



THE  
SENATE OF PAKISTAN  
DEBATES

OFFICIAL REPORT

Monday, August 16, 1976

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

Monday, August 16, 1976

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

*(Recitation from the Holy Quran)*

**STARRED QUESTIONS AND ANSWERS**

**Mr. Chairman :** Yes, now we take up questions. Khawaja Mohammad Safdar to put question No. 7.

**SUGAR PRODUCTION**

7. \***Khawaja Mohammad Safdar** (Put by Mr. Shahzad Gul) : Will the Minister for Food and Agriculture, Under-developed Areas and Land Reforms be pleased to state :

(a) the production of sugar in each of the four provinces during the year 1975-76 ;

(b) whether any quantity of sugar produced in Sind was supplied to any other province during the year 1975-76; if so, the quantity of sugar so supplied and the name of the province ;

(c) whether any quantity of sugar produced in the Punjab was supplied to any other province or Azad Kashmir; if so, the quantity of sugar so supplied and the name of the recipient ; and

(d) whether any quantity of sugar produced in the N.W.F.P. was supplied to any other province or to any Tribal Area ; if so, the quantity so supplied and the name of the recipient ?

**Shaikh Mohammad Rashid :** (a) Production of sugar in the country this year has been 6.30 lakh tons as detailed below :—

						(Lakh tons)
Punjab	...	...	...	...	...	3.19
Sind	...	...	...	...	...	2.06
N.W.F.P.	...	...	...	...	...	1.05
<b>Total</b>						6.30

(b) Yes. The following quantities of sugar have been supplied by Sind to deficit units :—

						(Tons)
Defence	...	...	...	...	...	6,000
Baluchistan	...	...	...	...	...	4,000
<b>Total</b>						<b>10,000</b>

(c) The following quantities of sugar have been supplied to deficit units from the Punjab :—

						(Tons)
Defence	...	...	...	...	...	9,000
Baluchistan	...	...	...	...	...	13,100
Azad Kashmir	...	...	...	...	...	2,600
<b>Total</b>						<b>24,700</b>

(d) The following quantities of sugar have been supplied to the deficit units from N.W.F.P :—

						(Tons)
Defence	...	...	...	...	...	11,000
Baluchistan	...	...	...	...	...	5,000
Azad Kashmir & Northern Areas	...	...	...	...	...	1,200
<b>Total</b>						<b>17,200</b>

**Mr. Chairman :** Question No. 8 by Mr. Afzal Khan Khoso.

**PIA SERVICE IN JACOBABAD**

8. \***Mr. Afzal Khan Khoso :** Will the Minister of State for Defence and Foreign Affairs be pleased to refer his assurance given on the floor of the House during debate on my resolution regarding direct air link between Jacobabad and Karachi and Jacobabad and Islamabad on the 14th November, 1975 and state :

(a) the steps taken so far for setting up P.I.A. Sales Office at Jacobabad ; and

(b) the steps taken so far for providing a coach service between Jacobabad and Sukkur.

**Mr. Aziz Ahmed :** (a) M/s. Kashmir Corporation, General Sales Agent P I A opened a Sales Office at Jacobabad on 27th February, 1976.

(b) The coach service was introduced on 27th February, 1976.

**Mr. Afzal Khan Khoso :** Supplementary, Sir.

**Mr. Chairman :** Yes.

**Mr. Afzal Khan Khoso :** Sir, with regard to answer 8 (b), could I ask the hon'ble Minister whether his information is based on information supplied by the P I A or M/s. Kashmir Corporation ?

**Mr. Aziz Ahmed :** By the P.I.A.

**Mr. Afzal Khan Khoso :** Another supplementary, Sir.

**Mr. Chairman :** Yes.

**Mr. Afzal Khan Khoso :** Could I ask the hon'ble Minister whether it has been checked and confirmed that the information is correct.

**Mr. Chairman :** It is doubtful whether you can put such like questions. It is not necessary for the Minister concerned to give you the source of his information although he has offered to disclose it. Secondly, you cannot ask whether it has been confirmed or not. Naturally, it is presumed to be confirmed and verified.

**Mr. Afzal Khan Khoso :** Because I belong to that particular area, therefore, I know that till today the service has not been started.

**Mr. Chairman :** A question is always put for the purpose of getting some information. If you have the information, why have you put the question? You say that you are a local man and know the whole thing, and if you have the knowledge of the whole thing, then why are you asking such questions?

**Mr. Afzal Khan Khoso :** Sir, it was in July that I put the question to know the steps being taken for providing a coach service between Jacobabad and Sukkur. I checked up even today and came to know that the service has not been started.

**Mr. Chairman :** The Minister says that it has been started, while you say it has not been started. How can I resolve this dispute?

**Mr. Afzal Khan Khoso :** When I had put this question, I wanted to know about the steps being taken. Now I have checked up and came to know that even till today it has not been started. There is no coach service.

**Mr. Chairman :** Your question is "the steps taken so far for providing a coach service between Jacobabad and Sukkur". If you know that nothing has been done then what information do you want?

**Mr. Afzal Khan Khoso :** Information with regard to this particular thing. Could I ask the honourable Minister if it could be verified whether the information supplied is correct or not?

**Mr. Chairman :** I am not sure whether you can do that. He has not given his answer from his personal knowledge. His information must have been based on some material supplied to him by the officer concerned.

**Mr. Aziz Ahmed :** The allegation made by the honourable Senator is very serious and, certainly, I will look into it.

**Mr. Afzal Khan Khoso :** That is enough.

**Mr. Chairman :** If you still insist that the information furnished is wrong, well, it is up to the Minister to find out whether the information given by him is correct or not correct.

**Mr. Afzal Khan Khoso :** I would like to know whether the House will be informed. I would request the honourable Minister to supply the information to the House.

**Mr. Chairman :** Well, it is up to him. He can keep it pending.

**Mr. Aziz Ahmed :** Certainly, I will be very happy to inform the House.

**Mr. Chairman :** All right. Next question.

#### AIR LINK BETWEEN SUKKUR AND PROVINCIAL CAPITALS

9. \***Mr. Afzal Khan Khoso :** Will the Minister of State for Defence and Foreign Affairs be pleased to state :

(a) the steps being taken to connect the interior of Sind *via* Sukkur with the Capitals of the other three Provinces ; and

(b) the steps being taken to provide direct air link between Sukkur and Islamabad to facilitate air travel between the interior of Sind and Islamabad with bi-weekly service ?

**Mr. Aziz Ahmed :** (a) Sukkur is presently connected with Islamabad, Lahore and Peshawar with 7 flights a week *via* Multan. Daily Boeing operation through Karachi also provides connection to Sukkur passengers for Quetta.

(b) Due to limited traffic potential, it is not possible at present for P I A to provide a direct air link between Sukkur and Islamabad. Surveys are however carried out continually in order to find out if a point justifies itself for an economically viable service.

**Mr. Afzal Khan Khoso :** Supplementary Sir. Sir, the honourable Minister has stated that Sukkur is presently connected with Islamabad, Lahore, etc. with 7 flights a week. Do I presume that these are daily flights ; one flight each day ?

**Mr. Chairman :** What is the question you are asking ?

**Mr. Afzal Khan Khoso :** It has been said that there are 7 flights a week. Could I ask the honourable Minister whether these flights are once in a day ; daily flights ?

**Mr. Aziz Ahmed :** I have no information as to how these are distributed during the week. As far as the information goes, there are 7 flight *via* Multan and all these are operated between Hyderabad, Nawabshah, Sukkur. Whether it is one every day, I do not know. It is very likely, but it is not specifically stated here.

**Mr. Afzal Khan Khoso :** With regard to Sukkur connected with Islamabad in this fashion, could I ask the honourable Minister whether the flight touches the Sukkur airport and then comes to Multan and *via* Multan to Islamabad ?

**Mr. Aziz Ahmed :** I think, I have already answered that.

**Mr. Afzal Khan Khoso :** The point is, how many such flights in a week come to Lahore or, for that matter, to Islamabad after having touched Sukkur airport *via* Multan.

**Mr Aziz Ahmed :** (a) of my answer covers that. If I may read again, 'Sukkur is presently connected with Islamabad, Lahore and Peshawar with 7 flights a week *via* Multan.

**Mr. Afzal Khan Khoso :** Just to illustrate a little further, can I ask the particular days on which these flights are operated which touch Sukkur and come to Islamabad *via* Multan ? What are the particular days ? For the flights from Karachi, Tuesday, Thursdays and Saturdays are fixed. Similarly, are certain days fixed for these flights also ?

**Mr. Aziz Ahmed :** Sir, I need notice for that.

**Mr. Chairman :** He has no information at hand, and he wants notice for that.

**Mr. Afzal Khan Khoso :** Supplementary, Sir. Now, with regard to daily Boeing operation through Karachi which also connects Sukkur with Quetta, can I ask how these flights operate, from which point to which point ? What is the starting point ? What is the destination ? Which flight connects Sukkur passengers with Quetta ? The Boeing comes from Karachi every day to Quetta.

**Mr. Aziz Ahmed :** For that I need notice, Sir.

**Mr. Chairman :** Next question No. 10.

#### PAK AGREEMENTS WITH INDIA

10. **\*Khawaja Mohammad Safdar :** Will the Minister of State for Defence and Foreign Affairs be pleased to state :

(a) whether it is a fact that the Government has entered into certain agreements in respect of trade, road, rail and air transit since 14th May, 1976; with the Government of India ; and

(b) if answer to (a) above be in the affirmative, whether the Government is prepared to lay the full text of all the agreements entered into with Government of India since 14th May, 1976, on the table of the House ?

**Mr. Aziz Ahmed :** (a) No.

(b) Does not arise. However, Government is happy to lay the full text of all agreements signed with India since 14th May, 1976 on the Table of the House.

#### JOINT STATEMENT

Pursuant to the letter written by Prime Minister Zulfikar Ali Bhutto on 27 March and the reply of Prime Minister Mrs. Indira Gandhi of 11 April, the delegations of India and Pakistan met in Islamabad from 12 to 14 May, 1976 with the objective of resuming normalization of relations between the two countries as envisaged in the Simla Agreement. The discussions were held in a frank and friendly atmosphere.

[Mr. Aziz Ahmed]

2. His Excellency Shri J. S. Mehta, Foreign Secretary, led the Indian delegation. He was assisted by representatives of the Ministries of External Affairs, Tourism and Civil Aviation, Finance, Home Affairs, Railways, Shipping and Transport and Commerce. The Pakistani delegation was led by Mr. Agha Shahi, Foreign Secretary. He was assisted by the representatives of the Ministries of Foreign Affairs, Railways, Finance, Communications, Commerce, Interior, Information and Broadcasting, Law, Aviation Division, the Departments of Civil Aviation, Ports and Shipping and Pakistan International Airlines Corporation.

3. In regard to matters relating to Civil Aviation, the two delegations discussed the modality of withdrawing the cases and counter claim pending before the Council of the International Civil Aviation Organisation and agreed to send a joint letter to the Council for the purpose. They further agreed to the resumption of overflights and the restoration of airlinks between the two countries. It was decided that expert delegations from two countries will meet to work out the necessary details.

4. The two delegations agreed to resume goods and passenger traffic by rail through the Wagah/Attari border. In this connection the Pakistan delegation stated that the rail track on its side was already functional. The Indian delegation undertook to carry out the necessary repairs on its side as soon as possible.

5. The two sides recognised the advantage that would accrue to trade between the two countries with the resumption of freighting of goods by rail.

6. It was decided that the experts of the two countries should meet urgently to work out a detailed agreement regarding inter-change, freight rating, compensation claims, custom formalities, the creation of a wagon pool etc., for the goods and passenger traffic between the two countries.

7. The two sides agreed to grant multiple journey visas valid for one year to the members of the railway staff operating on scheduled services along the specified route.

8. The two delegations agreed that goods meant for the other country could also be transported by road upto the Wagah/Attari border. For this purpose, they undertook to make necessary arrangements for the transshipment, warehousing, bonding and customs clearance etc.

9. The two delegations discussed the question of early re-establishment of diplomatic relations between their countries. They agreed that each country should be represented by an Ambassador with supporting staff in the capital of the other country. In view of the problems which had been faced in the past in the functioning of their respective diplomatic missions, the two delegations re-affirmed their adherence to the Vienna Convention on Diplomatic Relations 1961 to which they were party and agreed, on a basis of reciprocity, to grant each other's Mission all facilities and courtesies for their normal functioning,

10. The two delegations reviewed the working of the Indo-Pakistan Trade Agreement of 23 January, 1975, and the Shipping Protocol of 15 January, 1975. They agreed that in terms of Article 3 of the Trade Agreement, in addition to state trading organizations, the private sector be also

enabled, with effect from 15 July, 1976, to participate in the trade between the two countries subject to the laws, rules, regulations and procedures in force in their respective countries from time to time.

11. The two delegations also agreed that the Joint Committee envisaged under Article 9 of the Trade Agreement should be constituted immediately to review the working of that Agreement and that the first meeting of the Joint Committee should be held at the Commerce Secretaries' level as soon as possible and, in any case, before the end of 1976.

12. The two sides decided that a further meeting of the respective shipping experts should be held, as early as possible, to review the Protocol on Shipping as provided in Article 22 of that Protocol.

13. The two delegations reviewed the existing visa agreement for regulating travel between the two countries. They noted that the arrangements envisaged in that agreement were working satisfactorily and required no change.

14. The two delegations discussed measures for promoting cultural and scientific exchanges as envisaged in the Simla Agreement. They agreed that further discussions on these measures could be undertaken in due course.

15. The two sides held discussions on the question of the detainees and agreed that this humanitarian issue needed to be resolved expeditiously. They also agreed to make efforts to locate persons still untraced and repatriate them with all possible dispatch in accordance with the existing working arrangements.

16. The leader of the Indian delegation, His Excellency Shri J. S. Mehta, was received by the President of the Islamic Republic of Pakistan.

17. The Indian delegation warmly thanked the delegation of Pakistan for its hospitality.

AGHA SHAHI,  
*Foreign Secretary,  
Ministry of Foreign Affairs,  
Government of Pakistan  
Islamabad, May 14, 1976.*

J. S. MEHTA,  
*Foreign Secretary,  
Ministry of Foreign Affairs,  
Government of India.*

[Mr. Aziz Ahmed]

**AGREEMENT BETWEEN THE GOVERNMENT OF THE ISLAMIC  
REPUBLIC OF PAKISTAN AND THE GOVERNMENT OF THE  
REPUBLIC OF INDIA RELATING TO AIR SERVICES**

The Government of Pakistan and the Government of India, hereinafter described as the Contracting Parties.

Being Parties to the Convention on International Civil Aviation (hereinafter referred to as the Convention) and the International Air Services Transit Agreement, both opened for signature at Chicago on the seventh day of December, 1944.

And desiring to conclude an agreement for the purpose of establishing air services between their respective territories.

Have agreed as follows :

**ARTICLE 1**

- (i) "The Convention" means the Convention on International Civil Aviation opened for signature at Chicago on the seventh day of December, 1944, and includes any amendment to the Convention under Article 94 thereof ;
- (ii) the term "aeronautical authorities" means in the case of Pakistan the Director General of Civil Aviation and /or any authority] person or body authorised to perform any functions presently exercised by the said Director General, and, in the case of India the Director General of Civil Aviation and/or any authority/person or body authorised to perform any functions presently exercised by the said Director General ;
- (iii) the term "territory" in relation to a State has the meaning assigned to it in Article 2 of the Convention ;
- (iv) the term "air services", "International air services", "airline" and "stop for non-traffic purposes" have the meanings respectively assigned to them in Article 96 of the Convention ;
- (v) the term "designated airline" means an Airline which one Contracting Party shall have designated, by written notification to the other Contracting Party, in accordance with Article 4 of this Agreement ;
- (vi) the term "capacity" in relation to an aircraft means the pay load of that aircraft available on a route or section of a route ;
- (vii) the term "capacity" in relation to 'agreed service' means the capacity of the aircraft used on such service, multiplied by the frequency operated by such aircraft over a given period and route or section of a route ; and
- (viii) the term "carriage of traffic" means carriage of passengers, cargo and mail.

**ARTICLE 2**

The provisions of this Agreement shall be subject to the provisions of the Convention and the International Air Services Transit Agreement in so far as those provisions are applicable to scheduled international air services.

Each Contracting Party grants to the other Contracting Party the rights specified in this Agreement for the purpose of establishing and operating scheduled international air services on the routes specified in the Annex to this Agreement. Such services and routes are hereinafter called "the agreed services" and "the specified routes" respectively. The airline designated by each Contracting Party shall enjoy while operating an agreed service on a specified route, the right to take up and to put down passengers, cargo and mail at any point on the specified routes subject to the provision contained in the Annex to this Agreement.

#### ARTICLE 4

(a) Each Contracting Party shall have the right to designate one airline for the purpose of operating the agreed services on the specified routes. This designation shall be notified in writing by one Contracting Party to the other Contracting Party.

(b) On receipt of the notification, the other Contracting Party shall, subject to the provisions of paragraphs (c) and (d) of this Article, grant to the airline designated the appropriate operating authorisation.

(c) The aeronautical authorities of one Contracting Party may require the airline designated by the other Contracting Party to satisfy them that it is qualified to fulfil the conditions prescribed by or under the laws and regulations normally and reasonably applied to the operation of international air service by such authorities.

(d) Each Contracting Party shall have the right to refuse to accept the designation of an airline or to refuse to grant the operating authorisation referred to in paragraph (b) of this Article, or to impose such conditions as it may deem necessary on the exercise by the designated airline of the rights specified in Article 3 of this Agreement in any case where the said Contracting Party is not satisfied that substantial ownership and effective control of that airline are vested in the Contracting Party designating the airline or in its nationals.

(e) When an airline has been so designated and authorised under paragraph (b) of this Article, it may begin at any time to operate the agreed services, provided that the provisions of Article 10 of this Agreement have been complied with.

#### ARTICLE 5

(a) Each Contracting Party shall have the right to revoke an operating authorisation or to suspend the exercise of the rights specified in Article 3 of this Agreement by the airline designated by the other Contracting Party, or to impose such conditions as it may deem necessary on the exercise of these rights :—

- (i) in any case where it is not satisfied that substantial ownership and effective control of that airline are vested in the Contracting Party designating the airline or in nationals of such Contracting Party ; or
- (ii) in case of failure by that airline to comply with the laws and regulations of the Contracting Party granting these rights ; or
- (iii) in case the airline otherwise fails to comply with the provisions of this Agreement.

(b) Unless immediate action for revocation, suspension or imposition of the conditions mentioned in paragraph (a) of this Article is essential to prevent further infringements of laws and regulations, such right shall be exercised by each Contracting Party only after consultation with the other Contracting Party.

[Mr. Aziz Ahmed]

#### ARTICLE 6

(a) The laws and regulations of each Contracting Party shall apply to the navigation and operation of the aircraft of the airline designated by the other Contracting Party during entry into, stay in, departure from, and flight over the territory of the other Contracting Party.

(b) The laws and regulations of each Contracting Party relating to the arrival in or departure from its territory of passengers, crew and cargo and in particular regulations regarding passports, customs, currency and health and quarantine formalities shall be applicable to passengers, crew and cargo arriving in or departing from the territory of that Contracting Party in aircraft of the airline designated by the other Contracting Party.

#### ARTICLE 7

(a) There shall be fair and equal opportunity for the designated airlines of both Contracting Parties to operate the agreed services on the specified routes between their respective territories.

(b) In operating the agreed services, the designated airline of each Contracting Party shall take into account the interests of the designated airline of the other Contracting Party so as not to affect unduly the services which the latter provides on the whole or part of the same route.

(c) In respect of agreed services on which traffic rights are to be exercised in the territory of the other Contracting Party in terms of Article 3, the following provisions shall apply :—

- (i) The capacity to be provided and the frequency of services to be operated shall be agreed between the aeronautical authorities of the Contracting Parties in accordance with the principles laid down in paragraphs (a) and (b) of this Article.
- (ii) Any increase in the capacity to be provided or frequency of services to be operated by the designated airline of either Contracting Party shall be agreed between the aeronautical authorities on the basis of this estimated requirement to traffic between the territories of the two Parties and any other traffic to be jointly agreed determined. Pending such agreement or settlement, the capacity and frequency entitlements already in force shall prevail.
- (iii) The capacity to be provided, the frequency of services to be operated as agreed to in accordance with the provisions of this Article shall be specified in an exchange of letters between the aeronautical authorities of the Contracting Parties.

#### ARTICLE 8

The designated airline of each Contracting Party shall submit for approval to the aeronautical authorities of the other Contracting Party not later than thirty days prior to the inauguration of services on the specified routes, the flight schedules including the types of aircraft to be used. This shall likewise apply to later changes. In special cases, this time limit may be reduced subject to the consent of the said authorities.

#### ARTICLE 9

(a) Each Contracting Party shall cause its designated airline to provide to the aeronautical authorities of the other Contracting Party, as long in advance as practicable, copies of tariff, schedules, including any modification thereof,

and all other relevant information concerning the operation of the agreed services, including information about the capacity provided on each of the specified routes and any further information as may be required to satisfy the aeronautical authorities of the other Contracting Party that the requirements of the Agreement are being duly observed.

(b) Each Contracting Party shall also cause its designated airline to provide to the aeronautical authorities of the other Contracting Party statistics relating to the traffic carried on the agreed services showing the points of origin and destination.

#### ARTICLE 10

(a) For the purpose of the following paragraphs, the term "tariff" means the prices to be paid for the carriage of passengers and cargo and the conditions under which those prices apply, including commission and conditions for agency and other auxiliary services but excluding remuneration and conditions for the carriage of mail.

(b) The tariff to be charged by the airline of one Contracting Party for carriage to or from the territory of the other Contracting Party shall be established at reasonable levels, due regard being paid to all relevant factors, including cost of operation, reasonable profit, and the tariff of other airlines.

(c) The tariff referred to in paragraph (b) of this Article shall, if possible, be agreed by the designated airlines concerned of both Contracting Parties, after consultation with the other airlines operating over the whole or part of the route, and such agreement shall, wherever possible, be reached by the use of the procedures of the International Air Transport Association for the working out of tariff.

(d) The tariff so agreed shall be submitted for the approval of the aeronautical authorities of both Contracting Parties at least ninety (90) days before the proposed date of their introduction. In special cases, this period may be reduced, subject to the agreement of the said authorities.

(e) This approval may be given expressly. If neither of the aeronautical authorities has expressed disapproval within thirty (30) days from the date of submission, in accordance with paragraph (d) of this Article, these tariff shall be considered as approved. In the event of the period for submission being reduced, as provided for in paragraph (d), the aeronautical authorities may agree that the period within which any disapproval must be notified shall be less than thirty (30) days.

(f) If a tariff cannot be agreed in accordance with paragraph (c) of this Article or if, during the period applicable in accordance with paragraph (e) of this Article, one aeronautical authority gives the other aeronautical authority notice of its disapproval of a tariff agreed in accordance with the provisions of paragraph (c) of the Article, the aeronautical authorities of the two Contracting Parties shall endeavour to determine the tariff by mutual agreement.

(g) If the aeronautical authorities cannot agree on any tariff submitted to them under paragraph (d) of this Article, or on the determination of any tariff under paragraph (f) of this Article, the matter shall be referred on the Contracting Parties.

(h) A tariff established in accordance with the provisions of this Article shall remain in force until a new tariff has been established.

[Mr. Aziz Ahmed]

#### ARTICLE 11

Each Contracting Party shall grant to the designated airline of the other Contracting Party the right of transfer of excess of receipts over expenditure earned by the airline in the territory of the first Contracting Party in connection with the carriage of passengers, mail and cargo, in accordance with the Foreign Exchange Regulations in force.

#### ARTICLE 12

(a) Fuel, lubricating oils, spare parts, regular aircraft equipment and aircraft stores (including food, beverages and tobacco) introduced into the territory of one Contracting Party or taken on board an aircraft in that territory, by or on behalf of the other Contracting Party or its designated airline and intended solely for use by or in the aircraft of that airline shall be accorded by the first Contracting Party in respect of customs duties, inspection fees and other similar national or local duties and charges, treatment not less favourable than that granted to its national airlines engaged in the operation of international air services.

(b) Supplies of fuel, Lubricating oils, spare parts, regular aircraft equipment and aircraft stores (including food, beverages and tobacco) retained on board an aircraft of the designated airline of one Contracting Party shall be exempt in the territory of the other Contracting Party from customs duties, inspection fees or similar duties or charges, even though such supplies be used by such aircraft on flights in that territory. Goods so exempted may only be unloaded with the approval of the customs authorities of the other Contracting Party. Those goods, which are to be re-exported, shall be kept in bond until re-exportation under customs supervision.

#### ARTICLE 13

(a) In a spirit of close collaboration, the aeronautical authorities of both Contracting Parties shall consult each other from time to time with a view to ensuring the implementation and the compliance of the provisions of this Agreement and the Annex.

(b) Either Contracting Party may, at any time, request consultation with the other Contracting Party in writing. Such consultation shall begin within a period of sixty (60) days from the date of receipt of the request.

(c) If either of the Contracting Party considers it desirable to modify any provision of this Agreement including the Annex, such modification, if agreed between the Contracting Parties and if necessary after consultation in accordance with the Article, shall come into effect when confirmed by an exchange of diplomatic notes. However, if the amendment related only to the Annex, consultation shall be between the aeronautical authorities of both Contracting Parties. When these authorities agree on any amendments, the agreed amendments shall come into force after confirmation through exchange of diplomatic notes.

#### ARTICLE 14

Either Contracting Party may, at any time, give written notice to the other Contracting Party of its desire to terminate this Agreement. Such notice shall be simultaneously communicated to the International Civil Aviation Organization. This Agreement shall terminate one year after the date of receipt of the notice by the other Contracting Party, unless the notice is withdrawn before the expiration of this period. In the absence of acknowledgment of receipt by the other Contracting Party, notice shall be deemed to have

been received fourteen days after the receipt of the notice by the International Civil Aviation Organization.

#### ARTICLE 15

In the event of the conclusion of a Multilateral Convention or Agreement concerning air transport to which both Contracting Parties *adhere*, this Agreement shall be modified to conform to the provisions of such Convention or Agreement.

#### ARTICLE 16

This Agreement and any amendment thereto shall be registered with the International Civil Aviation Organization.

#### ARTICLE 17

The Agreement will come into force on 20th July, 1976 after being signed by the duly authorised representative of each Contracting Party.

In Witness whereof the undersigned plenipotentiaries being duly authorised thereto by their respective Government, have signed this Agreement.

Done this *Sixteenth* day of *July* *Nineteen hundred and Seventy six* in duplicate at *Rawalpindi* in the English Language.

SD/- MOHSIN KAMAL,  
*Joint Secretary (Aviation),*  
*for the Government of the*  
*Islamic Republic of Pakistan.*

SD/- A. S. BHATNAGAR,  
*Joint Secretary, (Tourism and Civil*  
*Aviation), for the Government of the*  
*Republic of India.*

#### ANNEX

##### SCHEDULE I

Routes to be operated by the designated airline of Pakistan :—

<i>From</i>	<i>To</i>
(a) Karachi	Delhi
(b) Karachi	Bombay
(c) Lahore	Delhi

##### SCHEDULE II

Routes to be operated by the designated airline of India :—

<i>From</i>	<i>To</i>
(a) Delhi	Karachi
(b) Bombay	Karachi
(c) Delhi	Lahore

[Mr. Aziz Ahmed]

TEXT OF JOINT LETTER SENT TO ICAO COUNCIL

The President,  
Council of the International Civil Aviation  
Organisation Montreal, Canada.

Sir,

We have the honour to refer to the memorials dated 3rd March 1971, filed by the Government of the Islamic Republic of Pakistan under Article 2 of the rules for the settlement of differences and under Article 21 of the said rules and to the counter memorial filed by the Government of India in August, 1971, in response to the above memorials.

We have further the honour to state that the two Governments having reached an understanding, the Government of Pakistan and the Government of India have agreed to the discontinuance of the proceedings in the two cases and then counter memorial referred to in paragraph 1 above. It is, therefore, requested that the Council may officially record the discontinuance of these proceedings.

Accept, Sir, the assurances of our highest consideration. Done in four originals.

For the Government of India.

For the Government of Pakistan.

AGREEMENT BETWEEN THE GOVERNMENT OF PAKISTAN AND  
GOVERNMENT OF INDIA RELATING TO THE RESUMPTION OF  
RAIL COMMUNICATIONS BETWEEN PAKISTAN AND INDIA.

Pursuance to the objective of normalising relations between Pakistan and India as envisaged in para 3 of the Simla Agreement and in terms of para 6 of the Joint Statement signed by the Foreign Secretaries of Pakistan and India at Islamabad on May 14, 1976, the Government of Pakistan and the Government of India, desiring to restore rail communications between the two countries have agreed as follows :—

ARTICLE I

Scope

This Agreement relates to the resumption of Pakistan-India rail communications both in respect of goods and Passenger traffic across the Wagah-Attari border. The traffic shall be resumed on a suitable date between July 17 and July 24, 1976. The actual date of introduction of train services during this stipulated period shall be decided by the Railway Administrations of both the countries through mutual consultation.

ARTICLE II

Passenger Traffic

1. An Express train shall be introduced between Lahore and Amritsar.
2. The express train shall have two classes of accommodation—Upper Class (the present I Class on both the Railways) and Lower Class (the present II class on the Indian Railways/III class on the Pakistan Railway.)

3. This express train shall cater to through international traffic only.

4. The coaches for the rake will be contributed by the two Governments on a 50 : 50 basis, the details of which have been mutually agreed upon. There shall be no hire charges and consequently no financial adjustment in respect of the scheduled block rake.

5. The primary maintenance of the rake of the Express train shall be at Amritsar and the secondary maintenance at Lahore.

6. Both the countries shall provide coaches in good condition. These coaches shall be fully equipped with all fittings and the revised nomenclature of the class shall be painted before the introduction of the service.

7. In case a coach belonging to one country goes under repair in the other country, the country in which the coach goes under repair shall provide a coach of similar type. The damaged coach will normally be repaired within 24 hours, but, within a period of three days in case of heavy repairs like wheel changing and attention to hot boxes. After repairs within the prescribed period, the original coach shall be restored to the rake.

8. The timings of the Express train shall be decided upon from time to time through mutual consultations between the two Railway Administrations as agents of their respective Governments.

9. The train shall be worked by Pakistan Railway locomotives, crews and Guards between Lahore and Attari, and the Indian Railway locomotives, crews and Guards between Amritsar and Attari.

10. Mechanical interchange and billing for damages/deficiencies shall be carried out at Attari for Up and Down Passenger Vehicles. Pakistan Railway Carriage and Wagon staff shall take over/make over the coaching vehicles at Attari.

11. On the Indian side, Customs, Immigration and Health checks shall be conducted at Attari railway station. On the Pakistan side these checks shall be conducted at Lahore railway station.

12. Each country shall collect passenger fare and luggage charges for the journey on its respective system upto the international border. The free luggage allowance for the Passenger shall be fixed through mutual discussion between the two Railway Administrations.

12. In case of a heavy rush of passengers, the booking railway may attach one extra coach which shall not be subject to any hire charges. The coach shall, however, be returned to the parent railway system by the next pairing train.

### ARTICLE III

#### Goods Traffic

1. Goods traffic between Pakistan and India shall be interchanged at the border of the two countries. For the time being Attari station on the India side shall be the junction station for purpose of interchange.

[Mr. Aziz Ahmed]

2. Both the Railways shall work to a zero balance in the Wagon pool to start with. The position shall be reviewed by the two Railway Administrations three months after the date on which rail communication is resumed and the pool balance will be re-determined, if necessary.

3. "Standard wagons" as mutually agreed upon shall be used for the interchange of goods traffic between Pakistan and India. In case any other type of goods stock is required for the movement of goods traffic between the two countries, the details thereof shall be worked out separately by the two Railway Administrations.

4. All goods traffic between Pakistan and India shall be freighted on Paid-To Pay basis. Each country shall collect the freight charges upto the international border on its system.

5. Mechanical interchange of goods stock shall be carried out on a dual control system. The Indian Railways shall carry out mechanical examination of goods stock offered by Pakistan Railway at Wagah station and the Pakistan Railway shall carry out mechanical examination of goods stock offered by Indian Railways at Attari station.

6. The rules for the interchange of Rolling Stock between Pakistan Railway and Indian Railways have been mutually agreed upon.

7. Goods trains between Attari and Wagah/Lahore shall be worked by Pakistan Railway locomotives and staff. Goods trains between Attari and Amritsar shall be worked by Indian Railways locomotives and staff.

8. Goods traffic in "smalls" *i.e.* consignments less than a wagon load can be booked from any station on the Pakistan Railway to any station which is open for the booking of smalls on the Indian Railways.

9. Goods traffic in "smalls" from Pakistan Railway shall be sent in sealed wagons for Amritsar re-packing point only. They shall be cleared by the Indian Customs at Amritsar.

10. Goods traffic in "smalls" from India to Pakistan shall be booked to Lahore (Goods) only in sealed wagons for direct delivery. If an economic load can be obtained by clubbing consignments, Indian Railways may book such traffic in through sealed vans to the following six stations :—

1. Karachi City.
2. Hyderabad.
3. Multan City.
4. Lyallpur.
5. Rawalpindi.
6. Peshawar Cantt.

11. Extension of this facility to other stations in Pakistan reached *via* Lahore shall be reviewed by Pakistan Railway in due course.

12. Hire charges for the use of Goods stock, except the brake vans, shall be provisionally fixed at forty Indian rupees for a Broad Gauge 4-wheeler unit per day. This rate is subject to re-fixation from April 1, 1977 and subsequently after every two years by mutual agreement between the two Railway Administrations.

13. If the pool balance of a railway system exceeds the agreed target by 10%, the railway having excess wagons shall be liable to pay penalty charges. The penalty clause shall automatically come into force if the wagon balance of any country remains over 10% of the targetted wagon balance for a period of ten continuous days. In such a case, the penalty shall be applicable from the tenth day from the date on which the actual balance exceeded the wagon target by more than 10%. However, when the agreed target pool balance is zero to 50 wagons, the free allowance shall be reckoned as five wagons.

14. The penalty charge shall be one hundred and sixty Indian rupees per Broad Gauge 4-wheeler unit per day. This shall be subject to revision whenever the basic hire charge is revised.

#### ARTICLE IV

##### Mechanical Maintenance and Operating Arrangements

1. Indian Railways shall provide Running Room facilities for the Pakistan Railway's crews and Guards and locomotive servicing facilities for Pakistan Railway locomotives at Attari. The charges incurred, thereof shall be set off against the services rendered by the Pakistan Railway locomotives in hauling both Goods and Coaching stock over a distance of 2.4 Kms between Attari Railway station and the international border. There shall, therefore, be no financial adjustments between the two Railway Administrations on this account.

2. Likewise, there shall be no financial adjustments between the two Railway Administrations in respect of the primary maintenance at Amritsar of the coaching stock contributed by the Pakistan Railway for the scheduled Passenger rake since this shall be set off by the extra kilometerage earned, by the Pakistan Railway coaches over Indian territory and the secondary maintenance of the Indian Railway coaches at Lahore.

#### ARTICLE V

Provision of telephone facilities between Attari and Wagah railway stations through the respective railway control circuits of Amritsar Railway Control and Lahore Railway Control have been accepted in principle. The necessary equipment required for linking up the controls shall be provided by the respective Railway Administrations upto the international border.

#### ARTICLE VI

##### Payment Procedure

All payments due to the Railway Administration of one country shall be arranged by the Railway Administration of the other country in freely convertible currency acceptable to the receiving Administration at the exchange rates prevailing on the date of payment at a place to be mutually agreed upon in accordance with the foreign exchange regulations in force from time to time in each country.

#### ARTICLE VII

##### Visas

Multiple entry visas valid for one year shall be granted to members of the railway staff on duty in connection with the interchange of rail traffic, as

[Mr. Aziz Ahmed]

approved by the respective Railway Administrations. Facilities under the visa would be on a reciprocal basis. Such persons shall be exempt from the provisions of para 5 of the Visa Agreement between Government of Pakistan and the Government of India, signed on September 14, 1974.

#### ARTICLE VIII

##### Review

This Agreement may be reviewed periodically in such a manner as the two Governments may determine on a mutual basis from time to time. The purpose of this review shall be to ensure the smooth working of this Agreement and to make recommendations to the two Governments about its modification, if any.

#### ARTICLE IX

##### Modification and Duration

1. This Agreement shall come into force with effect from the date of signature.

2. The technical and operational aspects have been agreed to between the delegations of the two Governments and are set out in the record of discussions on traffic and technical matters and Annexures I to VI thereto, which constitute an intergral part of this Agreement. These technical and operational aspects may be amended from time to time by an agreement in writing between the two Railway Administrations on behalf of their respective Governments

3. This Agreement may be modified from time to time by mutual consent of the two Governments.

4. This Agreement shall continue to be in force for a period of three years from the date specified in paragraph 1. Either side can terminate this Agreement by giving a notice of three months of intention to do so.

IN WITNESS WHEREOF the undersigned duly authorised for this purpose, have signed this Agreement in two originals on Monday the Twenty-eight of June, Nineteen Hundred and Seventy Six at New Delhi.

For the Government  
of Pakistan

SD/- SHAIKH ANWAR HUSSAIN

*Joint Secretary,  
Ministry of Railways,  
Government of Pakistan.*

For the Government  
of India.

SD/- R. SRINIVASAN,

*Director, Traffic  
(Transportation), Ministry  
of Railways (Railway Board),  
Government of India.*

**Mr. Kamran Khan :** Sir, this is a very important question and since the honourable Member is not present, and he may want to ask supplementary questions, it could be deferred.

**Malik Mohammad Akhtar** (Minister for Law and Parliamentary Affairs) : You can ask the question on his behalf. There is no such rule that since the honourable Member is not present and he has to ask some supplementaries, the question may be deferred.

**Mr. Kamran Khan :** I know the rules but the answer is very lengthy and every honourable Member would like to study the answer. It is not so simple. So, it may be deferred.

**Mr. Chairman :** Every question is important, if not from your point of view from other gentleman's point of view. We never allow a question unless it is important. Now, in the first part the question is, 'whether it is a fact that the Government has entered into certain agreements in respect of trade, road, rail and air transit', and if so, the second part is, 'whether the Government is prepared to lay the full text of all the agreements entered into with the Government of India since 14th May, 1976, on the Table of the House'. The answer to this is, 'Does not arise. However, the Government is happy to lay the full text of all agreements signed with India since 14th May, 1976 on the Table of the House.'

**Mr. Kamran Khan :** May be some supplementaries arise out of the agreements.

**Mr. Chairman :** Supplementaries do arise out of the answers given. But the full text of the agreements is before you. After study, after going through it, you can put another question. I will allow your questions if they are relevant under the rules. When full text of all agreements signed has been laid on the Table of the House, you just go through it. Even Khawaja Sahib, if he were present, would not have been in a position to put supplementaries just now. Before going into that even Khawaja Safdar would not have been in a position to put a supplementary at random. You should examine them, Well you are welcome. You can do that. I will allow supplementary. You put questions. If they are relevant under the rules, I will allow them.

**Mr. Kamran Khan :** With your permission, Sir, on behalf of Khawaja Mohammad Safdar, Question No. 11.

**Mr. Chairman :** Yes now we go to question No. 11.

#### CEILING UNDER LAND GRANT SCHEME

11. **\*Mr. Afzal Khan Khoso :** Will the Minister of Food and Agriculture, Co-operatives, Under-developed Areas and Land Reforms be pleased to state whether it is a fact that the ceiling of land fixed under the land grant scheme in Sind and in the irrigated areas of Baluchistan for the landless Haris is sixteen acres ?

**Shaikh Mohammad Rashid :** Under the Land Reforms Regulation, 1972 a tenant/Hari is eligible to the grant of so much land which, together with the land already owned by him, equals an area of a subsistence holding.

Under the provisions of the Land Reforms Regulation, 1972, a subsistence holding means an area of 32 acres of land in the Province of Baluchistan and 16 acres of land in the Province of Sind, irrespective of the area being irrigated or unirrigated.

**Mr. Afzal Khan Khoso :** Supplementary, Sir.

**Mr. Chairman :** Yes?

**Mr. Afzal Khan Khoso :** Sir, I would like to ask the honourable Minister what are the subsistence holdings or for that matter the land grant scheme in the provinces of Punjab and Frontier?

**Shaikh Mohammad Rashid :** 12½ acres.

**Mr. Afzal Khan Khoso :** One other supplementary, Sir.

With regard to all the three barrages of Sind, that is, Guddu, Sukkur and Kotri Barrage is it a fact that the land grant scheme right from the beginning upto now has been a minimum of 16 acres or is there any variation?

**Shaikh Mohammad Rashid :** I have said throughout Sind it is 16 acres.

**Mr. Afzal Khan Khoso :** In all these three barrages?

**Shaikh Mohammad Rashid :** In Sind province it is 16 acres.

**Mr. Afzal Khan Khoso :** Another supplementary, Sir. With regard to the recent announcement by the Prime Minister as far as Pat Feeder lands are concerned, the lowest limit of holding has been announced as 16 acres, how does that go with the land reforms in Baluchistan wherein the limit has been fixed as 32 acres?

**Shaikh Mohammad Rashid :** Sir, there are two Regulations. One is 115 and one is 117, just as there are 122 and 123 in Swat and Dir and also 115. So, there it is 115 and 117.

**Mr. Chairman :** 115 is a general one.

**Shaikh Mohammad Rashid :** 117 deals with the area of Pat Feeder. There, Sir, the position is that the question of subsistence holding comes in when the declaration is under 115 and when the land is resumed under 115. Now in Pat Feeder area the land has to be distributed. There the distribution is, of course, in lots of 16 acres each when there is one tenant and when there are more tenants then not exceeding 32 acres. So that is another question. That involves the distribution of land. The resumed land has to be distributed under 115 and the subsistence holding is 32 acres.

**Mr. Afzal Khan Khoso :** My last supplementary, Sir.

**Mr. Chairman :** Have you noted the distinction between the two regulations?

**Mr. Afzal Khan Khoso :** Yes, Sir, I got the point. Actually I am asking through this supplementary what I was driving at. Would the honourable Minister consider giving directions to the Provincial Governments with regard to Sind and Baluchistan that the exemption limit of land revenue be raised from 12 acres, as announced by the Prime Minister on the 12th December, to 16 acres for the benefit of the general masses?

**Mr. Chairman :** Will you kindly repeat the supplementary?

**Mr. Afzal Khan Khoso :** Sir, would the honourable Minister on behalf of the Federal Government consider giving directions to the Provincial Governments of Sind and Baluchistan so that they can raise their limit of exemption of land revenue from 12 acres to 16 acres for the benefit of the common man.

**Mr. Chairman :** 12½ acres.

**Mr. Afzal Khan Khoso :** Prime Minister's announcement was for 12 acres.

**Shaikh Mohammad Rashid :** Sorry, he is right. It is 12 acres.

**Mr. Chairman :** Not 12½ acres ?

**Shaikh Mohammad Rashid :** So far the remission is upto 12 acres. But, Sir, this is irrelevant. The supplementary is not relevant. The main question was about the subsistence holding and now he is coming to the land revenue.

**Mr. Chairman :** Mr. Khoso, your purpose has been served. You have put your suggestion to the Minister.

**Mr. Afzal Khan Khoso :** Would the honourable Minister just treat it as a relevant question or whether these instructions cannot be issued or will not be issued?

**Shaikh Mohammad Rashid :** It is irrelevant, Sir.

**Mr. Chairman :** Strictly speaking you are not seeking any information. You are making a suggestion.

**Shaikh Mohammad Rashid :** Even the suggestion is not relevant to the question.

**Mr. Afzal Khan Khoso :** Sir, we are talking about 16 acres and 12 acres.

**Mr. Chairman :** I say strictly speaking your this supplementary is indirectly suggesting to the Minister to do something. You did not want to seek information from him while a question is always asked for the purpose of eliciting information and so is the purpose of supplementary.

**Mr. Afzal Khan Khoso :** I will put it in another way. Actually what I am trying to drive at is the crucial point.

**Mr. Chairman :** But you are driving very fast.

**Mr. Afzal Khan Khoso :** I will be a little slow, Sir.

**Mr. Chairman :** All right.

**Mr. Afzal Khan Khoso :** Sir, would the honourable Minister inform the House if there is any move to raise the limit from 12 acres to 16 acres, I mean exemption move ?

**Mr. Chairman :** Oh, yes. This is relevant. Now, his present supplementary is that he wants to know whether there is any move under consideration to increase the ceiling from 12 to 16 acres?

**Shaikh Mohammad Rashid :** The subsistence holding is not 12, Sir. It is 12½ in N.-W.F.P. and Punjab, 16 in Sind and 32 acres in Baluchistan.

**Mr. Chairman :** He is asking about exemption.

**Mr. Afzal Khan Khoso :** Remission, Sir.

**Shaikh Mohammad Rashid :** That is a separate question, Sir. The main question No. 11 does not relate to land revenue. In that the information is sought as to what is the subsistence holding? So, this is a separate question and accordingly he should put a separate question.

Mr. Chairman : The question reads :

“11. Will the Minister for Food and Agriculture, Co-operatives, Under-developed Areas and Land Reforms be pleased to state whether it is a fact that the ceiling of land fixed under the land grant scheme in Sind and in the irrigated areas of Baluchistan for the landless Haris is sixteen acres?”

Shaikh Mohammad Rashid : That absolutely has got nothing to do with the remission of land revenue.

Mr. Chairman : Now, I see. Mr. Khoso, do you see the point ?

Mr. Afzal Khan Khoso : Sir, I have just heard it.

Mr. Chairman : Your question was directed to the ceiling fixed, not the exemption from land revenue.

Mr. Afzal Khan Khoso : Yes, Sir, when we talk about the small farmers the subsistence holders, this is also connected with that.

Mr. Chairman : Everything is connected with it. Tractor is connected with small holding, fertilizer is connected with small holding. Everything is connected with agriculture.

Mr. Afzal Khan Khoso : Then, I will put a fresh question afterwards.

Mr. Chairman : Oh, Yes, you are welcome, surely you are welcome.

Mr. Afzal Khan Khoso : Thank you, Sir.

Mr. Chairman : Thank you.

Mr. Chairman : So, now we have disposed of all questions.

#### LEAVE OF ABSENCE

Mr. Chairman : There are one leave application, may be others also. The first leave application is by Khawaja Mohammad Safdar. It reads :

“Sir,

The criminal case *State Vs. Kawaja Mohammad Safdar* is fixed for hearing on the 17th before the Special Tribunal, Punajb. I am leaving Islamabad today in the afternoon and will be away till tomorrow evening. I would, therefore, request the Senate through you to grant me leave of absence for the 16th and 17th.”

Should the leave be granted ?

(The leave was granted)

Mr. Chairman : All right, leave is granted. There is another request. Well, you have not to make a decision on that. It says :

“I would also further request that the business standing in my name may kindly be deferred.”

Well, that would be considered at the appropriate moment when we take up any matter relating to him.

There is another application by Rao Abdus Sattar. It reads :

“Most respectfully I beg to say that I have an urgent piece of work at Sahiwal, therefore, I am unable to attend the meetings of the Senate on Monday and Tuesday. Kindly grant two days leave on Monday and Tuesday.”

It is a coincidence that the Leader of the House and the Leader of the Opposition both ask for two days leave on the same day, Monday and Tuesday.

*(Laughter)*

So, you can't refuse to lease the Leader of the House when you have already granted leave to the Leader of the Opposition. Should the leave be granted ?

*(The leave was granted)*

**Mr. Chairman :** All right. Leave is granted. Now, we take up adjournment motions. Yes, this adjournment motion is by Khawaja Mohammad Safdar.

**Mr. Shahzad Gul :** Sir, he has requested the House through you, Sir, ..

**Mr. Chairman :** I think we better adjourn it.

**Malik Mohammad Akhtar :** Yes, Sir.

**Mr. Chairman :** All right. We adjourn the adjournment motions.

*(At this stage Malik Mohammad Akhtar stood up in his seat)*

**Mr. Chairman :** Mr. Malik Akhtar ?

**Malik Mohammad Akhtar :** I apologise, Sir.

**Mr. Chairman :** All the adjournment motions are tabled by Khawaja Mohammad Safdar. Should we adjourn all of them.

**Malik Mohammad Akhtar :** Yes, Sir. We may adjourn them till he comes and that means that even tomorrow they will not be taken up.

**Mr. Chairman :** Not tomorrow surely. He is not coming tomorrow. You have already granted him leave for tomorrow. Probably, these will be taken up day-after-tomorrow.

**Malik Mohammad Akhtar :** Yes, Sir.

**Mr. Chairman :** All right. Now, papers to be laid before the House.

**Mr. Aziz Ahmed :** I would not be here day-after-tomorrow if it is in the morning. Even in the evening I would not be able to get back in time.

**Mr. Chairman :** Well, all the adjournment motions relating to your Ministry would not be taken up in your absence. If there are any relating to your Ministry they will be adjourned. Now, Malik Mohammad Akhtar has to lay papers on the Table of the House. Yes !

[Mr. Chairman]

THE ANTIQUITIES (AMENDMENT) ORDINANCE, 1976

**Malik Mohammad Akhtar** : Sir, I beg to lay before the Senate the Antiquities (Amendment) Ordinance, 1976 (XXX of 1976), as required by clause (2) of Article 89 of the Constitution of the Islamic Republic of Pakistan.

**Mr. Chairman** : Yes, laid on the Table of the House. Next !

**Malik Mohammad Akhtar** : Sir, on behalf of Mir Afzal Khan, I beg to Lay before the Senate a copy of the 22nd Annual Report and Statement of Accounts of the Pakistan Insurance Corporation for the year 1974, as required under subsection (2) of section 37 of the Pakistan Insurance Corporation Act, 1952 (XXXVIII of 1952).

**Mr. Chairman** : Yes, this has been laid on the Table of the House. Next, Mr. Ihsanul Haq. Is he here ?

**Malik Mohammad Akhtar** : Somebody was authorised.

**Mr. Chairman** : Anybody who was authorised.

*(At this stage Malik Mohammad Sharif stood in his seat).*

**Mr. Chairman** : You have been authorised.

STANDING COMMITTEE REPORT RE : THE OIL AND GAS  
DEVELOPMENT CORPORATION (AMENDMENT) BILL,  
1976

**Malik Mohammad Sharif** : Yes, Sir. I beg to present the report of the Standing Committee on the Bill further to amend the Oil and Gas Development Corporation Ordinance, 1961 [The Oil and Gas Development Corporation (Amendment) Bill, 1976].

**Mr. Chairman** : Yes, the report stands laid on the Table of the House.

Now, we take up the Bill. Yes !

THE PAKISTAN SHIPPING CORPORATION BILL, 1976

**Mr. Mumtaz Ali Bhutto** : Sir, I beg to move :

“That the Bill to provide for the establishment of a Pakistan Shipping Corporation [The Pakistan Shipping Corporation Bill, 1976], as passed by the National Assembly, be taken into consideration”.

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

“That the Bill to provide for the establishment of a Pakistan Shipping Corporation [The Pakistan Shipping Corporation Bill, 1976], as passed by the National Assembly, be taken into consideration”.

**Mr. Shahzad Gul** : Sir, there is an amendment in the name of Khawaja Mohammad Safdar but as he is not present, I move an oral amendment.

**Mr. Chairman** : Yes, you move your amendment.

**Mr. Shahzad Gul :** With your permission, Sir, I move :

“That the Bill to provide for the Establishment of a Pakistan Shipping Corporation [The Pakistan Shipping Corporation Bill, 1976], be referred to the Standing Committee concerned.”

**Mr. Chairman :** The oral amendment moved is :

“That the Bill to provide for the Establishment of a Pakistan Shipping Corporation [The Pakistan Shipping Corporation Bill, 1976], be referred to the Standing Committee concerned”.

**Malik Mohammad Akhtar :** Sir, it is opposed, and the reasons are very simple and obvious. This Bill was transmitted to that august House in due time, and we have considered it, and then the honourable Minister was requested to come and deal with his legislation personally. He has come from Karachi. As you know, Sir, we are in the midst of a flood in Sind, and let us dispose of this business at least today. It is an important Bill transmitted in due time and there is no reason why it should be sent to a Committee. It has come from the National Assembly and there is no suspension of rules at all involved in these matters. So, I would request the honourable Senator not to insist on referring it to the Committee.

**Mr. Shahzad Gul :** Sir, there are about 27 amendments in the name of Khawaja Mohammad Safdar. As he is not present today, he has requested your honour and this august House that the business standing in his name be deferred. Moreover, Sir, the Bill contains 38 clauses and three schedules. The Bill has been brought before the House through Supplementary Orders of the Day, and it was not in the knowledge of the Members that this Bill will come today for disposal. Therefore, I requested the honourable Minister that the Bill be referred to the Standing Committee. We may be given two days time if it is not sent to the Standing Committee. Therefore, it may be taken up day-after-tomorrow. On that day Khawaja Sahib will be here, and I will also be in a position at least to read the Bill.

**Mr. Chairman :** When was this Bill passed by the National Assembly ?

**Malik Mohammad Akhtar :** Sir, it was passed in the previous session.

**Mr. Chairman :** In the last session it was passed. And when was it circulated ?

*(After consulting the Secretary)*

**Mr. Chairman :** It was circulated to the Members on the 28th July. Mr. Shahzad Gul, this Bill was passed by the National Assembly in the last session and then it was circulated to all the Members on the 28th July. Well, there is no question of not studying it. It must have been studied by all concerned.

**Mr. Shahzad Gul :** Sir, my request is that Khawaja Mohammad Safdar has moved amendments to the Bill.

**Mr. Chairman :** Please listen to me. I say you are not being taken by surprise. You say it is a very lengthy Bill and it requires some time for study. Now, this Bill was circulated on the 28th July. So, at least three weeks have passed after its circulation to the Members, and you must have studied it.

**Mr. Shahzad Gul :** Sir, my request is that it was not entered in the Order of the Day, but was brought before the House through the Supplementary Orders of the Day, and therefore we were not in the know that this Bill would come before the House. So, we were not able to study and refresh our memory about this Bill. The Supplementary Orders of the Day was circulated just before the starting of the sitting.

**Mr. Mumtaz Ali Bhutto (Minister for Communications) :** May I make a submission, Sir. It has just been observed by you that this Bill has been before this august House for quite some time, and that time was sufficient for the honourable Members to study every detail of the Bill. The urgency in this case is, Sir, that apart from the fact that there are floods not only in the country or in the Province of Sind including my home district, and I am unable to go there for the sole reason of this Bill, of postponing the consideration on this Bill, is costing money. The Pakistan Shipping Corporation has come into existence and if it is delayed then that is costing money. You see, Sir, this Bill when was passed by the National Assembly was considered a money Bill at first and on that assumption the Pakistan Shipping Corporation or the Corporation that has come into existence has taken some steps. So, now if we do not pass that Bill immediately there are going to be complications apart from the expenditure.

So, I would request you, Sir, to take this Bill into consideration at once. Now Khawaja Sahib is not here. He has got some urgent work. But I have equally important, if not more, work in my own district where there are flood, and I have to go to other parts of the country also. I am Minister of Communications, and it is my duty to see that the communications are functioning. I have been sitting around for the sake of this Bill, because it is very important that we should pass it today. We would incur losses if we don't. So, taking all these points into consideration, I would request you to take up this bill. If Khawaja Sahib considered his amendments to be that important he would have been here this evening and gone later on in the day if he had to go to Lahore or appear in the court. I have some very important business outside the House, and if I can postpone it then Khawaja Sahib should have also done so. He is not here, which is most unfortunate. We would have liked to discuss these amendments with him. But I feel that we cannot wait.

جناب شہزاد گل : میں نے تو کوآپریشن کی خاطر ابھی تک یہ اعتراض نہیں اٹھایا کہ ہاؤس میں کورم نہیں ہے یہ ملک اختر صاحب کا دوسرا بل آرڈر آف دی ڈے پر ہے اس کو پاس کر لیں۔ اب بھی کورم نہیں ہے۔ اب اگر میں چلا جاؤں تو کورم نہیں ہوگا۔ اب بھی دس ممبر ہیں لیکن تعاون کی خاطر ہم یہ اعتراض نہیں اٹھا رہے تھے کہ کورم نہیں ہے۔ یہ ملک صاحب کا بل پاس کر لیں۔ میں نے یہ request بار بار اس وجہ سے کی ہے کہ خواجہ صاحب موجود نہیں ہیں ان کی اس بل میں بہت سی ترامیم ہیں اس لیے اس بل کو کل نہیں تو پرسوں لے لیں۔ اسے اسٹینڈنگ کمیٹی کو نہ بھیجیں پرسوں لے لیں۔

**Mr. Chairman :** What is your reply to this objection of quorum ? Even I am helpless in that case.

**Malik Mohammad Akhtar :** We will try to bring two more Senators.

**Mr. Chairman :** There are certain matters in which I can exercise my discretion, but what about the question of quorum ?

**Mr. Tahir Mohammad Khan :** But so far he has not raised the objection that there is no quorum. He said he can raise the objection.

**Mr. Chairman :** You are inviting him to raise that objection.

**Mr. Tahir Mohammad Khan :** No, Sir.

**Mr. Mumtaz Ali Bhutto :** Sir, the hon'ble Member is trying to bully us. He is trying to say that if you take up this Bill, he is going to raise this objection of quorum, and if you take up the other Bill and postpone this, then he will not raise this objection. There is a term for this but that I won't use in this House.

**Mr. Chairman :** Mr. Bhutto, there are certain matters in which the Chairman has got the discretion, and certain matters are put to the House, and the decision is taken by House. In case of quorum, the moment it is brought to my notice, I have to see whether the quorum is there or not. If the quorum is there, we will proceed, but if the quorum is not there, even I am helpless. Let the Law Minister find out for himself the rules. Supposing he does not raise the objection, I don't mind I will proceed with the proceedings.

**Malik Mohammad Akhtar :** He has not raised the objection, so far as I understand.

**Mr. Shahzad Gul :** Now, I have raised the point of quorum. I have already brought to your honour's notice that there is no quorum in the House.

**Mr. Chairman :** That is quite obvious. I think, we better adjourn for five or ten minutes. Malik Mohammad Akhtar and Shahzad Gul may decide between themselves, because the moment my attention is invited to the lack of quorum in the House, we cannot proceed. I am helpless. I cannot overrule that objection. Rule 5 (1) reads —

“5 (1) No sitting of the Senate shall commence unless at least one fourth of its total membership is present.”

I was blind to the number of Members because I cannot count them unless it is brought to my notice. Sub-rule (2) says—

“(2) If, at any time during the continuance of a sitting, attention of the Chairman is drawn to the fact that less than one-fourth of the total membership of the Senate is present, he shall suspend the business of the Senate and cause the bells to be rung for five minutes, but if no quorum is available even when the bells stop ringing, he shall adjourn the sitting.”

So, let us try the first part of the rule and let the bells be rung for five minutes. Then we will see to it.

*(Bells for quorum)*

**Mr. Chairman :** Now, the quorum is present. Let us proceed.

**Mr. Mumtaz Ali Bhutto :** Sir, I want to show the bigness of my heart in this, and according to the wishes of the hon'ble Senators here, we will wait for two days. I am waiting for two days on the assumption that Khawaja Sahib, when I will meet outside the House to discuss these amendments, will come here with an agreed formula to save the time of the House.

**Mr. Chairman :** Now, we take up clause by [clause consideration of the Bill. There is no amendment to any of the three clauses.

The question before the House is :

“That Clause 2 do stand part of the Bill.”

*(The motion was adopted)*

**Mr. Chairman :** Clause 2 forms part of the Bill. Yes, Malik Akhtar Sahib, are you moving ?

**Malik Mohammad Akhtar :** I will be moving after you have put all the clauses. I was a little bit confused.

**Mr. Chairman :** Are you coming from the cafeteria ?

**Malik Mohammad Akhtar :** I came running from my office to this place when I heard that you have arrived in the House. Actually, I was telephoning to the Members.

**Mr. Chairman :** The question before the House is :

“That Clause 3 do stand part of Bill.”

*(The motion was adopted)*

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

**Mr. Chairman :** The question before the House is :

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

*(The motion was adopted)*

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

**Mr. Chairman :** Yes, you can move item No. 7.

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

“That the Bill further to amend the Suppression of Terrorist Activities (Special Courts) Act, 1975. [The Suppression of Terrorist Activities (Special Courts) (Amendment) Bill, 1976], be passed.”

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

“That the Bill further to amend the Suppression of Terrorist Activities (Special Courts) Act, 1975 [The Suppression of Terrorist Activities (Special Courts) (Amendment) Bill, 1976], be passed.”

Any gentleman wishing to say anything on the subject ?

*(Pause)*

**Mr. Chairman :** None ? I think, none is inclined to say anything.

Now, I put the question.

The question before the House is :

“That the Bill further to amend the Suppression of Terrorist Activities (Special Courts) Act, 1975 [The

Suppression of Terrorist Activities (Special Courts)  
(Amendment) Bill, 1976], be passed.”

(The motion was adopted)

Mr. Chairman : The Bill stands passed unanimously.

No other business. So we meet tomorrow. At what time ?

جناب احمد وحید اختر : جناب چیئرمین ! کچھ دوست کراچی اور کوئٹہ سے آنے والے ہیں اس لیے اجلاس بعد دوپہر رکھا جائے کیونکہ کراچی والے دوست اور دیگر دوست بھی آجائیں گے۔ اس لیے شام پانچ چھ بجے رکھ لیا جائے۔

جناب چیئرمین : ہم آج ان کے بغیر کام کر سکتے ہیں اور ان کے بغیر اگر آج کام چل سکتا ہے تو کل کیوں نہیں چل سکتا ؟

جناب احمد وحید اختر : جناب یہ میری ذاتی رائے ہے باقی دوستوں کی رائے بھی معلوم کر لیں پھر جو مناسب خیال کریں کریں۔

جناب چیئرمین : میں کراچی یا کوئٹہ والوں کی بات نہیں کر رہا ہوں۔ آپ کو علم بھی ہے کہ اگر کوئی غیر حاضر رہے تو میں بڑا خفا ہوتا ہوں۔ ہاں اگر کوئی بیمار ہو یا کوئی اور بات ہو لیکن انہیں معلوم ہے کہ ۱۶ اگست ۱۹۷۶ء کو سینیٹ کا اجلاس بلایا گیا ہے، اس لیے ان کو آ جانا چاہیئے تھا۔ اس لیے آپ absent کی بات نہ کریں۔

جناب احمد وحید اختر : ان کو ضرور آ جانا چاہیئے تھا۔ پتہ نہیں کن وجوہات کی بنا پر نہیں آ سکتے۔ میں خود کیمبل پور سے آیا ہوں میں تو صبح بھی حاضر ہوں گا۔

جناب چیئرمین : آپ کیمبل پور کی بات کر رہے ہیں۔ سندھ کے ان دنوں کیا حالات ہیں اسی طرح ڈیرہ غازی خان ہے سندھ اس وقت مصیبت میں ہے لیکن میں یہاں بلوچستان کے بھی دیکھ رہا ہوں لغاری صاحب اور دوسرے دوست بھی موجود ہیں۔

جناب فاروق احمد خان لغاری : جناب ! میں پنجاب سے belong کرتا ہوں۔

Mr. Chairman : Dera Ghazi Khan is as far away as Sind.

جناب چیئرمین : کہوسو صاحب اور مسعود صاحب کو معلوم ہے۔

جناب احمد وحید اختر : جناب آج اس وقت عزیز احمد صاحب کی وجہ سے کورم تھا لیکن یہ صبح کو نہیں ہوں گے شام کو بھی نہیں ہوں گے آج کورم ان کی موجودگی سے ہوا ورنہ کورم نہیں تھا۔

Mr. Chairman : Tomorrow you can replace him by Mr. Rafi Raza.

Mr. Ahmad Waheed Akhtar : I don't know whether he is here or not.

**Mr. Chairman :** I know he is here.

**Mr. Ahmad Waheed Ahkter :** Right, Sir.

**Mr. Chairman :** He was here today.

جناب احمد وحید اختر : جب میں ہاؤس میں آیا وہ نہیں تھے -

**Mr. Aziz Ahmed :** Sir, the problem is that there is a Cabinet meeting in Peshawar day after tomorrow, and so I am not sure if Mr. Rafi Raza will be here tomorrow evening. It is possible that he may fly early in the morning on day after to attend the Cabinet meeting, or he may leave tomorrow evening. I am leaving tomorrow evening.

**Mr. Chairman :** Well, you be here in the morning ?

**Mr. Aziz Ahmed :** I will be here in the morning but I have a Press Conference which will take most of the time.

**Mr. Chairman :** Then, you won't be able to attend, and in the evening, you are leaving.

جناب احمد وحید اختر : جناب میں ایک گزارش کرنا چاہتا ہوں کہ میری قاضی فیض الحق صاحب سے فون پر بات ہوئی ہے، انہوں نے کہا ہے کہ بلوچستان سے اسلام آباد تک ڈائریکٹ فلائٹ نہیں ہے -  
جناب چیئرمین : کل تھی ؟ گذشتہ کل تھی -

**Mr. Afzal Khan Khoso :** Saturday's was the last The flights are on Tuesdays, Thursdays and Saturdays, I know it because that has also been my route.

**Mr. Chairman :** You want me to take it tomorrow in the evening. What time ? (pause). At what time ? Otherwise I am not in favour of evening.

جناب طاہر محمد خان : آپ کا حکم آخری حکم ہے - آپ صبح رکھ لیں ہم صبح آجائیں گے -

**Mr. Chairman :** I do not want to impose my will on you. That I do not do. I tried to persuade you to morning session but you are not agreeable.

جناب شہزاد گل : جناب والا ! ممکن ہے کہ رفیع رضا صاحب صبح کے وقت اجلاس میں شرکت کر لیں - اگر وہ کل صبح یہاں ہوں تو کورم پورا ہو جاتا ہے -

**Mr. Chairman :** If he can take the responsibility or Rao Sahib then, I will fix in the morning, otherwise I will put in the evening.

**Malik Mohammad Akhtar :** Tomorrow it will be safer in the evening.

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

**Malik Mohammad Akhtar :** Yes, Sir, in the evening.

**Mr. Chairman :** You are putting a premium on late-comers and the absentees. I think, this will encourage them. All right. The House stands adjourned to meet tomorrow at 5-30 p.m.

(The House then adjourned to meet at half-past five in the evening on Tuesday, August 17, 1976.)