



THE  
SENATE OF PAKISTAN  
DEBATES

OFFICIAL REPORT

Thursday, November 27, 1975

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## SENATE DEBATES

### SENATE OF PAKISTAN

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Thursday, November 27, 1975

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

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(Recitation from the Holy Qur'an)

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### STARRED QUESTIONS AND ANSWER

**Mr. Chairman :** Now, we are taking up questions. Question No. 44 and Question No. 45. These questions were tabled by Haji Sayed Hussain Shah. Both these questions are concerned for Minister for Food and agriculture Sheikh Mohammad Rashid. He has sent an application to me to request the House. I will read it out.

"I have to attend a meeting on the Sugar Policy to be held today under the Chairmanship of the Prime Minister. I will, therefore, be unable to attend the Session. There are two questions fixed for 27th today concerning the Agricultural Ministry. In the circumstances, I respectfully submit that the questions may kindly be deferred to the next date allotted for the purpose."

This is the request by Sheikh Mohammad Rashid. I think, under the circumstances, as explained in the application, it will be better that these questions are deferred to some other date: Does House agree ?

*(The House agreed)*

ABBOTTABAD CANTONMENT DEVELOPMENT TAXES

46. **Sardar Mohammad Aslam :** Will the Minister for Defence be pleased to state :

(a) whether it is a fact that village or abadis of Nalore, Chunakari, Asapadar are situated in the area of Cantonment Board, Abbottabad ;

(b) if answer to (a) above be in the affirmative, whether it is a fact that Cantonment Board, Abbottabad, realises may kinds of taxes and charges for development from the residents of this area;

(c) whether he is aware that the Cantonment Board, Abbottabad, has not provided even the basic facilities of drinking water and roads to the residents of this area; and

(d) whether it is a fact that Cantonment Board, Abbottabad, has proposed 100% increase in development charges ?

**Mr. Aziz Ahmad :** (a) Yes.

(a) Cantonment Board does not realise "all sorts of taxes" but only such taxes as are authorised to be imposed under the Cantonments Act 1924, e. g. House tax, Water tax, Development Rate, etc.

(c) No.

(d) Yes.

**Mr. Chairman :** All right, both these questions stand deferred.

Now, we can take up questions No. 46. Yes.

سردار محمد اسلم : سہیلیمنٹری سر ! جواب کہا گیا ہے کہ :

Cantonment Board realises all sorts of taxes

یہ تو سوال میں بھی نہیں تھا بلکہ یہ تھا کہ :

Many kinds of taxes and development charges.

بہر حال (c) کا جواب جو (No.) دیا گیا ہے - اس کی سمجھ نہیں آتی

کیونکہ سوال سینیٹ سیکریٹریٹ reform کیا گیا ہے :

whether he is aware that the Cantonment Board, Abbottabad has not provided every basic facilities of drinking water and roads to the residents of this area.

یہ "No" کا کیا مطلب ہے ! اس کی سمجھ نہیں آتی :

whether he is not aware, or the facilities have been provided ?

جناب چیئرمین : نہیں آپ نے 'a' اور 'b' دونوں کو ملا دیا ہے -

You have mixed up two supplementary questions in one. What is your first supplementary question ? You put the supplementary and he will answer.

سردار محمد اسلم : سپلیمنٹری سوال یہ ہے کہ جیسا کہ "C" میں "No" کہا گیا ہے "No" کا کیا مطلب ہے - ان کو facilities provide نہیں کی گئی ہیں - یا یہ aware نہیں ہیں ؟

Mr. Chairman : Yes.

Mr. Aziz Ahmed : Facilities have been provided, that is why the answer was 'No'. I would like to inform this august House...

Mr. Chairman : What he means to ask is this, Mr. Aziz Ahmad, does 'No' in (c) mean that the suggestion made in the question is wrong that no drinking water facilities have been provided. Is this correct ?

Mr. Aziz Ahmad : I am coming to that. It says that they have not provided even the basic facilities of drinking water and roads to the residents of the area. Now the answer is, 'No' —that he is wrong.

Mr. Chairman : Is the suggestion wrong and have these facilities been provided ?

Mr. Aziz Ahmed : Yes.

Mr. Chairman : Sardar Mohammad Aslam, now, it is clear to you that these facilities have been provided. By, 'No' he means that the suggestion made in the question 'not provided to the residents of the Cantonment', is not correct, or in other words, drinking water facilities and road facilities have been provided. That is his answer.

Sardar Mohammad Aslam : I agree, Sir.

ضمنی سوال ! کیا وزیر صاحب یہ بتائیں گے کہ جن آبادیوں کا ذکر کیا گیا ہے نیلور چناکری اور آساپدار کے لیے کتنا ڈرینکنگ واٹر سپلائی کیا گیا ہے اور کتنی روڈز بنائی گئی ہیں ؟

Mr. Aziz Ahmed : Of course, I have the information. Sir, I may mention for the information of my honourable colleagues and this august House that up to date taxes collected both under the Cantonment Act and the Development Taxes recently imposed, the total amount comes to Rs. 15,965/—As against this I am going to say what has done. Development Tax was only imposed in 1971 whereas other taxes were there and the amount shown here is what has been collected since 1955, 56, 57, 58. Now, this is what is being done :—

The following drinking water, road, and street lights have been provided in the areas covered by the question :—

Two Public Stand Posts of 1/2" diameter with 1500 running feet water supply line provided in villages Chunakari and Asapadar at a cost of Rs. 6350/—. This was done in 1953-54. In addition water supply mains of 3/4" diameter measuring 375 running feet was laid down in village Chunakari. A total length of 350 running feet of the same diameter was laid in the village Asapadar in the year 1972-73 at a cost of Rs. 8500/—.

Twenty two feet wide road measuring 460 running feet was constructed in village Chunakari in the year 1958-69 at a cost of Rs. 8174/—.

Twelve ordinary street lighting points was provided in village Asapadar in the year 1962. Six ordinary street lighting point in the village Chunakari at a cost of Rs. 8750/—.

The monthly expenditure on the consumption of electric energy is Rs. 150/—.

Now, Sir, it will be seen that as against a total collection of taxes which, I said earlier, amounted to 15, 965/—, Rs. 31, 774 have been spent on the development of this area.

Sardar Mohammad Aslam : Supplementary Sir. Local body is not a commercial institution.

جناب والا ! انہوں نے بتایا ہے کہ ۱۹۶۲ء میں ۲ ہول، ۱۹۷۲-۱۹۷۳ء میں ۲ ہول ۱۹۶۸ء میں دو ٹیپ تو کیا پھر اس کے بعد اس کنٹونمنٹ ایریا میں ڈیولپمنٹ کا کام ختم ہو گیا تھا کیونکہ ۱۹۶۸ء کے بعد کسی واٹر ٹیپ کی ضرورت محسوس نہیں ہوئی ؟

جناب چیئرمین : انہوں نے یہ نہیں کہا کہ ساری ضروریات پوری ہو گئی ہیں۔ انہوں نے کہا ہے کہ ۱۵ ہزار اکٹھے ہوئے ہیں اور ۳۱ ہزار خرچ ہوئے ہیں۔ انہوں نے کہا ہے کہ سارا کام نہیں ہوا ہے۔

**Sardar Mohammad Aslam :** If that area is uneconomic, is the Cantonment Board prepared to leave that area out of Cantonment Board ?

**Mr. Aziz Ahmad :** I am sorry that is not possible. I may again remind the honourable Senator that supply of water did not step in 1970-71 because I have already said that a total of 350 running feet of pipeline was provided in village Asapardar in 1972-73.

Now, Sir, what has happened is that since the cost of development has gone up, the expenditure has gone up too. That is why this development tax has been levied only recently. This was in the year 1971 and we hope that the income from these taxes will help in providing further facilities to this area. It is true that the Contonment Board is not a money making body, but before it can qualify for any subvension from the Central Government, it must satisfy the Government that it is able to balance its own budget from the residents of the area who have the capacity to pay taxes.

سردار محمد اسلم : جناب والا ! سوال کے پارٹ (d) کے جواب میں کہا گیا ہے کہ "Yes"۔ شاید وزیر صاحب کو جواب سے علم ہو گیا ہوگا کہ یہ دیہاتی آبادیاں بھی کنٹونمنٹ ایریا میں شامل ہیں۔ کیا ان لوگوں پر بھی 100% increase ٹیکس بڑھائے گئے ہیں ؟

جناب چیئرمین : ابھی تو proposal stage ہے۔

سردار محمد اسلم : تجویز میں یہ ہے کہ ۱۰۰ پرسنٹ ٹیکس بڑھائے جائیں۔ میں یہ عرض کر رہا ہوں کہ وہاں پر غریب کاشتکار ، مزدور اور درمیانہ طبقہ رہتا ہے۔ کیا آپ ان کو اس ٹیکس سے چھوٹ دیں گے ؟

**Mr. Chairman :** What is your supplementary ?

سردار محمد اسلم : جناب والا ! میرا سپلیمنٹری یہ ہے کہ اس کنٹونمنٹ ایریا میں ٹلرز کلاس بھی شامل ہے اور یہ ڈیویلپڈ ایریا نہیں ہے اور ان پر بھی ۱۰۰ پرسنٹ ٹیکس بڑھانے کی تجویز ہے۔ کیا آپ اس میں چھوٹ دینے کے لئے تیار ہیں ؟

**Mr. Chairman :** I think, the supplementary is clear to you.

**Mr. Aziz Ahmed :** I know what the Member is driving at.

**Mr. Chairman :** What he means is that there are two sorts of areas, one is developed and the other just like rural where only the tillers and the farmers live. So, this 100% increase should only apply on the developed area people and not on the people belonging to the tiller class. This is what he is asking.

**Mr. Aziz Ahmed :** I am afraid that would not be possible because on the one hand they want more and more and more roads, more water supply and more electricity, and at the same time they say that they are not prepared to contribute at all to the funds of the Cantonment Board. Now, Sir, that is a tax of Rs. 2/—per sq.yd. payable by the lessees of plots of housing schemes operated by the Ministry of Defence. It is also payable by the owners of private land constituted in the extended areas to be included within the cantonment limits since 1962. This area is also comprised of buildings on private land, the cost of construction of which does not exceed 10,000/—This was the original proposal. Subsequently, because of the increase in the cost of construction, as I mentioned this has undergone a revision, and now the rate of tax, which was two rupees per square yard on plots of housing schemes, has been raised to four rupees per square yard, and the exemption which was given to buildings on a private land if its cost did not exceed ten thousand rupees, that exemption has been abolished, so that whether you construct a house on private land or whether you construct a house on a plot in one of the Housing Schemes, you pay the same flat rate of four rupees per square yard. Sir, a person who can build a house worth ten thousand rupees or above surely can pay four rupees per square yard on the land on which the house is constructed. I do not see any justification for telling the Cantonment Board on the one hand to supply roads, water and electricity to people who are in a position to build houses there and on the other hand to exempt them from any taxes whatsoever.

**Mr. Chairman :** Now, we move on to next question. Question No. 47.

#### EXTENSION OF TRUNK DIALLING SYSTEM TO JACOBABAD

47. **Mr. Afzal Khan Khoso** (put by **Mr. Abdul Lateef Ansari**) : Will the Minister for Communications be pleased to state when the Subscribers Trunk Dialling System will be extended to Jacobabad ?

**Mr. Mumtaz Ali Bhutto :** August, 1976.

**Mr. Chairman :** You have to wait only for a couple of months. Questions are over.

## LEAVE OF ABSENCE

**Mr. Chairman :** Now, we take up leave applications. There are two leave applications.

*(Interruption)*

**Mr. Chairman :** Mr. Mumtaz Ali Bhutto, if you and Mr. Aziz Ahmad both leave the House there will be no Minister in the House. At least one of you must be here. There must be somebody to represent the Government.

**Mr. Mumtaz Ali Bhutto (Minister for communications) :** I Will be here, Sir. I was not leaving. I was only going to sit with another honourable Member.

**Mr. Chairman :** All right.

Now, this is an application by the Leader of the House Rao Abdus Sattar His application reads :

“Most respectfully I beg to say that I have an urgent piece of work at Multan. I am unable to attend the meetings of the Senate for Thursday and Friday. Kindly grant me two days leave.”

Should the leave be granted ?

*(The leave was granted)*

**Mr. Chairman :** Leave is granted.

There is one other application by Mr. Farooq Ahmad Khan Leghari. It reads :

“I have to leave on urgent piece of business for Multan today. I request you for leave of absence from Senate from 26th November, 1975, both days inclusive.”

Should the leave be granted ?

*(The leave was granted)*

**Mr. Chairman :** Leave is granted.

Now, we take up item No. 3 on the Agenda. Yes Mr. Qamaruzzaman Shah.

**MOTION RE : EXTENSION OF TIME FOR PRESENTATION OF  
COMMITTEE REPORT ON THE PRIVILEGE MOTION OF  
EX-SENATOR ZAMARRUD HUSSAIN ABOUT NON-  
INTIMATION OF HIS RELEASE BY D. M.  
QUETTA.**

**Mr. Qamaruzzaman Shah :** Sir, I beg to move :

“That under sub-rule (1) of rule 164 of the Rules of Procedure and Conduct of Business in the Senate, 1973, the time for presentation of the Committee on Rules of Procedure and Privileges on the privilege motion of Ex-Senator Zamarrud Hussain regarding non-intimation of his release by District Magistrate, Quetta, to the Chairman Senate, be extended till today, the 27th November, 1975.”

Sir, I will be presenting the Report today, so the time may kindly be extended.

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

“That under sub-rule (1) of rule 164 of the Rules of Procedure and Conduct of Business in the Senate, 1973, the time for presentation of report of the Committee on Rules of Procedure and Privileges on the privilege motion of Ex-Senator Zamarrud Hussain regarding non-intimation of his release by District Magistrate, Quetta, to the Chairman Senate be extended till today, the 27th November, 1975.”

**Mr. Chairman :** Any objection to the request for extension of time ?

Any opposition ?

**Voices :** No.

**Mr. Chairman :** There is no objection. If there is no opposition, there is no objection, then I put the the question.

The question before the House is :

“That under sub-rule (1) of rule 164 of the Rules of Procedure and Conduct of Business in the Senate, 1973, the time for presentation of report of the Committee on Rules of Procedure and Privileges on the privilege motion of Ex-Senator Zamarrud Hussain regarding non-intimation of his release by District Magistrate, Quetta, to the Chairman Senate be extended till, today, the 27th November, 1975.”

*(The motion was adopted)*

Mr. Chairman : The motion is carried. Yes ?

STANDING COMMITTEE REPORT RE : NON-INTIMATION OF  
EX-SENATOR ZAMARUD HUSSAIN'S RELEASE BY D. M.  
QUETTA

Mr. Qamaruzzaman Shah : Sir, now I take up item No. 4.

Sir, Senator Zamarrud Hussain, a retired Member of the Senate moved a privilege motion on 30th July, 1974 that the District Magistrate, Quetta, had failed to intimate his release on bail on 19th June, 1974 to the Chairman, Senate, and had thus infringed rule 65 of the Rules of Procedure and Conduct of Business in the Senate, 1973. The House referred the motion to Privileges on the 30th July, 1974. On 19th November, 1974 the Senate Secretariat made enquiries in the matter from the Chief Secretary to the Government of Baluchistan, who telegraphically replied on 30th November, 1974 that non-intimation of Mr. Zamarrud Hussain's release on bail was due to ignorance of the rules on the part of the District Magistrate's office.

The Committee considered the privilege motion in its meeting held on December 12, 1974. The Committee deferred further consideration of the motion pending clarification of certain legal points.

The Committee was informed that the Home Secretary, Government of Baluchistan, had admitted that non-intimation of the release of Senator Zamarrud Hussain was due to ignorance of Rules on the part of the office of the District Magistrate concerned which was not aware that release of a Senator was also to be reported in same manner as arrest. The Home Secretary had expressed regrets for this lapse.

The privilege motion was considered again by the Committee at its meeting held on 20th November, 1975. It was of the unanimous view that failure to report the release of the former

Senator Zamarrud Hussain by the officer concerned was a contravention of rule 65 of the Rules of Procedure and Conduct of Business in the Senate, and constituted a breach of the privilege not only of the Member but also of the House. It observed that the plea of ignorance of law was not a valid excuse. The Committee did not consider it necessary to summon the officials concerned who had failed to report the release of Senator Zamarrud Hussain as the omission had been admitted. In view of the regrets expressed by the Home Secretary, Government of Baluchistan, may be asked to warn the officer whose responsibility it was, under the Rules, to report the release, and to issue instructions for strict compliance in future with the requirement of rule 65 of the Rules of Procedure. Thank you.

**Mr. Chairman :** So, the report is there now before the House. Now, it is to be considered whether it will be necessary under the Rules to adjourn the consideration of the Report and fix some other date or will it be possible for the House to discuss it today. Qamaruzzaman Shah please enlighten us. Well, this was referred to the Privileges Committee under rule 62 of the Rules of Procedure.

**Mr. Qamaruzzaman Shah :** Yes, Sir, it was referred and the Committee did come to the conclusion that it was a breach of Privilege.

**Mr. Chairman :** No, no. That is not the point. I am talking about the procedure to be adopted now. Under rule 62 the Chair held it to be in order. Instead of referring it to the House at that time to take a decision, it was referred to the Privileges Committee for investigation, inquiry, report and all these things, which have been presented today.

Now, the House has to take a decision on this report of yours.

**Mr. Qamaruzzaman Shah :** Whether it accepts the report or it does not.

**Mr. Chairman :** I want to know whether the House can discuss or consider and take a decision on this report today or it must be deferred to some other day. That is the only question.

**Mr. Qamaruzzaman Shah :** Because, rule 62 says : "If the Chairman holds the motion to be in order", as I have already done. "the Senate may consider and decide a question of privilege", at that time, "or by any other member", it was done, "refer it for report to the Committee on Rules of Procedure and Privileges". That was complied with. Some Member moved a motion that should be referred to the Committee on Rules of Procedure and Privileges. It was done. You have presented a report. Now, rule 63 says :

"A motion that the report as the Committee on Rules of Procedure and Privileges be taken into consideration..."

That pre-supposes a motion. It can be taken into consideration provided there is a motion by some Member, a motion that the report of the Committee on Rules of Procedure and Privileges be taken into consideration.

"..Shall be accorded the priority assigned to a matter of privilege and when a day has already been fixed for the consideration of the report, it shall .."

I think, there is nothing to prevent us to consider the report today. I think so.

**Mr. Qamaruzzaman Shah :** Yes, Sir, Sir, I beg to move:

"That the report of the Standing Committee on Rules of Procedure and Privileges on the privilege motion of ex-Senator, Zamarrud Hussain regarding non-intimation of his release by District Magistrate, Quetta, to the Chairman, Senate, be taken into consideration at once."

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

"That the report of the Standing Committee on Rules of Procedure and Privileges on the Privilege motion of ex-Senator Zamarrud Hussain regarding non-intimation of his release by District Magistrate, Quetta, to the Chairman. Senate, taken into consideration at once."

Yes !

**Mr. Qamaruzzaman Shah :** Sir, I think, there is hardly anything left to be discussed because the Committee has found that it was a breach of privilege, both of the Member and of the House. The officer concerned has also admitted that it was purely a question of ignorance of law and we have warned him. We have also said that the Chief Secretary be informed that in future no such thing occurs. So, there is hardly any scope for any further discussion in this case. It is a very clear violation of rule 65. They had to comply with it. The only thing to be considered is whether a warning is sufficient or any further punishment is to be awarded. I think, since they have admitted and said that it was merely a question of ignorance and they did not know that the release is also to be intimated as the arrest, therefore, I would suggest that this much of warning is sufficient.

**Mr. Chairman :** Yes, gentlemen, anyone of you desiring to speak. Now, the whole thing is clear. House Secretary of a Provincial Government pleads that he is ignorant of the law. Not a clerk, not a stenographer, not a reader, but the Home Secretary of a Provincial Government pleads that he is ignorant of the law. You know what ignorance of law means. If the Home Secretary is ignorant of law then God save us from the officials at the lower rank. Not only the Home Secretary but even Chief Secretary did not know the law, because it was forwarded by the Chief Secretary. The whole thing boils down to this that the fault there, the lapse is there. Nobody cared to know that it was as much necessary to intimate the Chairman of the Senate about the release as it was necessary at the time of his arrest and they have put it in a simple way because they did not know the law and they were ignorant of it. You know, ignorance of law is no excuse, no valid excuse, no good excuse. So, the gentlemen or the officials concerned are guilty of lapse. There is no doubt about it. The question is of punishment. The Privilege Committee have suggested, proposed the punishment of warning only. Well, it is up to you and if you think that the punishment of warning, it is a punishment no doubt, is commensurate with the gravity and seriousness of the lapse, it is okay. You can do that. But if you want to suggest a severer punishment, it is up to you. Please it to you. I am not going to make any suggestion. I only wanted to point out that in my view ignorance of law is no excuse, particularly for a high official like a Home Secretary and a Chief Secretary. But since, I think, it is the first offence of the gentleman concerned and if you are satisfied...

**Mr. Mumtaz Ali Bhutto :** Sir, may I say something on it ?

**Mr. Chairman :** Yes, yes.

**Mr. Mumtaz Ali Bhutto :** Sir, actually, what you have observed is absolutely correct. Ignorance of law is not available under any circumstances to be an excuse to any one, leave alone a person who is supposed to be well-versed with the laws concerning the liberty of the citizens. However, this has happened and what he means by ignorance of law really is that has made a mistake. I am sure that since that realisation has dawned on him, he has suffered adequately to be now benefitted by the recommendation of the Committee. The Committee must have been also occupied with the same considerations that you have, Sir, and taken into consideration also the factors that might be affecting this officer right now, who might be very apprehensive to his future and as to what is going to happen to him. I would humbly suggest that the recommendation of the Committee should be adopted and in this case a warning should suffice.

**Mr. Chairman :** Let us hope that the warning will have the desired effect and this laps would not be repeated. So, what the view of the House ? Should we accept the recommendation of the Committee ? What is the consensus of the House ? I want to know that. I think, there is no dissenting voice. Yes, Mr. Masud Ahmed Khan !

**Mr. Masud Ahmed Khan :** Sir, the organ we have chosen, the Chief Secretary, to inform the defaulter that he should not do like this in future ; Is he the agent of the Privilege Committee ? I would say that the Chief Secretary is equally responsible as the honourable Chairman has mentioned that the letter was received through the Chief Secretary. Now, we are informing the Chief Secretary to warn the Home Secretary not to behave in this manner in future. So, I am of the view that we should have chosen some other agency to inform the defaulter. This is my submission.

**Mr. Chairman :** Well, the sense of the House is that the recommendation of the Committee concerned should be accepted and the Home Secretary and the Chief Secretary should be informed of the decision of the House, and the official at fault should be warned, and he should also be told that it is hoped by the House that this would not be repeated in future. Is it your decision ?

**Voices :** Yes.

**Mr. Chairman :** All right. That is taken. Thank you.

#### THE BANKS (NATIONALISATION) (AMENDMENT) BILL, 1974.

**Mr. Chairman :** Now, a simple thing nothing more today, There is one Bill which had to be moved by Rana Mohammad Hanif Khan, the Finance Minister. He has informed the House that he would be busy in the Special Cabinet Meeting the Prime Minister House and would, therefore, not be in a position to pilot the Banks (Nationalisation) (Amendment) Bill, 1975. So, he has requested that the consideration of the Bill be deferred to some other date. Should it be deferred ? What is your view? Should it be deferred because of the circumstances explained in the request of the Finance Minister ?

**Voices :** Yes, Sir.

**Mr. Chairman :** All right. The consideration of the Bill, amendment of Banks (Nationalisation) Act, 1974, is deferred to some other date.

**Mr. Chairman :** Yes.

Well, this is for the press. Since the question Nos. 44 and 45 have been deferred for the reasons already announced in the House, these are not to be published by the Press. So, there is no other business. We are meeting tomorrow.

**Mr. Chairman :** What time will suit you gentlemen ?

**Voices :** At 10 'oclock tomorrow, Sir.

**Mr. Chairman :** In the morning ?

All right, the House is adjourned to reassemble tomorrow at 10.00 a. m.

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The House adjourned to meet at ten of the clock in the morning on Friday, November 28, 1975.

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