



THE
SENATE OF PAKISTAN
DEBATES

OFFICIAL REPORT

Thursday, August 5, 1976

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SENATE DEBATES
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Thursday, August 5, 1976

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

(Recitation from the Holy Quran)

Mr. Chairman : Now, we take up adjournment motions. This is adjournment motion No. 1. Yes, Khawaja Mohammad Safdar.

**ADJOURNMENT MOTION RE : FAILURE OF FEDERAL
GOVERNMENT TO LOOK AFTER THE MEMORIALS
OF SHAHEEDS OF 1965 WAR**

Khawaja Mohammad Safdar : Sir, I beg leave of House to move a motion for the adjournment of the business of the Senate to discuss a definite matter of urgent public importance and of recent occurrence, namely, the failure of the Federal Government to look after the memorials built in honour of those Shaheeds who laid their lives while defending the sacred soil of Pakistan in the 1965 War (Nawa-i-Waqt of 15th July, 1976) has caused great disappointment to the public.

Malik Mohammad Akhtar (Minister for Law and Parliamentary Affairs) : It is opposed, Sir.

Mr. Chairman : Yes.

Malik Mohammad Akhtar : On technical grounds, I would say that it is not specific, it is not recent and it is not the responsibility of the Federal Government. At present the concerned formations and units who constructed these graves are looking after the tombs and memorials. But in any case I assure the Honourable Member that the Government would take all necessary steps and see that they are properly looked after even though it is not the responsibility of the Federal Government.

Mr. Chairman : You tell me whose responsibility it is.

Malik Mohammad Akhtar : The concerned units.

Mr. Chairman : Provincial Government ?

Malik Mohammad Akhtar : None of the governments, but it is the concern of the Army units and Army formations, and they are looking after these Shaheeds' tombs. Naturally, we will now step in.

Mr. Chairman : Are these memorials privately managed ?

Malik Mohammad Akhtar : No, Sir. But they have not been looked after by the Federal Government. They are being looked after by the concerned units and formations.

Mr. Chairman : I only want to know for myself. I do not know, to be frank, whose responsibility primarily it is ; whether these are privately managed ?

Malik Mohammad Akhtar : Army managed ; by units and formations.

Mr. Chairman : In their private capacity ?

Malik Mohammad Akhtar : In their private capacity. That is what my brief says. After having been pointed out we will see that necessary steps are taken to take due care, and, I think, it is a matter which is the responsibility of each and every citizen and the honourable mover.

Mr. Chairman : They want that some respect should be shown to the memorials of the people who laid down their lives. Their complaint is that the memorials erected in honour of these people are not being properly looked after, or, in other words, they are being ignored, they are being neglected and that it should be done. It is a very logical objection. I do not see any political element in this complaint.

Malik Mohammad Akhtar : Sir, we will be looking into it and take such other measures to ensure due respectability to these tombs and memorials. I assure Khawaja Mohammad Safdar, and request him to give us a while and we will look into it.

خواجہ محمد صفدر : جناب چیئرمین ! محترم وزیر قانون صاحب نے پہلا جو اعتراض فرمایا ہے کہ یہ ویگ ہے اور واضح نہیں ہے - لیکن انہوں نے اپنے اس اعتراض کی وضاحت نہیں فرمائی کہ کس لحاظ سے ویگ ہے - اس لیے میں اس کا جواب دینا ضروری نہیں سمجھتا - دوسرا انہوں نے یہ اعتراض فرمایا کہ یہ فیڈرل گورنمنٹ کی ذمہ داری نہیں ہے - لیکن انہوں نے خود ہی یہ تسلیم کر لیا کہ یہ آر سی کی ذمہ داری ہے جو کہ ان کی دیکھ بھال کرتی ہے - ظاہر ہے کہ بہاری ڈیفینس فورسز فیڈرل گورنمنٹ کے ماتحت ہے اور فیڈرل گورنمنٹ کا حصہ ہے - یہ اگر ان کی ذمہ داری ہے تو پھر فیڈرل گورنمنٹ کی ذمہ داری نہایت واضح طور پر ہمارے سامنے آ جاتی ہے - اس بات کے پیش نظر محترم وزیر قانون صاحب واضح ارشاد فرماتے اور زیادہ وضاحت سے اپنی ذمہ داری قبول کر لیتے تو زیادہ بہتر تھا - لیکن میرے خیال میں ان کی منشاء اور مدعا یہی ہوئی کہ آئندہ فیڈرل گورنمنٹ ان یادگاروں کی مناسب طور پر اور شایان شان طور پر دیکھ بھال کرے گی - اگر وہ اس بات کے لیے تیار ہیں تو ٹھیک ہے کیونکہ میں نے تو صرف ان کی توجہ دلانے کے لیے یہ موشن پیش کیا تھا - جیسے آپ نے ارشاد فرمایا کہ کوئی پالیٹکس نہیں ہے - میں نے تو ایک فرض جس سے کوتاہی ہو رہی تھی اس کی طرف فیڈرل گورنمنٹ کی توجہ دلائی ہے کہ وہ کون لوگ ہیں جو اپنی جانیں وطن عزیز پر نچھاور کر چکے ہیں اور آئندہ کریں گے ان کے ساتھ یہ سلوک ہو رہا ہے - ان الفاظ کے بعد میں اسے پریس نہیں کروں گا لیکن یہ توقع کروں گا کہ فیڈرل گورنمنٹ فوری طور پر اس سلسلے میں مناسب اقدام کرے گی -

Malik Mohammad Akhtar : I agree with the honourable mover, and I am grateful that he is not pressing it. Due care will be taken, and some sort of arrangement, some concrete arrangement, will be made, so that these tombs are properly looked after, because it is everybody's feeling.

Mr. Chairman : The adjournment motion is not pressed. Next. (Pause) What about adjournment motions Nos. 3 and 4. I think, the two refer to the Foreign Ministry.

Malik Mohammad Akhtar : I have got the brief, Sir, I will give reply.

Mr. Chairman : Can you tackle 3 and 4 ?

Malik Mohammad Akhtar : Yes, Sir. They have sent me the papers. I will be dealing with No. 3 for the time being.

Mr. Chairman : No. 3 only ? All right, let us first take adjournment motion No. 3. Yes, Khawaja Sahib, it is yours.

ADJOURNMENT MOTION *RE* : FAILURE OF FEDERAL GOVERNMENT TO GET KASHMIR ISSUE RESOLVED ON THE BASIS OF UNO RESOLUTIONS BEFORE RE-ESTABLISHING RAIL-LINK WITH BHARAT

Khawaja Mohammad Safdar : Sir, I beg leave of the House to move a motion for the adjournment of the business of the Senate to discuss a definite matter of urgent public importance and of recent occurrence, namely, the rail-link between India and Pakistan was re-established on 22nd July, 1976 (Pakistan Times dated 23-7-1976). The failure of the Federal Government to get the Kashmir issue resolved on the basis of the U.N.O. resolutions before re-establishing rail-link with Bharat has greatly perturbed the public.

Malik Mohammad Akhtar : It is opposed, Sir, and there are many technical grounds. The matter is, firstly, not raised at the earliest opportunity. It is not recent, Sir. The adjournment motion is relating to rail-link between India and Pakistan. Now, the honourable Senator is mentioning Pakistan Times dated 23rd July, 1976, to make it relevant. I would refer, Sir, to starred question No. 23.

Mr. Chairman : You are referring to what ?

Malik Mohammad Akhtar : Sir, the agreement on rail-link was placed before the Senate in answer to a question on 7th July, 1976.

Mr. Chairman : On 7th July, 1976 what was done ?

Malik Mohammad Akhtar : Sir, the Joint Statement in respect of restoration of civil aviation and goods and passenger traffic by rail was laid before this House.

Mr. Chairman : What was that statement ? I do not know.

Malik Mohammad Akhtar : Sir, I will show you.

Mr. Chairman : Was that in reply to some question ?

Malik Mohammad Akhtar : Yes, Sir. We placed the Joint Statement signed by the Foreign Secretary, Ministry of External Affairs, Government of India, and the Foreign Secretary, Government of Pakistan, before this House.

Mr. Chairman : You read the relevant portion of that. Was it in reply to some question or supplementary ?

Malik Mohammad Akhtar : It was in reply to question No. 23.

Mr. Chairman : So, in reply to the question this statement was made on 7th July. What is the relevant portion of it ?

Malik Mohammad Akhtar : It is para. 3 which reads :

“In regard to matters relating to civil aviation, the two delegations discussed the modality of withdrawing the cases.”

Mr. Chairman : This is about the air-link.

Malik Mohammad Akhtar : Sir, it is para. 4. It says :

“The two delegations agreed to resume goods and passenger traffic by rail through the Wagha/Attari border.”

Mr. Chairman : Agreed to resume what ?

Malik Mohammad Akhtar : “Agreed to resume goods and passenger traffic by rail through Wagha/Attari border.”

Mr. Chairman : Did the Senate continue after that ? Was there any sitting on the 8th ?

An Honourable Member : Yes, Sir.

Mr. Chairman : Khawaja Sahib, according to this statement made on the floor of the House you had been told that the rail-link between India and Pakistan had been restored. So, you knew it on the 7th, then why did not you come to the House earlier ? Why didn't you avail of the earliest opportunity ? Do you understand my point ? Why this delay ?

خواجہ محمد صفدر : جناب چیئرمین ! میں نے سمجھ لیا ہے اس کے متعلق عرض کروں گا۔ مشترکہ اعلان میں کہا گیا تھا کہ مستقبل میں ریل لنک قائم کیا جائے گا۔ anticipatory جو واقعہ ہے جس کے متعلق میں نے عرض کیا ہے ۲۲ جولائی ۷۶ء کو پہلی گاڑی امرتسر سے لاہور پہنچی۔ اس کے خلاف بعض لوگوں نے پروٹسٹ بھی کیا اور حبیب اللہ سعدی اور دوسرے دوست گرفتار ہوئے۔ امر واقعہ کے طور پر مسئلہ اس وقت پیدا ہوا جب ریل گاڑی آئی اس سے پہلے اگر آتی تو محترم وزیر صاحب اعتراض کرتے اور کہتے کہ یہ anticipate کر رہے ہیں۔ اس کے تحت یہ تحریک التوا نہیں آ سکتی۔

Mr. Chairman : Surely, I would not have said that, I would not have thrown out your adjournment motion.

خواجہ محمد صفدر : وہ اور بات ہے۔ یہ anticipation کی بنا پر رد ہو سکتی تھی۔ اس لیے اس وقت میرے لیے یہ پیش کرنا لازم نہ تھا۔ جب واقعہ ہوا اس تاریخ سے دیکھیں کہ کیا سینیٹ کا اجلاس ہوا ہے اگر نہیں ہوا ہے تو پھر earliest opportunity کے تحت ایک دن پہلے سینیٹ کے دفتر میں اور اس ایوان میں یہ تحریک التوا دے دی اس لیے اس پر earliest opportunity کا اعتراض وارد نہیں ہوتا۔

جناب چیئرمین : لیکن آپ کو یہ شکایت ہے کہ کشمیر کا مسئلہ حل کئے بغیر یہ کیسے فیصلہ کر سکتے ہیں۔ ٹھیک ہے۔ کشمیر کا اشو چھوڑ دیا ہے وہ مسئلہ جوں کا توں پڑا ہے یہ تو آپ کو تاریخ کو بھی معلوم تھا کہ ڈیلیگیشن نے فیصلہ کیا ہے rail-link is being resumed اور ہم کہہ رہے ہیں کہ کشمیر کے مسئلے کا کوئی ذکر نہیں یہ آپ اس ایوان میں کر سکتے تھے کہ ریل لنک آپ ریستور کر رہے ہیں۔ کشمیر اشو کا کوئی ذکر نہیں ہے اس کو یونہی ٹال دیا ہے۔ آپ کو ریل کے آنے جانے پر تو شکایت ہے کہ ریل لنک ریستور کرتے ہیں لیکن کشمیر کے مسئلے کا حل نہیں کرتے۔ یہ آپ کو سات کو بھی معلوم تھا جب وفد نے فیصلہ کیا تھا۔ The rail-link will be resumed کشمیر کے مسئلے کا کوئی ذکر نہیں تھا۔

You could have come to this House on the 7th or 8th, that why you are resuming this rail-link with India without first solving the Kashmir issue ?

یہ اس وقت بھی کہہ سکتے تھے۔

خواجہ محمد صفدر : جناب والا ! وہ anticipatory ضرور ہو جاتا۔ اس وقت تو ریل گاڑی چلی نہیں تھی اس کی وضاحت اس طرح ہو سکتی ہے۔ اس جوائنٹ اسٹیٹمنٹ کے بعد ہر مسئلہ کے متعلق ہوائی معاہدہ الگ ہوا ہے، ریل اور سڑکوں کا الگ معاہدہ ہوا ہے۔ میں نے ان سے پوچھا ہے وہ معاہدات کیا ہیں یہ بتائیں گے اور وہ آپ کے سامنے آئیں گے۔ اگر وہ مناسب سمجھے تو بتائیں گے کہ ٹریڈ ایگریمنٹ کیا ہوا ہے اور جو مشترکہ اعلان تھا اس میں یہ توقعات ظاہر کی گئیں تھیں کہ یہ کام ہوں گے، تجارت بحال ہوگی ہوائی سروسز ہوں گی، ریل چلائی جائے گی، سڑکیں بحال کر دی جائیں گی اس کے بعد ایک اسپیسفک معاہدہ ہوا ہے کہ کس طرح ریل چلے گی یہ اس سے انکار نہیں کر سکتے۔ یہی آئی اے کا معاہدہ الگ ہوا ہے۔ تجارتی معاہدہ الگ ہوا ہے۔ ۲۲ جولائی ۱۹۶۶ء کو دونوں سیکریٹریز کو توقع تھی کہ یہ کیا جائے گا۔

Mr. Chairman : No they actually agreed. They had agreed actually.

ریل گاڑی نہیں پہنچی تھی لیکن معاہدہ ہو چکا تھا۔

That is exactly what he states.

اس وقت آپ کہہ سکتے تھے۔

Without solving the Kashmir issue they have resumed the rail-link.

anticipatory اب بھی آپ کا ہے۔

Kashmir issue is still a hanging fine.

خواجہ محمد صفدر : کشمیر کا اشو ریستور کئے بغیر پاکستان کے ساتھ نارملائزیشن کا پراسس جاری کرتے ہو۔ ہماری یہ شکایت ہے کہ کشمیر اشو کو چھیڑا تک نہیں۔ شملہ معاہدے میں وزیر اعظم نے اپنی تقریر میں دو شرطیں عائد کی تھیں کہ اس وقت نارملائزیشن نہیں ہوگا جب تک کشمیر کا مسئلہ حل نہیں ہوگا۔ ہم یہ کہتے ہیں کہ اس بیان کے مطابق پہلے کشمیر کا حل کرتے پھر نارملائزیشن کرتے۔

جناب چیئرمین : آپ تو دوسری طرف چلے گئے ہم تحریک التواء ڈیل کر رہے ہیں۔

We are dealing with the adjournment motion. You do not forget one thing. You may be right otherwise.

لیکن جب آپ تحریک التواء کو لیتے ہیں تو آپ کو یہ ثابت کرنا ہوتا کہ یہ معاملہ اتنا فوری اور اہم ہے کہ اس ایوان کی کارروائی کو بند کر دو۔ یہ تو پہلے آپ کو معلوم تھا کہ کشمیر کا مسئلہ ابھی تک یو این او میں پڑا ہوا ہے۔

اس کی بابت جو کچھ ہو رہا ہے ہم تو اس میں نہیں آسکتے۔ یہ گورنمنٹ کا سوال ہے ایوان کا اس کے ساتھ کوئی تعلق نہیں ہے، لیکن کشمیر کا مسئلہ انہوں نے نہیں چھوڑا۔ وہ انہوں نے ترک نہیں کیا۔ آپ کو معلوم ہے کہ کشمیر کا فیصلہ یکطرفہ نہیں ہو سکتا۔ آپ کے اور میرے کہنے سے کیسے فیصلہ ہوگا آخر اس میں تین پارٹیاں ہیں۔ اس میں پاکستان ہے بھارت ہے اور یو این او بھی آ جانا ہے۔ تو یہ مسئلہ زیر غور ہے۔ کوشش ہو رہی ہے۔ اسے چھوڑا نہیں گیا، لیکن۔

to say that the solution of Kashmir issue is conditional on the resumption of rail-link between India and Pakistan; that is absolutely not the case.

کیونکہ تمام مرحلے طے ہو رہے ہیں۔ شملہ معاہدے کے بعد سے یہ ہوائی رابطہ ہے۔ یہ ریل لنک ہے، روڈ لنک ہے۔

There is trade and there is exchange of ambassadors. There are so many things. They are being done every day.

آپ دیکھ لیجئے ایک کشمیر کا مسئلہ ابھی تک حل نہیں ہوا اس کے حل کے لیے وہ کوشش کر رہے ہیں۔

It is not a matter of recent occurrence. So, in view of the statement made by the Law Minister, I hold that the honourable mover has failed to establish that the Government has not been able to solve the Kashmir issue because as I understand the solution of Kashmir issue is not conditional on the resumption of rail-link between the two countries. Moreover, it is not of recent occurrence. Therefore, it is ruled out of order.

Malik Mohammad Akhtar : Sir, now I have to request that.....

خواجہ محمد صفدر : وقت بھی ہو گیا ہے۔

ملک محمد اختر : کیسے وقت ہو گیا ہے؟ ابھی ٹائم ہے۔

I have to request that adjournment motion No. 7 is much identical. It concerns air-link and the time is there. So, we can take up adjournment motion No. 7 because I have not got briefs for Nos. 4, 5 and 6.

Mr. Chairman : You have no briefs for Nos. 4, 5 and 6, therefore, you want to take up No. 7 ?

Malik Mohammad Akhtar : Yes, Sir.

Mr. Chairman : Is there time left ?

Malik Mohammad Akhtar : Yes, Sir.

Mr. Chairman : When I was coming here, according to my watch, it was 10.19. There are about three or four minutes.

ملک محمد اختر : اس پر یہی رولنگ آئے گی ۔

This is about air-link.

Mr. Chairman : Why ? How can you anticipate my ruling ?

ملک محمد اختر : وہ ریل لنک تھا اور یہ ایئر لنک ہے ۔

Sir, your ruling covers that.

Mr. Chairman : No.

Malik Mohammad Akhtar : All right, Sir. I am sorry.

جناب چیئرمین : پتہ نہیں وہ کوئی نئی بات کہہ دیں ۔

Yes, Khawja Sahib, you move No. 7. Have you any objection ?

خواجہ محمد صفدر : اگر وقت ہے تو مجھے کیا اعتراض ؟

ADJOURNMENT MOTION RE : ATOMIC REPROCESSING PLANT, SAFETY OF TERBELA DAM & ITS CONNECTED WORKS AND URANIUM

Mr. Chairman : What about 4, 5 and 6 ?

Malik Mohammad Akhtar : These are deferred, Sir.

Mr. Chairman : Their consideration is deferred, and they will be taken up when the Minister concerned is in the House.

ADJOURNMENT MOTION RE : FAILURE OF FEDERAL GOVERNMENT TO GET KASHMIR ISSUE RESOLVED ON THE BASIS OF UNO RESOLUTIONS BEFORE SIGNING AIR-LINK AGREEMENT WITH BHARAT

Khawaja Mohammad Safdar : Sir, I beg leave of the House to move a motion for the adjournment of the business of the Senate to discuss a definite matter of urgent public importance and of recent occurrence, namely, the Federal Government has signed an agreement with Bharat for running air services between the two countries (Nawa-i-Waqt 14th July, 1976). The failure of the Pakistan Government to get the Kashmir issue resolved on the basis of U.N.O. resolutions before entering into this agreement has greatly perturbed the public of Pakistan.

Malik Mohammad Akhtar : Sir, my arguments are the same, and I would only read paragraph 3 of the joint statement which was placed before the House on the 7th of July. I have already read out paragraph 4 which was about rail-link and paragraph 3 is in respect of civil aviation. It reads :

“In regard to matters relating to civil aviation, the two delegations discussed the modality of withdrawing the cases”

Mr. Chairman : On what date ?

Malik Mohammad Akhtar : That was on the 7th July. My argument is the same.

Mr. Chairman : Had the two delegations agreed to resume air-link ?

Malik Mohammad Akhtar : Air-link, Sir, and joint communique had been placed before this House. They further agreed to the resumption of overflights and the restoration of air-links between the two countries.

Mr. Chairman : There is a difference between the two adjournment motions. In the first motion it was contended that the rail-link between India and Pakistan was re-established on 22nd July. The basis of his adjournment motion was the actual re-establishment of the link. In the first, the basis of the adjournment motion was the actual running of trains which was done on 22nd July, but here the basis of his adjournment motion is the actual agreement which was signed. You see the difference between the two. In the first adjournment motion the objection was : Why the rail reached Wagha on the re-establishment of rail-link that was actually done on 22nd July when an Indian train arrived there ? His objection was to the arrival of the Indian train. Here his objection is to the actual signing of the agreement.

Malik Mohammad Akhtar : Yes, Sir. It had been agreed, and the House was informed on the 7th July in answer to a question that they further agreed to the resumption of overflights and the restoration of air-links between the two countries. He had been informed, and he could have taken it up earlier.

خواجہ محمد صفدر : جناب چیئرمین !

جناب چیئرمین : آپ بولیں میں آپ کو منع نہیں کرتا۔ اس میں آپ نے کہا ہے کہ چونکہ اصل میں ۲۲ جولائی کو گاڑی آ گئی تھی اس لیے میں ۲۲ جولائی کے بعد یہ بات کر سکتا تھا اور اس وقت سینیٹ کا اجلاس نہیں تھا۔

You availed of the earliest opportunity in that case, and that ground was not available to him.

لیکن یہاں پر آپ نے کہا ہے کہ اصل معاہدہ ۷ تاریخ کو سائن ہوا ہے۔

خواجہ محمد صفدر : میرے پاس اخبار نہیں ہے۔ مجھے یہ توقع نہیں تھی کہ تحریک التواء نمبر ۷ آج ایوان میں پیش ہوگی۔

جناب چیئرمین : آپ تیار نہیں ہیں ؟

خواجہ محمد صفدر : میرے پاس اخبار نہیں ہے۔ اگر آپ کے پاس اخبار ہے تو مجھے عنایت فرما دیجیے تاکہ میں یہ دیکھ لوں کہ یہ معاہدہ کب شائع ہوا۔

جناب چیئرمین : اس میں جو بھی آیا ہے - وہ سٹیٹمنٹ ے جولائی کو دی گئی

تھی -

Because you have said that the Government has signed an agreement with Bharat. That you knew.

خواجہ محمد صفدر : جناب والا ! میں پہلے بھی عرض کر چکا ہوں اگرچہ آپ نے میری وہ دلیل مسترد فرما دی تھی specific agreements پر ابھی حال ہی میں فریقین کے درمیان دستخط ہوئے ہیں -

Mr. Chairman : You said that the Federal Government had signed an agreement.

خواجہ محمد صفدر : اخباری خبر یہ ہے جناب ” انڈین ایئر لائنز اور پی آئی اے اپنے اپنے ملک میں ہوائی سروس کا انتظام کرنے پر رضامند ہو گئی ہیں -“ ۱۳ جولائی کی بات ہے اور انہوں نے اس سلسلے میں دستاویز پر دستخط کر دیئے ہیں ۱۳ جولائی کو دستخط ہوئے ہیں - ” سرکاری ذرائع کے مطابق پی آئی اے کی سروس چلانے کے انتظام کے لیے عنقریب ایک پاکستانی وفد بھارت کا دورہ کرے گا اور انہوں نے کہا کہ وفد کے سربراہ مسٹر انور جال ہوں گے“ - یہ تو ۱۳ جولائی کو دستخط ہو رہے ہیں - ایئر لنک کے لیے جو بھی معاہدہ ہوا ہے وہ ۱۳ جولائی کو ہوا ہے اس سے پہلے تو ایک wishful thinking تھی ایک pious hope تھی کہ یہ معاہدے کیے جائیں گے اس کی تفصیلات طے کرنے کے لیے دونوں وفد ملتے رہے مختلف قسم کے وفد تھے - تجارت کے لیے علیحدہ وفد ملتے رہے ، ریل کے لیے علیحدہ وفد ملتے رہے اور اس کے بعد انہوں نے specific agreement پر آئیٹم کے لیے sign کیا ہے بہاری گورنمنٹ نے بھی اور بھارت کی گورنمنٹ نے بھی کیے ہیں - - حقیقت میں تب سے یہ سوال پیدا ہوتا ہے -

جناب چیئرمین : ہم یہاں پر

We are not seeing the validity or otherwise, legality or otherwise, constitutionality or otherwise.

یہ تو ہم نہیں دیکھ رہے ہیں -

خواجہ محمد صفدر : نہیں صاحب -

جناب چیئرمین : یہ نہیں دیکھا جاتا تحریک التوا میں -

We don't go so deep into the matter.

میں صرف یہ عرض کر رہا تھا کہ ے جولائی کو آپ کو اس ایوان میں کہا گیا

تھا کہ ہم نے معاہدہ کر لیا ہے -

خواجہ محمد صفدر : نہیں صاحب نہیں بلکہ یہ توقع ظاہر کی گئی تھی اگر یہ

ے جولائی کو ہوا ہے تو پھر یہ دونوں وفد کیوں آپس میں ملتے رہے - کیا بات چیت

کرتے رہے ؟ کیا انہوں نے آپس میں رشتہ ناطہ کرنا تھا ؟ وہ سرکاری کام کے لیے

اکٹھے ہوتے رہے اور یہ طے کرتے رہے کہ یہ ریل لنک اور ایئر لنک کس طرح قائم

کیا جائے -

جناب چیئرمین : ے جولائی کو اس ایوان میں یہ پڑھ کر سنایا گیا تھا۔

This is on record.

اس ایوان میں جو الفاظ پڑھ کر سنائے گئے تھے وہ الفاظ یہ ہیں۔

“The two delegations further agreed to the resumption of overflights and the restoration of air-links between the two countries.”

Khawajwa Mohammad Safdar : I quite agree, Sir.

جناب چیئرمین : آپ کہتے ہیں کہ دستخط نہیں ہوئے تھے پھر آپ کہتے ہیں دستخطوں پر ابھی تصدیق نہیں ہوئی تھی۔ پھر آپ کہتے ہیں کہ رجسٹریشن آفیسر کے پاس نہیں لے گئے تھے۔ یہ تو کوئی بات نہ ہوئی آپ کو ے جولائی کو کہا گیا تھا کہ :

We have agreed to the resumption of overflights and air-links.

بس یہی For the purposes of adjournment motion کافی تھا۔

خواجہ محمد صفدر : جناب والا ! میں اپنے خیالات کو واضح نہیں کر سکتا۔ جب تک ایگریمنٹ نہیں ہوتا کسی مسئلے کے متعلق تو اس ایوان کو قواعد کے تحت اختیار نہیں ہے کہ اس مسئلے کو زیر بحث لائے۔ خواہ وہ ایڈجرنمنٹ موشن کے ذریعے ہو یا کسی اور سے۔

Mr. Chairman : I don't agree with you.

کہ جب تک ایگریمنٹ سائن نہ ہو جائے کوئی ایڈجرنمنٹ موشن پیش نہیں ہوتی۔ یہ جو تمام ایڈجرنمنٹ موشنز پیش ہوتی ہیں۔ ایگریمنٹ اور دستخط تو چھوڑیئے۔ یہاں تو آپ rumours پر بھی ایڈجرنمنٹ موشنز لے آتے ہیں۔

خواجہ محمد صفدر : بالکل ٹھیک ہے جناب لیکن وہ ہر ایک کے حالات علیحدہ ہوتے ہیں۔ یہاں تو اسپیسفک معاملہ ہے جس کے متعلق میں اپنے جذبات کا اظہار اس ایڈجرنمنٹ موشن کے ذریعے کرنا چاہتا ہوں اور اسپیسفک اور خصوصی مسئلے کے متعلق یہ اعتراض بالکل جائز ہوتا کہ ابھی تو ہم نے گفتگو کرنی ہے اور شاید گفتگو کے نتیجے میں ہم کسی ایگریمنٹ پر پہنچ ہی نہ سکیں۔ دیشیلز طے کرنی ہیں آخر کیوں یہ تمام اکسر سائز کی گئی کہ یہاں سے وفد دہلی جاتا ہے۔ دہلی سے اسلام آباد آتا ہے۔ اور مختلف مقامات پر اور مختلف اوقات میں وفود جاتے رہے۔

Mr. Chairman : I agree with you.

خواجہ محمد صفدر : اور اس لیے جب وہ دستخط ہوئے۔ جب وہ ایگریمنٹ سائن ہوا تب جا کر ریل لنک قائم ہوئی، تب جا کر ہوائی سروس قائم ہوئی، تب جا کر دوسرے معاملات طے پائے۔ اس سے پہلے یہ طے نہیں پائے۔

جناب چیئرمین : اگر یہ پوائنٹ ہے تو پھر آپ کے ایڈجرنمنٹ موشنز ملک اختر اڑا کر رکھ دیں گے اس پوائنٹ پر کہ ابھی تو ہم نے دستخط نہیں کیے، ابھی شائع

نہیں ہوا، ابھی تو نوٹیفکیشن نہیں ہوا۔ میں تو یہ کہتا ہوں کہ ۷ جولائی کو آپ کو کہا گیا تھا بڑے واضح الفاظ میں کہ

The two delegations have agreed to the resumption of overflights and air-links between the two countries. Actual signing is immaterial. You are a bit late. As you did not avail the earliest available opportunity, therefore, it is ruled out.

Now there is no time left. We will take up the remaining adjournment motions Nos. 4, 5 and 6 tomorrow.

Malik Mohammad Akhtar : We will try, Sir.

Mr. Chairman : Would the Ministers concerned be back by tomorrow ?

Malik Mohammad Akhtar : They may turn up.

Mr. Chairman : If the Minister is not available, you come prepared.

Malik Mohammad Akhtar : Certainly, Sir.

Mr. Chairman : There is supplementary agenda. Yes, Mr. Masud Ahmad Khan, you present the report of the Standing Committee.

STANDING COMMITTEE REPORT RE : THE SUPPRESSION
OF TERRORIST ACTIVITIES (SPECIAL COURTS)
(AMENDMENT) BILL, 1976

Mr. Masud Ahmad Khan : Sir, I present in this august House the report of the Standing Committee on the Bill further to amend the Suppression of Terrorist Activities (Special Courts) Act, 1975 [The Suppression of Terrorist Activities (Special Courts) (Amendment) Bill, 1976].

Mr. Chairman : The report is placed on the Table of the House. Now, we take up legislative business.

THE WEST PAKISTAN PRESS AND PUBLICATIONS (AMENDMENT)
BILL, 1976

Malik Mohammad Akhtar : Sir, I beg to move :

“That the Bill further to amend the West Pakistan Press and Publications Ordinance 1963 [The West Pakistan Press and Publications (Amendment) Bill, 1976], as passed by the National Assembly, be taken into consideration”.

Mr. Chairman : The motion moved is :

“That the Bill further to amend the West Pakistan Press and Publications Ordinance 1963 [The West Pakistan Press and Publications (Amendment) Bill, 1976], as passed by the National Assembly, be taken into consideration.”

Opposition Benches : Opposed.

Malik Mohammad Akhtar : Sir, this legislation was brought four days back on the agenda, but with mutual agreement it was deferred till a later date so that the honourable members on either sides could go through the legislation. Sir, by this amending ordinance the object which is sought is.....

Mr. Chairman : This is amending Bill.

Malik Mohammad Akhtar : Yes, Sir. Sir, the object is to bring the relevant legislation in conformity with fundamental rights. Article 8 of the Constitution provides that within a period of two years all the laws which are inconsistent are to be brought in conformity with fundamental rights. The period could be extended further on expiry for a period of six months through a resolution. It was discovered that some of the provisions of the West Pakistan Press and Publications Ordinance, 1963 are inconsistent with the constitutional provisions, and naturally, Sir, we have to bring it in conformity with the Constitution. For example, we are deleting some of the portion from the original section 12 of the Ordinance. Formerly, the provision was that the District Magistrate shall refuse to authenticate the declaration of a printer or publisher about whom the Government is satisfied, on the basis of information in its possession, and after giving such printer or publisher an opportunity of being heard, that he is likely to act in a manner prejudicial to the defence etc. and there were some other things. Now, we are adding the words "glory of Islam, or the integrity, security or defence of Pakistan or any part thereof, friendly relations with foreign States, public order, decency or morality, or to use the newspaper in respect of which the declaration is made for the purpose of commission or, incitement to, an offence". So, this would contain the wording of Article 19 of the Constitution. We have to bring section 12 of the Principal Act in conformity with Article 19, and we have added the very words of Article 19 in Section 12. Then, Sir, second amendment has been made that in case of violation of this amended section further action could be taken against a publisher or a printer violating the said provision which is also contained in the Constitution.

Then, Sir, the third amendment is in Section 24 and this amendment is that we are deleting clause (k) of subsection (1) of Section 24 which has become redundant. So, Sir we are inserting the wording of Article 19 in Section 12 of the Principal Act and the violation thereof is being made an offence. Sir, it is a useful measure, and I hope the hon'ble Members and my friends on the other side would appreciate it as they did when we brought some measure to bring laws in conformity with fundamental rights in an earlier session. And this Bill, I hope would go unopposed.

Mr. Chairman : Yes, Mr. Zahurul Haq.

Mr. Zahurul Haq : Mr. Chairman, Sir, with your permission, I welcome the speech of my learned friend on the other side. The proposition quoted by him is to bring about this particular piece of legislation in conformity with Article 19, but after a little bit of brooding I wonder whether it is this purpose for which the amendment has been brought because, as a matter of fact, Article 8 has been referred to by my friend and then he has again referred to Article 19.

Mr. Chairman : Article 8 ?

Mr. Zahurul Haq : Yes. He said it is necessary to bring about conformity with Quran and Sunnah.

Now, Sir, I do not see how far that part of the Constitution is attracted as far as this amendment is concerned. The present Press & Publication Ordinance deals with the control of newspapers and periodicals, etc. It is primarily a question of integrity, question of defence of Pakistan, and relations with foreign countries, etc. This is not a subject which deals with the faith of the people and this is not a subject which is covered by the provisions of the Constitution which require that there should be conformity in all laws with Quran and Sunnah. In any case, I still would not dilate on this topic very much. I will submit that subsection (3) of section 12 which was brought about by Ordinance of 1964 is by itself self-sufficient. I do not see wisdom of this amendment.

With your kind permission, Sir, I will read subsection (3) of Section 12 of which the amendment is being sought in this Bill :—

“The District Magistrate shall refuse to authenticate the declaration of a Printer and Publisher about whom Government is satisfied on the basis of information of its possession and after giving such a Printer and Publisher an opportunity of being heard that he is likely to act in a manner prejudicial to the defence or external affairs” [now, here the amendment starts] “defence or external affairs, or security of Pakistan...”

The amendment does not make any improvement in phraseology or in the content of sub-section (3) because these are all embarrassing terms ; defence, external affairs, security of Pakistan, public order, public safety.

“... or public order, or public safety in the Province of West Pakistan, or to use the newspaper in respect of which the declaration is made for the purposes of incitement to the commission of any cognizable offence involving violence or for defamation.”

Now, this amendment, excepting the technical term which is no longer the Province of West Pakistan but which can be read in respect of each province after the dissolution of One Unit. I do not see what particular purpose is being achieved by making this amendment. With your kind permission I will read out the proposed amendment which will begin like this—having come to the portion in the manner prejudicial :

“...glory of Islam, or the integrity, security or defence of Pakistan or any part thereof, friendly relations with foreign states, public order, decency or morality, or to use the newspaper in respect of which the declaration is made for the purpose of commission of, or incitement to, an offence, shall be substituted.”

Excepting the portion, ‘prejudicial to the glory of Islam’, I do not think any innovation in the amendment and I, speaking for myself, submit that the glory of Islam cannot be jeopardised or cannot be prejudiced by any newspaper cutting. It is belittling the stature of Islam by incorporating it in the present Press and Publication Ordinance. Neither it is the requirement of the Constitution that Article 12, sub-section (3) should be amended in this way, otherwise it will be in conformity with the provisions of the Constitution.

[Mr. Zahurul Haq]

So, as a matter of fact, I must admit that I have read it hardly half an hour ago, but I am not sure what is the purpose? I have not been able to go into the depth and the purpose behind this amendment.

Apparently, as I read, to my mind there is no improvement except that they have added the words 'glory of Islam', with which I have no quarrel, but the other is a repetition of the same, and this piece of legislation has been working since 1963. This has once been amended in 1964. There is no case on the subject which can pinpoint the lacuna in the drafting of this Legislation or it has not been able to cater to the eventualities coming from time to time. I personally submit that amendments are, of course, necessary and may be brought about and the law is not static but if the circumstances are such which do justify the amendment, then they are welcome, but it is just a surplus thing, the changing of words. Therefore, I submit that there is nothing forceful in this Bill, and I oppose it.

Mr. Chairman: Any other gentleman wishing to participate? Yes
Mr. Masud Ahmad Khan.

جناب مسعود احمد خاں: جناب چیئرمین! سینیٹر ظہور الحق صاحب نے اپنے دلائل میں یہ بیان کیا ہے کہ موجودہ ترمیم کے ذریعے 'glory of Islam' کو add کیا گیا ہے، اس کے علاوہ اور کچھ بھی اس میں add نہیں کیا گیا ہے۔ میں ان کی توجہ ان الفاظ کی طرف دلانا چاہتا ہوں جن میں friendly relations with foreign States کا بھی ذکر کیا گیا ہے۔ یہ وہ بھول گئے ہیں۔ جیسا کہ لا منسٹر نے بیان کیا ہے کہ آرٹیکل ۸ کے مطابق۔

laws are to be brought in conformity with the fundamental rights under the Constitution

انہوں نے یہ سمجھا ہے کہ:

laws are to be brought in conformity under the tenets of Islam and Sunnah

دوسری بات جو انہوں نے کہی ہے کہ آرٹیکل ۸ میں درج نہیں ہے۔ لا منسٹر نے بڑے واضح الفاظ میں بیان کیا ہے کہ آئین کے آرٹیکل ۱۹ میں جو الفاظ ہیں، بعینہ وہی الفاظ اس ترمیم میں درج کیے گئے ہیں۔ آئین:

is sacred document

ہم نے قوانین کو آئین کے مطابق بھی لانا ہے اور

freedom of press and speech

کو بھی آرٹیکل ۱۹ کے تحت لانا ہے۔ لا منسٹر نے آرٹیکل ۱۹ کا حوالہ دیا ہے۔ میں اس کو پڑھ کر آنریبل ہاؤس کے سامنے پیش کرتا ہوں۔ میں پھر وہ ترمیم پڑھوں گا جو آج زیر بحث ہے۔

Article 19 says,

"Every citizen shall have the right to freedom of speech and expression, and there shall be freedom of the press, subject to any reasonable restrictions imposed by law in the interest of the glory of Islam or the

integrity, security or defence of Pakistan or any part thereof, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence.”

فاضل مقرر کی یہ دلیل شاید ہم قبول کرتے اگر وہ یہ کہتے کہ یہ ترمیم آرٹیکل ۱۹ جو آئین میں درج ہے اس کے منافی ہے۔ جناب والا! اگر ہم نے وہ قوانین fundamental rights کے تحت لانا ہیں تو اس میں یہ ترمیم آج جو پیش کی گئی ہے وہ بھی آئین کے آرٹیکل ۱۹ کے تحت زیر بحث آنا چاہیے تو میں یہ کہتا ہوں کہ میں اس ترمیم کی اس لئے پر زور حمایت کرتا ہوں کہ یہ آئین کے وہی الفاظ درج ہیں جیسا کہ سینیٹر ظہور الحق نے کہا ہے کہ اس میں صرف glory of Islam کے الفاظ درج کیے گئے ہیں تو اس سے میں اتفاق نہیں کرتا ہوں۔ اس میں ایک اور بھی لفظ add ہوا ہے اگر کوئی دوستانہ مراسم کو اپنے پبلیکیشن کے ذریعے damage کرنا چاہے تو وہ ہمارے ملک کی ساکھ اور سلامتی کے خلاف جا سکتا ہے تو اس لئے ہم نے ان الفاظ کو add کیا ہے۔ جناب والا! میں اس ترمیم کی پر زور حمایت کرتا ہوں۔

Malik Mohammad Akhtar : Sir, it has been explained by the honourable Senator Mr. Masud Ahmad Khan, and I consider that there is a mandatory provision in Article 8 of the Constitution which says :

“8. (1) : Any law, or any custom or usage having the force of law, in so far as it is inconsistent with the rights conferred by this Chapter, shall, to the extent of such inconsistency, be void.”

And Article 19 he has already read.

Mr. Chairman : Why are you referring to Article 8 ?

Malik Mohammad Akhtar : Sir, because it is a mandatory provision. Article 19 contains a fundamental right and Article 8 has the binding force.

Mr. Chairman : It is not disputed by them. They do not dispute it.

Malik Mohammad Akhtar : Only one line, Sir. “The District Magistrate shall refuse to authenticate the declaration of a printer if he violates Article 19”. That is all. Now, Sir, Khawaja Sahib has acknowledged that he has been convinced. I think, it may be passed.

Mr. Chairman : All right, now I put the question.

The question before the House is :

“The Bill further to amend the West Pakistan Press and Publications Ordinance, 1963 [The West Pakistan Press and Publications (Amendment) Bill, 1976], as passed by the National Assembly, be taken into consideration.”

(The motion was adopted)

Mr. Chairman : Now, we take up clause by clause consideration of the Bill. Clause 2, no amendment ?

(Pause)

Mr. Chairman : All right, then I put the question.
The question before the House is :

“That Clause 2 forms part of the Bill.”
(The motion was adopted)

Mr. Chairman : Clause 3. No amendment ?
So, the question before the House is :

“That Clause 3 forms part of the Bill.”
(The motion was adopted)

Mr. Chairman : Clause 4, no amendment.
The question before the House is :

“That Clause 4 forms part of the Bill.”
(The motion was adopted)

Mr. Chairman : Last the question before the House is :

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

(The motion was adopted)

Malik Mohammad Akhtar : Sir, I beg to move :

“That the Bill further to amend the West Pakistan Press and Publications Ordinance, 1963 [The West Pakistan Press and Publications (Amendment) Bill, 1976], be passed.”

Mr. Chairman : The motion made is :

“That the Bill further to amend the West Pakistan Press and Publications Ordinance, 1963 [The West Pakistan Press and Publications (Amendment) Bill, 1976], be passed.”

Maulana Shah Ahmed Noorani Siddiqi : Opposed.

Mr. Chairman : Any Member wishing to say anything ?

شیر محمد خاں آپ کچھ کہنا چاہتے ہیں ؟

(Pause)

Mr. Chairman : No ? All right. I do not suggest that you speak. I thought that, probably, you wanted to speak.

Mr. Sher Mohammad Khan : No, Sir.

Mr. Chairman : No speeches ? You Malik Sahib do you not want to speak ?

Malik Mohammad Akhtar : No, Sir.

Mr. Chairman : The question before the House is :

“That the Bill further to amend the West Pakistan Press and Publications Ordinance, 1963 [The West

Pakistan Press and Publications (Amendment) Bill, 1976], be passed.”

(The motion was adopted)

Mr. Chairman : The Bill is passed.

THE OIL AND GAS DEVELOPMENT CORPORATION
(AMENDMENT) BILL, 1976

Malik Mohammad Akhtar : Sir, on behalf of the Minister for Fuel, Power and Natural Resources I beg to move :

“That the Bill further to amend the Oil and Gas Development Corporation Ordinance, 1961 [The Oil and Gas Development Corporation (Amendment) Bill, 1976], as passed by the National Assembly be taken into consideration.”

Mr. Chairman : The motion moved is :

“That the Bill further to amend the Oil and Gas Development Corporation Ordinance, 1961 [The Oil and Gas Development Corporation (Amendment) Bill, 1976], as passed by the National Assembly be taken into consideration.”

Khawaja Mohammad Safdar : There is an amendment. Sir, I beg to move :

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

Malik Mohammad Akhtar : Not opposed.

Mr. Chairman : Should the question be put to the House ?

Malik Mohammad Akhtar : Yes, Sir.

Mr. Chairman : So the question before the House is :

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

Mr. Chairman : The Bill stands referred to the Standing Committee concerned.

Then item No. 5 becomes infructuous. No other business ?

Malik Mohammad Akhtar : Not today.

Mr. Chairman : We meet tomorrow at what time ?

Maulana Shah Ahmed Noorani Siddiqi : At 9.00 a.m.

Mr. Chairman : There is one difficulty. As I have already informed the House, just on the opening day I had announced a Panel of three Presiding Officers :

Mr. Ahmed Waheed Akhtar

Mr. Kamal Azfar

Barrister Zahurul Haq

[Mr. Chairman]

The Deputy Chairman is, of course, not here. He is unavoidably absent. The other two gentlemen are also not here. Barrister Zahurul Haq is here. Tomorrow the President of Mauritania is coming. We are all supposed to be there at the airport to receive him. He is coming at 10.00 a.m. We will be leaving this place at about 9.00 a.m. because the presentation line is always formed half an hour before the arrival of the dignitary. So, you will be there, I will also have to go. At what time we are likely to be free? In any case, if I am here well and good, otherwise we shall have to keep Barrister Zahurul Haq in detention, so that he may not be absent.

Malik Mohammad Akhtar : Then, let us make it 11.00 a.m. It is Private Members' Day.

Mr. Chairman : Tomorrow is Friday, and we have to adjourn at 12.30 p.m. The President of Mauritania will arrive at 10.00 a.m. then so many formalities have to be gone through—ceremonies, guard of honour, introduction then presentation of the dignitaries etc.

Mr. Shahzad Gul : Sir, let us fix 11.30 a.m.

Mr. Chairman : Yes, we will be able to come at 11.30. It is not safe to fix 11.00 a.m. At 11.30 a.m. we will definitely be here. Then, we will have only one hour left for the Private Members' Day. We can also fix the sitting in the evening. It is upto you. Either we meet at 11.30 a.m. or in the evening.

خواجہ محمد صفدر : ساڑھے گیارہ بجے ٹھیک ہے جناب ۔

Mr. Chairman : Do you agree ?

Mr. Shahzad Gul : Yes, Sir.

Mr. Chairman : All right. The House stands adjourned to meet tomorrow at 11.30 a.m.

[The Senate then adjourned till half-past eleven of the clock in the morning on Friday, August 6, 1976.]
