



THE  
SENATE OF PAKISTAN

DEBATES

OFFICIAL REPORT

Thursday, August 21, 1975

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SENATE DEBATES

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Thursday, August 21, 1975

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

(Recitation from the Holy Quran)

Mr. Deputy Chairman : No questions. Yes, Item No. 2, Malik Mohammad Akhtar.

THE LEGAL PRACTITIONERS AND BAR COUNCILS (SECOND AMENDMENT) BILL, 1975

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

"That the Bill further to amend the Legal Practitioners and Bar Councils Act, 1973 [The Legal Practitioners and Bar Councils (Second 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 Legal Practitioners and Bar Councils Act, 1973 [The Legal Practitioners and Bar Councils (Second Amendment) Bill, 1975], as reported by the Standing Committee, be taken into consideration at once."

It is not opposed. Would you like to explain ?

Malik Mohammad Akhtar : \*Briefly, Sir. Sir, the present Bar Councils were elected about a year ago, and by the end of this year they would hardly have completed two years. Although, it was provided that the term of the Bar

\*Speech not corrected by the honourable Minister.

[Malik Mohammad Akhtar]

Councils would be.....(Pause).....Sir, I will read the relevant Section 4, as it was originally there and as it is after being amended. So, the term as given in Section 4 of the Bar Councils Act.....

Mr. Deputy Chairman : One minute please. (Pause) Yes ?

Malik Mohammad Akhtar :.....is the same as provided in Section 65 in respect of the existing Bar Councils :

“The term of every Bar Council shall be three years beginning on the first day of January following the General Elections to the Provincial Bar Councils”

at the end of each term, the members of the Bar Councils shall cease to hold office provided that (this section is for the general term of Bar Councils) and there is a proviso provided that “the term of every Bar Council constituted for the first time under this Act shall be for the remainder period of the term of three years beginning on the first day of January, 1973.

“That means, Sir, that the term according to this proviso, is due to expire on the first day of January, 1976. Now, Sir, the proposed amendment reads, in Section 4, in the proviso, for the words, comma and figures be for the remainder period of the term of three years beginning on the first day of January, 1973” the words, comma and figures “expire on the thirty-first day of December, 1976 shall be substituted.”

The net result of this amendment would be that the present Bar Councils which were elected ; as I have said about a year ago will hardly complete two years at the end of this year. Now, Sir, it would be like this according to the amendment we are making, Sir, that Section 4 of the Legal Practitioners and Bar Councils Act, 1973 would be amended so that the present Bar Councils may continue until the end of 1976.

Now, there are, Sir, two objects. Firstly, full term is given to the first Bar Council in respect of which I have read the relevant Section 4 ; Secondly, the elections in future are to be held before term expires, so that it may not be possible to hold these elections within the remainder period—say August to January, which means, about four or five months. The elections are to be held and then we have full period of three years, and they will be hardly completing their lives of two years by end of this year, and another is being added so that they can enjoy their office for three years, and the elections of the Bar Councils duly held and Provincial Bar Councils and then Pakistan Bar Council—all these Councils are to be constituted.

**Mr. Deputy Chairman :** Any one else wants to speak on this Bill? No-body? So, I put the question. The question before the House is :

“That the Bill further to amend the Legal Practitioners and Bar Councils Act 1973 [The Legal Practitioners and Bar Councils (Second 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. There are only two clauses in the Bill. So, I put clause 2 to the House. Now, the question is :

“That Clause 2 forms part of the Bill.”

*(The motion was adopted)*

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

There is no amendment in Clause 1. Now, I put the Preamble and Clause 1. The question before the House is :

“That the 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. Now, No. 3, Malik Mohammad Akhtar.

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

“That the Bill further to amend the Legal Practitioners and Bar Councils Act, 1973 [The Legal Practitioners and Bar Councils (Second Amendment) Bill, 1975] be passed.”

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

“That the Bill further to amend the Legal Practitioners and Bar Councils Act, 1973 [The Legal Practitioners and Bar Councils (Second Amendment) Bill, 1975] be passed.”

Do you want to Speak ?

Malik Mohammad Akhtar : No, Sir,

Mr. Deputy Chairman : No other speeches ? So, I put the question. The question before the House is :

“That the Bill further to amend the Legal Practitioners and Bar Councils Act, 1973 [The Legal Practitioners and Bar Councils (Second Amendment) Bill, 1975] be passed.”

*(The motion was adopted)*

Mr. Deputy Chairman : The Bill stands passed.

No. 4, Mr. Abdul Hafeez Pirzada.

#### THE FEDERAL BOARD OF INTERMEDIATE AND SECONDARY EDUCATION BILL, 1975

Mr. Abdul Hafeez Pirzada (Minister for Education and Provincial Coordination) : \*Sir, I beg to move :

“That 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], as reported by the Standing Committee, be taken into consideration at once.”

Mr. Deputy Chairman. The motion moved is :

“That 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], as reported by the Standing Committee, be taken into consideration at once.”

Yes ? (silence). It is not opposed.

Mr. Abdul Hafeez Pirzada : May I say a few words. There are a number of considerations which have motivated the introduction of this Bill, firstly in the National Assembly, and after passage of the Bill in the National Assembly, before this august House. Sir, as you know this forms part of those functions of the Federal Government which are on the Concurrent List of the Constitution as well as the Residuary powers of the Federal Government in respect of areas which do not form part of any province and where the responsibility of the Federal Government is absolutely total in respect of matters mentioned in the first list of the Constitution, the Concurrent List as well as matter not mentioned in either of the lists. The first consideration, of course, constitutionally, is the constitutional liability or responsibility of the Federal Government to

\*Speech not corrected by the honourable Minister.

provide for the education upto the Secondary Board level in respect of students residing in areas outside any particular province, instance, the Federal Capital areas, the Federally administered Tribal Areas, and the students of the Northern Areas, and so on and so forth, and of course, in respect of certain areas which form part of the Cantonments within the provinces, and although they are within the provinces, option is given to them on different considerations to join schools and colleges upto Intermediate. The Cantonment Board areas can opt for the Federal Board, if they so desire. The consideration for this is that in different parts of Pakistan, in different provinces, that are different provinces, there are different Board of Intermediate and Secondary Education. There are different sets of rules relating to the academic session, curriculum, syllabus and various other matters. The medium of instructions also differ from place to place area to area and from province to province. Difficulty has been encountered by the Federal Government in as much as children of the members of the Armed Forces of Pakistan, whose parents are liable to frequent transfers from one place to another and so also the persons in the service of the Federal Government of Pakistan, who are posted from one place to another place, find it very difficult to educate their children, probably because schools in various areas, in various provinces are affiliated to different Boards, which was pointed out by me earlier, and with differences in curriculum syllabi and in the accademic session and medium of instructions, these children find themselves totally at a loss if their parents are transferred in the middle of the year. Lastly, curriculum and syllabi is on the Concurrent List in the Constitution, and only recently alone the Federal Government has assumed responsibility to try as far as possible and give a uniform productive, modern, progressive curriculum and syllabus in the schools and colleges within the country. With this object, a National Bureau of Curriculum has been set up under the Federal Government, and this Bureau has already undertaken the revision of curricula of all classes from class one to class twelve—the classes which are normally within the jurisdiction of the Board of Intermediate and Secondary Education—and by 1980 it is proposed to introduce upto class twelve the revised curricula and syllabi as prepared by the National Bureau of Curriculum in the Federal Government.

Now, in order to introduce it on experimental basis and to test its validity, some agency will be needed, the need for which cannot be over-emphasised. The proposed Board in this testing of curriculum and syllabi prepared by the National Bureau of Curriculum according to a set standard of education.

Lastly, Sir, I would submit that education of Pakistanis outside Pakistan is exclusively a Federal responsibility. It is not the responsibility, under the Constitution of the Provincial Governments. Lately, the trend has been, because of the influx of a large section of our community from Pakistan to countries outside, that large scale settlements of Pakistani community abroad in various countries have taken place. With these settlement outside Pakistan problems relating to the education of Pakistani community in foreign countries has assumed some proportion. The community in various places has been forced to set up its own schools, and in some places Pakistani missions in those countries have also helped the community to set up such schools. The proposed Board of Intermediate and Secondary Education will also facilitate recognition and affiliation of such institutions which are outside Pakistan to a Federal Board which is also responsible for introducing the new curricula in the country. So, these are some of the prime objectives which motivated the introduction of this Bill. I am glad to see, Sir, that the Standing Committee has considered appropriate to report to this House that the Bill, as passed by the National Assembly, may be passed.

**Mr. Deputy Chairman :** I think many of the Members want to speak in support of Mr. Pirzada. Therefore, I call upon Senator Sher Mohammad.

جناب شیر محمد : جناب والا ! میں اس بل کی پرزور حمایت کرتا ہوں اور محترم وزیر تعلیم کو اس بل کے اس ایوان میں پیش کرنے پر مبارک باد بھی دیتا ہوں۔ اس بل سے صاف ظاہر ہے کہ عوامی حکومت اس ملک میں تعلیم کی طرف کس قدر توجہ دے رہی ہے۔ میرے نزدیک اس ملک کا سب سے بڑا مسئلہ جس نے ملک کے باقی مسئلوں کو پچیدہ اور خراب سے خراب تر بنایا ہے وہ جہالت کا مسئلہ ہے اور ملک سے جہالت اس وقت تک ختم نہیں ہو سکتی جب تک کہ اس ملک میں نظام تعلیم صحیح انداز سے ملک اور قوم کی خواہشات کے مطابق، وقت اور حالات کے تقاضوں کو پیش نظر رکھ کر اس کو بروئے کار نہ لایا جائے۔ تو یہ بل یہاں وفاقی بورڈ کے لیئے، وفاق کے زیر انتظام علاقوں، وفاقی دارالحکومت، غیر ممالک میں پاکستانیوں کے بچوں کی تعلیم و تربیت کے لیئے لایا گیا ہے۔ اس کا مقصد بھی ملک کے دوسرے مسئلوں کی طرح اس مسئلہ کو حل کرنا ہے۔ جیسا کہ غربت کا مسئلہ ہوا۔ یہ اس وقت تک ختم نہیں ہو سکتا جب تک اس ملک میں لوگ ملک کے عوام اور ملک کی نئی پود برے اور بھلے میں دوست اور دشمن میں اچھائی اور برائی میں تمیز نہ کر سکے تو لازمی تھا کہ اس ملک میں جس طرح جناب پیر زادہ صاحب کی کوششوں سے ملک میں تعلیم ہالیسی دی گئی ہے، انہی کوششوں کے سلسلے میں ان کا یہ ایک مستحسن قدم ہے کہ وفاق میں ایک تعلیمی بورڈ قائم کیا جا رہا ہے۔ لیکن ساتھ ہی ساتھ میں ایک گزارش آپ کی وساطت سے جناب پیر زادہ صاحب کے گوش گزار کرنا چاہتا ہوں کہ اس میں جو علاقے آگئے ہیں۔ فیڈرل کپینٹل، فیڈرلی ایڈمنسٹریٹڈ ٹرائیبل ایریاز تو میں نے پیر زادہ صاحب سے یہ گزارش کرنا تھی کہ *entirely merge states* مالا کنڈ ایجنسی۔ دیر۔ چترال سوات ان کو *provincially administered tribal areas* کے نام سے پکارا جاتا ہے اور ان ہی ریاستوں میں ریاست کے زمانے سے جب وہاں والیان ریاست ہوا کرتے تھے اسکول اور کالج قائم کیئے گئے تھے۔ لیکن اب ان کا بہت برا خستہ حال ہے۔ اگر یہاں اس بورڈ کی حدود میں جہاں وفاق دارالحکومت اور وفاق کے زیر انتظام قبائلی علاقے ہیں تو اس میں اگر مالا کنڈ ڈویژن کے چار علاقے مالا کنڈ ایجنسی۔ دیر۔ سوات۔ چترال ریاستوں کو ملا لیتے تو ہمارے لیئے یہ نہایت خوشی اور مسرت کا باعث ہوتا۔ میں یہ گزارش کروں گا کہ اگر پیر زادہ صاحب ازراہ کرم مجھے اجازت دیں تو میں اس میں تھوڑی سی ترمیم پیش کر دوں۔

جناب ڈپٹی چیئرمین : ترمیم کے لیئے تو قواعد.....

جناب عبدالحفیظ پیر زادہ : مجھے تو کوئی اعتراض نہیں لیکن قواعد آپ کے ہیں ۔ شیر محمد خان پتہ نہیں کہاں جلسہ عام سے خطاب کر رہے تھے ۔ قواعد کے مطابق نہیں یہ تجویز پہلے پیش کرنی چاہیے تھی ۔ اب اگر یہ کہتے ہیں تو میں نوٹ کر لیتا ہوں ۔ ان کی suggestion یا جو بھی یہ کہنا چاہیں اس کے بعد آگے چل کر اگر وہ تجویز درست ہوئی تو اس پر عمل کریں گے ۔ اس stage پر ترمیم پیش کرنا قواعد کے خلاف ہو گا ۔

جناب شیر محمد خان : میں آپ کی خدمت میں یہ گزارش کر رہا تھا کہ چونکہ ان چار ریاستوں کے جو اسکول ہیں ان کا بہت برا حال ہے تو اگر ان کو فیڈرل سیکنڈری بورڈ میں شامل کر دیا جائے تو جہاں ملک کے باقی لوگوں کو فائدہ ہوگا وہاں مالاکنڈ ایجنسی کے لوگ بھی اس سے فائدہ حاصل کریں گے ان ہی گزارشات کے ساتھ میں آپ کا شکریہ ادا کرتا ہوں ۔

سردار محمد اسلم : جناب والا ! میں عرض کروں گا ۔

Mr. Abdul Hafeez Pirzada : I am sorry, Sir, I am getting out of turn. I hope that my learned colleague, who is here for a second term, he too does not make a similar proposal that this Board should extend jurisdiction to the Provincial areas because the Senate is supposed to be representative and watchdog of the provinces.

سردار محمد اسلم : میں کوئی نئی proposal نہیں دے رہا ۔ یہ جو بل پیر زادہ صاحب نے پیش کیا ہے سادہ سا بل ہے کہ Federally administered institutions کا امتحان لینے کے لیے سیکنڈری بورڈ قائم کر دیا گیا ہے ۔ یہ بل ہے ۔ اس میں نہ اتنا کمال ہے اور نہ یہ institutions میں کمی کر سکتا ہے اور نہ institutions کو ٹھیک کر سکتا ہے اور دوسری بات اس میں یہ ہے کہ چونکہ constitutions نے provincial autonomy گارنٹی دی ہے ۔

And Senate is supposed to protect the rights of respective units.

ہم اپنی constituency کی jurisdiction کو نکال کر یا اپنے ضلع کی jurisdiction کو provincial subject سے نکال کر centre کو دینے کے لیے تیار نہیں ۔ میرے دوست نے یہ جو تجویز پیش کی ہے کہ دہر ، سوات اور چترال کو فیڈرل سیکنڈری بورڈ میں شامل کیا جائے ۔

They are the regular districts of N.W.F.P.

وہ صوبے کے باقاعدہ ضلعے ہیں ۔ ان کے institutions ہیں اور تعلم basically صوبائی subject ہے ۔ آئین کے تحت cantonments کی institutions آپ نے نیشنلائز کی ہیں اور یہ فیڈرل گورنمنٹ کے پاس ہیں ۔ ان کے امتحان کے لیے یہ بنایا ہے ۔ اچھا کیا ہے ۔ جلدی بنایا ہے تاکہ امتحان جلدی ہوں ۔

Mr. Deputy Chairman : Yes ? Do you want to say something ?

Malik Mohammad Akhtar : (Minister of State for Parliamentary Affairs)  
\*Sir, I would not like to repeat any of the arguments which have already been advanced by my honourable colleague and Education Minister. I would only

[Malik Mohammad Akhtar]

refer to item to No. 38 of Concurrent Legislative List in the Constitution, that is, curriculum, syllabus, planning, policy, centres of excellence and standards of education. In exercise of these powers, I consider the Education Ministry has done excellent work, and this is one of the fine institutions which they are establishing. They have already established open University and they are controlling Islamabad University and this will be the third institution. The major object, as the honourable Education Minister has mentioned, is that the Federal Ministry of Education is establishing another institution a National Bureall of curriculum\* which is responsible for devising the entire syllabus from 1st to 12th Class and it is to be designed in accordance with the objectives of the Education policy for the period 1972 to 1980.

Now, Sir, I consider that by having a uniform policy, the framers of the Constitution did go to such a great extent that without encroaching the provincial autonomy at all, they can make universal and uniform sort of policies and syllabus in respect of Education, and this is one of the institutions to implement that object of the Constitution. I need not go beyond that because nothing has been left unsaid. I only want to add that this is one of the finest institutions which is being introduced in order to meet the provisions of item No. 38 of the Concurrent Legislative List to give a uniform policy, and also I may repeat, to raise the standards of education.

Mr. Deputy Chairman : I thought Mr. Masud Ahmad Khan was preparing a speech but he is not ready to speak. No other speech I think. Do you want to say something in reply?

Mr. Abdul Hafeez Pirzada : I have already pointed out earlier. Actually, I spoke out of turn. I am sorry for that but I pointed out the object is not to encroach upon the provincial jurisdiction at all. It is look after the Federal institutions, and where Education is the Federal responsibility, as I submitted we have to have a body to introduce for the federal institutions this new syllabus. Thank you.

Mr. Deputy Chairman : Now I put the question.

The question before the House is :

\*That the Bill to provide for the establishment of a Federal Board of Intermediate and Secondary Secondary Education [The Federal

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Board of Intermediate and Secondary Education Bill, 1975], as reported by the Standing Committee, be taken into consideration at once."

*(The motion was adopted)*

**Mr. Deputy Chairman :** The motion is accepted. Now, I take the Bill clause by clause. I think there is no amendment in the Bill, therefore, we can put the clauses together. It has 17 clauses.

The question before the House is :

"That Clauses 2 to 17 from part of the Bill.

*(The motion was adopted)*

**Mr. Deputy Chairman :** No amendment in clause 1 therefore, I put the Preamble and clause 1 to the House. The question before the House is :

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

*(The motion was adopted)*

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

Yes item No . 5 Mr. Pirzada.

**Mr. Abdul Hafees pirzada:** Sir' I beg to move :

"That 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], be passed."

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

"That 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], be passed".

Yes, it is not opposed.

Mr. Abdul Hafeez Pirzda : I have nothing to add.

Mr. Deputy Chairman : And speech in the third reading ? Anybody wants to speak ? No speech. Therefore I put the question. The question before the House is :

“That 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], be passed.”

(The motion was adopted)

Mr. Deputy Chairman : The Bill stands passed.

No other business before the House. Tomorrow is Private Member's Day. I think we have received notices of some resolutions. That can be considered by the House tomorrow although perhaps it has first to be permitted by the House. There is some business in the House tomorrow, therefore, the Senate is adjourned to meet tomorrow at 10-30 a.m.

The House adjourned till half-past ten in the morning on Friday, August 22nd, 1975.