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THE  
SENATE OF PAKISTAN  
DEBATES  
OFFICIAL REPORT

Monday, December 8, 1975

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

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**Monday, December 8, 1975**

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

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*(Recitation from the Holy Qur'an),*

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**DEFERRED STARRED QUESTIONS AND ANSWERS**

*(Originally Set down for answer on 6th December, 1975)*

**Mr. Deputy Chairman :** Now, these are questions. Question No. 85, Qazi Faizul Haque.

**Mr. Afzal Khan Khoso :** Sir, I will ask this question on behalf of Qazi Faizul Haque.

**IRREGULAR POWER SUPPLY IN QUETTA**

**85. \*Qazi Faizul Haque (put by Mr. Afzal Khan Khoso) :** Will the Minister for Fuel, Power and Natural Resources be pleased to state :

- (a) the reasons for WAPDA's failure in supplying power regularly to Quetta and its suburbs ;
- (b) the action taken or being taken to ensure regular supply of electricity in the area ;
- (c) the measures adopted for the exploration of oil, iron, copper and other Minerals in Baluchistan ;
- (d) the production of coal of the Pakistan Mineral Development Corporation, mines in Baluchistan ; and
- (e) whether there is any proposal under consideration of the Government for disinvestment of coal mines owned by Pakistan Mineral Development Corporation in Baluchistan ?

**Mr. Deputy Chairman :** Thank you, yes, Mr. Mohammad Yusuf Khattak.

**Mr. Mohammad Yusuf Khattak :** (a) The reasons for irregular power supply in Quetta area are mainly as follows :—

- (i) The newly installed 25 MW gas turbine unit is facing teething troubles. Whenever it goes out of operation, other machines become over-loaded and sometimes WAPDA has to resort to load-shedding for the safety of these machines.
  - (ii) The 12 MW and 7 MW gas turbine machines have operated beyond 10,000 hours and are due for overhauling.
  - (iii) The power distribution system in Quetta city is very old. It requires complete renovation and augmentation.
- (b) (i) The 25 MW gas turbine unit is still operating under guarantee period. The initial operational difficulties are being promptly attended to by the representative of German manufacturers. Its operation is expected to stabilize shortly.
- (ii) The overhauling of 12 MW unit has already been taken in hand. Its spare parts had already been ordered and are expected to reach Quetta shortly. The 7 MW unit will be overhauled after the current winter season.
- (iii) Renovation and augmentation of the power distribution system has been taken up by WAPDA.
- (iv) A transmission line is being constructed by WAPDA from Guddu to Quetta. It is expected to be completed by December, 1976. Power supply position in the Quetta area will substantially improve after Quetta has been connected with the National Grid through this transmission line.

(c) In view of its mineral potential, Baluchistan is receiving highest priority in exploration work as given below.

### Oil

Prospective areas have made accessible by construction of roads. Extensive and intensive geological surveys have been carried out by the Oil and Gas Development Corporation and the oil companies. An area of 12,491 sq. miles on shore in Baluchistan and an area of 4921 sq. miles off-shore Mekran coast has been granted for exploration for oil and gas. Negotiations with oil companies for grant of concessions for an additional on-shore area of about 13,548 sq. miles in Baluchistan and about 6158 sq. miles in the deep-sea off-shore Mekran are underway. Since 1972 drilling of three wells at Jhatpat, Jandran and Garkkoh has been completed and drilling of two exploratory wells at Tadri and Pirkoh is in progress.

### Other Minerals

1. In addition to general geological surveys, following three special projects of mineral exploration have been launched by Geological Survey of Pakistan :—

- (i) Chagai Mineral Exploration Project.

(ii) Lasbella Khuzdar Project.

(iii) Aeromagnetic Survey.

2. Resource Development Corporation is engaged in detailed exploration of copper deposits in Saindak.

3. PIDC is carrying out detailed investigation of iron ore in Nokkundi area of Baluchistan, for a Mini Steel Mills to be established with Chinese assistance.

4. Pakistan Mineral Development Corporation is pursuing exploration schemes for sulphur in Kohi Sultan and flourite in Dilband areas.

(d) Pakistan Mineral Development Corporation's coal mines in Baluchistan (Sor Rang, Degari and Sharigh) produced 1,56,356 tons of coal in 1974-75.

(e) No.

Mr. Deputy Chairman : Thank you. Any supplementary ?

Mr. Afzal Khan Khoso : Yes Sir. Would the honourable Minister be pleased to state the amount spent on each Head, i.e. Oil, Iron, Copper and other Minerals in the last year's and the current year's budgets ?

Mr. Mohammad Yusuf Khattak (Minister for Fuel, Power and Natural Resources) : Sir, I require time for the question.

Mr. Deputy Chairman : I think, he requires notice.

Mr. Afzal Khan Khoso : Sir, may I ask as to what is the allocation during the current year's budget on these Heads.

Mr. Deputy Chairman : No, I think, it is not very much relevant. Yes, Sheikh Sahib !

شیخ عمر خان : کیا وزیر صاحب یہ فرمائیں گے کہ ساحلی علاقے میرانہاں میں جن کمپنیوں نے تیل کی تلاش کا کام شروع کیا ہے مجھے معلوم ہوا ہے کہ وہ لوگ دلچسپی نہیں لیتے کیا وجہ ہے ایک مرتبہ انہوں نے یہ بات کہی بھی تھی کہ گوادر میں تیل نکلا ہے لیکن انہوں نے اسے بند کر دیا ہے ؟

Mr. Deputy Chairman : The companies are not taking any interest in the drilling, what is the reason for that ?

Mr. Mohammad Yusuf Khattak : The reason is that question is not correct, Sir. They are taking every possible interest in drilling the place, they have come from thousands of miles, they have spent million and million dollars. So, they are not out of their mind, Sir, that they should come here and cease taking interest in their project for which they have invested millions of money.

میں ان کی خدمت میں عرض کرنا چاہتا ہوں جتنا بھی انٹرسٹ ان سے لے سکتے ہیں اور اس کام کے لیے آئے ہیں ان سے لے رہے ہیں۔ انہوں نے ڈرل بھی کرنا شروع کر دیا ہے۔ ڈرل کرتے وقت جو کنواں تھا وہ ڈرائی نکلا اس کے بعد ان کو اسے

[Mr. Mohammad Yusuf Khattak]

چھوڑنا پڑا۔ اب وہ چاہتے ہیں کہ مکران کا جو آف شور ایریا ہے وہاں پر ڈرلنگ کریں اور وہ وہاں پر ڈرلنگ کر رہے ہیں لیکن ڈرلنگ کے لیے کافی تیاری کرنی پڑتی ہے۔ کسی ایک ایریا کے لیے جہاں پر کہ ڈرلنگ کرنا چاہتے ہیں اس کے لیے ان کو کم از کم ۳۰ مہینے درکار ہوتے ہیں اس میں ایرومیگنیٹو سروے ہوتے ہیں گریوٹی سروے ہوتے ہیں وہ ایک دم ڈرلنگ نہیں کر سکتے ہیں۔ اب مکران میں تیاری کر رہے ہیں۔ اس کے لیے ان کو بہت بڑا بندوبست کرنا پڑے گا۔ ان کو ایک خاص جہاز کرائے پر لینا پڑے گا۔ اس میں ان کی ملینز کی انسولٹمنٹ ہوگی۔ تو میرے خیال میں شاید ایک سال کے اندر یا جتنی بھی جلدی ہو سکے وہ اس کے لیے تیار ہو سکیں گے۔ وہ جہاز لائیں گے پھر وہ آف شور ڈرلنگ کریں گے لیکن گوادر میں تبھی انہوں نے چھوڑا جب وہ بالکل ناامید ہو گئے۔ پہلے وہ بڑے پر امید تھے۔ میں خو دبھی وہاں پر گیا۔ پہلے ان کا خیال تھا کہ وہاں سے کچھ نہ کچھ ضرور نکلے گا لیکن افسوس کی بات ہے کہ وہاں پر بالکل ڈرائی نکلا۔

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

No. Next 86.

Actually, Malik Sahib had requested me to defer this question. Can anybody deprive him of this privilege of answering on his behalf today, because he has been replying the question on behalf of everybody.

**Mr. Mohammad Yusuf Khattak :** I offer myself but justice .....

**Mr. Deputy Chairman :** I can justify. You must have prepared for this question. Let us defer this to some other day. So 86 is deferred to some other day.

**MESSAGE FROM THE NATIONAL ASSEMBLY RE : ADOPTION OF THE PAKISTAN ENGINEERING COUNCIL BILL, 1975**

**Mr. Deputy Chairman :** Here is a message from the National Assembly to the Senate Secretariat ;

“Sir, in pursuance of rule 109 of the Rules of Procedure and Conduct of Business in the National Assembly 1973, I have the honour to inform the Senate Secretariat that the National Assembly passed the Pakistan Engineering Council Bill, 1975 on the 5th of December, 1975. A copy of the Bill is transmitted herewith”.

**MESSAGE FROM THE NATIONAL ASSEMBLY RE ; ADOPTION OF THE WEST PAKISTAN WATER AND POWER DEVELOPMENT AUTHORITY (AMENDMENT) BILL, 1975**

**Mr. Deputy Chairman :** Here is another message from the National Assembly to the Senate Secretariat :

“Sir, in pursuance of rule 109 of the Rules of Procedure and Conduct of Business in the National Assem-

bly 1973, I have the honour to inform the Senate Secretariat that the National Assembly passed the West Pakistan Water and Power Development Authority (Amendment) Bill 1975 on 5th December, 1975. A copy of the Bill is transmitted herewith."

Now, Item No. 3, Mr. Aziz Ahmed.

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THE PAKISTAN INTERNATIONAL AIRLINES CORPORATION  
(AMENDMENT) BILL, 1975

**Mr. Aziz Ahmad :** (Minister of State for Defence and Foreign Affairs) :  
Sir, I beg leave to move :

"That the Bill further to amend the Pakistan International Airlines Corporation Act, 1956 [The Pakistan International Airlines Corporation (Amendment) Bill, 1975], as reported by the Standing Committee, be taken into consideration at once."

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

"That the Bill further to amend the Pakistan International Airlines Corporation Act, 1956 [The Pakistan International Airlines Corporation (Amendment) Bill, 1975], as reported by the Standing Committee, be taken into consideration at once".

The motion is not opposed. You can explain the provisions of this Bill, Mr. Aziz Ahmed.

**Mr. Aziz Ahmed** (Minister of State for Defence) : The Bill provides for an expansion of the Board of Directors. Previously, there used to be 7 Directors, now there will be 10; i. e. besides the Chairman, 7 Directors will be nominated by the Government and 2 Directors will be elected by the shareholders other than the Federal Government. The Bill also provides for the appointment of a Chairman of the Board of Directors and the terms and conditions of his appointment. It also lays down the remuneration etc. allowable to any Director. It also lays down a provision for the appointment of a Managing Director and terms and conditions of his appointment. That is all, Sir.

**Mr. Deputy Chairman :** Any other speech on this Bill ?

Yes, Mr. Leghari.

**Mr. Farooq Ahmad Khan Leghari :** Mr. Chairman, the Bill under consideration seeks to the amendment the Bill as amended by the Standing Committee. It seeks to enact the Ordinance which was passed in September 1975. As the Minister of State has pointed out, the main provisions of the amending Bill are to provide for an increase in the number of Directors and few other minor changes. This amending Bill, as passed by the National Assembly, was considered in the Senate, and was passed on to the Standing Committee and the Standing Committee has made slight changes which have been already incorporated in the amended form, as moved by the Minister of State. There are one or two provisions in this amending Bill which I wish to bring to the notice of this august House. One is that the number

[Mr. Farooq Ahmad Khan Leghari]

of Directors has been increased. Certain officials of the Federal Ministeries have been included as Directors and it is also proposed that two of the Directors who were previously representing the Provincial Government would no longer be there. We cannot have any difference of opinion on this issue but we do hope that as and when these Directors are appointed, the Federal Government will take into account the special needs of the Provinces. As far as the policies of the Pakistan International Airlines Corporation are concerned in particular, I wish to emphasise that there are some places in Pakistan, some of the farflung districts which require immediate connections. Several of our Members have already moved resolutions, several questions were asked in this august House, requesting or at least trying to persuade the Federal Government to open airports in those farflung areas. We had hoped that the representatives of the Provincial Governments on PIA Board of Directors, would be able to press their view points. Now, that it is proposed that this will not be so, we hope that the Federal Government will nevertheless take adequate measures to ensure that the demands of the Provincial Governments are fully met. The other point which I wish to clarify here was about the amendment which was introduced by the Standing Committee. The Bill as it was originally passed by the National Assembly was in accordance with the Ordinance originally promulgated in September, 1975.

**Mr. Deputy Chairman :** You are referred to clause 5 of the old Bill passed by the National Assembly.

**Mr. Farooq Ahmad Khan Leghari :** That is right. And the change that has been made now is that clause 5 under sub-section 8, sub-section 2, which previously read :

“The Chairman shall hold office for a period of three years on such terms and conditions as the Federal Government may determine”.

The change that has been made is that instead of that clause the following has been introduced :

“The Chairman shall unless removed earlier hold office for a period of three years on such terms and conditions as the Federal Government may determine and shall subject to as aforesaid be re-eligible for appointment.”

The idea is to remove the lacuna which would not remain on the removal of the Chairman by the Federal Government, if desired earlier than three years. So, this is the only amendment. There is no fundamental change. The second change was in clause 2. Whereas previously it read : ‘Chairman appointed under section 8’, now it will read ‘Chairman of the Board’. So, the changes which have been introduced by us because of the need for clarifying the clause are mainly with the contention that provisions regarding the withdrawal of the representatives of the Provincial Governments the Federal Government may take that into account and while laying down the policy special needs of the provinces and especially of the farflung areas in the provinces may be taken into account.

**Mr. Deputy Chairman :** I would request some of the Members to speak. You have to justify the amendment because this will go back to the National Assembly. Yes, Mr. Niamatullah Khan.

**Haji Niamatullah Khan :** I support the version of Senator, Mr. Leghari. He has stated that the interests of the Provincial Government should be looked after and he wants that the Federal Government should look after the interests of the Provincial Governments, especially the interests of the backward areas of the Provinces. So, I want to press that interests of the neglected areas of Quetta and Peshawar, awfully neglected areas, and as there is no representative of the backward areas their interest should be looked after. I would request the Minister of State to look after the interests of the Provinces especially the interests of the far flung areas like Bannu. With these remarks, I will finish. Thank you.

**Mr. Deputy Chairman :** Thank you. Senator Samejo, you were the Chairman of the Committee.

**Mr. Muhammad Sulleman M. Samejo :** Sir, we brought about this amendment because the Chairman was to be appointed by the Federal Government, and the statutory period for him to serve as a Chairman has been kept as three years. Sir, from a reading of the section at large, it appears that the Chairman was to remain in office for three years irrespective of the fact whether he behaved properly, discharged his duties properly or otherwise. Therefore, in the opinion of the Committee—and we discussed it at length—we came to the conclusion that there should be some powers with the Federal Government to remove a person who is not behaving or is not performing his duties upto the standard to which he has accepted to serve the Corporation. Sir, besides we took into consideration the future litigations also because if the Chairman was appointed for a period of three years and supposing he did not behave properly, when there was no power with the Government to remove him, and supposing the Government came to the conclusion that he was unfit person and he should not be retained in service, how can he be removed when the period of service is three years. Government should have power to remove him if he is not doing his job well and for administrative and other considerations and if he may not be performing his duties up to the mark.

There is another provision which has been introduced by the Committee 'subject as aforesaid, be eligible for reappointment'. That was not in the original Bill, it has been an addition. Previously, there was no provision in the Act that a deserving person if found eligible could be re-employed. The Committee thought that it was necessary that a deserving person may be given another chance for re-employment if he was considered fit by the Government. Thank you very much.

**Mr. Deputy Chairman :** Yes, some of the legal experts may further explain this provision. Yes, Mr. Masud Ahmad Khan.

جناب مسعود احمد : سیری رائے میں یہ جو اسٹینڈنگ کمیٹی کی رپورٹ ہے اس میں کوئی نمایاں امینڈمنٹ نہیں کی گئی ہے۔ سیکشن ۲ کلاز اے میں ہے کہ :

Chairman means the Chairman of the Board.

تو یہ واضح طور پر پہلے ہی لکھ دیا گیا ہے۔ سیکشن نمبر ۳ کی سب کلاز ۶ بورڈ آف ڈائریکٹرز کے بارے میں یہ ہے :

**Board of Directors :** The Board of Directors shall consist of the following Directors, namely, the Chairman.

تو جناب والا ! یہ واضح طور پر مینشن کیا جا چکا ہے کہ - -

**Mr. Deputy Chairman :** Ten Directors, namely, the Chairman.

تو اس کو علیحدہ لکھنے سے کوئی تبدیلی نہیں ہوتی نیشنل اسمبلی نے یہ پاس کیا ہے اس میں بھی ایسے ہی درج ہے :

- (a) the Chairman ;
- (b) seven Directors to be nominated by the Federal Government ; and
- (c) two Directors to be elected by the shareholders.

تو اس کی اپائنٹمنٹ کے متعلق یہ تھا کلاز اے جو ہے تو یہاں

Chairman means the Chairman appointed under section 8. The Federal Government shall appoint a Chairman of the Board.

اس میں وہ sense نہیں آتی - سمجھا یہ جائے گا کہ شاید یہ الیکشن کے ذریعے بنیں گے - چیئرمین صاحب کسی اور طریقے سے بنیں گے جو اورینٹل آرڈیننس تھا جو ہمارے پاس اورینٹل بل کی صورت میں آیا ہے اس میں بڑا واضح ہے - اب جیسا کہ میرے فاضل دوست نے بتایا ہے کہ اگر گورنمنٹ کے پاس ایسے رولز ہیں ، اگر کوئی شخص تندی سے اپنی صلاحیتوں کو بروئے کار نہیں لاتا ، کام نہیں کرتا تو اس کو remove کیا جا سکتا ہے - تو میں نہیں سمجھتا کہ unless removed earlier سے کوئی sense بنے گی کیونکہ اگر ایسے کہہ دیا جائے کہ ایک شخص 58 سال کی عمر سے پہلے ریٹائر نہیں کیا جائے گا تو جناب ! وہ اپنے ضابطہ کے تحت نہیں رہتا تو he can be removed earlier - تو میں یہ سمجھتا ہوں کہ کوئی significant change نہیں ہے جس سے کہ ہم یہ سمجھیں کہ اگر یہ امینڈمنٹ نہ کی جائے تو اس بل کو ہم مؤثر نہیں بنا سکتے - تو میری رائے یہ ہے بلکہ اس میں اس کی اسپرٹ اور اس کا sense ہی اور بن گیا ہے The Chairman means the Chairman of the Board. وہ تو already اس میں describe کیا گیا ہے - بورڈ آف ڈائریکٹرز کا جو (a) ہے ، چیئرمین ہوگا - اور چیئرمین کیسے بنے گا -

Who is appointed under section 8.

تو اس کی وضاحت کرنی چاہیے تھی - باقی میری ناقص رائے میں تو کوئی نمایاں تبدیلی اس میں آئی چاہیے -

جناب ڈپٹی چیئرمین : جو کچھ سینیٹر مسعود صاحب نے فرمایا ہے ، اس کو آپ اس روشنی میں دیکھیں کہ آپ ایک بل کو جو نیشنل اسمبلی سے آیا ہوا ہے ، امینڈ کرتے ہیں اور دوبارہ اسی exercise کے لیے بھیجتے ہیں - اگر کوئی significant changes نہیں ہیں تو پھر کیا یہ اس قابل ہوگا - کہ اسی exercise کو ہم یہاں follow کریں ؟ سینیٹر اسلام !

سردار محمد اسلام : جناب چیئرمین ! میں معزز رکن مسعود صاحب سے کس حد تک اتفاق کرتا ہوں کیونکہ لغاری صاحب نے جو امینڈمنٹ کو justify کیا تھا

تو انہوں نے یہ کہا تھا کہ سیکشن میں یا بل میں اس قسم کی کوئی provision نہیں ہے جس میں کہ چیئرمین کے removal کا ذکر ہو اور اس طرح جناب سمیٹو صاحب نے یہ فرمایا تھا کہ وہ unilateral powers ان کے پاس ہیں اور وہ اپنا تین سال کا period پورا کرے گا اور مستقبل کے کچھ اندیشے دور کرنے کے لیے انہوں نے یہ amendment کی ہے۔ لیکن میرے خیال میں اس amendment کے ساتھ یہاں پر صرف چیئرمین کی appointment کی اتھارٹی فیڈرل گورنمنٹ کو ہے۔ اسی section میں یہ لکھا ہوا ہے:

“Unless removed earlier, shall hold office for a period of three years on such terms and conditions as the Federal Government may determine.”

یہ تین سال کا period جو ہے، وہ period maximum ہے جس کے لیے فیڈرل گورنمنٹ کسی چیئرمین کو appoint کر سکتی ہے۔ جہاں تک اس کے نکالنے کا تعلق ہے یہ terms and conditions یہاں نہیں ہیں اور نہ یہ ہے۔ کہ کون سے حقوق employer کو ہوں گے، میں نہیں سمجھتا کہ یہاں پر اس کی آزادی اتنی ضروری ہے اور دوسرا جو انہوں نے کہا ہے کہ

“The Federal Government may determine and shall subject as aforesaid be eligible for re-appointment.”

جناب! یہ تو کوئی ordinary سی جگہ ہے کیونکہ چیئرمین پی۔ آئی۔ اے کارپوریشن بڑی ہے لیکن جہاں تک سروس کا تعلق ہے کوئی ایسی بندش نہیں۔ کہ کوئی دوسری دفعہ تشریف نہیں لا سکتا، تیسری دفعہ نہیں آ سکتا، چوتھی دفعہ نہیں آ سکتا، کوئی constitutional protection اس کو نہیں ہے۔ کہ اس پوسٹ میں اس کی bar ہو۔

یہ تو تین سال کی سروس ہے۔ دوبارہ بھی آ سکتا ہے اور اس بل میں کہیں bar بھی نہیں ہے۔ کہ وہ دوبارہ نہیں آ سکتا، جس کے لیے یہ specifically لکھا جائے کہ:

To be eligible for the re-appointment.

تو اس کی کوئی ایسی bar نہیں۔ کہ وہ نہیں ہو سکتا۔ اس کی specifically لکھنے کی ضرورت نہیں ہے۔ میں نہیں سمجھتا کہ یہ دونوں amendment بل میں اتنی material change کرتی ہیں جن کے لئے بل کو واپس بھیجا جائے یا پارلیمنٹ میں پیش کیا جائے۔ کیونکہ appointing authority خود اس کی terms and conditions بھی settle کرے گی اور اس میں بھی آ سکتا ہے کہ

He can be removed by the appointing authority.

جہاں تک اس کی re-appointment کا تعلق ہے وہ تو appointing authority کو ہر وقت right ہے کہ جب وہ کام ٹھیک کرے تو تین سال کے بعد دوبارہ بھی appoint کر سکتی ہے۔

جناب ڈپٹی چیئرمین : نہیں سردار اسلم صاحب ! سینیٹر مسعود صاحب کی ایک بات یہ جس پر لغاری صاحب اور سمیجو صاحب نے توجہ دلائی ہے - جو بل نیشنل اسمبلی سے آیا اس میں

“The Chairman shall hold office for a period of three years.”

And this will be a statutory provision.

انہوں نے جو کہا اس پر آپ دیکھیں - میرا خیال ہے کہ میرا افضل صاحب اس سے اتفاق نہیں کر رہے ہیں کہ ان کی contention یہ ہے کہ اس میں statutory provision ہے -

“Shall be appointed for three years”.

This means that you cannot remove him before three years.

سردار محمد اسلم : جناب ! میں یہ عرض کر رہا تھا کہ...  
جناب ڈپٹی چیئرمین : ان کی contention یہ ہے کہ اس کو تین سال تک remove نہیں کیا جا سکتا -

سردار محمد اسلم : اس پر عرض کر رہا تھا کہ یہ statutory provision ہے اور

The statutory provision is that the maximum tenure of office of the Chairman shall be three years.

Mr. Deputy Chairman : Maximum نہیں. It says, “shall be appointed for three years.”

Sardar Mohammad Aslam : This is the maximum period.

Mr. Deputy Chairman : For a period not exceeding three years. Qualify کرتا ہے -

Sardar Mohammad Aslam : The period shall be for three years but this is not his unfettered right that he will continue to stay, irrespective of his behaviour, in his office for three years.

یہ جیسا کہ نیشنل اسمبلی نے پاس کیا ہے اس میں یہ بھی لکھا ہوا ہے -

“Subject to the terms and conditions settled by the Federal Government”.

Mr. Deputy Chairman : Terms and conditions of pay and allowances and the other things not the period because the period has been fixed by the statute.

Sardar Mohammad Aslam : I agree. The period of the service has been fixed by the statute but the appointing authority, the employer can put these things in the agreement that if you do not behave the Authority has got a right to remove you from office.

**Mr. Deputy Chairman :** Do not think that the contract or agreement with the employee will revoke the provisions of law. No that cannot be done.

**Sardar Mohammad Aslam ;** Sir, the Law does not allow an employee to continue in office without the pleasure of the employer. It is the mutual agreement by the employee with employer that governs these things.

**Mr. Deputy Chairman :** In such cases it is laid down “until the pleasure of the Government.”

ایسے laws ہیں جن میں “until the pleasure of the government” استعمال ہوتا ہے۔ ایسے بہت سے لاز ایسے ہیں جو آپ نے پاس کیے ہیں جس میں یہ لکھا ہوا ہے۔

“For a period of three years or until the pleasure of the Federal Government”.

But there is no such qualification here in it.

**Sardar Mohammad Aslam :** Yes, Sir, pleasure of the Government.

**Mr. Deputy Chairman :** Here the three years period will be the statutory period.

**Sardar Mohammad Aslam:** Sir, there are two parties—one is the employee and the other is the employer. Employer is the Government and employee is the Chairman, and the Chairman, will take office of the Chairman after mutual agreement by employee with the employer. All the terms and conditions shall be settled between the employer and the employee and when privileges will come in the terms and conditions naturally, Sir, the disciplinary action will also come in the terms and conditions. The disciplinary action could be taken by the Government, Sir.

**Mr. Deputy Chairman :** Thank you. Yes, Senator Afzal Khan.

**Mir Afzal Khan :** Sir, actually this Bill needs to be discussed over here. The Pakistan International Airlines Corporation is a company registered under the Company Law of Pakistan. As the Company Law has been amended by an Act—I cannot recall the exact Act but it is a Presidential Ordinance which was promulgated during Martial Law—and under that Act now all members of Board of Directors and the chief executive of the Company are appointed for a period of three years. So, once this Chairman is appointed for three years, he cannot be removed unless there are specific charges levelled against him and it can be malfeasance or some particular charges that are brought against the Chairman and only then he could be removed. So, this point needs to be looked into.

As far as the other point is concerned, that is, the question of the Director, *ipso facto*, it means that a Chairman is a member of the Board of Directors.

**Sardar Mohammad Aslam :** I will request....

**Mr. Deputy Chairman :** Let me listen to Mir Afzal Khan first.

**Sardar Mohammad Aslam :** Point of explanation, Sir. I would request the honourable Minister to explain is there any provision in this law under which the services of a Chairman can be terminated for these malpractices, corruption and other things ?

**Mir Afzal Khan :** Sir, the honourable Senator is confusing if he thinks that this Chairman is like the Chairman of other Authorities and Corporations. This (PIAC) is a Company registered under the Companies Law of Pakistan. This is a different type of Chairman.

**Mr. Deputy Chairman :** Yes, they will not be governed by the West Pakistan Conduct of Government Servants and Efficiency Rules.

سردار محمد اسلم : میں اتفاق کرتا ہوں کہ انہوں نے refer کیا ہے۔ انہوں نے Companies Act کی جو ترمیم ہوئی ہے اس کو refer کیا ہے۔ کہ چیئرمین جو ہے جب تک ان کے خلاف specific charges نہ ہوں وہ remove نہیں ہو سکتے۔ اب جناب ! specific charges removal کے لیے کون سی پراویژن apply کریں گے۔

**Mr. Masud Ahmed Khan :** Mr. Chairman, Sir,

اس میں کلاز ۳ ہے جو بڑا واضح ہے

“The Chairman shall exercise such powers and perform such functions as may be assigned to him by the Board or as the Federal Government may, from time to time, determine.”

باقی جناب والا ! جیسا کہ سردار صاحب نے کہا ہے کہ terms and conditions جو ہیں اس کے علاوہ وہ جو کلاز ۳ ہے اس کی terms and conditions وہی ہیں جن کو وہ stress کرنا چاہتے ہیں کیونکہ آگے کلاز ۳ میں یہ لکھا ہے :

“The Chairman shall receive such remuneration, fees and allowances and enjoy such privileges as the Federal Government may determine.”

So, his point was that, actually, when he is to be appointed for a specific period then the terms and conditions are to be settled with the Federal Government. It is always the prerogative, I would say, of the Federal Government, the appointing authority, to remove a person because I know there are always Rules of Conduct and there are rules which regulate the functionaries like the Chairman, and probably the Minister will elucidate this point to the effect whether they have got Efficiency and Discipline Rules for the PIA or for the Chairman, or the Rules are to be framed under the present enactment which we are going to pass today. Whether we are going to frame rules because I don't feel there is a clause in this amending Bill whereby the rules are always framed by the Federal Government. So, I think, keeping in view all these facts, the honourable Minister will probably be in a better position to explain.

جناب ڈپٹی چیئرمین : جیسا کہ انہوں نے فرمایا ایک بات تو یہ ہے کہ judicial process سے remove کرنا وہ تو چاہے آپ کی terms and conditions ہوں یا

نہ ہوں۔

There is a judicial process working in the country.

remove سے judicial process کر سکتے ہیں لیکن خود اس ایکٹ میں میکینزم نہیں ہے اور اگر کسی شخص کو remove کرنا چاہیں -

Within the stipulated time or within the statutory time.

تو اس ایکٹ میں اپنا mechanism نہیں تھا اس لیے یہ mechanism اس ایکٹ میں خود متعارف کرایا گیا ہے تو judicial process کے لیے آپ کو کسی بھی law میں آپ کو نہیں کہنا پڑے گا -

Judicial process shall take its own course.

تو ان کا یہ کہنا تھا judicial process سے remove نہیں کرتے ہیں -

Yes, Senator Leghari.

Mr. Farooq Ahmed Khan Leghari : Thank you, Sir.

Mr. Deputy Chairman : I have given the floor to Mr. Leghari and then to Mr. Siddiqui.

Mr. Farooq Ahmed Khan Leghari : Mr. Chairman, earlier I did not wish to elaborate because I thought this was a point which would be well understood. But, now I would like to go into the details as to why the Committee decided to suggest to the Senate these minor amendments. As Senator Samejo has pointed out, the Bill was passed by the National Assembly, and there was nothing in the Statute to provide for the removal of the Chairman at a time earlier than three years. Now, although there are rules and regulations which are framed under this very Bill, or under this very Act which will be framed, yet it is a well-known thing that the provisions of the Statute override any rules and regulations that are made thereunder. It was for this reason that the Committee felt that whereas the Chairman of the Corporation is being vested with so many powers, he is going to be more or less the policy maker of the Organisation as well as the Chief Executive, the Federal Government must have the power to remove him from office and not necessarily disgracefully by charge-sheeting and so on, but the Federal Government must have the powers to remove him from office for any reason whatsoever before the expiry of the full term of three years.

As the Minister of Commerce has pointed out, the Chairman's duties are not regulated by the ordinary rules of conduct, etc. which have been promulgated for the regulation of Government service. The Chairman and his tenure of office are regulated by this very Act, the PIA Act, 1956, which we are now seeking to amend and since these are regulated by the Act we must remove all the lacuna in the Act which might be used tomorrow by anyone in bringing about litigations, which will create difficulties. So, it was for this reason that this small clause was inserted in clause 2, that the Chairman shall unless removed earlier. This could not be put in another way. Instead of putting it 'unless removed earlier' we could have said something else. But, since this is the standard way in which this provision is used in other Acts also of a similar nature like the Act which has brought into being the National Shipping Corporation and its Chairman or some other such semi-autonomous organisations. So, it was for this reason that this wording was introduced. As for the eligibility for re-appointment, also, the considerations were similar that the

[Mr. Farooq Ahmad Khan Leghari]

PIA Act is the one that is going to regulate the terms of service, etc. of the Chairman. Now, the Act itself does not lay down, neither is an Act is meant to lay down the detailed terms of service, etc. as to how he is to be removed, what is the manner in which he is to be removed or what are his terms of service, his pay, his other salary structure, etc. The Act is not supposed to do that. That will be done under the terms and conditions which the Federal Government will determine under this very clause.

So, the rules which will regulate the Chairman's service conditions will be promulgated later. Some of them have already been promulgated. May be the Federal Government may feel or may deem it fit to amend those rules but the fact is that there are rules which exist if they do not exist and if they do not cover all these points, the Federal Government has the power in this very clause to make those rules. So, those will be done by the Federal Government. As for the other point to which Senator Masud did not agree regarding the re-wording of clause (aa), *i.e.* Chairman means the Chairman appointed under Section 8. This action was done because the Board of Directors has been lowered down in sub-section 8 and for that reason it is not necessary to repeat something again and again and this also is the standard definition whenever the Board of Directors and the word 'Chairman' is used. So, this is also in accordance with the standard law in other Ordinances and other Acts on the subject.

**Mr. Deputy Chairman :** Thank you, Senator Leghari. Now, I concede the floor to Senator Siddiqui.

**Mr. Ghulam Rasool A. Siddiqui :** Mr. Deputy Chairman, Sir, my friends have pointed out a very important legal point.

**Mr. Aziz Ahmed :** Sir, I am needed in the National Assembly.

**Mr. Deputy Chairman :** He will be the last speaker and then it will be your turn.

**Mr. Ghulam Rasool A. Siddiqui :** Sir, the law point, as Senator Masud has pointed out, is that the rules and regulations will be framed hereafter. I submit, Sir, that there are so many rulings of the Supreme Court and High Courts that the rules and regulations will never override the Act itself. The rules and regulations will not help the Government. The man may run up to the High Court and obtain a stay order. Now, this is a commercial Department of the Government. This is a very important Commercial Department. It is like a Defence Department, not actually a Defence Department, but a very important commercial department in which the Government's hands shall not be fattered by the words of the Act to remove a man for which the necessity arises that he should be removed at once. Therefore : we wanted to strengthen the hands of the Government with regard to this provision, so that the Government should have the vast powers because the Department is of this kind. Thank you very much.

**Mr. Deputy Chairman :** Thank you. Minister of State for Defence ! Now, let us conclude this debate. Enough has been said.

**Mr. Mohammad Yusuf Khattak :** Sir, I want to put one suggestion before the House and that is Sir, that the power of dismissal is inherent in the appointing authority. So, if an authority can appoint a person then this power of dismissal is inherent and it has the power of dismissing him also.

**Mr. Deputy Chairman :** Yes, Minister of State for Defence !

**Mr. Aziz Ahmed** (Minister of State for Defence and Foreign Affairs): First of all, I would like to discuss the point made that since no provincial representatives were included in the Board, hope was expressed that the Provincial interests, particularly in the backward areas will be borne in mind. Of course, that will be borne in mind, that is the duty of the Government that is the policy of the Government, and it shall be the duty of the nominee to follow the policy of the Government that the backward areas must be paid special attention. So there need be no difficulty on that accounts. I do not know any apprehension that the interests of the less-developed areas would be overlooked merely because those areas have not nominated their members on the Board.

Now, Sir, I come to the question of amendments. I am not a lawyer but I would be inclined to agree that the points made with regard to the amendment of section 8, clause (2) is valid. If it says that the Chairman shall hold office for 3 years, that I do not see how the Government can, by framing rules, negate that provision of a law which is a fundamental and basic provision. This is what I have looked at it, and, I think in any case, taking it at its best face value an element of doubt will remain, and the decision of the Government will be challengable in the court of law if we do not amend this provision. I myself don't want to have to face the problem of taking it back to the National Assembly. I have originally taken this view that the fact that the Government has the power to determine the terms, would properly take care of this provision that if Government felt it necessary to remove him earlier than 3 years they are able to remove him under this provision. But I don't think that it is so and after hearing a very useful and able debate, I am convinced that this amendment I fear, is necessary and we will have to amend the provision as suggested by the Committee. I would also go on to say that although it is not necessary to provide for his re-appointment since we are going to amend this particular provision, we might as well go on to add and subject to eligibility for re-appointment, that, in any case, is inherent in Government policy but there is no harm in stating it specifically because some one may say that under the law that Government were to appoint him only for 3 years, and can't re-appoint him ; So we have cleared that doubt also. I would suggest, Sir, that I would be able to take this amended clause 8, sub-clause (2). I would accept that.

Now Sir, with regard to the other amendment section 2, sub-clause (aa) I think that it is not necessary, and I would agree with the learned Senator, who said that the original version should stand. I agree that the original version should stand.

**Mr. Deputy Chairman :** Thank you very much. Now, I put the question before the House. 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], as passed by the Standing Committee, be taken into consideration at once.”

*(The motion is adopted)*

**Mr. Deputy Chairman :** Now, the Bill contains 7 clauses, I put all the clauses together.

[Mr. Deputy Chairman]

There are two amendments as suggested by the Standing Committee, therefore I put the clauses separately.

Now the question before the House is ;

“That Clause 2, as amended by the Standing Committee, forms part of the Bill.”

*(The motion was adopted)*

Mr. Deputy Chairman : Clause 2 is adopted.

The question before the House is :

“That Clause 3 forms part of the Bill.”

*(The motion was adopted)*

Mr. Deputy Chairman : Clause 3 is adopted.

The question before the House is :

“That Clause 4 forms part of the Bill.”

*(The motion was adopted)*

Mr. Deputy Chairman : Clause 4 is adopted.

Now, the question before the House is :

“That clause 5, as amended, forms part of the Bill.”

*(The motion was adopted)*

Mr. Deputy Chairman : Clause 5 is adopted. Now, the question before the House is :

“That Clauses 6 and 7 form part of the Bill.”

*(The motion was adopted)*

Mr. Deputy Chairman : Clauses 6 and 7 are adopted.

The question before the House is :

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

TITLE, PREAMBLE AND CLAUSE 1 ARE ADOPTED

*(The motion was adopted)*

Mr. Deputy Chairman ; Title, Preamble and clause 1 are adopted.

No. 4, Mr. Aziz Ahmed.

Mr. Aziz Ahmed : Sir, I beg leave to move.

“That the Bill further to amend the Pakistan International Airlines Corporation Act, 1956, The Pakistan International Airlines Corporation (Amendment) Bill, 1975, be passed.”

Mr. Deputy Chairman : Now, 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 passed.”

Mr. Deputy Chairman : The motion is not opposed. You can say anything in the Third Reading.

Mr. Aziz Ahmed : No, Sir, except that what had already been said with regard to the amendment proposed.

Mr. Deputy Chairman : It is not opposed. Any other speech in the Third Reading. No speeches, therefore, I put the question.....

Mr. Masud Ahmed Khan : But the thing which is irritating my mind is with regard to the fact that supposing the Chairman becomes permanently incapacitated, he develops some disease, becomes of unsound mind, will he be admitted in the hospital, at the same time he shall remain as Chairman for 3 years ? Well, I would like this point to be clarified.

Mr. Deputy Chairman : I think, we have passed that clause. You could have opposed that clause at that stage. You could have moved that for voting, and the House could have passed it unanimously. So, let us finish with that debate because that side vows that it will be that statutory provision and that unless he is dead he will still be the Chairman. That was one contention of one side of the House.

Now, 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 passed.

*(The motion was adopted)*

Mr. Deputy Chairman : The Bill stands passed.

Now No. 5.

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THE WEST PAKISTAN WATER AND POWER DEVELOPMENT  
AUTHORITY (AMENDMENT) BILL, 1975

Mr. Mohammad Yusuf Khattak : Sir, I beg to move ;

“That the Bill further to amend the West Pakistan Water and Power Development Authority Act, 1958,

[Mr. Mohammad Yusuf Khattak]

[The West Pakistan Water and Power Development Authority (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 West Pakistan Water and Power Development Authority Act, 1958 [The West Pakistan Water and Power Development Authority (Amendment) Bill, 1975, as passed by the National Assembly, be taken into consideration.”

It is not opposed. Would you like to explain the provisions of the Bill ?

Mr. Mohammad Yusuf Khattak : Sir, the provisions of the Bill are very simple and few. There are two main principles of the Bill. One is the eradication of corruption amongst the ranks of WAPDA and the second is to bring about uniformity within the ranks of employees of Water & Power Development Authority.

Mr. Chairman, Sir, I would like to say that the West Pakistan Water & Power Development Authority Act was passed in 1958 and after 1958 and during those long years in 1975 this is the first time that any Government has made sincere and honest efforts to eradicate corruption from amongst the ranks of the employees of WAPDA. I would hasten to add that one should not run away with this idea that corruption is rampant in the ranks of WAPDA. There is corruption in WAPDA but to say that every member of WAPDA is corrupt, that will be total traversity of facts. The fact is that a vast majority, an overwhelming majority, are honest and dedicated people who are doing very useful work on the development sector of the national economy. Of course, as in other ranks of our society, there are also corrupt people and we want to indulge in selfcriticism and not incomplacency. It will be complacent to say that everything is wonderful in the garden. No, everything is not wonderful in the garden. There are short comings. There are still some people, some black sheep, amongst the ranks of WAPDA, as in many other departments and other walks of life also. So, this Bill seeks to eradicate corruption from amongst those corrupt people within WAPDA.

Next point is that it is to bring about uniformity within the ranks of WAPDA employees. The thing was that in 1958 when WAPDA was created first, all those who were members of the Electricity Department of the West Pakistan Government were transferred to WAPDA and alongwith them there were also members belonging to the Provincial Irrigation Services who were also transferred to WAPDA. The third category was of the civil servants who were directly recruited by WAPDA. This led to an incongruous structure within the ranks of WAPDA. There were those who came from the ranks of the Electricity Department of West Pakistan, those who came from Irrigation Department, and those who were directly recruited. There were also those who were sent by different provinces. So, this made a very anomalous situation. Now this second amendment that is being brought about brings about uniformity within the ranks. Here, Sir, to allay certain fears, which I am sorry, I did not allay in my first speech in the National Assembly and which led to a heated debate, I would like to first state here that by bringing about this thing, a man can be dismissed without assigning any reason to him but this does not mean that it will take away the Trade Union's right from the workers. That is over there. That

is not the intention of the Bill because part (b) does not apply to the workers, A worker, if I may read out, Sir, in the Services Tribunal Act, 1973, the definition of a civil servant is that a civil servant means a person who is or has been a civil servant within the meaning of the Services Tribunal Act 1973. In section 2 (b) of the Civil Servants Act, 1973, it has been provided that a person, a worker or a workman, as defined in the Factories Act, 1974, or the Workmen's Compensation Act, 1923, does not fall in the category of civil servants. So, this will not apply to the civil servants and under the Industrial Relations Ordinance, 1969, they can go before the Labour Courts, and they can also indulge in Trade Union activities. As far as the civil servants are concerned, they also become civil servants under the Services Tribunal Act, 1973, and if they are dismissed or they are retired prematurely then even they have a right to go before the Services Tribunal. It will not be an arbitrary act that once he is dismissed he has no recourse to law. Under the Services Tribunal Act, 1973, he can go in appeal that he has been dismissed without rhyme or reason and prematurely. Then, his case will be reopened and it will be proved to him why he has been dismissed. With these explanations, I hope, the House will pass the Bill particularly because it is an attempt for the eradication of corruption. We are not complacent. It does not take away the right of appeal from the civil servants. I hope, Sir, they will pass it with an overwhelming majority.

**Mr. Deputy Chairman :** You said that the Government has inherent powers of dismissal but still you have incorporated provisions in this Bill :

Notwithstanding anything contained in subsection (1) or any rules made, or orders or instructions issued, by the Authority, or in the terms and conditions of service of any person employed by, or serving under the Authority, the Authority may, at any time, retire or remove from its service any person without assigning any reason.

There were, therefore, actually no powers with the Government for removing, retiring a person from service.

**Mr. Mohammad Yusuf Khattak :** There is an anomalous structure of service cadre within WAPDA. There were people who were directly recruited, there were people who came on transfer, there were civil servants of the Provincial Governments. Then there were those who came from West Pakistan Electricity Department. So there was need for bringing about uniformity amongst the ranks. I do not think it is taking away any thing from them. They are civil servants and the Services Tribunal Act, 1973 is applicable to them. So it is just a sort of change in the mode of appeal but otherwise they have the same right of appeal. They have not been denied that right.

سردار محمد اسلم : میں گزارش کرتا ہوں کہ اس بل کو کل رکھ لیتے ہیں ۔

جناب ڈپٹی چیئرمین : اس بل پر ڈیبٹ کر لیتے ہیں اور جو ان کا اگلا بل ہے اسے ڈیفر کر لیتے ہیں ۔

سردار محمد اسلم : کسی بل کی بات نہیں تھی ۔

**Mr. Deputy Chairman :** Yes, Mr. Yusuf Khattak ?

سردار محمد اسلم : جناب والا ! مقصد اس بل کے ساتھ تھا اس میں ترامیم آ رہی ہیں جن پر شاید زیادہ بحث ہو ۔ اس لیے مطالعہ کے لیے وقت دیا جائے ۔ اگر اسے کل پر رکھ لیں تو مناسب رہے گا ۔

**Mr. Mohammad Yusuf Khattak :** Whenever the House desires. I am the servant of the House.

**Mr. Deputy Chairman :** What is the sense of the House.

**An Honourable Member :** I would support Sardar Aslam that it is an important Bill.

**Mr. Deputy Chairman :** Well, Mr. Khattak, I think, we can postpone the Bill for tomorrow. I think, the other Bill too. You will be with us tomorrow.

**Mr. Mohammad Yusuf Khattak :** It will be a great honour and privilege. But, I think, the second Bill is very uncontroversial. It is about regulation of engineering profession.

**Mr. Deputy Chairman :** Without passing this Bill, I think, we cannot move on to another Bill.

**An Honourable Member :** We can defer it. The other Bill can be moved, and the House may like to send it to the Standing Committee.

**Mr. Deputy Chairman :** No. Let us not send it to the Standing Committee because it is a Bill which was debated in the Committees of the National Assembly. I think, most Members want a full dress debate in the House. There is no harm, I think.

Yes, Senator Siddiqui.

**Mr. Ghulam Rasool A. Siddiqui :** It has to be referred to the Standing Committee because there are so many mistakes in it.

جناب ڈپٹی چیئرمین : میں نے سنا نہیں - آپ ہٹن دبا کر بات کیجیے -

**Mr. Ghulam Rasool A. Siddiqui :** I will request that the Bill regarding the Engineering Council should be sent to the Standing Committee because there are so many mistakes in the Bill.

**Mr. Deputy Chairman :** You can correct the mistakes in the House.

جناب احمد وحید اختر : پوائنٹ آف آرڈر - جناب چیئرمین ! وہ بل ابھی move نہیں ہوا - اس کے محاسن اور خامیوں پر گفتگو میں مناسب نہیں سمجھتا - اسے move کریں پھر دیکھیں گے -

جناب ڈپٹی چیئرمین : آج اسے move نہیں کرتے کل move کرتے ہیں - اسے کل کے لیے ڈیفر کرتا ہوں -

Let both the Bills be taken up tomorrow, and tomorrow we will be meeting in the morning. The House stand adjourned to meet tomorrow at 10.00 a. m.

*The Senate then adjourned till ten of the clock in the morning on Tuesday, December 9, 1975.*