



THE
SENATE OF PAKISTAN
DEBATES

OFFICIAL REPORT

Thursday, November 20, 1975

CONTENTS

	Pages
Starred Questions and Answers	281
Point Re : Answering of questions on the floor by Ministers concerned— <i>Debated</i>	287
The Pakistan Army (Amendment) Bill, 1975 — <i>Adopted</i> —	310
The Pakistan International Airlines Corporation (Amendment) Bill, 1975— <i>Referred to Standing Committee</i>	314

SENATE DEBATES

SENATE OF PAKISTAN

Thursday, November 20, 1975

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

(Recitation from the Holy Qur'an).

STARRED QUESTIONS AND ANSWERS

Mr. Chairman : We take up questions.

AGREEMENT WITH INDIA

23. Khawaja Mohammad Saffdar (Put by Rao Abdus Sattar) : Will the Minister for Foreign Affairs be pleased to state :

- (a) the number and nature of treaties, agreements, Protocols and conventions entered into by the Government with India since 20th December, 1971; and
- (b) whether the Minister is prepared to lay on the Table of the House all such agreements, etc ?

Mr. Aziz Ahmed (Read by Malik Mohammad Akhtar) : (a) Altogether 23 treaties, agreements, protocols, accords, understandings, joint statements and joint communiques have been concluded between India and Pakistan since December 1971. These deal with the vacation of occupied territories, repatriation of prisoners of war and civilian detainees, delimitation of the line of control in Jammu and Kashmir, rehabilitation

of displaced Pakistani nationals of district Tharparker, visas, postal and telecommunication links, visits to shrines, cessation of hostile radio broadcasts, civil aviation matters, trade, shipping services and discussions on differences over the design of the Salal hydel project on river Chenab in occupied Jammu and Kashmir.

(b) Yes.

24. **Khawaja Mohammad Safdar** (Put by Rao Abdus Sattar) : Will the Minister for Communications be pleased to state :

- (a) the length of roads constructed and the amount spent in each of the four provinces out of the Central Road Fund as well as the fund for roads of National Importance during 1974-75; and
- (b) whether it is a fact that Multan-Lahore-Rawalpindi road is of national importance, if so, the amount released for the improvement, construction etc. of this road out of the funds mentioned in (a) above ?

Mr. Mumtaz Ali Bhutto (Read by Malik Mohammad Ahtar) :

(a) Central Road Fund has been abolished. However, there are certain other road projects in Provinces which are finance by Federal Government Details of allocations made during 1974-75 are given below :

In the budget estimates 1974-75 under demand No. 188 the provision of Rs. 601.46 lakh was made for road projects. Against this total provision, an amount of Rs. 241.079 lakh was released for the provinces.

Province wise allocation is given below :

Punjab	Rs. 13.08 lakh
Sind	Rs. 126.00 lakh
NWFP	Rs. 51.999 lakh
Baluchistan	Rs. 50.00 lakh

TOTAL: Rs. 241.079 lakh

TOTAL LENGTH (New and Improved)

Punjab	60 Miles
Sind	8.2 Miles.
N. W. F. P.	143 Miles
Baluchistan	73 Miles

Total	284.2 Miles.

- (b) Multan-Lahore-Rawalpindi road is a part of Pakistan Highway and is of National importance. As National Highways are now constitutionally the responsibility of the Federal Government, due process for taking over the responsibility of maintaining and improving the National Highways, has been initiated. On taking over the Highways required funds will be provided and distributed to the provinces accordingly.

Mr. Afzal Khan Khoso : Supplementary, Sir. Would the Minister be pleased to answer and explain to the House the discrepancies between the length of the roads and the expenditures involved ?

Malik Mohammad Akhtar (Minister of state for Parliamentary Affairs): Sir, the question was. "The length of the roads constructed and whether it is a fact that Multan-Lahore-Rawalpindi road is of national importance." Of course, we will be pleased to answer the question if it put as a fresh question. A fresh notice is required.

Mr. Chairman : You require a notice.

Malik Mohammad Akhtar : Yes, Sir.

Mr. Mohammad Tahir Khan : It can't be a new question, Sir. It can't be a new question because this supplementary question is connected with the original question. The honourable Senator has asked whether there is an allocation of certain amount for construction of certain roads.

Mr. Chairman : I thought probably it is not a very controversial matter. But now I would like to know what was exactly his supplementary.

Mr. Afzal Khan Khoso : Sir, it is shown over here.....

Mr. Chairman : No, no. Excuse me. What is your supplementary ?

Mr. Afzal Khan Khoso : Sir, my supplementary was about the discrepancies between the length of the roads in various provinces and the expenditures involved.

Mr. Chairman : The discrepancies between the length of the roads and the expenditures involved. Now, you wanted his explanation for this discrepancy.

Mr. Afzal Khan Khoso : It is a connected question, Sir.

Mr. Chairman : This arises from which answer ?

Mr. Afzal Khan Khoso : From (a), Sir.

Mr. Chairman : The question is :

“The length of the roads constructed and the amount spent in each of the four provinces out of the Central Road Fund as well as the Fund for roads.....”

Now, he has given the length of the roads and he has also mentioned the amounts spent on each of them. Now, you find some discrepancies.

Mr. Afzal Khan Khoso : May I point out, Sir.

Mr. Chairman : Oh Yes,

Mr. Afzal Khan Khoso : Sir, in Punjab...

(Interruption)

Mr. Chairman : Malik Akhtar, first hear his supplementary.

Mr. Afzal Khan Khoso : Sir, as far as Punjab is concerned they have show 13.08 lakh rupees and the mileage is 60.

Mr. Chairman : Mileage is 60 and the expenditure is 13.08 lakhs.

Mr. Afzal Khan Khoso : Yes Sir. In Sind, expenditure is 126 lakhs and the length is only 8.2 miles.

Mr. Chairman : Yes, I understand. In Punjab the length is 60 miles and the expenditure is 13 lakhs and in Sind length is 8.2 miles and the expenditure is 126 lakhs.

Mr. Afzal Khan Khoso : Similarly...

Mr. Chairman : I understand. I will just ask the Minister concerned Malik Akhtar, let us first understand each other. In answer (a) it has been mentioned that the entire length of the roads built in Punjab is 60 miles while in Sind is 8 miles.

Malik Mohammad Akhtar : Yes, Sir.

Mr. Chairman : All right. On 60 miles the expenditure is 13 lakhs and odd thousands, leave that, while on 8 miles the expenditure is 126 lakhs. Now, apparently, according to him this is a discrepancy. If 13 lakhs are spent on 60 miles why 126 lakhs should be spent on 8 miles only?

Malik Mohammad Akhtar : Sir, we have allocated funds for construction of roads and some roads have been repaired and others have been constructed. That is the only confusion. Of course, if he desires, we can.....

Mr. Chairman : Excuse me. There is no question of repair of the roads. The question is about the construction and not of the repairs.

Malik Mohammad Akhtar : Yes, Sir, I will now give details. Sir, the length of roads constructed out of the grants made by the Federal Government, Ministry of Communications, and amount spent in each of the four provinces from 1974-75 is as under :—

Punjab : Allocation in millions 200. Expenditure in millions 320. Mileage 200. Improvement of existing highways and construction of new roads.

Sind : Allocation (in millions) 163.89. Expenditure (in millions) 211.13 Improvement of existing roads and construction of new roads.

Sir, in NWFP allocation is 79.16 million, and expenditure is 45.28 million and Sir, its mileage 30, black topping of roads and then shingle roads constructed. Similarly, in Baluchistan. Sir, the allocation is 49.03, expenditure in million is Sir, construction of black top roads, construction of shingle road. There are, Sir, different types of roads and it is a question of improvement of existing Highways and the question of construction of roads. All that I can state is as under Sir, and if any specific question is put to, we will try to answer that Sir. It has been the construction, improvement and then black-topping.

Mr. Tahir Mohammad Khan : Although the question was not about the repair and improvement, it was simply about the construction, I am asking another question from the learned and honourable Minister, who is speaking on behalf of the Minister of Communications. Sir, he has said in Part I that 73 miles of roads have been constructed in Baluchistan, I will ask in which part of Baluchistan these 73 miles have been constructed?

Malik Mohammad Akhtar : Sir, again I repeat the question :

“the length of roads constructed and the amount spent in each of the four provinces out of the Central Road Fund as well as the.....”

I am unable to tell him the detail.

Mr. Chairman : No, no, your answer was that in Baluchistan 73 miles roads have been constructed.

Malik Mohammad Akhtar : Yes, Sir.

Mr. Chairman : The supplementary is in which part of Baluchistan.

Malik Mohammad Akhtar : I regret, Sir. I need a fresh notice.

Mr. Chairman : He requires a notice.

Sardar Mohammad Aslam : Supplementary, Sir.

Mr. Tahir Mohammad Khan : If the question is arising out of the same question.

Mr. Chairman : No, no, it arises...

Mr. Tahir Mohammad Khan : Then they should not need a fresh notice. If he insists ; I know his inability, because the Minister for Communications is not here, and the Minister of State perhaps would not be able to explain.

Mr. Chairman : I am sorry that I would not agree, that supplementary arises out of the answer, it must be answered. I regretfully can't agree with you. For example I say, is it a fact somebody puts a question is it a fact that such and such building has been constructed. If he says, yes, then at what cost, he will say at 13 lakhs, now your next question will be how many bricks have been used in it. Naturally he will require a notice. You say well, my question how many bricks have been used arises out of his answer, that the construction has been done, house has been built, bungalow has been built and so much has been spent over it. Now, I am asking about bricks used in it, the number of bricks, naturally he cannot have the answer at his single hand, he cannot answer that straightway.

Mr. Tahir Mohammad Khan : Sir, my question was.....

Mr. Chairman : No, no, your question is all right.

Mr. Tahir Mohammad Khan : From the example which your honour has given just now, Sir, the answer is that 73 miles of roads have been constructed in Baluchistan.

Mr. Chairman : Now, you want to ask in which particular area.

Mr. Tahir Mohammad Khan : Naturally, it is not constructed in the air, Sir.

Mr. Chairman : Now, he will give you area, then you will ask in which Division. He will give you Division. Then you will ask in which District and then you will say in which Tehsil. It is very difficult.

Mr. Tahir Mohammad Khan : No, Sir. There is a lot of difference. If the road is constructed, the Minister should have the record that the road was constructed at such a such place. It cannot be in pieces of two and two furlongs in each district. There will be a continuous road naturally, Sir.

Mr. Chairman : Now, you want him to sit here and read the whole record and find out this answer for you.

Mr. Tahir Mohammad Khan : Sir, he should have read it before not at this stage.

Mr. Chairman : Had he said. Well he might have read it, but he never thought that you will put a supplementary question in which particular area the road has been constructed. No, Well, I think, I am on very firm ground when I say that a supplementary arising out of answer is relevant and he is bound to answer but he is also entitled to have a fresh notice for that.

POINT RE : ANSWERING OF QUESTIONS ON THE FLOOR
BY MINISTERS CONCERNED

Mr. Tahir Mohammad Khan : No, Sir, our complaint actually has been that when a question relates to a certain Division, the Minister concerned should be present or his nominee if he is a Minister of State. The question relating to a specific Ministry to a particular Ministry, to a particular Division, should be normally replied by another person, because the House wants to satisfy themselves. The Members want to satisfy themselves about certain aspects of those, Sir.

Mr. Chairman : He can't avoid it, he can't evade it, but he is entitled to a notice.

Mr. Tahir Mohammad Khan : The practice Sir,...

Mr. Chairman : What it costs supposing, how you will lose the game' this is a battle now between you and the Minister concerned. Supposing he wants a fresh notice and tomorrow he is prepared to give you the answer, you do not lose anything. He never says, I am not going to answer this question. But what will be the harm if this supplementary question is answered tomorrow ?

Mr. Tahir Mohammad Khan : But excuse me, Sir.

Mr. Chairman : He will give not only the Division, the District and Tehsil and he may give even police-station.

Mr. Tahir Mohammad Khan : Sir, under the rules, we are supposed to ask question within certain words that is the limitation, but presuming that if we submit a question with certain amounts of words then, Sir, out of these question, we will be asking many things from the Minister in the House. If this is the attitude of the Ministers that they will reply a question in three sentences and say that they need another notice for another question, then, Sir, the purpose, the object of those questions and answers is itself defeated.

Mr. Chairman : Yes. Both sides have their privileges, their rights, their responsibilities but also their liabilities in view of the privilege to ask supplementary arising out of the answer but he has also the privilege, the corresponding privilege to ask for a fresh notice. He is not declining to answer your question. I say you don't lose anything. Supposing, he wants a fresh notice and he has been given a fresh notice and tomorrow he comes prepared, and gives you the entire detail of the area, Division, district, Police Station Patwar Circles even all that tells you tomorrow, I say how are you losing it, unless you want to test his wit, that he must answer it just now? I don't think.

Mr. Tahir Mohammad Khan : I bow my head, Sir, before the ruling of the honourable Chair, Sir, but after all the people have to satisfy themselves as well. The Ministers should have studied files before they come to this august House.

Mr. Chairman : I think, he knows his duty. He is quite alive to his duty and responsibility and also the necessity of coming prepared to the House, but one thing I tell you if you want to suggest; will you please listen? If your suggestion is, and if you are seriously suggesting that he has the answer in his possession and he is deliberately avoiding it that is a different matter. If that is the case then well, I will have to call upon him. If your suggestion is, I will repeat it again. If you mean to suggest that the Minister-in-charge or Minister acting for the Minister concerned, has record with him, he has the detail with him, he is quite prepared to answer your supplementary, yet is he deliberately avoiding that suggestion?

Mr. Tahir Mohammad Khan : No, Sir, I do not mean to say that he has been deliberately avoiding but I do mean to say that he has not been properly briefed by the Secretariat.

Mr. Chairman : But that is enough. That is why he wants fresh notice. He is not properly briefed.

Mr. Tahir Mohammad Khan : He should have properly briefed himself.

Mr. Chairman : But it is somebody whose business it is to properly brief him. If somebody else, another Minister has not properly briefed him, and he is not in a position to your supplementary, he wants a notice. He does not say, "I am not going to answer this question," because he is not properly briefed by the Minister concerned. He is not at the fault.

Mr. Tahir Mohammad Khan : Sir, it has some ethical and moral aspect as well that he should have flatly refused that he woul'nt answer this question.

Mr. Chairman : This is a larger question, how the Ministers should behave, how they should brief each other, how they come prepared, but that has nothing to do with your supplementary, that is a larger question.

میر نبی بخش زہری : جناب چیئرمین ! میں آپ کی اجازت سے اس مسئلہ پر کچھ عرض کرنا چاہتا ہوں میرا خیال ہے کہ ہر ایک منسٹری کی طرف سے ہر سوال کا جواب ہمارے ہاؤس میں صرف ایک منسٹر آف اسٹیٹ جواب دے رہے ہیں اور ہمیں خوشی ہے کہ خدا نے انہیں اتنی صلاحیت دی ہے ، مگر مشکل یہ ہے کہ اگرچہ ہمارے اسٹیٹ منسٹر صاحب بھی کسی سے کم نہیں ہیں لیکن ہر ایک وزارت کی اپنی کارکردگی details اور حالات ہوتے ہیں اور جب وہ سوال کا جواب پیش کرتے ہیں تو اس کے بعد سپلیمنٹری سوال جو ہوتا ہے اس کا وہ جواب نہیں دے سکتے ۔

کوئی بھی آدمی جو کہ اس سے متعلق نہیں ہے یعنی متعلقہ نہیں ہے اس کیلئے جواب دینا مشکل ہے اور اس کا علاج یہ ہے اور میری تجویز جناب کی خدمت میں یہ ہے کہ اس وقت مشکل یہ ہے کہ اپوزیشن بھی موجود نہیں ہے ، تو تفصیل سے سمجھاتے ہیں ۔ بہر حال میری گزارش یہ ہے کہ منسٹر صاحب جو اس سوال سے متعلق ہوں وہ خود تکلیف کر کے آئیں یا ان کا جو اسسٹنٹ ہوتا ہے وہ تشریف لے آئے یا پھر جو اس کا ذمہ لیتا ہے یا جس کے ذمہ لگا لیتے ہیں وہ آئے ۔ ملک اختر صاحب ہمارے دوست ہیں معزز وزیر ہیں لیکن انہیں یہ سمجھ لینا چاہیے کہ صرف جواب دینا کافی نہیں ہے اس ہاؤس میں سپلیمنٹری سوال پوچھنا ہمارا پرہواج ہے ، ہمارا حق ہے ۔ اگر وہ مسئلہ ہمارے علاقے سے متعلق ہو تو ہمیں معلومات لینی ہوتی ہیں یہ fresh notice دینا تو درست ہے ، اس میں ہمیں کوئی اعتراض نہیں ہے لیکن جناب والا ! کچھ نہ کچھ تو معلومات ہونی چاہیں تاکہ ہمیں جواب کا پتہ چلے کہ صحیح ہے یا

نہیں کیونکہ جناب والا! جن علاقوں سے ہم تعلق رکھتے ہیں ان کے واقعات کو بہتر جانتے ہیں اور تفصیل کے ساتھ بتا سکتے ہیں۔ میں جناب کی وساطت سے ملک صاحب کی توجہ اس طرف منعطف کراؤنگا کہ اگر وہ کسی منسٹر صاحب کے سوال کا جواب دینا چاہیں یعنی ان کی جگہ پر، تو انہیں چاہیے کہ وہ اچھی طرح سے غور کر کے دیکھ لیں کہ وہ ضمنی سوالات کا تفصیل سے جواب دے سکتے ہیں یا نہیں۔ ایسے ذمہ نہ لے لیا کریں کیونکہ یہاں صرف جواب کو پڑھ دینا کافی نہیں ہے۔ کاغذ تو ہم بھی دیکھ رہے ہیں پھر اسے پڑھنے کا کیا فائدہ؟ میں یہ نہیں کہتا کہ منسٹر انچارج جواب دینے سے جان بوجھ کر avoid کرتے ہیں یا ان کی نیت ٹھیک نہیں۔ ایسی کوئی بات نہیں ہے۔ ہم تو ان کی پارٹی کے آدمی ہیں کوئی مخالفت والی بات نہیں ہے لیکن ضمنی سوال تو ہمارا حق ہے اور اس میں ایک مقصد ہمارا منسٹر انچارج کو چسٹ رکھنا بھی ہے۔ ہمارا یہ قطعاً خیال نہیں ہے کہ منسٹر انچارج معلومات فراہم کرنے میں لاپرواہی کرتے ہیں۔ ضمنی سوال جب کیا جاتا ہے اور اس کا جواب اگر صحیح ملتا ہے تو ہماری غلط فہمی دور ہو جاتی ہے اور پبلک بھی مطمئن ہو جاتی ہے کہ صاحب اس طرح کام ہو رہا ہے۔ اگر ضمنی سوال کا جواب فوراً نہ دیا جاسکے تو fresh notice بھی لے سکتے ہیں لیکن صاحب یہ بتانے میں تو کوئی ہرج نہیں ہے۔ کہ اتنے دنوں، مہینوں یا سال کے بعد معلومات فراہم کریں گے۔ میری جناب والا! یہی عرض ہے کہ ضمنی سوال کا جواب ہمیں ملنا چاہئے۔

Mr. Kamal Azfar : Do I have your permission, Sir ?

جناب چیئرمین : پوائنٹ آف آرڈر سنا پوائنٹ آف انفارمیشن سنا اور پوائنٹ آف پرسنل ایکسپلینیشن بھی سنا لیکن پوائنٹ آف advice میں نے آج تک نہیں سنا تھا وہ بھی سن لیا۔

میر ٹی بخش زہری : آپ کی مہربانی ہے، سر!

جناب چیئرمین : دیکھئے میں آپ کو جواب دیتا ہوں۔

Mr. Qamaruzaman Shah : Sir, I got up two or three times and you told me, please sit down.

Mr. Chairman : No, no I am not allowing any other person but you. You will have the floor first.

میں پھر عرض کرتا ہوں دراصل میری قسمت کہ مجھ میں یہ کمی ہے - کہ میں پوری طرح سمجھا نہیں سکتا - بعض اوقات ضمنی سوال اس طرح کا ہوتا ہے کہ فوراً جواب دینا مشکل ہوتا ہے جیسے کہ عدالت میں گواہ پر سوالات کئے جاتے ہیں - بعض اوقات ایسا ہوتا ہے کہ اگر گواہ جواب نہیں دے سکتا تو کہتا ہے کہ مجھے یاد نہیں ہے - ضمنی سوالات بھی کئی قسم کے ہوتے ہیں بعض ضمنی سوالات اس قسم کے ہوتے ہیں کہ ان کا جواب دیا جا سکتا ہے لیکن بعض سپلیمنٹری ایسے ہوتے ہیں کہ وہ اس کا جواب فوراً دینے کے قابل نہیں ہوتا حالانکہ وہ اصل سوال سے متعلق ہوتے ہیں اگر منسٹر انچارج سے یہ پوچھا جائے کہ صاحب فلاں سڑک کتنی لمبی ہے ، اس پہ کتنا خرچ ہوا ، اگر ایسے معلوم ہے تو وہ بتا دیتا ہے - ورنہ fresh notice طلب کیا جاتا ہے - یہ نہیں ہے کہ وہ قصداً اس سوال کے جواب کو avoid کر رہے ہیں - بعض اوقات کچھ باتیں چھپائی بھی جاتی ہیں - اگر میں ایسا سمجھتا تو ان کو یہ کہتا - آپ نے پوچھا کہ فلاں فلاں سڑک بتائیے کتنی لمبی ہے کتنا خرچ آیا ہے تو انہوں نے یہ بتا دیا کہ ۷ میل ہے اور ۵ لاکھ کی رقم خرچ ہوئی ہے - انہوں نے یہ بتا دیا - وہ چھپانا نہیں چاہتے - اگر آپ یہ پوچھیں کہ صاحب ! سڑک کس کس علاقے میں بنائی گئی ہے تو انہیں fresh notice درکار ہے - اگر انہیں معلوم ہوتا تو جواب دے دیتے - میں سمجھتا ہوں کہ وہ چھپانا نہیں چاہتے - میں پھر آپ کو کہتا ہوں کہ میں رولنگ نہیں دیتا میں کہتا ہوں کہ بعض ضمنی سوال ایسے ہوتے ہیں کہ ان کا جواب فوراً دیا جا سکتا ہے اور بعض ایسے ہوتے ہیں کہ جن کا جواب فوراً نہیں دیا جا سکتا اگرچہ سپلیمنٹری اصل سوال سے متعلق ہوتا ہے - میں نے آپ کو مثال بھی دے دی ہے کہ اگر کوئی سوال کرتا ہے کہ گورنمنٹ نے فلاں جگہ پر ایک بلڈنگ بنائی ہے وہ کتنے فٹ پر بنائی گئی ہے - وہ کہتے ہیں کہ چھ ہزار فٹ پر بنائی گئی ہے - پھر آپ کہتے ہیں اس پہ کتنا خرچ ہوا ہے - اینٹیں کتنی خرچ ہوئیں ، سیمنٹ کتنا خرچ ہوا ، مزدور کتنے لگائے گئے اب یہ سپلیمنٹری اصل سوال سے متعلق ہیں لیکن ان کا جواب دینے کے وہ اس وقت قابل نہیں ہیں ، اسلئے وہ کہتے ہیں کہ ان کا جواب آپ کو دے دیں گے - fresh notice کا مطالبہ یہ نہیں ہے کہ وہ اس کو avoid

کرنا چاہتے ہیں - ان کی کوشش ہے کہ آپ کو جلد بتائیں - آپ کو فکر نہیں کرنی چاہیے - یہ سینیٹ prorogue نہیں ہو رہی ہے - یہ تو دسمبر تک چلتی رہے گی -

So, I ask Malik Mohammad Akhtar that this whole discussion which has proceeded so far in the House should be taken as fresh notice to you and you can come prepared tomorrow with the answer.

(A Senator, stood up at this stage)

Mr. Chairman : You cannot raise point of order when I am addressing the House. There is no point of order on my address. I personally feel that there is some misprint in the answer because this answer can never be correct. Your suggestion was very correct when you said that well in case the Government says that a building is to be built then we can put the question, how many bricks, how many bags of cement.

You can ask bricks and cement and daily wages but he is also entitled to time and notice.

Mr. Qamaruzzaman Shah : I may put the question like this. I understand in the case of the Provinces of Punjab, NWFP and Baluchistan, the answer can be possibly correct because it says total length of new and improved.

Mr. Chairman : where is new and improved ?

Mr. Qamaruzzaman Shah : Sir, on page 2, on top of it.

Mr. Chairman : Yes.

Mr. Qamaruzzaman : Sir, the words written are : "Total Length (New and Improved)." May be, Sir, that in 60 miles only two miles are new and the rest is improved. But this answer cannot be correct so far as Sind is concerned because it is 8.2 miles. It can either be 82 miles or it can be 12.6 lakhs. It can never be 126 lakhs in Sind.

Mr. Chairman : Now, according to his answer, only 8.2 miles have been constructed. Even if they are not improved or...

Mr. Qamaruzzaman Shah : Even if they are totally new then also, Sir, it cannot be over 15 lakhs of rupees spent on one mile. It is not possible.

Mr. Chairman : The cost is shown 126 lakhs for 8.2 miles. How much does it come ?

Mr. Qamaruzzaman Shah : Over fifteen lakhs per mile.

Mr. Chairman : Yes, it cannot be so much unless this road goes to sky and over the hills.

Mr. Tahir Mohammad Khan : I respectfully disagree with my honourable learned friend Mr. Qamaruzzaman. It is just possible.

Mr. Chairman : Our question has unconsciously, unwittingly been converted into a Resolution,

Mr. Tahir Mohammad Khan : It is not so bad, Sir, if the purpose can be served.

Mr. Chairman : Oh, yes, I allow it.

Mr. Tahir Mohammad Khan : I think, we have some of the friends who have some experience in the contracts and in the business of construction, Sir, I think, this is just possible that eight miles have been constructed at a cost of fifteen lakhs per mile, if it is a first class road.

Mr. Qamaruzzaman Shah : It is impossible.

Mr. Tahir Mohammad Khan : It is just possible. These are the normal rates, I think.

Mr. Chairman : I have yet to know that any road of one mile length costs 15 lakhs.

Mr. Tahir Mohammad Khan : It can cost this much if it is a black topped faultless, first class road.

Mr. Chairman : The best road is the Constitution Avenue, but even the Constitution Avenue does not seem to have cost fifteen lakhs per mile. There may be some misunderstanding, some mistake, printing mistake, reading mistake, anything, you see. Malik Akhtar, I think, if you agree let this question be set on the Agenda for tomorrow again.

Malik Mohammad Akhtar : Not tommorrow but for Monday.

Mr. Chairman : All right. They are not going to drive at these roads tomorrow. They can wait till Monday. Now, Malik Akhtar Sahib the decision is that the entire question has to be answered *do novo* from start to finish. Not only the supplementaries but the entire question. Now, you have noted their objections. Some of the objections are that the area the places are not exactly given, Mr. Qamaruzzaman Shah's objection is that probably there is some mistake, some misprint as on eight miles could not have been spent one crore twenty six lakhs.

Apparently, it seems so because on the other hand 143 miles have cost only 52 lakhs—not even forty two thousand per mile. So, this question will be set on the agenda for answer on Monday. On Monday you come fully prepared for all the supplementaries.

Malik Mohammad Akhtar : I will try to satisfy in the absence of the Minister concerned.

Mr. Chairman : Mind that you will be cross-examined by a team of experts.

You can prepare for that. As I just remarked there seems to be a battle of wits between you and your colleagues.

Yes, Mr. Kamal Azfar.

Mr. Kamal Azfar : I wanted to raise a question of procedure, Sir.

Mr. Chairman : Not more than three supplementaries ?

Mr. Kamal Azfar : Under rule 38 of the Rules of Procedure...

Mr. Chairman : You mean to say three supplementaries only ?

Mr. Kamal Azfar : I am just wanting thirty seconds to raise an issue if I may be permitted.

Mr. Chairman : Rule 38 ?

Mr. Kamal Azfar : Yes, Sir.

Mr. Chairman : Let me get it.

Mr. Kamal Azfar : It reads :

“38. (1). A separate notice of each question shall be given in writing to the Secretary and shall specify the official designation of the Minister to whom it is addressed, or, if the question is addressed to a private member, the name of that member.”

And then under the Rules the replies have also to be given by the Minister whose official designation is given in the question.

(Interruption).

Mr. Kamal Azfar : Please let me finish.

Mr. Chairman : You are reading rule 37 ?

Mr. Kamal Azfar : Rule 38, Sir.

Mr. Chairman : "A separate notice of each question shall be given in writing to the Secretary..."

This has been done. This part of the requirement has been complied with.

"...and shall specify the official designation of the Minister to whom it is addressed..."

This has been done.

"...Or if the question is addressed to a private member, the name of that member".

Where is the violation of the rule ?

Mr. Kamal Azfar : Violation, Sir, is that only the Minister for Communications can answer. Any other Minister cannot answer.

Mr. Chairman : Where is this laid down ?

Mr. Kamal Azfar : It is not provided here. Later on it is provided that the Minister is then to answer the question and reply may be asked from the Minister.

Mr. Chairman : You have just now referred to rule 38. Where is it laid down in rule 38 that the Minister concerned alone can answer ?

Mr. Kamal Azfar : Not in rule 38. I am talking of the entire scheme of this thing. Under rule 39 it is said that the Chairman has to give the notice of the question to the Minister concerned to whom it is addressed.

Mr. Chairman : Mr. Kamal Azfar, your point is that the question must be answered by the Minister concerned ?

Mr. Kamal Azfar : Yes Sir. I am referring to rule 42.

Mr. Chairman : But you have been reading 38, 39 and I find nothing of the sort there ?

Mr. Kamal Azfar : First, I was trying to explain that the question should be addressed to a specific Minister.

Mr. Chairman : That has been done.

Mr. Kamal Azfar : Now refer to rule 42. May I read rule 42 ?

Mr. Chairman : Yes.

Mr. Kamal Azfar : It reads :

“42. If any question placed on the list of questions for answer on any day is not called for answer within the time available for answering questions on that day, the answer already supplied by the Minister concerned, or the member to whom the question is addressed, shall be laid on the Table and no oral reply shall be required for such question, nor shall any supplementary question be asked in respect thereof.

Mr. Chairman : This is with regard to the unstarred questions.

Mr. Kamal Azfar : Yes, Sir. It further says :

“ Provided that if the Minister concerned is not ready with the answer to the question, the question shall be put for answer on the next following day.”

So, Sir, everywhere in these rules reference is to the Minister concerned. If he is not ready with the answer then it can be postponed for another day. Then, Sir, again in rule 41 also it is said :

“...with the consent of the Minister concerned...”

So, Sir, the entire scheme of the Rules is that the questions are specifically addressed to a specified Minister and at the end of rule 42 it says :

“ Provided that if the Minister concerned is not ready with the answer to the question, the question shall be put for answer on the next following day allotted for the Division in the charge of that Minister or on a day to be specified by the Minister.”

Then rule 43, Sir, says :

“43 (2) A question addressed to a Minister must relate to the public affairs with which he is officially connected or to a matter of administration for which he is responsible.”

Then rule 43 (1) it is laid down :

“43 (1) Subject to the provisions of these rules, a question may be asked for the purpose of obtaining information on a matter of public concern within the special cognizance of the Minister to whom it is addressed.”

Now, are these matters within the special cognizance of the Minister of State for Law and Parliamentary Affairs or the Minister for Communications? Further, I would suggest that there is more than this. The entire principle involved is that the accountability to Parliament is ensured through the asking of questions and these questions are asked of specified Ministers. Now, it is different in the case of a Bill. A Bill may be presented by the Minister of State for Law and Parliamentary Affairs but I can understand that it is extremely embarrassing for the Minister of State for Law and Parliamentary Affairs to even answer questions relating to other Divisions because he is not concerned with the day to day administration, and that is the reason why Mr. Tahir Mohammad Khan has raised the question that the Minister concerned should try to be present when these questions are asked. It is my submission, Sir, that under these rules the indication is quite clear that the questions are addressed to specified Ministers and it is those Ministers who are to reply to these questions.

Malik Mohammad Akhtar : I would like to have a minute now, Sir. I did not want to indulge in this debate.

Mr. Chairman : No, no, one minute? You please resume your seat.

Malik Mohammad Akhtar : But I will have to satisfy him.

Mr. Chairman : Mr. Kamal Azfar, you have been reading 38, 39, 40, 41, 42, 43 and so many. I have also gone through all of them. I only want to know where is it provided that only the Minister concerned is bound to answer on the floor of the House? The answer has to be prepared by him. It always relates to the Minister concerned, but I want to know whether it is the Minister concerned only who is bound to answer and whether no other Minister can answer on his behalf. Where is this?

Mr. Kamal Azfar : Sir, my submission is that the entire scheme of the rules is that it is the Minister concerned, specific Minister, who has to make the request to the Chair... ..

Mr. Chairman : The difficulty is that even this scheme is not quite clear, that is why the whole thing is in the melting pot. You know that there is a Special Committee appointed for going through the Rules of Procedure and Conduct of Business, and formulate new ones. The Committee is already on it and they have found lacunae in it, many contradictions and many anomalies. Many discrepancies they have found already and they are setting it right. So, what is missing is this that it is the Minister concerned, who prepares the reply, he must answer here on the floor of this House. That is not there. I know for certain that there is nothing in the rules requiring only the Minister concerned to answer but the practice is that if a certain Minister is unavoidably absent, some other Minister can be briefed, can be authorised, can be asked, can be requested and he can answer on his behalf with the consent of the Chair. That is the practice. I know for the last fifty years this is the practice.

Mr. Qamaruzzaman Shah : Sir, may I make a submission on that very point.

Mr. Kamal Azfar : Sir my submission is that...

Mr. Chairman : Well, it is upto you whether you allow Mr...

Mr. Qamaruzzaman Shah : Sir, may I make a submission that very point so that Malik Akhtar may answer even that point when he makes a statement. Sir, at least one thing is abundantly clear that the Minister concerned has to prepare the answer. Then, how about the supplementaries? Yes, the actual question has to be addressed to the Minister concerned and the Minister concerned has to prepare the answer. Well, the reading of the answer may be done by any one. But then supplementaries have to be addressed to the Minister concerned and again it is the Minister concerned who must reply.

Mr. Chairman : Not necessarily.

Mr. Qamaruzzaman Shah : Sir, the analogy would be that...

Mr. Chairman : No. Question is addressed to the Minister concerned and supplementary is addressed to the Minister answering. There are two Ministers.

Mr. Qamaruzzaman Shah : Sir, I would like to have an addition to my knowledge if there are such rules.

Mr. Chairman : No, no. You listen to me. Don't interrupt me. There are two sorts of Ministers, Minister concerned and Minister answering. The question is to be addressed to the Minister concerned but supplementary is to be addressed to the Minister answering. Yes.

Mr. Qamaruzzaman Shah : Sir, then we will always land up into these complications as we had today.

Mr. Chairman : I will never allow that.

Malik Mohammad Akhtar : Sir, there has been no complication. I did not want to indulge in any debate or controversy.

Mr. Kamal Azfar : Sir, I was...

Malik Mohammad Akhtar : I am sorry.

Mr. Chairman : No, no. (Addressing Malik Mohammad Akhtar). You have started on a top speed. Put it in the first gear. Go slowly and slowly. Don't generate heat.

Mr. Kamal Azfar : Sir, what I was trying to submit is...

(Interruption)

Mr. Chairman : No, no. Why have you interrupted Malik Akhtar ? He was saying something.

Mr. Kamal Azfar : Sir, I was asked to speak after Mr. Qamaruzzaman Shah.

Mr. Chairman : No, no, it is not for you to ask him.

Mr. Kamal Azfar : You had asked me, Sir.

Mr. Chairman : No, no, I had given the floor to Malik Akhtar. Let him explain.

Malik Mohammad Akhtar : Sir, my humble submission to the House was...

Mr. Chairman : Go slowly. Don't generate heat.

Malik Mohammad Akhtar : Sir, I don't want to generate any heat. Sir, I consider, we are learning in due process and experience.

Mr. Chairman : Oh you will go on learning as long as you live.

Malik Mohammad Akhtar : Sir, everybody is a student and nobody should mind it. Sir, I would like my honourable friends to see at page 3 and that will satisfy them.

Mr. Chairman : Pag ?

Malik Mohammad Akhtar : Page 3, Sir. It is definition, Sir. "Minister means the Prime Minister, a Federal Minister or a Minister of State." The definition of Minister ..

Mr. Chairman : No, no, this is not the answer. He does not say that you are not a Minister. He says that you are not the Minister concerned, that is the question.

Malik Mohammad Akhtar : Sir then I come to this, Sir.

Mr. Chairman : Malik Akhtar kindly listen to me. There was no such objection that Malik Mohammad Akhtar is not a Minister. There was no such objection.

Malik Mohammad Akhtar : Sir, it was that I could not answer.

Mr. Chairman : No, no, his objection was that the question was addressed to the Minister concerned, Minister of Communications, and you know who the Minister of Communications is. According to his argument, it is only the Minister concerned which means the Minister of Communications, should have answered this question with regard to the construction, cost, etc. of roads. That was the objection. He never said that Malik Akhtar is a stranger, an intruder and he is not a Minister. He never said that.

Malik Mohammad Akhtar : Sir my humble submission is that any Minister can perform any functions under this definition.

Mr. Chairman : No, no, don't go to that length. Can you perform the functions of the Prime Minister ?

Malik Mohammad Akhtar : No, Sir.

Mr. Chairman : Then don't go to the length.

Malik Mohammad Akhtar : Sir, in the House under the Rule of Procedure...

Mr. Chairman : You can go on taking for any length. There is no Opposition.

Malik Mohammad Akhtar : Sir, under the Rules of Procedure...

Mr. Chairman : There is this rule ? For God's sake you make me wiser. You said just now that one Minister can perform the functions of any other Minister.

Malik Mohammad Akhtar : Sir, the Rules of Procedure and Conduct of Business in the Senate...

Mr. Chairman : Where is this ? Lay your finger on that rule. Point out that rule to me.

Malik Mohammad Akhtar : Sir, it is my humble submission, and it is up to you to uphold it or not. Then, Sir, you have given your remarks, I should say, that the rules are silent, and you have said that it has been the practice for the last fifty years. A Minister, even a Parliamentary Secretary has been answering the questions, and I consider the hon'ble Minister is sick, and they know it well. They should have been more generous instead of...

Mr. Kamal Azfar : Point of Order, Sir.

(At this stage Mr. Tahir Mohammad Khan, Mr. Kamal Azfar, Mr. Qamaruzzaman Shah and Mr. Nabi Bakhsh Zehri stood in their seats).

Mr. Qamaruzzaman Shah : That is not the point, Sir, This is purely an academic question.

Malik Mohammad Akhtar : This is more than an academic question Sir, which I know but I don't want to...

میر نبی بخش زہری : جناب چیئرمین ! ہم ان سے زیادہ rules کے
خیر خواہ ہیں۔

(Interruption)

Mr. Chairman : Yes, Mr. Tahir Mohammad Khan !

Mr. Tahir Mohammad Khan : Sir, I am thankful to you...

(Interruption)

Mr. Chairman : Mr. Zehri, Mr. Tahir Mohammad Khan is on his legs. Yes !

Mr. Tahir Mohammad Khan : Sir, I am thankful to you that you have given me the opportunity to speak for a moment. Sir, you have very rightly observed that there are so many lacunae and discrepancies in the phrase and Rules. The Rules were hastily framed and were promulgated by an order of the President of Pakistan. The Committee is sitting over these Rules.

Mr. Chairman : And you are the Chairman of that Committee.

Mr. Tahir Mohammad Khan : Yes, Sir, I am the Chairman of that Committee. Sir, I respectfully disagree with my friend Kamal Azfar, although : if we minutely study that Chapter which has dealt with questions and answers in the Senate and the scheme, it does support the arguments of my learned friend, Mr. Kamal Azfar. But, Sir, when there is a law, the law prevails and supersedes all the other practices, and when there is no law, no rule then the ruling of the Chair becomes a law or part of the rules. On this subject, Sir, there is no law. This is No. 1. No. 2 is that there has not been any ruling on the subject, and No. 3, Sir, is that it has been the practice, the customs and the conventions...

Mr. Chairman : Well, it is rule 230.

“All matters not specifically provided for in these rules, and all questions relating to the detailed working of these rules shall be regulated in such a manner as the Chairman may...”

Yes, you go on. You proceed ahead. Excuse me for this interruption.

Mr. Tahir Mohammad Khan : I was submitting that presently when there is no rule and no ruling has been announced or pronounced by this honourable Chair, it will be the practice and the consent of the Chair and we will be following this practice in this House unless the new Rules are not framed. If we strictly try to interpret the rules according to the spirit of the Chapter itself then it may create certain difficulties. Therefore let us continue with the old practice. In the meantime...

Mr. Chairman : That is why I pointed out that there is no specific rule on the subject. That it is only the Minister concerned who should answer. The practice is that if the Minister is unavoidably absent for certain reasons then any other Minister can answer questions on his behalf. This I know is the practice for the last so many years, at least for forty or fifty years. I know this is the practice and just as you have pointed out that there is rule 230 that if a certain matter is not specifically provided for in these Rules in that case the Chairman comes in and he can regulate all other matters. So, this is a question of regulating a certain matter because there is no specific or clear rule on the subject, that no other Minister concerned except one must answer the question. Therefore, the practice has been since very long, and I have been allowing this practice to continue, So, I think, I agree with your interpretation of the Rules and, I think, Malik Akhtar was not wrong in answering these questions. So, now let us put an end to this discussion. We have gone too far away from the real subject-matter. Malik Akhtar will come prepared on Monday next. This question will be asked *de novo*, and he will answer *de novo*, and you all come prepared for supplementaries, and now he must have got the inkling what supplementaries he has to face on that question is concerned.

Rao Abdus Sattar : Sir question No. 25;

Mr. Chairman : Question No. 25. Yes.

NON-PAYMENT OF PENSIONS TO EX-SERVICEMEN WHO MIGRATED TO U. K.

25. Khawaja Mohammad Safdar (put by Rao Abdus Sattar) : Will the Minister for Defence be pleased to state :

(a) whether it is a fact that many *ex-servicemen* (pensioners) who have migrated to the U. K. in search of employment have not received their pensions for several years although they have time and again applied through the Pakistan Embassy in that country;

(b) whether it is a fact that one Subedar (Rtd.) Mohammad Yusaf No 10-13074 Head Office No. 34574, who has applied through the Pakistan Embassy ever since November, 1970, requesting that his pension might be paid in his account No. 2228, National Bank of Pakistan Dina Branch, District Jhelum, has not so far received his pension, nor has it been paid in his account mentioned above ; and

(c) if answer to (a) and (b) above be in the affirmative, the reasons for not making payment of pensions to these pensioners ?

Mr. Aziz Ahmad (Read by Malik Mohammad Akhtar) : (a) No.

(b) Yes.

(c) Subedar (Retired) Mohammad Yusuf submitted his claim thrice — once in July, 1971, then in October, 1973 and again in October, 1975. Payment of pension could not be made to him because every time he submitted incomplete papers and that too after long lapses of time.

Mr. Chairman : Yes.

جناب طاہر محمد خان : جناب والا ! میں آپ کی وساطت سے وزیر مملکت سے پوچھنا چاہتا ہوں کہ کیا انسان جو ہیں وہ کاغذ کے تابع ہیں یا کاغذ انسان کے تابع ہیں ؟

جناب چیئرمین : آپ کا کیا مطلب ہے ، خالی کاغذ یا نوٹ ؟

(مداخلت)

جناب چیئرمین : خالی کاغذ جو ہیں وہ انسانوں کے تابع ہوتے ہیں اور کرنسی نوٹوں کے تابع انسان ہوتے ہیں ۔

جناب طاہر محمد خان : جناب والا ! وہ نوٹ جنہیں دفتری زبان میں نوٹ کہتے ہیں ، ان کے متعلق عرض کر رہا ہوں کہ یہ جو نوٹ ہیں ، کیا یہ انسان کے تابع ہیں یا انسان ان کے تابع ہیں ؟

جناب چیئرمین : یہ سپلیمنٹری ہے کیونکہ اس سے اور کوئی سپلیمنٹری نہیں بنتا آپ اپنا ریکارڈ دیکھئے کہ اس سپلیمنٹری سوال کا کہیں جواب ہے ۔

ملک محمد اختر : میں ان سے معذرت چاہتا ہوں ۔

Mr. Chairman : You look up your record, whether there is any answer whether a man is subservient to paper or paper is subservient to man.

Malik Mohammad Akhtar : I regret, Sir.

جناب طاہر محمد خان : جناب والا ! میں اس لئے کہہ رہا ہوں کہ جواب دینے سے بچنے کی کوشش کی گئی ہے -

He has tried to avoid the answer.

Mr. Chairman : He?

Mr. Tahir Mohammad Khan : He has tried to avoid the answer.

Mr. Chairman : He has evaded you...

جناب طاہر محمد خان : جناب والا ! بات صرف اتنی ہے کہ ایک غریب آدمی - - -

Mr. Chairman : Bring it to my notice, I will ask if he is evading. No, no he is evading, I will ask him. Yes ?

جناب طاہر محمد خان : جناب والا ! میں بتا رہا ہوں کہ ایک کلیم ہے اس کے لئے ایک شخص نے اپنے پیپرز دے دئے ہیں - فرض کیجئے کہ اس کلیم میں دو تین پیپرز missing ہیں تو قاعدہ یہ ہوتا ہے کہ دفتر ان missing پیپرز کے بارے میں متعلقہ شخص کو اکھے کہ تم انہیں بھیج دو لیکن یہ ان سے پیپرز نہیں مانگتے ہیں - کچھ عرصہ بعد وہ شخص دوبارہ کلیم داخل کرتا ہے اور اس میں بھی دو تین پیپرز missing ہوتے ہیں ان کاغذات کے بارے میں اسے دفتر نہیں کہتا ہے کہ آپ کے پیپرز missing ہیں انہیں دیں اس کے بارے میں پوچھ رہا ہوں -

جناب چیئرمین : بڑا آسان سلیمنٹری سوال ہے -

Mr. Tahir Mohammad Khan : Sir, let me ask the question.

Mr. Chairman : Yes, Malik Akhtar. Listen, if I understand correctly Tahir Mohammad Khan's supplementary is that if pension is not being granted simply on the ground that he has not produced complete papers or in other words some papers are missing, has the Government called upon him to produce those papers ?

Malik Mohammad Akhtar : Repeatedly, Sir. It is clear in the answer. I will again read the answer that the claim was made thrice, Sir, but payment of pension could not be made to him because every time he submitted incomplete papers. Naturally, once he submitted papers,

he was told to complete them and this was repeated three times. According to the records available with me he had to submit, Sir, nationality certificate, non-conviction certificate, no objection certificate by the Ministry of Foreign Affairs for seeking employment in a foreign country or with a foreign Government.

Mr. Chairman : You need not read out your entire Bible. You come to point. What papers are missing which the Government wants ?

Malik Mohammad Akhtar : Sir, I am giving complete facts. So, that is the only reason for non-withdrawal of the pension. Now, I will read about his fresh claim. I have got a complete answer, Sir. Pension dues in respect of Head Office No. 34575, Subedar Mohammad Yusuf for the period after November, 1970 could not be paid to him as he failed to submit a proper claim, as required under the rules. His claim for the period from 1st of December, 1970 onwards was received by C. M. A., Lahore Cantt. on July 1971 but was returned under office letter as the same was incomplete. Sir, the copy is enclosed. I can read the copy even and in the copy enclosed reason is given. Thereafter, the pensioner kept quiet and submitted a fresh claim in October, 1975. This was again returned as being incomplete, Vide letter—copy enclosed. Again the reason given in that letter, Sir, is that a further claim was received in November, 1973 but that was also found to be incomplete and was returned Vide letter. Then a fresh claim for the period from July 1974 to 30th June, but certificate attached with this claim was again unsigned. Now, the certificate is unsigned by the attesting officer as would be seen in the copy attached.

Mr. Chairman : What is unsigned ? Which paper is unsigned ?

Malik Mohammad Akhtar : Sir, certificate attached with this claim was unsigned.

Mr. Chairman : How long is the man asked to sign it ?

Malik Mohammad Akhtar : Sir, we returned it on 30th June, 1975, and it has been returned to him for resubmission. It will, therefore, be seen from the above that the delay in payment of pension to the individual has been due to incomplete and late submission of claim by him. So, Sir, I can place all copies of the letters referred to by me, on the Table of the House for examination of the concerned honourable Members.

Mr. Chairman : Why should you ask not gentleman concerned the poorman, who has not getting his pension for so many years bring this paper sign here. He might not have put his signatures to some papers Had be, it could not be rejected. He should put his signatures here.

Malik Mohammad Akhtar : Sir, he is abroad. He is submitting it from abroad.

Mr. Chairman: You could have sent papers.

Malik Mohammad Akhtar: Sir, we have asked him to sign and get it attested, and then send.

Mr. Chairman: I don't know whether it is a good reason, but anyhow time of one hour is over, mind that.

Syed Qamaruzzaman Shah: Sir, only one supplementary.

Mr. Chairman: O' Yes.

Syed Pamaruzzaman Shah: Sir, can we hope and expect that this pension case will be decided by the year 1976 ?

Malik Mohammad Akhtar: I consider no undue delay would be done. As soon as papers are complete, he will get his pension.

Mr. Tahir Mohammad Khan: Because he wants an assurance for one year. But this answer is not actually...

Malik Mohammad Akhtar: That is aspersion on Government. We are at liberty to do it. I say we will do as carly as possible.

Mr. Tahir Mohammad Khan: No, Sir, I respectfully submit that it is a misuse of the privilege of a Minister. Sir, this type of language cannot be tolerated in this House.

Mr. Chairman: What is it?

Mr. Tahir Mohammad Khan: Aspersion on the Government. We are not concerned.

Mr. Chairman: What was the language used by him ?

Mr. Tahir Mohammad Khan: It is 'aspersion' on Government by Members. Members are more sane more educated, more intelligent and more responsible.

Malik Mohammad Akhtar: I withdraw the words, Sir. I withdraw these words to end the controversy.

Mr. Tahir Mohammad Khan: It is not the question of Government, Sir. Some of the small officers and irresponsible type Baboos they are doing it. It is not the Government's job. The Government has done many things for the Pakistani nationals abroad, Sir.

Malik Mohammad Akhtar: I withdraw my words, Sir.

Mr. Chairman : That is very noble of you. Do you appreciate this thing? Very seldom a Minister comes forward with an unqualified apology—"I withdraw.". Now, I think, there is only 1½ minutes left. Any other question?

Mr. Kamal Azfar : On that question, Sir, I would just refer to rule 46 where it does say that the Minister concerned shall give a reply. It is just for the benefit of this House.

Mr. Chairman : Why have you been taking us through rules 38, 39, 40, 42, 47. Why don't you jump straight. You have also been fishing out for something.

Mr. Kamal Azfar : Rule 46, page 34, sub-rule (5) :

"The member who has given notice of the question shall be in his seat to read the question when called by the Chairman and the Minister concerned shall give a reply immediately".

Mr. Chairman : Yes, yes, Mr. Kamal Azfar, I know the Minister concerned shall give a reply, but if you are so strict on the interpretation of the Minister concerned then where is the Member? The Member is not in his seat. This will apply only when the Member is in his seat. Read it again, Mr. Kamal Azfar :

"The member who has given notice of the question shall be in his seat....."

Mr. Kamal Azfar : All right, Sir. This is an improvement. I know.....

Mr. Chairman : No, no, I won't leave you like that. I know you are a practising lawyer but I won't leave you like that. Where is the Member, who has put the question, in his seat?

Mr. Kamal Azfar : That is not a question of law. That is a different matter. If you allow the discussion...

Mr. Chairman : You take stand on this. It does not apply. It will apply when the Member who has asked the question is in his seat. Then I can compel the Minister concerned to be in his seat. When the Member is not there it is different. You accept the half but reject the other half. That cannot be. You should either take the whole or reject the whole.

Mr. Kamal Azfar : That is under rule 42, I think ..

Mr. Chairman : No, no, you will go on upto rule 400. Listen to me. Will you kindly resume your seat. You have taken your stand on rule 46, sub-para (5) :

“The member who has given notice of the question shall be in his seat to read the question when called by the Chairman”.

and when he does it then :

“The Minister concerned shall give a reply immediately”.

But the Member is not in his seat.

Mr. Kamal Azfar : Can I have your permission to make my submissions on that point ?

Mr. Chairman : Yes.

Mr. Kamal Azfar : Now, Sir, under rule 52 the Chair has got the authority to allow another person to ask the question but the Chair does not have the authority to ask another Minister to answer the question.

Mr. Chairman : Go on to rule 230. There you will find that the Chair has got inherent powers.

Mr. Kamal Azfar : The question is—am I allowed to make my submission ? If the Chair has made up its mind, that is a different point because here the question is...

Mr. Chairman : What did you say ? What did you say ? What is the word you used now ?

Mr. Kamal Azfar : Sir, If you have made up your mind...

Mr. Chairman : I have made up my mind ? You please withdraw these words.

Mr. Kamal Azfar : I withdraw them Sir.

Rao Abdus Sattar : Sir, the question time is over.

Mr. Chairman : Let him read rules 52 and 230—

Sheikh Mohammad Rashid : May I request that as the Question Hour is over, I seek your permission to leave.

Mr. Chairman : Oh, yes.

This won't apply. Even this won't apply. 52 won't apply because there is no authority by Khawaja Mohammad Safdar addressed to Rao Abdus Sattar to put this question on his behalf. How can he ask the question standing in the name of any other Member ?

This won't apply. Well under rule 230 the Chair has got ample powers. If there is no specific rule on any matter, well then, it is the discretion of the Chair to regulate how answers and questions and supplementaries can be put.

Now the question hour is over.

سردار محمد اسلم : question تو ہے اگر اجازت دیں -

Mr. Chairman : No, time is over.

Mr. Tahir Mohammad Khan : These question should go for answer tomorrow.

Mr. Chairman : Now we take up legislative business.

Sardar Mohammad Aslam : What about questions ?

Mr. Chairman : Time is over. Time is one hour.

Sardar Mohammad Akhtar : When will they be fixed ?

Next working day or tomorrow ?

Mr. Chairman : Well, the rule will have their own course. (Pause) It will come on the next working day. I think, there is only one hour reserved for questions and the hour is over. If the rules permit, they will be taken up on some other day.

Mr. Kamal Azfar : I am very sorry for the remarks you made. I never make up my mind before hand. I assure you. That has never been done before.

Mr. Tahir Mohammad Khan : As I understood, he never said that you have made up your mind.

Mr. Chairman : He can assert his presence in the House in some other way but no aspersions on the Chair.

Mr. Tahir Mohammad Khan : He said, 'if the Chair has not made up the mind, I will make my submissions' So, actually he never meant to make any aspersion on the Chair.

Mr. Chairman : Well, that is not the tradition of this House and I want to maintain the good and healthy traditions of Senate.

Now, any leave application of messages, any information about the arrest of somebody? I was shown one in the morning about the arrest of Mr. Mohammad Hashim. That was a copy. I was shown this morning. (Pause) So, that has already been announced in the House. All right.

Now we take up legislative business. Mr. Aziz Ahmed.

THE PAKISTAN ARMY (AMENDMENT) BILL, 1975

Malik Mohammad Akhtar : On his behalf—I regret to say that he is busy in some talks that are being held. I beg to move :

“That the Bill further to amend the Pakistan Army Act, 1952 [The Pakistan Army (Amendment) Bill, 1975], as passed by the National Assembly, be taken into consideration.”

Mr. Chairman : The motion moved is :

That the Bill further to amend the Pakistan Army Act, 1952 [The Pakistan Army (Amendment) Bill, 1975], as passed by the National Assembly, be taken into consideration.”

Yes.

Malik Mohammad Akhtar : Sir, with your permission and for the kind attention of the honourable Senators, I would like to state that the Pakistan Army Act (XXXIX of 1952) had been promulgated on the 20th September 1975, and three objects were there. According to the Act in respect of the members of the former East Pakistan Civil Armed Forces, who have been since repatriated to Pakistan, it is proposed to enable the Federal Government to direct the secondment of these incumbents to any of the Civil Armed Forces in East Pakistan. Sir, that is the main object. These persons ceased to be subject to the provisions of Pakistan Army Act when they were captured as prisoners of war. We are amending that the Act so that it may be made applicable to them. Yet there is another category of persons against whom there are allegations of serious nature and of offences which they committed in East Pakistan. These persons are still held in the custody of Pakistan Army and it has not been possible to take action against such persons and to provide for such action, Sir, so that the redress is done. So, it is for this reason that this amendment is being sought. Sir, I consider that these are the three objects—to rehabilitate the civil armed forces of East Pakistan and then to punish some of them who are in custody. Sir, I request the honourable Members that this is a brief amendment, and it can be accepted with their kind consent.

Mr. Deputy Chairman : Any other Member who wants to speak on this Bill. May I have the names please. Syed Qamaruzzaman Shah you said that you would speak on the Bill.

Mr. Qamaruzzaman Shah : I think, it is a very short Bill and Malik Akhtar has explained the position that the purpose is very clear, and we should not waste much of the time of the honourable House. It is already 12 O'clock.

Mr. Deputy Chairman : Even this is a speech, I think. Yes, Mr. Kamal Azfar.

Mr. Kamal Azfar : I think the amendments sought to be made are salutary amendments, and they are in the larger national interest for the reasons that I would like to submit here. Sir, under the scheme of the Pakistan Army Act, there are certain persons who are subject to the Act, and Pakistan Army Act provides for both the rights and privileges of these specified persons under section 2. There are also certain powers of sentences and punishment etc., which can also be exercised and there are certain privileges of the Members too.

Now, the question is that under section 2 there are certain categories of persons who are said to be subject to the Act, and this included officers and junior commissioned officers of the Pakistan Army and also other persons working in the Defence Services, persons subjected to the Pakistan Navy Ordinance and Air Force Act, who have been seconded to the Pakistan Army and so on, but it does not include the members of the Civil Armed Forces of East Pakistan, who were serving in East Pakistan, and were to be repatriated to West Pakistan after the 16th day of December, 1971. For all practical purposes, Sir, those members of the Civil armed Forces who have been repatriated to Pakistan after 16th day of December, 1971 were in the service of Pakistan and were serving East Pakistan and not Bangladesh; and when the choice came and when Bangladesh emerged they preferred to continue to serve Pakistan, therefore, they were repatriated to Pakistan. It is in the fitness of things fought for Pakistan, having served in the capacity of defending Pakistan which are the proper objectives of the Pakistan Army also, that they should be brought within the scope of the Act and therefore, the first amendment just proposes in section 2 the addition of persons who were not otherwise subject to this Act, who belonged to the former East Pakistan Civil Armed Forces and were repatriated to Pakistan after the 16th Day of December, 1971 and this is in the higher national interest because we have said that they will now be included in the definition of the Pakistan Army.

The second amendment. Sir, which is proposed to be made is by the insertion of a new section 2 (b) in the Pakistan Army Act. Under section 2 (a) of the Act, the Federal Government can second the members who are members of the Pakistan Army and who are covered by section 2 to the Navy or to the Air Force but there is no provision that they can be seconded to other Civil Armed Forces are also concerned with the same duties which are (concerning the integrity) and the solidarity of

Pakistan which are also within the scope of those who are serving in the Pakistan Army, and also it is considered to be fit and proper that a member of the Pakistan Army can be seconded to the civil armed forces for a certain period of time but he should not lose his membership he should not lose the privileges and benefits of the Pakistan Army Act and can be returned to service also in the Armed Forces. It is in order to extend the area of secondment to the Civil Armed Forces other than the Navy or the Air Force that section 2 (b) has been inserted or has been added now to the Pakistan Army Act. As you can see, Sir, from the opening words of section 2 (b), it deals with secondment to Civil Armed Forces and it reads in conjunction with 2 (a) which deals with secondment to Navy or Air Force. So, the scope of secondment is now being enlarged in the larger interest of the defence of the country and of its integrity and solidarity. I think, that this House should certainly adopt the amendments which are sought to be proposed by the Government.

As you know, Sir, in the Pakistan Army there are Engineers and specialists as well as people who have served Pakistan in many capacities. We have seen in the floods and so on that they have played a prominent part in meeting the difficulties which have been faced, and the trained officers have got the capacity to serve in other Armed Forces as well. This is only natural and this is perhaps the anomaly which existed previously which is being removed that the natural abilities and aptitudes and the tremendous asset that we have in the officers of the Pakistan Army can be used also for the benefit of serving Pakistan in secondment to the Civil Armed Forces of Pakistan. For these reasons I would support these amendments.

Mr. Deputy Chairman : Thank you very much. Anybody else ?

(Pause)

Mr. Deputy Chairman : No further speeches. Therefore, I put the question to the House.

The question before the House is :

“That the Bill further to amend the Pakistan Army Act, 1952 [The Pakistan Army (Amendment) Bill, 1975], as passed by the National Assembly be taken into consideration.”

(The motion was adopted)

Mr. Deputy Chairman : There are four clauses, and no amendment, I think. Therefore, I put all the clauses i. e. 2, 3, 4 together. The question before the House is :

“That Clauses 2,3 and 4 form part of the Bill”.

(The motion Was adopted)

Mr. Deputy Chairman : Clause 2,3 and 4 form part of the Bill. No amendment in clause 1. Now, the question before the House is :

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

(The motion was adopted)

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

Next item No. 4.

Malik Mohammad Akhtar : Sir, I beg to move :

“That the Bill further to amend the Pakistan Army Act, 1952 [The Pakistan Army (Amendment) Bill, 1975], be passed.”

Mr. Deputy Chairman : The motion moved is :

“That the Bill further to amend the Pakistan Army Act, 1952 [The Pakistan Army (Amendment) Bill, 1975], be passed.”

Mr. Deputy Chairman : Not opposed.

Do you want to say anything in the Third Reading ? Anybody wanting to speak in the Third Reading ?

(Pause)

Mr. Deputy Chairman : None. So, I will put the question to the House.

The question before the House is :

“That the Bill further to amend the Pakistan Army Act, 1952 [The Pakistan Army (Amendment) Bill, 1975], be passed.”

(The motion was adopted)

Mr. Deputy Chairman : The Bill stands passed.

Next item No. 5.

**THE PAKISTAN INTERNATIONAL AIRLINES CORPORATION
(AMENDMENT) BILL, 1975**

Malik Mohammad Akhtar : Sir, I beg to move :

“that the Bill further to amend the Pakistan International Airlines Corporation Act, 1956 [The (Amendment) Bill, 1975], as passed by the National Assembly, be taken into consideration.”

Mr. Deputy Chairman : The motion moved is :

“That the Bill further to amend the Pakistan International Airlines Corporation Act, 1956 (The Pakistan International Airlines Corporation (amendment) Bill, 1975], as passed by the National Assembly, be taken into consideration”.

There is no amendment in it. Do you want to discuss this Bill today?

Malik Mohammad Akhtar : Sir, as the House...

Mr. Kamal Azfar : It may be sent to the Standing Committee.

Mr. Deputy Chairman : Then a motion will have to be moved.

Mr. Kamal Azfar : I move :

“That this Bill be referred to the Standing Committee concerned.”

Mr. Deputy Chairman : The motion moved is :

“That the Bill further to amend the Pakistan International Airlines Corporation Act, 1956 [The Pakistan International Airlines Corporation (Amendment) Bill, 1975], be referred to the Standing Committee concerned.

Not opposed ?

Malik Mohammad Akhtar : Not opposed, Sir.

Mr. Deputy Chairman : Therefore, I put the question.

The question before the House is :

“That the Bill further to amend the Pakistan International Airlines Corporation Act 1956 [The Pakistan International Airlines Corporation (amendment) Bill, 1975], be referred to the Standing Committee concerned”.

(The motion was adopted)

Mr. Deputy Chairman : The Bill stands referred to the Standing Committee concerned. No other business before the Senate. Tomorrow in the morning, I think ?

Voices : Yes.

Mr. Deputy Chairman : The House stands adjourned to meet tomorrow at 10.00 a. m.

The House adjourned to meet at ten in the morning on Friday November 21, 1975.
