Amendment) Bill, 1975], as reported by the Standing Committee, be taken into consideration.”

It is not opposed ?

**Ch. Mohammad Hanif Khan :** Sir, may I explain the purpose of this Bill.

**Mr. Deputy Chairman :** It is not opposed. You please explain the purpose of this Bill.

**Ch. Mohammad Haneef Khan (Minister for Finance):** \*Sir, This companies (Managing Agency and Election of Directors) Order, which is called P.O. No. 2, was promulgated on the 15th of January, 1972. The object of this Order was to terminate all the agreements between the Companies and their Managing Agents. When I say Managing Agents it means Sole Sale Purchase and Distribution Agencies, and the intention was to provide procedure for the election of Directors. The result of this Order was that all the agreements which existed at that time between the Companies and their Managing Agents stood terminated. A difficulty was felt by Messers Pakistan Services Limited, who had operational agreement with Messers Intercontinental Hotel Corporation, which is located in United States of America. The result of this Order was that the agreement between the Company and their Managing Agents, who were located in USA, also stood terminated. Sir, the intention of the Government is to maintain a minimum standard and efficiency in the hotels and, with that intention in view, it was decided that law should be amended, this Order should be amended which should enable the Government to assent those Com-

[Ch. Mohammad Haneef Khan]

panies, which also own hotels, from the operation of this Order so that, so far as the agreements between them and their Managing Agents are concerned they should stand revived.

Now, the Law was amended in 1973 and I will read the relevant provisions. This is 13(A),

“The Federal Government may by notification in the Official Gazette exempt any of the clauses of the Agreements or Contracts or the portion of the provisions of part 2 of this Order, namely, the Agreement or Contract approved by the Federal Government with a foreign collaborators in relation to a Company which own a Hotel in Pakistan.”

So, Sir, after this amendment, Messers Pakistan Services Limited approached the Government with the request that a notification should be issued to the effect that agreement which exists on the relevant date was amended in January 1972 between them and their Managing Agents, of course, Messers Intercontinental Hotel Corporation. This notification should have the effect of reviving this agreement. But when the Ministry of Law was approached, they opined that, although the intention was to exempt from the operation of this Order the future agreements, but the intention was also to revive the agreements which existed on the 15th January, 1972. But, unfortunately such a notification cannot be passed under the law as it stands now. So it is for the second time that this Bill has been brought before the Senate. Now, the Law as it has been amended will entitle the Government to issue a notification which will have the effect of reviving the contracts which were existing on the 15th January, 1972. Thank you very much.

Mr. Deputy Chairman : Does any one else want to speak on this Bill ? No ? Now, I put the question. The question before the House is :

“That the Bill further to amend the Companies (Managing Agency and Election of Directors) Order, 1972 [The Companies (Managing Agency and Election of Directors) (Amendment) Bill, 1975], as reported by the Standing Committee, be taken into consideration at once.”

*(The motion was adopted)*

Mr. Deputy Chairman : Now we take up the reading of the Bill clause by clause. Clause 2. The question before the House is :

“That Clause 2 stands part of the Bill.”

These who are in favour may say ‘yes’.

*(Pause)*

Mr. Deputy Chairman : There are no ‘Ayes’ in favour of this clause, I, therefore, put it once again.

[Mr. Deputy Chairman]

The question before the House is :

“That Clause 2 stands part of the Bill.”

*(The motion was adopted)*

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

In Clauses 3, 4, 5, there is no amendment.

**Mohammad Haneef Khan :** Sir, there are only three.

**Mr. Deputy Chairman :** I am sorry. The question before the House is :

“That Clause 3 forms part of the Bill.”

*(The motion was adopted)*

**Mr. Deputy Chairman :** Clause 3 forms part of the Bill.

Now, the question before the House is :

“That preamble, Clause 1 and short-title form part of the Bill.”

**Mr. Deputy Chairman :** Preamble, Clause 1 and Short title form part of the Bill. Yes, No, 6, Rana Mohammad Hanif Khan.

**Ch. Mohammad Hanif Khan :** Sir, I beg to move :

“That the Bill further to amend the Companies (Managing Agency and Election of Directors) Order, 1972 [The Companies (Managing Agency and Election of Directors) (Amendment) Bill, 1975], be passed.

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

“That the Bill further to amend the Companies (Managing Agency and Election of Directors) Order, 1972 [The Companies (Managing Agency and Election of Directors) (Amendment) Bill, 1975] be passed.

Not opposed? Do you want to say anything in the third reading?

**Ch. Mohammad Hanif Khan :** Sir, I have already said. It is a very simple Bill. It is a small amendment.

**Mr. Deputy Chairman :** No speech? Now, I put the question.

The question before is :

“That the Bill further to amend the Companies (Managing Agency and Election of Directors) Order, 1972 [The Companies (Managing Agency and Election of Directors) (Amendment) Bill, 1975], be passed.

*(The motion was adopted)*

**Mr. Deputy Chairman :** The Bill is adopted.

Yes No. 7, Rana Mohammad Hanif Khan.

**THE BANKING COMPANIES (AMENDMENT) BILL, 1975**

**Ch. Mohammad Hanif Khan :** Sir, I beg to move :

“That the Bill to amend the Banking Companies Ordinance, 1962 [The Banking Companies (Amendment) Bill, 1975], as reported by the Standing Committee, be taken into consideration at once.”

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

“That the Bill to amend the Banking Companies Ordinance, 1962 [The Banking Companies (Amendment) Bill, 1975], as reported by the Standing Committee, be taken into consideration at once.”

No opposition? Would you like to explain the Bill?

**Ch. Mohammad Hanif Khan :** Sir, in pursuance to an agreement, have general cooperation between Pakistan and Libya. A Committee of experts was set up which examined and considered the areas in which the two countries could have that cooperation. After the report was submitted by the Committee of experts, the Joint Ministerial Commission examined the proposals which were put up. In this case there is an important proposal which is under examination, of course, on the basis of which an amendment is sought in the present law. That proposal was accepted by the Ministers, and I would like to read out the relevant portion of that proposal. But, Sir, I would like to say that the Joint Ministerial Commission has decided that a Pak-Libya Investment Corporation Development Bank should be set up. I would like to read out the relevant portion.

“The proposed institution would be an Investment Bank to be called the Pak-Libyan Investment Banking Corporation. Its functions would be those as specified in the revised Pakistani proposals. Moreover, Pakistan would amend its laws to enable the establishment of this Bank.”

Sir, as I have just read out the relevant portion of this proposal, it says, Pakistan would amend the laws to enable the establishing this Bank. The difficulty was that the word “Bank” would not be used under the present Law. The present law says :

“No Company which is not carrying on the Commercial Banking can use the word “Bank” or any one of its derivatives.”

So, this was necessary that an amendment should be brought about in the Banking Companies Ordinance.

[Ch. Mohammad Haneef Khan]

Here I would also like to enumerate the functions of this Bank in a nutshell and not in all its details because the agreement is a big one. I would like to explain to this august House as to what are the functions of this Bank.

- (a) Industrial Projects including those in the public sector located in Pakistan.
- (b) Joint industrial projects of Pakistani and Libyan investors in Pakistan Libya.
- (c) Infrastructure projects sponsored by the Government of Pakistan or Libya.
- (d) Such other economic development projects as the Corporation may decide.

These are the main or salient points which I want to put before this august House. As I said difficulty was found in the use of this word 'bank' or its derivatives in its name. Even if it was a banking company the word Bank could not be used because the law precluded the use of this word. Now, this Bill, which was promulgated in the form of an Ordinance, seeks to authorise the Government to allow the use of this word wherever it deems necessary. As I have said the Ordinance was promulgated. Now, this Bill seeks to put the provisions of the Ordinance on the statute book permanently.

Mr. Deputy Chairman: Anyone else? No speech? Now, it is the first reading. I put the question. The question before the House is:

"That the Bill further to amend the Banking Companies Ordinance, 1962 [The Banking Companies (Amendment) Bill, 1975], as reported by the Standing Committee, be taken into consideration at once."

*(The motion was adopted)*

Mr. Deputy Chairman: The motion was adopted. Let us now take the Bill clause by clause. Only three clauses, I think. There is no amendment in clause 2 and clause 3. Therefore, I put both the clauses to the House. The question before this House is:

"That clauses 2 and 3 form part of the Bill."

*(The motion was adopted)*

Mr. Deputy Chairman: Clauses 2 and 3 form part of the Bill. Now, clause 1, Preamble and Short title. There are no amendments. Now, the question before this House is:

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

*(The motion was adopted)*

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

Yes, No. 8.

**Ch. Mohammad Hanif Khan :** Sir, I beg to move :

“That the Bill further to amend the Banking Companies Ordinance, 1962 [The Banking Companies (Amendment) Bill, 1975], as reported by the Standing Committee, be passed.”

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

“That the Bill further to amend the Banking Companies Ordinance, 1962 [The Banking Companies (Amendment) Bill, 1975], as reported by the Standing Committee, be passed.”

Any opposition ? Would you like to say something ?

**Ch. Mohammad Hanif Khan :** No, Sir. There are no speeches.

**Mr. Deputy Chairman :** No speeches. So, I put the question to the House. The question before this House is :

“That the Bill further to amend the Banking Companies Ordinance, 1962 [The Banking Companies (Amendment) Bill, 1975] be passed.”

*(The motion was adopted)*

**Mr. Deputy Chairman :** The motion is adopted. The Bill is passed.

Now, No. 9, Mr. Mumtaz Ali Bhutto.

**Syed Qaim Ali Shah Jiliani :** On his behalf, Sir.

**Mr. Deputy Chairman :** Yes.

THE TELEGRAPH (AMENDMENT) BILL, 1975

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

“That the Bill further to amend the Telegraph Act, 1885 [The Telegraph (Amendment) Bill, 1975] as reported by the Standing Committee, be taken into consideration at once.”

The motion is not opposed. Would you like to explain the Bill ?

**Syed Qaim Ali Shah Jiliani :** Yes Sir, a few words. Sir, the Indian Telegraph Act, 1885, was made applicable to Pakistan after 1947. Experience has

**[Syed Qaim Ali Shah Jilliani]**

shown that certain sections of the Act have not been so effective with the result that there have been so many thefts committed by organised gangs of telegraph and telephone copper wires. Sir, the figures which have been collected by the Telephone and Telegraph Department show that between the years 1965 and 1973 theft of these wires worth one crore of rupees took place in only two Provinces, that is, Punjab and N.W.F.P. If we take the country as a whole then in the years 1973 and 1975 thefts committed were for over Rs. 32 lakhs since, as I said, penal sections were not very effective and the penalty was very simple. Therefore, instances were repeated from time to time. Now, therefore this Bill seeks to amend the penal clause where by specially the punishment has been enhanced. Previously the punishment provided was maximum upto 3 years or fine. Now, the Bill through this amendment provides that the maximum punishment should be upto 7 years and the minimum punishment should be one year at least. Alongwith it a fine has been provided. Previously it was punishment up to 3 years or fine. Now, the punishment is at least one year and the maximum punishment is 7 years plus fine. This has been provided in order to make it deterrent for those who commit such offences. Over and above all this there has been a lot of racketing in the telephones because the subscribers mostly get obnoxious calls from various People. So, in order to make these offences also punishable this Bill provides punishment upto 3 years for such obnoxious calls also.

Now, Sir, the third point which is also a very important point in this Bill is that the onus or the burden of proof has been shifted to the accused. If an accused is found in possession of such wire-telegraph and telephone wires then the burden of proof will be on him to prove that he is holding bona fide property. These are very important amendments which are provided in this Bill. Therefore, Sir, because of the experience, because of the facts which we have experienced in the past, it is necessary to make these provisions stringent for those people who are habitual offenders of the copper wires. Moreover, Sir, the system has to be streamlined and certain other amendments have been made in order to make it in conformity with the international laws of tele-communications. This is what the Bill seeks to do.

Thank you, Sir.

**Mr. Deputy Chairman :** Any other speech ?

**Malik Mohammad Akhtar :** I would like to add just two words. This is an amendment to the Act. The original Act was Telegraph Act, 1885, which has been sought to be amended, and I consider that in view not only of the increasing crimes but also the existing circumstances in the country, it is of the utmost necessity that if some acts of sabotage or other acts are done with an intention to disrupt or interrupt the communication system of our telephones & telegraphs by cutting wires etc., then that is another necessity for having this stringent provision in the existing law. Moreover, Sir, section 379 of the Pakistan Penal for three Code was previously applicable and under it punishment could be only years. This punishment had to be enhanced in view of the circumstances not only of the excessive thefts but otherwise even, when the tendency is to disrupt the communication and communication lines.

**جناب ڈپٹی چیئرمین :** اور کوئی صاحب تقریر کریں گے ؟ سردار اسلم صاحب آپ نہیں بولیں گے ؟ آپ کو تو شکایت ہوتی ہے کہ دوسروں کا بل آپ کے نام پر بھیج دیا جاتا ہے اور اگر یہ بھی کمہ دیا جائے کہ کال بھی آپکے ٹیلی فون سے obnoxiously ہوئی ہے تو پھر کیا کریں گے ؟

مردار محمد اسلم : کمال تو obnoxiously نہیں ہوئی ہے لیکن اب آپ نے حکم دیا ہے تو میں عرض کرتا ہوں جیسا کہ ملک صاحب نے فرمایا ہے کہ sabotage activities اور disruption of communication of telephone or telegraph جو ہیں تو اس کے لیے burden of proof جو 25 F میں دیا ہے۔  
It is justified لیکن 25 F simple theft میں ہے۔

Sir, Section 25 F says :

“25F. Burden of proof in certain cases. Any person who is found to be in possession of, or having under his control, without lawful authority, telegraph line, copper wire, cable or cable accessory of a kind notified by the Telegraph authority to be generally used by the Pakistan Telegraph and Telephone Department shall, unless he proves that he has such authority, be deemed to have committed the offence punishable under section 25B.”

یہ ایک ایسی innocent سی بات ہے کہ اگر کسی کے پاس ایک کوز copper wire آ جائے یا normally ہماری ملک میں جنس طرح ملک صاحب نے فرمایا ہے کہ sabotage activities ہوتی ہیں یا ٹیلی فون کی لائنیں interrupt ہوتی ہیں لیکن اس کے ساتھ یہ بھی ہوتا ہے کہ کسی گاؤں یا گلی میں جاتے جاتے کسی نے ایک فٹ یا دو فٹ کا ٹکڑا کسی کے صحن میں پھینک دیا تو sabotage activities کیلئے اس پر سیکشن رکھا جائے۔ which is all right۔ میں simple theft کیلئے جو سزا بڑھائی گئی ہے وہ تو ٹھیک ہے لیکن simple theft کیلئے burden of proof جو رکھا ہے وہ لہ رکھا جائے تو بہتر ہے۔

جناب ڈپٹی چیئرمین : لیکن simple theft کیلئے penal code 411 میں burden of

proof جو ہے ، وہ accused پر ہے۔

Ch. Mohammad Hanif Khan : With your permission, Sir, may I explain it. I think, it is very simple.

Mr. Deputy Chairman : Yes.

Ch. Mohammad Hanif Khan : As a matter of fact, there is no departure at all from the general principles of law because as far as the case of the receiver of stolen property is concerned, the burden is always upon him to prove that his possession of the property is bona fide. He will have to explain it. In certain cases you will appreciate that the burden shifts on the accused to prove that he is innocent. As a matter of fact, the burden to prove the fact of possession is always on the prosecution. It does not mean that the prosecution is always exonerated from proving that the possession of such a person is wrong. That is a must but after the prosecution has been able to prove the factum of possession beyond reasonable doubt, then the burden shifts on the accused to prove that he is in bona fide possession of such article. If he can in the circumstances justify that he is absolutely innocent, he is supposed to have discharged his burden and he is acquitted.

[Ch. Mohammad Haneef Khan]

Now, in this case the copper wires which are used for telephone purposes, are indistinguishable. They are not used everywhere. They are not used by everybody. They are identifiable. Anybody can identify them. Now, the position is that openly in certain markets certain people are selling the copper wires, and no action can be taken against them. In the present shape of law, they can always get away with the crime by taking advantage of the weaknesses in the law because prosecution has to prove everything beyond reasonable doubt. So, in this case because the property is identifiable, because it has become a general practice; as a matter of practice, the people purchase these copper wires from the thieves and then they sell in the open market with impunity without incurring any punishment. Therefore, it is most essential that the law should be changed because of the consequences, because of the difficulties which the public faces after these delinquents commit such heinous crimes and it is in line with the international law, Sir. Thank you very much.

Mr. Deputy Chairman : Are you satisfied ?

Sardar Mohammad Aslam : Sir, I agree with the honourable Minister for Finance that keeping in view the heinous crimes, the sentence should be enhanced and stringent measures should be taken, but I beg to differ as far as the academic interest or academic discussion is concerned. Sir, under section 411 of the PPC the onus of proof lies with the prosecution to prove that a person is in possession of stolen property with mala fide intention.

Mr. Deputy Chairman : No. No. It has to be proved by the accused that he is in possession of a property which is not a stolen one.

Sardar Mohammad Aslam : I beg to differ with the Chair, Sir.

Ch. Mohammad Hanif Khan : With due apology, Sir, I may state.

Mr. Deputy Chairman : Actually, it is the wrong quotation of law, therefore, we can take the judicial notice.

Ch. Mohammad Hanif Khan : The only thing that the prosecution has to prove is that the property is a stolen one.

Mr. Deputy Chairman : That the stolen property is in possession of a person.

Ch. Mohammad Hanif Khan . And a certain individual is in possession of that property. Intention is not to be counted.

Mr. Deputy Chairman : So far as 411 is concerned, there is no mala fide intention. If it is in possession of a person and it is proved that property is the stolen property, then the onus will shift to the accused.

Sardar Mohammad Aslam : It is for the prosecution to prove that it is a stolen property and that the man is actually in possession of that property with mala fide intention knowing it fully well.

Mr. Deputy Chairman : No. No.

Sardar Mohammad Aslam : Can I have the Penal Code ?

Mr. Deputy Chairman : Yes.

Ch. Mohammad Hanif Khan : 'Knowing it to be stolen', quite correct.

Mr. Deputy Chairman : We are talking about the burden of proof.

Ch. Mohammad Hanif Khan : A man receives a stolen property knowing it to be stolen. But the question is that this is presumed that he knew that the property is stolen, if he is not in a position to prove that he is in possession of the property with bona fide intention. Quite simple as that.

Sardar Mohammad Aslam : No. There is not a single section in which the burden of proof lies on the accused. It was originally in the Customs Act and later on so many Acts were amended but there is not a single section in which the burden of Proof lies with the accused and not with the prosecution.

Ch. Mohammad Hanif Khan : No. No. I would like to explain.

*(Interruption)*

Mr. Deputy Chairman : One minute Sardar Sahib, He is on his legs.

Ch. Mohammad Hanif Khan : I have said the burden shifts on to the accused. As a matter of fact, everything is being misunderstood. I think, there are certain things which the prosecution has to prove, certainly and once the prosecution discharges that duty, then the burden shifts on the accused to prove that he is innocent. For example, I will quote an instance. In the case of right of private defence, it is for the prosecution to prove that a particular individual has been murdered by such and such a person. Now,

if that accused claims or takes the plea that he killed the deceased person in the exercise of right of private defence, then the burden shifts on to him to prove that he did actually exercise the right of private defence, otherwise the case will stand proved against him.

Here, of course, the accused shall have to take the plea that he is possession of that property but he did not know that it was a stolen property, and that his possession is absolutely bona fide. He will have to prove it, not the prosecution. The accused will have to prove it.

Sardar Mohammad Aslam : The honourable Minister has differentiated the point. But in this case, we will have to amend the section because section 25 F says :

"Any person who is found to be in possession of, or having under his control without lawful authority."

[Sardar Mohammad Aslam]

There is a difference between the lawful authority and the stolen property, because there is no law, and there is no authority to give sanction that I should keep one seer or one yard of copper wire, because copper wire is available and is used in so many other industries and so many other ways and not only in the Telephone and Telegraph Department. Then you will have to amend this section, Sir, and instead of this without 'lawful authority' being 'stolen property'.

**Ch. Mohammad Hanif Khan :** In certain cases the Government can sell the property, auction the property and a man can get it in the auction, and produce a receipt and say, "No, it is not stolen and I have got it in auction".

**Sardar Mohammad Aslam :** Copper is used in so many industries.

**Ch. Mohammad Hanif Khan :** But, Sir, Government sells its property, in certain cases through auction purchase, direct sale, etc., and in that case a man can come up and say, Here is a receipt I have got, and I have purchased this thing in auction or through direct sale from such and such authority."

**Mr. Qaim Ali Shah Jilani :** May I try to explain to the Member and he might be satisfied about whatever he has said. Sir, the question is that here the circumstances are quite different. The provision which he has read, I think, he has read half the provision, whatever we have said in the clause. Sir, clause 25F says :

"Any person who is found to be in possession of, or having under his control, without lawful authority, telegraph line, copper, cable or cable accessory of a kind notified by the telegraph authority to be generally used by the Pakistan Telegraph and Telephone Department, shall, unless he prove that he has such authority, be deemed to have committed the offence punishable under section 25B".

Now, under these circumstances, I would say that once the telephone and telegraph authority has notified a particular property or a particular telephone or telegraph wire to be only used by the Department.

**Mr. Deputy Chairman :** Not 'only'. You say 'generally'.

**Mr. Qaim Ali Shah Jilani :** Generally used by the Department. Then, Sir, if there is any other person who is otherwise not authorised to retain or keep that property, it is for him to prove that he has bona fide purchased it or he is using it for a particular purpose with some authority. Therefore, Sir, there is a clear distinction drawn under this provision. Moreover, Sir, as my friend, the honourable Minister for Finance has explained, I think, exhaustively, this is a property which is not used by every person. This is a property which is generally used by Telephone and Telegraph Department mostly and, therefore, if any individual is keeping this property or is having in possession such a property it is for him to prove

that he is retaining this property bona fide or for some bona fide purpose and not otherwise. So, therefore, this clause is otherwise not against and not in departure of general principles of Evidence Act or Criminal Procedure Code or Penal Code. There are so many provisions under Code also where burden of proof shifts to the accused in certain cases, and this is not a new clause which we have introduced.

**Mr. Deputy Chairman :** Let us allow Mr. Masud Ahmad Khan because he has been rising in his seat so many times.

**Mr. Masud Ahmad Khan :** Sir, I feel this is a special enactment. We have deviated from normal course. Actually, we conceive that even the Telegraph Officers may be involved in such cases as the reading of this clause I mean section 25F, has touched the point 'without lawful authority'. I say an ordinary accused person is not to be asked this question: Whether you possessed this or whether you had committed this offence keeping in view your authority or not? But here the words 'lawful authority' would mean that they include the telegraph or telephone officers also, because the burden of proof would shift to an officer only when he has the lawful authority. But the ordinary accused person is not put such questions.

لو اس پنالتی میں بھی یہ لفظ لکھا گیا ہے۔ اس کے بعد میں عرض کروں۔

If I read it like this :

“A person who is found in possession of, or having under his control” I exclude the word 'lawful authority'—“telegraph line, copper line, cable or cable accessory of the kind notified by the telegraph authority to be generally used by the Pakistan Telegraph and Telephone Department, shall be deemed to have committed the offence punishable.....”

Again the word has been used, “.....unless he proves that he had the lawful authority.” Ordinary accused person can't have the lawful authority because it is conceived that the department officials have also been committing thefts. They have been in possession of copper wires generally used in the Telegraph or the Telephone Department. So, I agree with the honourable Minister when he says that the burden of proof has to be shifted to the accused person because such offences have come to the notice of the Department where the officials have committed such offences. So, this is my point, That is why this has been deviated from the normal norms of the Criminal Procedure Code and of the Penal Code. This is my contention.

**Mr. Deputy Chairman :** But do you think that there is a departure from the normal norms because the contention on this side was that it is not a departure.

**Mr. Masud Ahmad Khan :** Yes, Sir. What we understand is that the prosecution has to stand on its own legs. Prosecution has to prove its case always. It is nowhere that the onus has to be shifted on to the accused person. But there is a difference under Section 411 and 379. Where the person has got the reason to believe that it is a stolen property, there he has to prove that he did not know it to be a stolen property. But if he commits an offence under 379 then the onus is not shifted. The onus is always on the prosecution. So, the amending clause which enhances the punishment from three years to seven years,

[Mr. Masud Ahmad Khan]

actually enhances the punishment under Section 379 but not under Section 411. So, the onus in such cases did not shift to the accused person unless he commits an offence under Section 411. This is my contention.

Mr. Deputy Chairman: Yes, Senator Sher Mohammad Khan? Sardar Mohammad Aslam, Sher Mohammad Khan wanted to say something,

Sardar Mohamad Aslam: I want to make a clarification, Sir.

Mr. Deputy Chairman: Yes.

Sardar Mohammad Aslam: Sir, there is certainly a deviation in principle, and I do not dispute that according to the present circumstances there must be deviation in principle. My contention was that this Section itself is not drafted properly because the lawful authority and knowing a stolen property are two different things and the section says and there are different parts of the Section. The wire used for telegraph line is not normally used in day-to-day life, Sir. But copper wire or copper is used even in business, in copper utensils and in other things. But this telephone set is not used by an ordinary man, by any other person except with the lawful authority or with the authority of Telegraph Department.

آگے جو پڑھا ہے 'notified by the telegraph authority' یہ صرف آتا ہے  
'cable accessories' میں کیونکہ یہ فقرہ اس طرح framed ہے -

"Any person who is found to be in possession of, or having under his control, without lawful authority, telegraph line, copper wire, cable or cable accessory of a kind notified by telegraph authority."

تو یہ 'notified by the telegraph authority' یہاں نوٹیفائی کرتی ہے only cable  
accessories کو - کیونکہ ٹیلیگراف اتھارٹی کیا نوٹیفائی کرے گی کہ copper wire  
کیا ہے -

Copper wire is a copper wire and any man can have possession of copper wire without licence, without permit or without authority, Sir.

تو کلچر وائر میں کسی کو کوئی اتھارٹی رکھنے کی ضرورت نہیں ہے - تو یہاں بجائے lawful  
authority کے the stolen property رکھ لیں - جیسا کہ سیکشن 411 کے ساتھ اس کو ملانے  
کے لئے - کیونکہ 411 میں onus اس وقت shift ہوتا ہے -

When prosecution proves that a man has dishonestly received or retained any stolen property knowing or having reason to believe the same to be stolen shall be punished.

جب ہرا سبکدوشی یہ prove کریں گے کہ یہ stolen property ہے اور دوسرے یہ کہ...

He was in the knowledge that this is a stolen property and the third is that he has reason to believe that this property which he has in possession is a stolen property, then the onus shifts, Sir.

Ch. Muhammad Hanif Khan : Sir, it has raised academic discussions. Unfortunately, when discussing this point we cannot really confine ourselves to the wording of the enactment, because we have to depend on the interpretations which have been put by courts on these provisions of law, and courts have always kept in mind one thing that the law is made practicable. Sir, it has been said that this was a deviation from law. I made my submission that it is not at all a deviation from the law. As a matter of fact, in the Penal Code there are so many, of course, among the basic principles and they are established long long ago in the Macknottan's case that it is the duty of the prosecution to prove the case beyond any reasonable doubt. It is beyond any doubt. We know that this is a basic principle. But, of course, there are certain acts which do constitute a crime but at the same time as they have been committed under some special circumstances, they are not supposed to be crimes so that the man who commits that crime although literally.....For example we confine to the language or the wording of the enactment that the offence has been committed. A man kills another man. Summa cum laude, a man kills another man. Well, the man has been murdered. There is no doubt about it. But the question is : Will it constitute the killing, illegal killing, unlawful killing or a killing which is absolutely justified under the law. So, the question is that there are so many instances where the act of a man does constitute a crime but because the law enables, the law creates a situation whereby the man although commits that act or crime, is not supposed to have committed it in law, then it creates an exception. There is not exception, there are so many exceptions. I have already quoted one. For example, in the case of right of private defence where the burden shifts on to the accused definitely there is no reason about it. But if for example the court after examining the whole evidence comes to the conclusion that from the prosecution evidence it can be inferred that the accused may have acted in the right of private defence then he is entitled to the acquittal. There are other instances, cases of course of a child, for example, those are incopaceteio as they say incapable of committing any crime i.e. in case of a child below the age of seven years, it is presumed that such a child is completely innocent if he commits the crime. In case of a child below the age of 13 years, it is for the prosecution to prove that he had malicious intention. This will apply in those cases where a child is in a position to prove that he is below the age of 13 years.

Sir, there are so many instances where the burden shifts on to the accused to prove his innocence, where a plea on a special except is taken. There is no deviation.

In this case, it is submitted that the prosecution shall have to prove that an individual, I would draw a line between the Officers of the department and between the ordinary man, it is the duty of the prosecution to prove that certain individuals are in possession of those copper wires. Now, Sir, the already existing law says that under 411 he will not be guilty unless it has also been shown that he received this property with the knowledge that it is a stolen property. That is there. But the question is that intention is not some thing which can be seen, intention is some thing which can be inferred from the circumstances. Intention is some thing which is not tangible, it is not a substance which can be seen. Courts, of course, infer the intention to an individual through circumstances. The basis circumstance is that a particular individual is in possession of copper wires-when I say copper wires I mean copper wires which are identifiable, which are certainly those wires used for

[Ch. Mohammad Haneef Khan]

the communication purposes by the Communications Department. That is a must. It shall have to be proved beyond reasonable doubt. But once it is shown that an individual is in possession of such copper wires then the presumption will arise that he knew at the time of receiving these wires that these are stolen goods, otherwise it is not at all possible for the prosecution to prove the intention of a man. Intention can be proved only by the deduction of individual which leads to an inference that the malafide intention was there. Only those circumstances shall have to be proved. So, the position itself leads to an inference that intention was there and here of course, burden will shift on to the accused to prove that he is in bonafide, in genuine possession of these copper wires.

Here, of course, the word 'Lawful authority' has been used which I would like to explain. This has been used for the simple reason that the employees of the Department, are going to be in possession of the copper wires while going out to install them. For example, a poor employee of the Department is going to install these wires somewhere and is not in a position to reach his destination but somehow or the other stops on his way and is in possession of those wires; now he cannot be held guilty of having committed this crime. He can certainly say that I was in lawful possession of these wires because he had received these wires from such and such persons and they are going to be used at such and such place. So, here, of course, the investigation, the inquiry will show that he is in bona fide possession of these wires but at the same time there are cases where Government servants who are engaged in this profession, who are employees of this Department, they are also guilty of theft and in those cases if they are not in a possession of these wires, they will be hauled up. So, there is no deviation.

Mr. Deputy Chairman: Thank you very much. Actually, the House is not expecting so much debate of this clause.

Syed Qaim Ali Shah Jilani: May I explain only one point, Sir.

I think, there have been some misunderstandings.

Mr. Deputy Chariman: Yes.

Syed Qaim Ali Shah Jilani: Sir, one of my learned Members says that the punishment is provided under Section 379 of the Penal Code. But, in this case, Sir, we have a substantive clause incorporated in this Bill under which the punishment has been provided. It is not under section 379 but under clause 25 (d) under which we have said that if any person commits theft of a telegraph line, copper wire, cable or cable accessory, he shall be punished with rigorous imprisonment for a term which is not less than one year and not more than seven years and also with fine. So, there is a substantive clauses incorporated in the Bill and there should be no mis-understanding on this part. On clause 25 (f), I think, the Finance Minister amply cleared the point and there is no conflict or contradiction in the provision or the intention of the clause which is mentioned here and my friend has said that unlawful authority goes with certain paragraphs, but, I think the word 'unlawful authority' used is overall. If a person is in possession unlawfully of these wires, then he has to prove because we have said that burden of proof only in certain cases and those cases. ...

**Mr. Deputy Chairman :** The prosecution actually will have to identify those wires. This can't be general type of wires.

**Syed Qaim Ali Shah Jillani :** Yes, Sir, this can't be general. For example, Sir, if there are certain type of copper wire for which there is a licence with a particular person, then he is not supposed to prove because he is holding a licence for that purpose. If a person has no licence that means that he has no lawful authority to retain that type of property.

Thank you, Sir.

**Mr. Deputy Chairman :** Thank you. Actually, I was apprehending that Mian Ihsanul Haq and Sardar Mohammad Aslam will debate on 25 D clause because a liberty has been given to the Operators to label you that you have been calling obnoxiously, but House is not expecting this much of debate on this 25 (f).

**Syed Qaim Ali Shah Jillani :** That is applicable to Operators also.

**Mr. Deputy Chairman :** True, but you have given them considerable liberty; it is they who will say that you have been calling obnoxiously. I think, there has been enough of debate. Now I put the question before the House is :

“That the Bill further to amend the Telegraph Act, 1885 [The Telegraph (Amendment) Bill, 1975], as reported by the Standing Committee, be taken into consideration” at once.

*(The motion was adopted)*

**Mr. Deputy Chairman :** Now, we take the Bill clause by clause. Is there any amendment in the Bill, Syed Qaim Ali Shah ?

**Syed Qaim Ali Shah Jillani :** No, Sir. You can put all the clauses together.

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

“That clauses 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 stand part of the Bill.”

*(The motion was adopted)*

**Mr. Deputy Chairman :** Clauses 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 form part of the Bill.

**Syed Qaim Ali Shah :** There are also sub-clauses 25(B) (C) of clause 18.

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Mr. Deputy Chairman : No. I think, there is no clause 18. It is all part of clause 17. It is not a separate clause.

Now, the question before the House is :

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

*(The motion was adopted)*

Mr. Deputy Chairman : Preamble, Clause 1 and Short title form part of the Bill. Yes, No. 10.

Syed Qaim Ali Shah Jillani : Sir, I beg to move :

“That the Bill further to amend the Telegraph Act, 1885 (The Telegraph (Amendment) Bill, 1975) be passed.”

Mr. Deputy Chairman : The motion moved is :

“That the Bill further to amend the Telegraph Act 1885 (The Telegraph (Amendment) Bill, 1975) be passed.”

It is not opposed. Would you like to say something ?

Syed Qaim Ali Shah Jillani : I think, the points have been amply clarified and a lot of debate has taken place. As I said, this is an important Bill from the point of view of Tele-Communications. So, the Bill may be passed.

Mr. Deputy Chairman : No other speech, I think. So, I put the question, before the House is :

“That the Bill further to amend the Telegraph Act 1885. [The Telegraph (Amendment) Bill, 1975] be passed.”

*(The motion was adopted)*

Mr. Deputy Chairman : The Bill is adopted and passed.

There is no other business before the House. I have to speak a word with the Press. There were some questions circulated in the House in the name of Senator Afzal Khan Khoso. Those were not answered. Therefore, kindly do not report them in the Press. Short Notice Questions in the name of Mr. Afzal Khan Khoso and Question No. 2 as well which is in the name of some other person : deferred. Those questions which have not been answered may not please be reported in the Press.

**Mr. Deputy Chairman :** The prosecution actually will have to identify those wires. This can't be genral type of wires.

**Syed Qaim Ali Shah Jillani :** Yes, Sir, this can't be general. For example, Sir, if there are certain type of copper wire for which there is a licence with a particular person, then he is not supposed to prove because he is holding a licence for that purpose. If a person has no licence that means that he has no lawful authority to retain that type of property.

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*(The motion was adopted)*

**Mr. Deputy Chairman :** Now, we take the Bill clause by clause. Is there any amendment in the Bill, Syed Qaim Ali Shah ?

**Syed Qaim Ali Shah Jillani :** No, Sir. You can put all the clauses together.

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*(The motion was adopted)*

**Mr. Deputy Chairman :** Clauses 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 16 and 17 form part of the Bill.

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**Mr. Deputy Chairman:** No. I think, there is no clause 18. It is all part of clause 17. It is not a separate clause.

Now, the question before the House is :

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

*(The motion was adopted)*

**Mr. Deputy Chairman :** Preamble, Clause 1 and Short title form part of the Bill. Yes, No. 10.

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

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

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It is not opposed. Would you like to say something ?

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**Mr. Deputy Chairman :** No other speech, I think. So, I put the question, before the House is :

**“That the Bill further to amend the Telegraph Act 1885. [The Telegraph (Amendment) Bill, 1975] be passed.”**

*(The motion was adopted)*

**Mr. Deputy Chairman :** The Bill is adopted and passed.

There is no other business before the House. I have to speak a word with the Press. There were some questions circulated in the House in the name of Senator Afzal Khan Khoso. Those were not answered. Therefore, kindly do not report them in the Press. Short Notice Questions in the name of Mr. Afzal Khan Khoso and Question No. 2 as well which is in the name of some other person : deferred. Those questions which have not been answered may not please be reported in the Press.

**Mr. Deputy Chairman :** The prosecution actually will have to identify those wires. This can't be general type of wires.

**Syed Qaim Ali Shah Jillani :** Yes, Sir, this can't be general. For example, Sir, if there are certain type of copper wire for which there is a licence with a particular person, then he is not supposed to prove because he is holding a licence for that purpose. If a person has no licence that means that he has no lawful authority to retain that type of property.

Thank you, Sir.

**Mr. Deputy Chairman :** Thank you. Actually, I was apprehending that Mian Ihsanul Haq and Sardar Mohammad Aslam will debate on 25 D clause because a liberty has been given to the Operators to label you that you have been calling obnoxiously, but House is not expecting this much of debate on this 25 (f).

**Syed Qaim Ali Shah Jillani :** That is applicable to Operators also.

**Mr. Deputy Chairman :** True, but you have given them considerable liberty; it is they who will say that you have been calling obnoxiously. I think, there has been enough of debate. Now I put the question before the House is :

“That the Bill further to amend the Telegraph Act, 1885 [The Telegraph (Amendment) Bill, 1975], as reported by the Standing Committee, be taken into consideration” at once.

*(The motion was adopted)*

**Mr. Deputy Chairman :** Now, we take the Bill clause by clause. Is there any amendment in the Bill, Syed Qaim Ali Shah ?

**Syed Qaim Ali Shah Jillani :** No, Sir. You can put all the clauses together.

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

“That clauses 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 stand part of the Bill.”

*(The motion was adopted)*

**Mr. Deputy Chairman :** Clauses 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 form part of the Bill.

**Syed Qaim Ali Shah :** There are also sub-clauses 25(B) (C) of clause 18.

**Mr. Deputy Chairman:** No. I think, there is no clause 18. It is all part of clause 17. It is not a separate clause.

Now, the question before the House is :

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

*(The motion was adopted)*

**Mr. Deputy Chairman:** Preamble, Clause 1 and Short title form part of the Bill. Yes, No. 10.

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

**“That the Bill further to amend the Telegraph Act, 1885 (The Telegraph (Amendment) Bill, 1975) be passed.”**

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

**“That the Bill further to amend the Telegraph Act, 1885 (The Telegraph (Amendment) Bill, 1975) be passed.”**

It is not opposed. Would you like to say something?

**Syed Qaim Ali Shah Jillani:** I think, the points have been amply clarified and a lot of debate has taken place. As I said, this is an important Bill from the point of view of Tele-Communications. So, the Bill may be passed.

**Mr. Deputy Chairman:** No other speech, I think. So, I put the question, before the House is :

**“That the Bill further to amend the Telegraph Act 1885. [The Telegraph (Amendment) Bill, 1975] be passed.”**

*(The motion was adopted)*

**Mr. Deputy Chairman:** The Bill is adopted and passed.

There is no other business before the House. I have to speak a word with the Press. There were some questions circulated in the House in the name of Senator Afzal Khan Khoso. Those were not answered. Therefore, kindly do not report them in the Press. Short Notice Questions in the name of Mr. Afzal Khan Khoso and Question No. 2 as well which is in the name of some other person : deferred. Those questions which have not been answered may not please be reported in the Press.

No other business. I think tomorrow morning suits you.

**Voices :** Yes.

**Mr. Deputy Chairman :** The House is adjourned to meet tomorrow at 10.30 a. m.

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The House adjourned till half-past ten of the clock in the morning on Thursday, August 21, 1975.

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