



**THE
SENATE OF PAKISTAN
DEBATES
OFFICIAL REPORT**

Friday May 13, 1977

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SENATE DEBATES
SENATE OF PAKISTAN

Friday May 13, 1977

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

(Recitation from the Holy Quran)

LEAVE OF ABSENCE

Mr Chairman. This is, gentlemen, an application of Captain Gul Mohammad, Senator :

“Arrived at Quetta on 11th May. I am sick grant leave for Tuesday”.

Should the leave be granted ?

(The Leave was granted)

Mr. Chairman : There is another application by Syed Murad Ali Shah. This is due to some important matter :

“I could not attend the Session on 13 to 16. It is, therefore, requested that the leave may kindly be granted from 13 to 16.”

Should the leave be granted ?

(The leave was gnanted)

**MESSAGE FROM THE NATIONAL ASSEMBLY RE : ADOPTION
OF THE CRIMINAL LAW AMENDMENT (SPECIAL COURT)
(AMENDMENT) BILL, 1977**

Mr. Chairman : Yes, there is a message from the Assembly Secretariat

[Mr. Chairman]

in pursuance of Rule 109 of the Rules of Procedure and Conduct of Business in the National Assembly :

“I have the honour to inform the Senate Secretariat that the National Assembly passed (The Criminal Law Amendment (Special Court) (Amendment) Bill, 1977 on the 12th May. A copy of the Bill is transmitted herewith.”

Now, we take up resolutions. Item No. 2.

RESOLUTION RE : USE OF ALL DRINKS AND FOOD
ARTICLES WHICH ARE “HARAM” ACCORDING
TO ISLAM BE TOTALLY PROHIBITED IN
OFFICIAL FUNCTIONS

Mr. Chairman : This resolution has been already moved by Khawaja Mohammad Safdar. Well, discussion had not started, you see, when the House was adjourned at the time, and since then it is being postponed from day to day and from session to session.

Rao Abdul Sattar (Leader of the House) : Today the mover is also not present. So, I request that it may be deferred for another day.

Mr. Chairman : He is not present ?

Rao Abdus Sattar : Not present Sir.

Mr. Chairman : So, the discussion be postponed. This is now the way out of this difficulty. So, resolution at item No. 2 stands postponed. No. 3. Mr. Afzal Khan Khoso, this is in your name. This resolution has been already moved.

RESOLUTION RE : SMALL DAMS SCHEME FOR BARREN
LANDS OF KACHCHI AND SIBI DISTRICTS OF
BALUCHISTAN

Mr. Afzal Khan Khoso : Yes, Mr. Chairman, Sir, it has already been moved and now it is for discussion. But before I go on with the discussion, I would like to mention two points. One is, Sir, two amendments have been given notice of. One is by Mr. Khalid Khan Senator, and one by Mr. Saifullah Khan Paracha, Senator, both from Baluchistan. I would like to see that they move the amendments, and if you permit me Sir, then I will say something about the amendments.

Mr. Chairman : Are you inviting them to move their amendments ?

Mr. Afzal Khan Khoso : No, Sir. I was given the notice of...

Mr. Chairman : No, no. They have given notice, but if they want to move, they can move. It is up to them if they want to move.

Mr. Afzal Khan Khoso : Yes, Sir. It is up to them. But if they want to move, then I would say something about them, Sir.

Mr. Chairman : Mohammad Khalid Khan is concerned. I don't see him in his seat. He is not here.

Qazi Faizul Haque : Mr. Chairman, Sir, can I move it on behalf of Mr. Khalid Khan ?

Mr. Chairman : Well, I have to check up the rules. I don't do it for mere asking, you see. You just show me the rules under which you are competent to move this amendment on behalf of the absent Senator.

Qazi Faizul Haque : Sir, I have not got the copy of that amendment, and I was asking for...

Mr. Chairman : No, No. Question is not of the amendment. It is, whether you can move on behalf ?

Qazi Faizul Haque : If I am permitted to move that amendment, I have not got the copy.

Mr. Chairman : Copy of the rules ?

Mr. Faizul Haque : Copy of the amendment to see what the amendment is.

(At this stage Mr. Khalid Khan, Senator, entered the House)

Mr. Chairman : Yes, Mr. Khalid Khan we have just taken up resolution No. 3, which has been already moved by Mr. Afzal Khan Khoso. Do you want to move your amendment ?

Mr. Mohammad Khalid Khan : Yes, Sir. I beg to move :

“This House is of opinion that the Government do, after expert study, prepare a separate “Small Dams Scheme” for bringing under cultivation the entire barren though fertile, lands of Kachchi, Sibi, Zhob, Loralai, Quetta and Pishin districts in Baluchistan.”

جناب والا ! بنیادی طور پر میری ترمیم اس قرار داد کے بنیادی مقاصد کے مخالف نہیں ہے نہ اس کی روح کے سنائی ہے بلکہ جہاں تک میری ترمیم کا تعلق ہے، میں نے اس بنیادی مقصد کو آگے بڑھانے کے لیے کوشش کی ہے کہ ذوب، لورالائی، کوئٹہ، پشین میں بھی سال ڈیمز سکیم کو انٹروڈیوس کیا جائے۔

Mr. Chairman : Now, what is the procedure? I want to know. There is an amendment in your name. It is O. K. This is within the scope of the resolution. There is no doubt about that. Nobody has raised that objection. Now, you have moved an amendment and so has Mian Saifullah Paracha moved another amendment.

Mr. Mohammed Khalid Khan : Yes, Sir, Mian Saifullah Paracha has come with an amendment.

Mr. Chairman : Whether he is here ?

Mr. Mohammad Khalid Khan : He is not present.

Mr. Chairman : What will happen to his amendment then ?

Because we must proceed according to the rules.

Mr. Mohammad Khalid Khan : Sir,...

Mr. Chairman : Your amendment is O. K. I said you will be given opportunity to move your amendment, to speak on it and to discuss it. But what about Mian Saifullah Paracha ?

Mr. Mohammad Khalid Khan : Mian Saifullah Paracha is not present, Sir.

Mr. Chairman : If the amendment is in one Member's name and he is not present and it is not moved, is there some general provision ?

Mr. S. M. Masud : (Minister for Law and Parliamentary Affairs) : I do not find any provision there where amendment can be moved on behalf.

Mr. Chairman : Resolution and motion can be moved. That I know But I am asking about amendment.

M. S. M. Masud : I don't find it.

Mr. Chairman : I don't think, you see. We should not do things for which we are sorry later.

Yes, page 99 of the rules :

“188. (I) An smendment shall be within the scope of, and relevant to, the subject-matter of the motion to which it is proposed.”

There is nothing here Well, I am looking up Mr. Khoso. You help me. Amendments are dealt with under rule 188, and further on an amendment shall be within the scope.

Mr. Afzal Khan Khoso : I would like to draw your attention to rule 190, Sir.

Mr. Chairman : 190, Selection of Amendments.

“The Chairman shall have power to select the amendments to be proposed in respect of any motion, and may, if he thinks fit, call upon any member who has given notice of an amendment to give such explanation of the object of the amendment as may enable him to form a judgment upon it.”

It does not deal with the point I have in my mind.

Mr. Afzal Khan Khoso : Yes, Sir. I will explain. The fact that you could call upon any Member who has given the notice of an amendment to give such explanation of the object of the amendment as may enable him to form a judgment upon it. The fact that he is not present, Sir, that means he cannot be called and the fact that he cannot be called. I think, means, he cannot move.

Mr Chairman : All right. I call upon Mian Saifullah Paracha to move his amendment.

(Silence)

Mr. Chairman : Either he is absent or he is not willing to move, So, the amendment is dropped . So, we are left only with one amendment of Mr. Khalid Khan. Yes, please you start your amendment. Second amendment which is in the name of Mian Saifullah Khan Paracha goes away.

Qazi Faizul Haque : Mr. Chairman, Sir, can I submit an oral amendment.

Mr. Chairman : Do you want to move an oral amendment ?

Qazi Faizul Haque : Yes, Sir.

Mr. Chairman : It is too late. I think it is too late. Yes, Mr. Khalid Khan ?

Mr. Mohammad Khalid Khan : Mr. Chairman Sir, the original resolution before the House is :

“This House is of opinion that the Government do, after expert study, prepare a separate “Small Dams Scheme” for bringing under cultivation the entire barren, though fertile, lands of Kachchi and Sibi Districts in Baluchistan.”

Mover of the resolution is honourable Member, Mr. Afzal Khan Khoso So, I have come with an amendment. That is, that :

“ This House is of opinion that the Government do, after expert study, prepare a separate “Small Dams Scheme” for bringing

[Mr. Mohammad Khalid Khan]

under cultivation the entire barren, though fertile lands of Kachchi Sibi, Zhob, Loralai, Quetta and Pishin districts in Baluchistan."

جناب والا ! بنیادی طور پر میری ترمیم قرار داد کے بنیادی مقاصد کے مخالف نہیں ہے ، اس کی روح کے منافی نہیں ہے - بنیادی بات یہ ہے کہ شمال ڈیم اسکیم کا اس خطے میں بھی تعارف کرایا جائے اور بلوچستان کے ژوب ، لور الائی پشین ، کوئٹہ میں جو بارانی علاقے ہیں جہاں اکثر پانی ندی نالوں میں بہہ جاتا ہے ، ہم اس سے استفادہ نہیں کر سکتے - جناب والا ! جہاں حکومت ہمارے علاقے میں بہت کام کر رہی ہے وہاں پر ہماری درخواست یہ بھی ہے کہ ہمارے علاقے میں شمال ڈیم اسکیم پہنچائی جائے تاکہ وہاں پر جو ان ندی نالوں کا پانی ہے وہ ذخیرہ کیا جا سکے اور ہم اس سے استفادہ کر سکیں - ٹیوب ویل کھودے جائیں - ویسے بھی جہاں تک پیمائز پارٹی کا تعلق ہے اس کے نئے منشور میں یہ بات واضح ہے - ایک شمال ڈیم کی تعمیر سے ۲۵ کروڑ ٹن غلہ کی حد مقرر ہے - اس حد کو مد نظر رکھتے ہوئے اسے بلوچستان میں بھی عملی جامہ پہنایا جائے - میں سمجھتا ہوں کہ یہ اسی صورت میں ممکن ہو سکتا ہے کہ جب شمال ڈیم بنائیں گے اور پانی کو استعمال کیا جائے گا -

Mr. Afzal Khan Khoso : On a point of order, Sir. Sir, is it a speech on the amendment or is it a speech on the amended form? I have not been asked whether I have accepted the amendment or I have opposed the amendment.

Mr. Chairman : It is obvious. You can read your resolution and then the amendment. What I understand by his amendment is this that the scope, the objective and the purpose is the same in both the resolution and amendment. There is no difference. There is absolutely no difference whatsoever between the objective; of the two resolutions. As a matter of fact, his amendment seeks to enlarge the scope of the resolution. While your resolution is confined only to two districts, Kachchi and Sibi, he has enlarged it to six districts including yours too. You want this scheme for two districts, Kachchi and Sibi, he wants it for Kachchi, Sibi, Zhob, Loralai, Quetta and Pishin. Have you got any objection to that?

Mr. Afzal Khan Khoso : Sir, objectively I have got no objection. But, of course, there are certain subjective conditions and besides that there are certain rules which I am relying upon.

Mr. Chairman : No, no, I am coming to rules. Let us try to understand each other. There is no difference whatsoever between the resolution and the amendment so far as the objective and the purpose are concerned. Am I correct?

RESOLUTION RE : SMALL DAMS SCHEME FOR BARREN LANDS OF KACHCHI 225
AND SIBI DISTRICTS OF BALUCHISTAN

Mr. Afzal Khan Khoso : Yes, Sir.

Mr. Chairman : You want to confine it to two districts, Kachchi and Sibi. His amendment seeks to enlarge the scope, to extend it to four more districts. That is the only difference.

Mr. Afzal Khan Khoso : Could the honourable Senator move a fresh resolution ? Would that not be more advisable ?

Mr. Chairman : No, you can't force him. If he is within his rights, he is quite competent to move an amendment. If you want to argue that his amendment is not according to the rules that is a different matter.

Mr. Afzal Khan Khoso : Sir, because I would have to rely upon the rules that his amendment is not in accordance with the rules.....

Mr. Chairman : Then you argue on that point.

Mr. Afzal Khan Khoso : Sir, I would rely upon rule No. 119(1) which says :

“ If a notice of an amendment has not been given two clear days before the day on which it is moved, any member may object to the moving the amendment, and thereupon objection shall prevail, unless the Chairman in his discretion allows the amendment to be moved”.

Mr. Chairman : So, two clear days notice has not been given.

Mr. Afzal Khan Khoso : Sir, this resolution was moved on 31st December 1976.

Mr. Chairman : Your resolution ?

Mr. Afzal Khan Khoso : My original resolution.

Mr. Chairman : This rule relates to amendment.

Mr. Afzal Khan Khoso : This rule relates to amendment whether an amendment can be accepted or it can be objected to by the mover or any other Member.

Mr. Chairman : Provided the requisite period of notice has not been given :

“ If notice of an amendment has not been given two clear days before it is moved”.

Mr. Afzal Khan Khoso : The word is 'moved', Sir, and not discussion.

Mr. Chairman : But, I think, this notice had been given on the 29th April.

Mr. Afzal Khan Khoso : Sir, I have no objection.

Mr. S. M. Masud : Sir, may I make a clarification at this stage. As a matter of fact, this notice of two days relates only when the amendment is to be moved. It does not relate to the moving of the resolution.

Mr. Afzal Khan Khoso : Yes, to the moving of the resolution.

Mr. S.M. Masud : No, it relates to the moving of the amendment. The notice for moving an amendment has to be given two days before the discussion.

Mr. Afzal Khan Khoso : No, Sir.

Mr. Chairman : Let me Mr. Afzal Khan Khoso try to convince you, if possible. If you are open to conviction you just read as the Law Minister has been trying to do. If a notice has not been given, mind that, read it very carefully Mr. Afzal Khan Khoso, I am addressing you.

Mr. Afzal Khan Khoso : Yes, Sir.

Mr. Chairman : "If notice of an amendment notice of an amendment has not been given two clear days before the day on which it is moved" It is being moved today.

Mr. Afzal Khan Khoso : No, Sir, it has been moved on 31st December, 1976.

Mr. Chairman : No, it is being moved today.

Mr. Afzal Khan Khoso : No, Sir, on the Orders of the Day it has been kept for discussion and not for moving, Sir.

Mr. Chairman : It has been moved on which date ? Give the date.

Mr. Afzal Khan Khoso : On 31st of December, 1976.

Mr. Chairman : This amendment had been received.....

Mr. Afzal Khan Khoso : No, Sir, this resolution had been moved.

Mr. Chairman : What are you saying ? "If notice of an amendment has not been given two clear days before the day on which it is moved," it means amendment.

Mr. Afzal Khan Khoso : It means amendment or the resolution.

Mr. Chairman : It means amendment, Mind that. I will read it again. It is so simple, so plain, so clear, so easy to understand. "If notice of an amendment has not been given two clear days before it is moved..... before it is moved," it relates to amendment and not resolution. There is no question of resolution. Had resolution been mentioned in the earlier line, then it would have been referred. There is no question of resolution. If notice of an amendment has not been given two clear days before it is moved, it means that the amendment is moved. It is quite simple.

Mr. Afzal Khan Khoso : I understand that now, Sir.

Mr. Chairman : No, no, do you agree or disagree ?

Mr. Afzal Khan Khoso : I agree with you, Sir.

Mr. Chairman : No, no, I am not forcing you to agree with me. Because according to my reading if I understand the rule correctly, "if notice of an amendment has not been given two clear days before the day on which it is moved," it means amendment. Now, the notice had been given on 29th April, and it is being moved today. This is one point. I do not want you to agree only to please me or the House. Are you convinced ?

Mr. Afzal Khan Khoso : I am convinced.

Mr. Chairman : All right, let us proceed further.

Mr. Afzal Khan Khoso : The word 'it' I was pleading.

Mr. Chairman : So, 'it' means an amendment. That is too clear. There is no doubt about that. I think, the Law Minister will agree with me that 'it' refers to amendment and not resolution.

Mr. Afzal Khan Khoso : First, the honourable Senator can argue, and then I will put forward my arguments.

Mr. Chairman : No, no, this was your point of order. So, that point of order is ruled out. Now, is there any other point of order ?

Mr. Afzal Khan Khoso : Now, I would like to go on facts.

Mr. Chairman : No, first we will have discussion on the amendment as usual. According to the rules, we have to first subject the amendment to discussion, and after that we will come to the resolution.

Mr. Afzal Khan Khoso : Yes, Sir.

Mr. Chairman : But is there no other point of order ?

Mr. Afzal Khan Khoso : No, Sir.

Mr. Chairman : Thank you.

Mr. S. M. Masud : Mr. Chairman, Sir, I have a point of order. I do see the concern of the honourable Senator from Baluchistan in respect of the subject-matter. But the subject-matter primarily is within the concern of the Provincial Government. I would like to explain as far the facts and the other matters are concerned which will satisfy the honourable Members from Baluchistan, who have moved this resolution and also amendment. But whether that statement will be sufficient before the discussion goes on that is upto this honourable House. But, I think this subject is primarily within the domain of the Provincial Government.

Mr Chairman : Let me refresh my memory from my own record as to what was my decision about this. When such a point was raised. I think, I must have, presumably, decided the issue that it is within the competence of the Federal Government and not the Provincial Government. That is why it has been put on the agenda. That I don't remember, because this resolution was moved about five to six months back. But presumably I must have given my decision that since this falls within the competence of the Federal Government it should be allowed. If it would have been brought to my notice that the Federal Government is not concerned, I might have given my ruling.

(Pause)

Mr. Chairman : This was given to office on 31st December. I will read out the note on the file :

“After making enquiry from the quarters concerned this has been noted that all the work relating to water resources study, preparation of schemes and construction of small dams in Baluchistan is being conducted by WAPDA.”

Mr. S. M. Masud : I know, Sir, but.....

Mr. Chairman : That Small Dams Organisation is different. I will read again :

“All the work relating to water resources study, preparation of schemes and construction of small dams in Baluchistan is being conducted by WAPDA.”

Therefore, the subject-matter of the instant resolution is a federal subject. This was ascertained from the appropriate quarters, you see.

Mr. S. M. Masud : May I respectfully say that my intention in raising this objection is not to be considered that I want to guillotine the right of the members to discussion on this important issue. As a matter of fact, I myself wanted to make a statement, so that it could satisfy the honourable Members from Baluchistan. But why I pointed out is that sometime the study is made by WAPDA and, as a matter of fact, a number of studies are being made by WAPDA on the request of the Provincial Government. There are also some studies which have been made, but the ultimate implementation is to be done. The question of requirement of small dams, in particular district, is primarily the responsibility of the

Provincial Government which constructs those dams, and is responsible also for their implementation. If the request is made to WAPDA to make a study by certain departments of the Provincial Government or the Central Government, WAPDA, does make the study. WAPDA is carrying on study in Baluchistan and other parts of Pakistan. So, for the concern which the honourable Member has shown, I will make a statement on what the Government plans to do, and then, I think, he will agree not to press this resolution or as your honour considers it fit.

Mr. Chairman : As far as the admissibility of the resolution is concerned, I think I will stick to my decision that the expert study, preparation of scheme, it is within the scope of the Federal Government to carry it. That may be provincial subject, but so far as expert study and preparation of scheme is concerned, that is for the Federal Government.

Mr. S. M. Masud : May I make a distinction in what is there in the mind of the Chair and what will happen if this resolution is passed. By this resolution the Federal Government is under responsibility to carry out study which is primarily the function of the Provincial Government to ask the Federal Government and the WAPDA authorities: Now, what is being done is that WAPDA is being directly asked to do what primarily originates from the Provincial Government. The request is made to WAPDA, and now you will ask WAPDA directly to make a study.

Mr. Chairman : I do not agree with you. We are not asking WAPDA. We are not requesting WAPDA. We are not giving any directions, instructions, orders or request to WAPDA. No, no, this is a recommendation to the Government. You know the resolution is always in the form of a recommendation.

Mr. S. M. Masud : If Government is to make an expert study, then it is the duty of the Provincial Government. The subject-matter is of the Provincial Government.

Mr. Chairman : No, no.

Mr. S. M. Masud : The Central Government does not make a study.

Mr. Chairman : It is done by WAPDA on the request of the Central Government.

Mr. S. M. Masud : It is done on the request of the Government.

Sardar Mohammad Aslam : Point of order, Sir.

Mr. Chairman : Yes Sardar Aslam, you will have it.

(Pause—Consults Constitution)

Mr. Chairman : Sardar Sahib, you will have your say, but let me explain one thing, I am referring to Fourth Schedule, page 185 of the

[Mr. Chairman]

Constitution, Part II. You look at it; 1. Railways, 2. Mineral oil and natural gas, 3. Development of Industries, so and so. Then next page Fourth Schedule includes "Pakistan Water and Power Development Authority and the Pakistan Industrial Development Corporation; all undertakings, projects and schemes of such institutions, establishments, bodies....." All these are included there. WAPDA is included. The scheme has to be prepared by WAPDA. It may be passed on to the respective provinces for giving it effect, but not for the preparation of schemes. Preparation of schemes comes within the scope of WAPDA. Anyhow, that matter is settled. That is a quite different thing that they, out of regard for you, may wish to withdraw the resolution, but it is within the competence of the Federal Government.

Yes, Mr. Mohammad Khalid Khan ?

قاضی صاحب آپ کچھ کہنا چاہتے ہیں پوائنٹ آف آرڈر کیا ہے ؟

قاضی فیض الحق : پوائنٹ آف آرڈر نہیں ہے وہ اپنی تقریر جاری رکھتے ہیں

تو میں اس میں ایک ترمیم کرنا چاہتا ہوں۔

جناب چیئرمین : وہ تو میں نے رولنگ دے دی ہے۔ میں نے پہلے ہی کہا

دیا ہے یس مسٹر خالد ؟

جناب محمد خالد خان : جناب والا ! میں گزارش کر رہا تھا کہ ہماری پارٹی

خصوصاً پیپلز پارٹی نے ایک واضح پروگرام دیا ہے اور ۲۵ لاکھ ٹن اناج کی حد مقرر

کی ہے۔ تو اس حد تک پہنچنے کے لیے بھی یہ ضروری ہے کہ بلوچستان میں جو لاکھوں

ایکڑ زمین ہے اس کے لیے سال ڈیم بنا کر اس کو زیر کاشت بنایا جا سکتا ہے

اور یہ ایک بہتر اسکیم ہے۔ جناب والا ! ہمارے بلوچستان میں اور خصوصاً ان

علاقوں میں بارش بہت کم ہوتی ہے تو میں یہ کہتا ہوں کہ یہ بارش کا پانی

سال ڈیم کے ذریعے محفوظ کر لیا جائے تو میں سمجھتا ہوں کہ وہاں لاکھوں ایکڑ

زمین دوبارہ آباد ہو سکتی ہے اور اناج کی پیداوار زیادہ ہو سکتی ہے، فروٹ کی

پیداوار زیادہ ہو سکتی ہے اور اس طرح پیداوار بہت زیادہ ہوگی۔ جناب والا !

یہ ضروری ہے کہ یہ معزز ہاؤس اپنی رائے دے اور میں یہی گزارش کروں گا کہ یہ

ایک بہتر اسکیم ہے اور پھر یہ بنیادی قرار داد کے منافی بھی نہیں ہے بلکہ بنیادی

قرار داد کے مقاصد میں اور وسعت دی گئی ہے اور اس کو آگے بڑھانے کے لیے میں

نے یہ ترمیم دی ہے اور میری یہ گزارش ہے کہ اس پر دوبارہ غور کیا جائے اور

اپنی رائے کا اظہار کیا جائے۔

Mr. Chairman : Any gentleman who wants to speak ?

(Pause)

جناب چیئرمین : یس قاضی صاحب ! آپ کچھ کہنا چاہتے ہیں ؟

قاضی فیض الحق : میں ترمیم پر کچھ عرض کرنا چاہتا ہوں -

جناب چیئرمین : ترمیم پر بولنے سے میں نے منع تو نہیں کیا - میں نے تو

یہ پوچھا ہے کہ کوئی صاحب ترمیم پر اظہار خیال کرنا چاہتے ہیں ؟

قاضی فیض الحق : جناب والا ! میں ترمیم کے حق میں بولنا چاہتا ہوں -

جناب چیئرمین : میں نے منع تو نہیں کیا -

قاضی فیض الحق : جس طرح کہ ترمیم میں ذکر کیا گیا ہے کہ اس سے اصل ریزولوشن کے اغراض و مقاصد کو کوئی نقصان نہیں پہنچے گا بلکہ اس طرح اس کو اور وسعت دی گئی ہے کہ بلوچستان کی تمام ڈسٹرکٹس میں اس سال ڈیم بنائے جائیں تو میں ترمیم کے حق میں ہوں - میں کہتا ہوں کہ اس پر غور کیا جائے - اس سے ایک سال پہلے اس سال ڈیمز بنانے کی سکیم پر میرے خیال میں غور ہوا تھا اور وزیر صاحب نے یقین دہانی کرائی تھی - ہمارا یہ تجربہ ہے اور دیکھنے میں یہ آیا ہے کہ بارش کا پانی ضائع ہو جاتا ہے بلکہ نشیبی علاقوں میں تباہی بھی بچاتا ہے - اس سال ڈیمز نہ ہونے کی وجہ سے پچھلے سال سیلاب بھی آیا اور کافی نقصان ہوا - اس طرح بارش کا پانی کھڑی فصلوں کو بھی بہا لے جاتا ہے - اگر یہ اسکیم تمام ڈسٹرکٹس میں لاگو کی جائے تو نہ صرف کھڑی فصلوں کو نقصان پہنچنے سے بچایا جا سکتا ہے بلکہ بارش کا پانی جمع کر کے بنجر علاقوں کو بھی سیراب کیا جا سکتا ہے - میں اس ترمیم کی پر زور تائید کرتا ہوں -

جناب چیئرمین : کھوسو صاحب آپ فرمائیے ؟

Yes, Khoso Sahib ?

Mr. Afzal Khan Khoso : Mr. Chairman, Sir, I would like to draw your attention to rule 190 for a decision on your part, whether this amendment is to be incorporated in the resolution or not.

Mr. Chairman : You are referring to rule 190?

Mr. Afzal Khan Khoso : Once we get to this point whether it is be accepted or not, then we can move further, Sir.

Mr. Chairman : Yes, what is the point ?

Mr. Afzal Khan Khoso : I have no objection if the amendments are incorporated in the original resolutions. So, let us read it in the amended form.

Mr. Chairman : No, Rule 90 is not something different. It says :

“The Chairman shall have power to select the amendments to be proposed in respect of any motion, and may, if he thinks fit, call upon any member who has given notice of an amendment to give such explanation of the object of the amendment as may enable him to form a judgment upon it.”

There is only one amendment now. The other amendment is dropped.

Mr. Afzal Khan Khoso : In my case I have no objection, if my resolution is read in the amended form, and then I can start discussion on the resolution as amended.

Mr. Chairman : Well, it comes to the same thing.

Mr. Afzal Khan Khoso : Because I have to speak on the resolution.

Mr. Chairman : But if the amendment is carried, it would not be necessary for you to move your resolution because your resolution is included in the amendment.

Mr. Afzal Khan Khoso : I am the mover of the resolution. If the House accepts the amendment, I have no objection to this. If it is put to the House and the House accepts the amendment. Then I will start my discussion on the amended form of the resolution.

Mr. Chairman : But if the amendment is carried, it would not be necessary to discuss the resolution. Why it should be necessary ?

Mr. Afzal Khan Khoso : It would be necessary to discuss the amendment, because at the present moment we are on the point whether amendment is to be admitted or not. After that the discussion will start.

Mr. Chairman : If the amendment is relevant, and so far as resolution is concerned that amendment is carried, the resolution may not be discussed.

Mr. Afzal Khan Khoso : It will be discussed, because it is on the Orders of the Day which has come up for discussion.

(Interruption)

Mr. Chairman : Mr. Masud Ahmad Khan, you cannot speak from that seat.

Mr. S. M. Masud : Mr. Chairman, I am afraid Mr. Khoso is right in point. He has to substantiate this resolution. He has not been given the opportunity to explain the amendment. He has just introduced the motion. An amendment was introduced, and the leave of the House has to be granted whether this becomes part of the resolution or not. If it becomes part of the resolution, then Mr. Khoso is to be given a chance to explain his resolution, and the debate is to start.

Mr. Chairman : I want to know the exact procedure which we have to follow. We are, at the moment, discussing the amendment. After the discussion the amendment will be put to vote. Am I correct? After the outcome of that voting, whatever the result is; whether it is rejected or accepted by the House, then we will come to the resolution.

Mr Afzal Khan Khoso : That is what I said.

Mr. Chairman : We do not know that the House will decide about the amendment. The amendment may be carried or the amendment may be rejected.

(Pause)

Mr. Chairman : I do not think there are any other gentlemen desirous of speaking on the amendment. I shall have to put the amendment to the vote. Am I correct Mr. Masud Ahmad Khan? Now there are no further speeches on the amendment. So, I will put the amendment to the House. Is no other gentleman speaking on the resolution? The Minister concerned is not here, I think.

Mr. S. M. Masud : I will answer on behalf of the Minister.

Mr. Chairman : Will you answer? All right, Mr. Mahboobur Rahman, do you want to speak?

جناب محبوب الرحمان : جناب چیئرمین ! میں مختصر الفاظ میں اس ترمیم کی تائید و حمایت کرنا چاہتا ہوں۔ بہت اچھا ہوتا اگر صوبہ بلوچستان کے ساتھ صوبہ سرحد کو بھی ملا دیا جاتا۔

جناب چیئرمین : یہ تو نہیں ہو سکتا۔

جناب محبوب الرحمان : میں اس ترمیم کی حمایت کرتا ہوں۔

جناب چیئرمین : اگر کوئی یہ اٹھ کر کہے کہ اسے تمام پاکستان پر حاوی کر دیا جائے، تو یہ تو نہیں ہو سکتا۔

جناب محبوب الرحمان : کیوں نہیں ہو سکتا ؟

(مداخلت)

جناب چیئر مین : اگر کوئی اس بات کا خواہشمند ہے تو وہ پہلے ترمیم لائے۔

جناب محبوب الرحمان : میں ان چھ ضلعوں کی حمایت کرتا ہوں۔

جناب چیئر مین : یہ ٹھیک ہے۔ فرمائیے غلام حسین صاحب آپ کیا فرما رہے ہیں ؟

جناب غلام حسین : میں مختصر الفاظ میں افضل کھوسو صاحب کی طرف سے دیئے گئے ریزولوشن کی تائید کرتا ہوں۔

جناب چیئر مین : ابھی ریزولوشن پر تو بحث نہیں ہو رہی۔ ابھی تو ترمیم زیر بحث ہے۔

Mr. Afzal Khan Khoso : Just a word, Sir. Will the amendment be put to the House before the speech of the honoureeble Minister or after his speech ?

Mr. Chairman : The Minister has the right to speak.

Mr. Afzal Khan Khoso : The Minister is speaking, on the amendment only.

Mr. Chairman : At present we are discussing the amendment not your resolution.

Mr. S. M. Masud : Mr. Chairman, I will not enter into the controversy to expand it to the extent of six districts that it should be restricted to two districts, because my policy on behalf of the Government will be the same as it is in the two districts or six districts. Let the House itself decide. I would not enter into that controversy.

Mr. Chairman : All right. Now, I will put the amendment to the House.

The amendment moved by Mr. Mohammad Khalid Khan is :

“That this House is of the opinion that the Government do, after expert study, prepare a separate “Small Dams Scheme” for bringing under cultivation the entire barren though fertile lands of Kachchi, Sibi, Zhob, Loralai, Quetta and Pishin district in Baluchistan.”

(The motion was adopted)

Mr. Chairman : The amendment is carried.

What next now ?

Now you come to the same thing from which I had started. If the amendment is carried, then there is no need to put the resolution to the House. The amendment is carried, you see. It means, in other words, indirectly throwing away the resolution. There was a resolution. Well, so far as I have been able to understand the rules, you moved a resolution before the House. Now amendment, which was thought quite competent, was moved. Now first the amendment had to be taken by the House. You see, there was discussion over it. Now, in preference to your resolution the House has accepted the amendment which means that the House is not in favour of your resolution. The entire House is in favour of amendment. I think, if he does not mind. I will call upon the honourable Member, Sahibzada Sahib, ex-Speaker of the National Assembly, he is an authority if he can only say whether I am correct or wrong, because according to my reading of the rules, when the amendment is carried, then it is not competent even to take up the resolution for discussion.

Sahibzada Farooq Ali Khan : Mr. Chairman Sir, I am no authority.

Mr. Chairman : You are.

Sahibzada Farooq Ali Khan : I think the resolution can be discussed.

Mr. Chairman : Can be discussed ?

Sahibzada Farooq Ali Khan : The Amendment has been incorporated as part of the main resolution, and discussion can take place on the whole of the resolution.

Mr. Chairman : Now, when the amendment is carried, we have to discuss the resolution, and then resolution will be put to the House ?

Sahibzada Farooq Ali Khan : Yes then that will be put to the House.

Mr. Chairman : As amended ?

Sahibzada Farooq Ali Khan : As amended, Sir.

Mr. Chairman : I see. I am open to conviction.

Sahibzada Farooq Ali Khan : Thank you very much, Sir,

Mr. Chairman : Yes, please.

Sahibzada Farooq Ali Khan : He might withdraw this.

Mr. Chairman : It is upto him, you see.

Mr. Afzal Khan Khoso : My resolution has been put to so many operations that I have to start right from the scratch.

Mr. Chairman Sir, a little while ago you gave your ruling with regard to this aspect of the resolution on the objection of honourable Law Minister whether this forms part of the Provincial subject or the Federal. You were very much correct, Sir, by pointing out that this forms part of the Federal business.

Sardar Mohammad Aslam : Point of order, Sir.

Mr. Afzal Khan Khoso : But I am elaborating the point.

Sardar Mohammad Aslam : No, Sir. The mover has started the discussion. I will request the mover to move the resolution in an amended form, and then start a discussion because he has started the discussion on his original resolution, and the resolution has been amendment, and amended has been carried out by the House. Let him move the resolution in an amended form, and then start discussion.

Mr. Chairman : As the old saying goes, live and learn, we are living and learning, you see. We are in the process of learning. Yes, he is correct.

Mr. Afzal Khan Khoso : Yes, Sir. I beg to move :

“This House is of opinion that the Government do, after expert study, prepare a separate “Small Dams Scheme” for bringing under cultivation the entire barren, though fertile, lands of Kachchi, Sibi, Zhob, Loralai, Quetta and Pishin districts in Baluchistan”

Mr. Chairman : Yes, the new resolution in amended form moved by Mr. Afzal Khan Khoso :

“This House is of opinion that the Government do, after expert study, prepare a separate “Small Dams Scheme” for bringing under cultivation the entire barren, though fertile, lands of Karachi, Sibi, Zhob, Loralai, Quetta and Pishin districts in Baluchistan.”

Mr. S. M. Masud : Point of Information.

Mr. Chairman : Sir, I would like to know from the honourable mover, what does the Government here connote.

“This House is of opinion that the Government do, after expert study, prepare a separate “Small Dams Scheme” for bringing under cultivation.....”

Now, 'Government do.....for bringing under cultivation the entire', it only relates to the preparation of scheme; and which will be the Government?

Mr. Chairman : Well, unhappily, you see, it is not properly worded.

It should be worded like this :

"This House is of opinion that the Government do, after expert study, prepare a separate "Small Dams Scheme" with a view to bringing, or for the purpose of bringing .."

Mr. S. M. Masud : Which will be the Government ?

Mr. Chairman : The Federal Government will prepare the scheme.

That only follows up, you see. It is Okay. It is a small matter.

Mr. Afzal Khan Khoso : So, Sir, what I was going to say was that your honour gave this ruling that this was a federal subject. I am in support of yours ruling Sir. Such matters have been decided before also in this House when Senator Farooq Leghari had moved a resolution of similar nature. Sir, it was upheld in this House, and it was decided on Friday, 19th March, 1976, that this matter was a federal subject, and he was allowed to proceed with his arguments. So, Sir, that is over.

Now, I will come to the actual facts supporting my arguments. Sir, when I originally moved my resolution, I had restricted it to two districts for the main purpose that I knew more about these two districts. These two districts being adjoining districts of Jacobabad. Then, I had known about rest of the districts of Baluchistan. I would like to tender my apology to my friends from other parts of Baluchistan that had I known of the topographical situation existing in other parts of Baluchistan, I would have definitely gone into my resolution and put all these districts over there as now they form part of the resolution. Sir, the subjective conditions on which I am going to discuss and which impart the consideration of the Government, the Peoples Government, are that we have a run of waters and hill torrents in these two districts of Baluchistan. On one side, in the south and west, there are plane areas of Sibbi and Kachchi districts, and on the northern part and the eastern part there are the mountains and the hills. So, Sir, whenever there are rains and excessive rains, the water is not conserved : the water is not dammed up. It causes two colossal losses. Sir, the first colossal loss that it causes which runs into millions of rupees is, I have seen with my own eyes, and I think so many people, who are well conversant with the subjective conditions over there, must have seen that we lose so much standing crop that exist there. We lose the houses of the people which are washed out, Sir. At the same time their cattle are wasted away. The people die because of the hill torrents. The current is so strong that everything is wiped away, Sir, and everything is washed out. Even a little grain that they have stocked up for their

[Mr. Afzal Khan Khoso]

eating purposes, even that is washed out. So, that leaves the people absolutely unprotected from these flood ravages. So, my first request for consideration of this resolution would be that let us save the people of these two districts. I am sorry I would say all these five districts, but I will mainly confine myself to the two, for I have other friends who will talk of other districts, because I don't know so much about those districts. So, I will mainly confine myself to these two districts, Sir, while supporting the proposal that all these five districts should be taken into consideration. I will say that let us save, make a name in history that we saved the people of Baluchistan from the ravages of flood, from the colossal loss that there has been since centuries. It is about time in this 20th century, in the time of the People's Government, that certain concrete steps must be taken, so that we minimise human sufferings as far as possible.

That is, Sir, one of the main considerations. The other consideration in support of this resolution is that by constructing these small dams on the one hand, as I have explained, we will save these people from the human miseries, and on the other hand, we can store that water, we can have reservoirs, we can have dams, we can channelise this water for beneficial use, for the use of irrigation purpose, for drinking purpose, for the use of their livestock and for their cattle. People are not only down trodden, they are not only backward, but they are living a sub-human life. I have seen the people, and I think those people who have travelled by road or by train across Baluchistan, they must have seen similar conditions over there that women folk have hardly any clothes to hide their bodies. The men, women, children and the old men go in tattered clothes. Sir, what is all this? What is the reason for the sub-human life that they are living? It is not because of what has happened now. Sir, it is because of the neglect of the centuries, right from the days before the Britishers came when the Khans were ruling. Then, the other Khans, the British Khans, came, and they were ruling. Then, there were so many other Khans, who started ruling, Sir. Now, we have a chance to improve the quality of their life when we have the people's Government, and this is the demand that we are making from the People's Government. We did not make this demand from old Khans whether they were white Khans or the brown Khans or the black Khans. Sir, we are making this demand from the People's Government, and I am absolutely confident that the Peoples Government is alive to the situation, and will do everything possible to improve the quality of life of these people.

Sir, as an advocate, as a lawyer, I have been to various places in these two districts. for instance, Lidy and Bhag and other places, and when I was served meals over there I was asked not to wash my hands before eating the food or even after eating the food. This was the condition of the scarcity of the water that even a person cannot wash his hands. There was one pond in Bhag, and one pond I saw in Lidy. Senator Hazoor Bakhsh Dunki is not present, otherwise he would have borne me out. That is his village. The people were drinking from the same little pond. Even the dogs and donkeys, cats and jackals were also drinking from the same pond. Sir, this was the condition of the people,

of human beings, of our fellow Pakistanis. Sir, this is the motive for which I have moved this resolution. On the one hand, we will be saving them from the colossal damage that the floods do cause, and this should be asked from those people where the floods do come as to how much human sufferings the floods have caused. At the same time, we will be able to provide them water for drinking purposes, for livestock purposes, for farming purposes and for agricultural purposes, so that we can improve the quality of their life. There are so many other ways, for instance I would just mention briefly that there are a number of 'Nadis' or 'Nehrs' what we call them. For instance, for the guidance of the honourable Minister, I am sure his brief must be containing the same things, there are the Bolan Dam, the Bala Nari Bank, Chattar Nadi, Ghoghri Nadi, Pali Langra, Lolai Gasnadi and Allah Yar Nadi. These are the few 'Nadis' where the hill torrents come and it could be dammed on the upper edges, at the foot-hills of the mountains or the hills, because it is not possible once the hill torrents come into the plains to conserve them over there. It is not possible to create bunds or embankments over there. So, in the catchment areas the water could be stocked and stored over there, and then, of course, the channels could be formed in such a way, and if it is the job of the Federal Government—of course, it is the job of the Federal Government to provide funds for implementation to the Provincial Governments, so that its channels and its regulators are constructed—that people have water for all these facilities that I have mentioned. Sir, I vehemently go in for this resolution as amended Sir, it is about time that we bring these people into the category of human beings. I thank you.

Mr. Chairman : Yes, Sheikh Mohammad Umer ?

شیخ محمد عمر خان : جناب والا ، جناب افضل کھوسو صاحب کے اس ریزولیشن کی جس میں ڈاکٹر خالد خان نے امینڈمنٹ تجویز کی ہے ، میں تائید کرتا ہوں اور عرض کرتا ہوں کہ میرے دوستوں کو چاہئے تھا کہ وہ پورے بلوچستان کے متعلق ، تمام اضلاع کے متعلق ، پورے علاقے کے متعلق ، ریزولیشن لاتے کہ وہاں بارشیں کم ہوتی ہیں ۔ اس کے لیے ایک ریزولیشن لاتے تاکہ آج ہم اس پر کھلے طور پر بحث کر لیتے ۔ جناب والا ! میں عرض کرتا ہوں کہ بلوچستان ایک ایسا صوبہ ہے کہ جیسا کہ میرے دوست نے کہا ہے کہ ایک ہسائندہ صوبہ ہے اور ان علاقوں کے لوگ خانہ بدوشوں کی طرح زندگی بسر کرتے ہیں ۔ ان کو پینے کا پانی نہیں ملتا ۔ جیسا کہ انہوں نے فرمایا ہے کہ جب بارشیں ہوتی ہیں تو پانی جمع ہو جاتا ہے اور ۷، ۶ مہینے تک لوگ اس سے پانی پیتے ہیں ۔ پانی کی اتنی قلت ہے کہ کھانے کے بعد اور کھانے سے پہلے ہاتھ دھونے کے لیے پانی نہیں ملتا ۔ ان حالات میں وہاں پر جتنی بارش ہوتی ہے اس کا پانی سمندر میں جا کر ضائع ہو جاتا

[Sheikh Mohammad Umar Khan]

ہے۔ جناب والا! آپ جانتے ہیں کہ ترقی یافتہ ممالک میں اگر دیکھا جائے، تو اس قسم کے پانی کو غنیمت سمجھا جاتا ہے، اور اسے زرعی مقاصد کے لیے استعمال کیا جاتا ہے۔ اس وقت دنیا میں خوراک کا مسئلہ جس طرح درپیش ہے اور خود ہمارے ملک کو جس طریقے پر زرعی خود کفالت کی ضرورت ہے، اس کے لئے ضروری ہے کہ بلوچستان کے خطہ میں، نہ صرف سبی لورالائی کوئٹہ وغیرہ میں بلکہ تمام اضلاع میں، میں سمجھتا ہوں مکران، خاران، چاغی اور دوسرے علاقوں میں جہاں پر بھی ضرورت ہو، چھوٹے چھوٹے بندات وغیرہ بنائے جائیں۔ مثال کے طور پر مکران کے ساحلی علاقے میں دو سال پہلے جو سیلاب آیا تھا اس وقت شدید بارش ہوئی تھی۔ نتیجہ یہ نکلا تھا کہ وہاں کے ماہی گیروں کی جتنی کشتیاں سمندر کے کنارے تھیں وہ سیلاب کی وجہ سے پانی میں بہ گئیں اور ضائع ہو گئیں۔ ظاہر ہے کہ اس کی وجہ سے جانی نقصان بھی ہوا۔ کم از کم ۲۱ جانیں ضائع ہوئیں۔ ان حالات میں اگر پانی کو روک دیا جاتا اور اس پانی کو زرعی مقاصد کے لیے استعمال کیا جاتا، تو وہ علاقے آباد رہتے۔ لوگ بیروزگار نہ ہوتے اور لوگ سمگلنگ کا دوسرا کاروبار نہ کرتے۔ جب وہ اپنا پیٹ خود کما کر پالتے اور اس قابل ہو جاتے کہ وہ روٹی کما سکیں۔ لیکن جناب والا! میں عرض کرتا ہوں کہ ہمارے علاقے میں زندگی کی ضروریات کے حصول کے لیے مشکلات درپیش ہیں، بہت سی مجبوریاں ہیں۔ سننے میں بھی آتا ہے کہ اس علاقے میں جتنے بازار لائی کوئل کی طرز کے ہیں وہ خواہ کوئٹہ میں پشین میں، یا مکران میں ہیں وہ ان بے روزگار لوگوں، خانہ بدوشوں کی وجہ سے ہیں اس لیے میں عرض کرتا ہوں کہ اگر ہم اس پانی کو زرعی وسائل کے لئے کام میں لائیں اس کو چھوٹے چھوٹے بند بنا کر محفوظ کر لیں پھر ان کو زرعی مقاصد کے لیے استعمال کریں تو ہمارا ملک آباد ہو جائے گا۔

جناب والا! جہاں تک ہمارے ملک کے دوسرے صوبوں کا تعلق ہے، خدا کی مہربانی ہے پنجاب، سندھ اور صوبہ سرحد میں دریا ہیں۔ جو سال سالہا بہتے ہیں تو وہاں کچھ نہ کچھ تو علاقے سیراب ہوتے ہیں۔ لیکن ہمارا یہ جو خطہ ہے، جہاں تمام علاقہ بارانی ہے اور جس کا انحصار بارشوں پر ہے جب بارش ہوتی ہے اور اس سے جو پانی آتا ہے وہ سارا بہہ کر ضائع ہو جاتا ہے۔ اور ہم حیران

ہو کر رہ جاتے ہیں اور ہماری جائیں ضائع ہو جاتی ہیں اور ہمیں کافی نقصان پہنچتا ہے ہماری عوامی حکومت کے دور میں قائد عوام کی قیادت میں جس طریقے سے بلوچستان کے لیے ترقیاتی کام کام ہوا ہے میں سمجھتا ہوں کہ یہ بہت ضروری اور اہم ہے۔ انہوں نے جو اقدام کئے ہیں، میں یہ مانتا ہوں کہ اس سے پہلے کسی اور حکومت نے ہمارے لیے اتنا کچھ نہیں کیا ہے۔ لیکن میں یہ سمجھتا ہوں کہ یہ ایک بہت اہم مسئلہ ہے اس لیے ہماری عوامی حکومت کو فوری طور پر اس طرف توجہ دینی چاہیے اور ان تمام اضلاع میں جہاں پانی کے لیے بند باندھ کر زراعت کاشت کی جاتی ہے، اس علاقے کو ترقی دی جائے۔ اور میں اس ریزولوشن کی پر زور حمایت کرتا ہوں۔

جناب چیئرمین : کافی بحث ہو چکی ہے اب میں امینڈ ریزولوشن ایوان کے سامنے پیش کروں گا۔

Thank you very much. It has been discussed enough, Now, I will put the amendment to the resolution.

Mr. S. M. Masud : Mr. Chairman, Sir, I would like to make a statement.

Mr. Chairman : Oh, yes.

Mr. S.M. Masud : Mr. Chairman, Sir, WAPDA as a part of its efforts for preparing a Master Plan for the development of water resources had prepared to basin appraisal reports for the Province of Baluchistan sometime back. These reports are entitled Parali Basin Appraisal Report and Nari River Appraisal Report, and are already with the Government of Baluchistan. The Nari River Appraisal Report identifies the possibility of construction of Baber Kach Dam some 30 miles away from Sibi and bringing under cultivation 2,00,000 acres of land in Sibi District. In this report the possibility of constructing a dam on Mullah River and the Talitangi Dam has also been examined. WAPDA had also prepared a Project Report for construction of Mirani Dam on Dasht River about 35 miles away from Turbat. Now, it is for the Government of Baluchistan to take into consideration the reports which have already been prepared by WAPDA and handed over to the Government of Baluchistan after they consider whether they are economically attractive or not. WAPDA is also investigating construction of dam on Zob River at Badin Zai and on one of its tributaries namely Saliaza. However, the preparation of schemes by itself cannot bring additional areas under cultivation. It is after the implementation of these schemes that results will be achieved and priority can be given.

[Mr. S. M. Masud]

I am also bringing to the notice of this august House that the worthy Prime Minister, in May 1976, was pleased to observe that we have many parts of Pakistan which are affected by hill torrents, and he directed that efforts should be made to harness the hill torrents for irrigation purposes. A Plan in this regard was prepared by WAPDA which was discussed and approved in a meeting held with representatives of the Provincial Governments. Action on this Plan has already been initiated by WAPDA.

I am submitting that the Government has also established a Federal Flood Commission. This Commission, inter alia, prepared a long-term Plan for flood protection in Pakistan. Obviously this Plan will also include measures for providing protection against flashy floods in main streams and nullahs.

I am sure the honourable mover, after the efforts which have been made by WAPDA in this connection and the schemes which are under consideration and preparation and which have already been handed over to the Provincial Government, will not press this resolution.

Mr. Chairman : Yes, Mr. Khoso, what is your reaction to the suggestion made by the Minister concerned ?

Mr. Afzal Khan Khoso : Sir, is there no other Member who would like to participate ?

Mr. Chairman : Beg your pardon ?

Mr. Afzal Khan Khoso : Do I have to be the last speaker ?

Mr. Chairman : No, no, we have had enough discussion on this amended resolution. What I was pointing out to you was this that the Minister has made a statement that such a scheme has already been prepared by WAPDA, and it has been sent to the Provincial Government concerned. It is now for the Provincial Government of Baluchistan to give effort and implement the scheme prepared by WAPDA. He has also expressed the hope that they may give effort to it and that something may be done in that direction. He has only asked you if you withdraw the resolution, as amended, because your purpose would have been achieved.

(اس مرحلے پر چوہدری محمد اسلم تقریر کرنے کے لیے کھڑے ہوئے)

جناب چیئرمین : پوائنٹ آف آرڈر ہے ؟

چوہدری محمد اسلم : نہیں جی ! میں بولنے کی اجازت چاہتا ہوں۔ جناب والا ! ہمیں شاہ صاحب کا بہت احترام ہے لیکن گزارش یہ ہے کہ چونکہ ممبر حضرات ان علاقوں کے نمائندے ہیں اور وہ بہتر جانتے ہیں کہ کس علاقے میں کیا پالیسی ہونی چاہئے اور واہڈا کے بیوروکریٹ کیا کچھ کر رہے ہیں۔

جناب چیئرمین : آپ تشریف رکھیں -

چوہدری محمد اسلم : اگر اس کے ساتھ ہاؤس کی رائے بھی لی جائے تو ؟

جناب چیئرمین : آپ تشریف رکھیں - میں آپ کو روکتا نہیں ہوں لیکن میں نے یہ کہا ہے کہ لاء منسٹر نے اتنا کہا ہے کہ واپڈا نے پرائم منسٹر کی ہدایات کے تحت ، ان کے احکام کے تحت ، سکیمیں تیار کی ہوئی ہیں تو انہوں نے یہ کہا ہے کہ اسکیمیں تیار کی ہوئی ہیں اور صوبائی حکومت بلوچستان کو ان پر غور کرنے ، ان کو عملی جامہ پہنانے اور ان پر عملدرآمد کے لیے بھیج دی گئی ہیں - انہوں نے واقعات بتا دیئے ہیں - ممکن ہے کہ کھوسو صاحب کو نہ پتہ ہوتا کہ واپڈا نے پہلے سے یہ اسکیمیں تیار کی ہوئی ہیں ، تو ان کا مقصد تو حل ہو گیا - انہوں نے یہ اطلاع دی ہے اور انہوں نے یہ کہا کہ وہ اس ریزولیشن کو ودڈرا کر لیں تو بہتر ہوتا اور اب یہ ضروری تو نہیں ہے کہ وہ ودڈرا کریں یہ ان کی مرضی ہے انہوں نے ایک قسم کی آپ کو اشورینس یا طفلی تسلی دی ہے - اس کو میں کیا سمجھوں - میں تو یہ کہتا ہوں کہ اشورینس سمجھیں یا دوسری بات جو میں نے کہی ہے وہ سمجھیں -

Mr. Afzal Khan Khoso : With due respect, Sir, is it an assurance that the purpose and the object of this resolution will be met and they are only to be implemented by the Provincial Government? If that is the only hitch.....

Mr. Chairman : No, no, he cannot take that responsibility.

Mr. S. M. Masud : I think, I will explain, Sir. Certain works under the Food Relief Commission which have been established by the Federal Government, will be done by the Federal Government. There are some schemes which are with the Provincial Government and will be implemented. So, all these things are being carried out. I was only bringing to his notice that implementations at some level are being carried out. Some schemes are to be implemented by the Provincial Government. But the Government is cognisant of all these situations and is doing its best.

Mr. Chairman : Yes, Mr. Khoso.

Qazi Faizul Haque : Point of order, Sir.

Mr. Chairman : Point of order ?

Qazi Faizul Haque : Point of clarification. This resolution is the property of the House. Can he withdraw it ?

جناب چیئرمین : کس نے کہا کہ یہ ایوان کی اجازت کے بغیر ود ڈرا کر لیں؟
کسی نے کہا ہے کہ کھوسو صاحب ایوان کی اجازت کے بغیر ود ڈرا کریں؟

(اس مرحلے پر مولانا عبدالحکیم کھڑے ہوئے)

جناب چیئرمین : مولانا صاحب پوائنٹ آف آرڈر تو ضرور ہو گا؟

مولانا عبدالحکیم : جناب والا ! جب سنسٹر صاحب نے بتا دیا ہے کہ صوبائی حکومت کو تجاویز بھیج دی گئی ہیں تو اب کھوسو صاحب اور بلوچستان کے معزز ممبران کو چاہئے کہ صوبائی اسمبلی کے ممبروں کو کہیں کہ وہاں وہ ان اسکیموں کو عملی جامہ پہنائیں۔

جناب چیئرمین : بال کی کھال اتارنا ہے ورنہ بات تو وہی ہے۔ تمام اسکیمیں بلوچستان گورنمنٹ کو بھیج دی گئی ہیں۔ اگر یہ ریزولوشن پاس نہ بھی ہو تو گورنمنٹ تو کچھ کرے گی اور یہ ضروری تو نہیں ہے کہ جب یہ ریزولوشن پاس ہو گا تو دوسرے دن تمام واپڈا وغیرہ بلوچستان میں چلی جائے گی۔ یہ ضروری تو نہیں ہے۔ آپ کا مطلب تو گورنمنٹ کی توجہ دلانا ہے۔

You want to draw the Federal Government's attention to the necessity of providing facilities like those suggested in your resolution that they should prepare a scheme of bringing under cultivation all this barren land in five or six districts. Your object has been achieved in view of the statement made by the Minister that the Government is already on the work, may be six districts five districts or four districts, and the Government is already thinking of doing something for Baluchistan.

Mr. Afzal Khan Khoso : Even if it is phase-wise.

Mr. Chairman : Even if this resolution may not have been brought here, Government must do something. Probably they might be doing something despite this resolution. So it is up to you. You may feel inclined to withdraw. You may not withdraw.

Mr. Afzal Khan Khoso : My object will be served because my position is very delicate. I have moved a resolution which was again subjected to amendment. Sir, it stands amended. It is the property of the House, but morally, at the same time, I feel constrained to go into a unilateral decision on my part, without, of course, the concurrence of the honourable Senator from Baluchistan, Sir.

Mr. Chairman : Do not make it a provincial subject, for God's sake. If somebody brings similar resolution from Sind, they say, all right, Members will consult each other ; and if anybody brings a motion from Frontier, all right. Frontier people will sit together and will consult each other, and then make an announcement in the House, what we should not do. That would not be a healthy precedent.

Mr. Afzal Khan Khoso : That was not my object. Certainly, it was not because this resolution has been amended by a Senator who belongs to Baluchistan, Sir. That is why I was saying that.

Mr. Chairman : But now the amended resolution is in your hand.

Mr. Afzal Khan Khoso : It is in my hands, Sir. If the House is satisfied, if the honourable Minister can satisfy, not only me but the whole House, because it is the property of the House.....

Mr. Chairman : Well, it can be done like this whether you are inclined or not inclined to withdraw. If you say you are not inclined to withdraw, I will put it to the vote. If you say, you are inclined to withdraw, then I will ask the House whether they give their leave to you.

Mr. Afzal Khan Khoso : With due respect Sir, I want to be clear.

Mr. Chairman : You don't want to take the responsibility ?

Mr. Afzal Khan Khoso : Assurance is given by the honourable Minister, Sir, I want to be little clear Sir, and make certain clarifications about that, if your honour permits me.

Mr. Chairman : Oh, yes, I permit you, I have no objection to that, but there are so many other resolutions also waiting for us.

Mr. Afzal Khan Khoso : No. I point is that there should be an expert study. I think, if the honourable Minister says that there have been expert studies or they are able to conduct expert studies ?

Mr. S. M. Masud : I have already mentioned that two expert studies have already been sent to the Government of Baluchistan.

Mr. Chairman : That has already been said. Yes, yes.

Mr. S. M. Masud : Parali Basin Appraisal Report and Nari River Basin Appraisal Raport have already been made available to Government of Baluchistan. Then I have also mentioned about one other expert scheme, which has already been handed over and on which the work may be done in the near future. These expert investigations have already been been in hand.

Mr. Chairman : Yes.

Mr. Afzal Khan Khoso : These already been done, but the point is will the remaining be accepted or will some study be done on them in future ?

Mr. Chairman : You leave it to the good sense of the Federal Government. It is not too much. Why should the Government be reluctant to do something which can be done for Baluchistan ?

Mr. Afzal Khan Khoso : No, Sir, that is exactly why I have said that; it is a People's Party Government. That is why we have come over here, Sir. That I have already mentioned in my speech. Now as things are, of course, I will not press, but it is upto you.

Mr. Chairman : Do you want to avoid the word "withdrawn".

Mr. Afzal Khan Khoso : I do not press it.

Sardar Mohammad Aslam : Point of order, Sir.

Mr. Chairman : The amended resolution is in the hand of the House.

میں آپ کو موقع دیتا ہوں

Now, should I put it to the vote of the House or you want to withdraw ?

Mr. Afzal Khan Khoso : I do not mind with these assurances withdrawing this, because I am the mover, and part of the Government, part of the People's Government.

جناب چیئرمین : سردار صاحب آپ کچھ کہنا چاہتے ہیں ؟

سردار محمد اسلم : میں یہ کہہ رہا تھا کہ کچھ اس قسم کی بات ہو گی ۔

There was some sort of understanding honourable mover and the Minister, but the rule says that either he should ask the Chair to put the motion to the House or he should move a motion for withdrawal of the resolution.

جناب چیئرمین : یہی تو میں کہہ رہا تھا ۔

Sardar Mohammad Aslam : As he has agreed to withdraw the resolution, I will request him to move the motion for withdrawal of the resolution.

جناب چیئرمین : اب آخر میں

Without any mental reservation, I think, without any mental reservation, are you willing to withdraw ?

Mr. Afzal Khan Khoso : Yes, Sir, without any mental reservation on the assurance of the honourable House.

Mr. Chairman : You can say, in view of the assurance given by the Law Minister, I move that I should be given permission to withdraw. This is a formal thing.

Mr. Afzal Khan Khoso : Most formal. I would beg to submit that in view of the categorical assurance given by the honourable Minister, I have no objection in withdrawing it, if leave is granted.

Mr. Chairman : This is the form of a motion to withdraw. In other words you want the House to give its leave to withdraw. So, I will put the motion to the House.

Yes, he asked for leave to withdraw. This is the motion before the House.

Should the leave be granted ?

(The leave was granted)

Mr. Chairman : Yes, leave is granted to you to withdraw. The resolution is amended. Well, I will put it in the correct perspective. In view of the assurance given by the honourable Law Minister, the House has given permission to leave to Mr. Afzal Khan Khoso to withdraw the amended resolution. That should come on the record.

Now, we take up Item No 4.

It also stands in your name.

RESTRICTION RE : PROVISION OF SUI GAS TO JACOBABAD
TOWN DURING 1977-78

Mr. Afzal Khan Khoso : Sir, I beg to move :
"That this House is of the opinion that Sui Gas be provided to Jacobabad Town, during the financial year 1977-78."

Mr. Chairman : Yes, the resolution moved by Mr. Khoso is :

"That this House is of the opinion that the Sui Gas be provided to Jacobabad Town during the year 1977-78."

Yes ?

Rao Abdus Sattar : Sir, I beg to move an amendment.

Mr. Chairman : He has an amendment to move.

Yes ?

Rao Abdus Sattar : Sir :

"This House is of the opinion that Sui Gas be provided to Jacobabad Town, as soon as possible."

Mr. Chairman : Yes, the amendment moved by Mr. Abdus Sattar Rao is :

“That this House is of the opinion that the Sui Gas be provided to Jacobabad Town as soon as possible.”

The only difference is that he wanted it to be done in 1977-78 and you want it to be done as soon as possible.

Mr. Afzal Khan Khoso : Sir, in this respect do I have something to say or honourable.....

Mr. Chairman : No, he will explain his amendment, yes. Yes, please ?

Rao Abdus Sattar : Sir, Mr. Afzal Khan Khoso has moved the resolution regarding provision of Sui Gas to Jacobabad Town during the financial year 1977-78. It may be substituted by my resolution :

“That this House is of the opinion that Sui Gas be provided to Jacobabad Town as soon as possible.”

Mr. Chairman : Yes.

راؤ عبدالستار : جناب چیئرمین ! صرف اس میں یہ فرق ہے کہ ۷۷-۷۸ء کی بجائے گورنمنٹ جتنی جلد ممکن ہو سکے جیکب آباد ڈویژن کو سوئی گیس سپلائی کر دے اور مجھے امید ہے کہ اس تحریک کے محرک ، میرے فاضل دوست افضل خان کھوسو ، کو بھی اس پر کوئی اعتراض نہیں ہو گا۔ ایک اور گزارش یہ بھی ہے کہ چونکہ آج متعلقہ وزیر صاحب یہاں حاضر نہیں ہیں ، اس لیے میری استدعا ہے کہ ان کی موجودگی میں اس پر بحث کی جائے۔ جناب والا ! یہ میری درخواست ہے اگر افضل کھوسو صاحب بھی اس پر راضی ہوں۔

جناب چیئرمین : اگر وہ راضی ہوں۔

راؤ عبدالستار : اس پر وزیر صاحب کے آنے پر بحث ہو تو بہتر ہو گا۔

Mr. Afzal Khan Khoso : If I am given the floor, I will say something.

(At this stage Mr. Deputy Chairman occupied the Chair)

Mr. Deputy Chairman : Yes, Mr. Khoso, what do you want to say ?

Mr. Afzal Khan Khoso : Sir, I have moved my resolution and it stands moved, but there is an amendment from the Leader of the House.

It is most unfortunate that Leader of the House has moved an amendment for which he has not taken the mover into confidence when gave his notice of amendment. Sir, under the circumstances, when we talk about 77-78 we are talking about a thing which is, in the English language you can say, at a stone's throw. But, Sir, when we talk about something like, we use the fine words, sweet words, as soon as possible, we are straightaway drifting into the world of dreams. And, Sir, I cannot cheat my people. If I accept this amendment, I will be the last person, Sir, to do that. I will definitely say this wish due apology and with all the respect that I have for the honourable mover of this amendment, Sir, because I will draw upon the past experience, and I will quote something which will satisfy the whole House including the mover of the amendment that when we get into this realm of dreams and this dream land, we never get in vessel. It is only by certain concrete and positive steps and concrete and positive programmes that we get towards the objective.

Sir, I will, in support of my arguments on this amendment, submit that the first time I had moved, I had asked a number of questions when I became the Member of this august House. It was in 1975, 23rd August, Saturday, 1975, Sir. Now Sir, that is almost two years back, and even now I am talking about this fine phrase as soon as possible' 'جب بھی ممکن ہو' I think, the literal meaning of 'as soon as possible' is "جب بھی ممکن ہو"

So, Sir, my question was, will the Minister for Fuel, power and Natural Resources be pleased to state whether there is any Provision for Sui Gas facilities to Jacobabad and other towns. Well, the reply was, Sir, by the then Minister for Fuel, Power and Natural Resources, in August 1975, that the feasibility scheme for supply of Gas to Jacobabad is under preparation. Now, this is only decision, Sir. It means the whole thing is done. Decision on its implementation will depend upon the economic feasibility and availability of resources. That was the only proviso to this categorical assurance that there was a provision to provide, there was a scheme under preparation to provide gas to Jacobabad, a city, a sprawling city of almost 1,00,000 persons.

Then, Sir, that was 23rd August, 1975, now I am bringing the House to almost a year further or ten months further to 8th July, 1976. Sir, I would like to draw your honour's attention and the attention of the House and the attention of the mover of this amendment to the fact that I had asked the categorical question from the then Minister. The question was, "Will the Minister for Power and Natural Resources be pleased to state whether there is any project to lay sui-gas pipe lines between Shikarpur and Tumpal Dera via Jacobabad," and the answer to that was, 'Yes'. Now, Sir, in 1975 the answer was 'Yes.' It was under preparation and only implementation was to be deferred on the consideration of the ECNEC, i.e., Economic Council. whatever it is on 8th July, 1976. There was no such answer given that we are preparing the scheme. There was a simple answer and that was, 'Yes'.

Now, Sir, we have come to May 1977, that is, almost two years,

[Mr. Afzal Khan Khoso]

Sir. So, why I am trying to say all these things, Sir? After all these categorical assurances go again back to the two years period, or even I would say four years period, and say 'well, whenever it is possible or as soon as it is possible.' There is no difference in words whenever it is possible I know English as well as any other person does. So, Sir, whenever it is possible, that means, you wait, have to wait for another ten years fifteen or twenty years. Are we, also, entitled to these facilities? when we talk to the authorities concerned for industrialization of Jacobabad, they say, we would have done it. Well, definitely, but you have no guess. Now, Sir, this is with regard to the admissibility of the amendment I am talking about. As far as my case is concerned for providing sui-gas to Jacobabad. At the present moment I am convincing myself about the admissibility of this amendment which I have opposed, Sir, on the ground that I have mentioned just now.

راؤ عبدالستار : جناب والا ! اس وقت متعلقہ وزیر صاحب موجود نہیں ہیں میں نے پہلے بھی استدعا کی تھی کہ ہم اس کو ڈسکس کرنے کی صحیح پوزیشن میں اس وقت ہوں گے جب کہ وزیر صاحب کنسرنڈ جواب بھی دے سکیں - اس لیے وزیر متعلقہ کے آنے پر اس کو ڈسکس کیا جائے -

Mr. Deputy Chairman : Yes, if the House agrees.

Sardar Mohammad Aslam : The amendment has already been moved, Sir, and it has been objected to by the mover of the resolution, and it may be put to the House. As far as the resolution is concerned, we can postpone it till the Minister arrives. Sir, if the Minister concerned is not here, we can postpone the discussion, but as the amendment has already been moved, we cannot stop the amendment in the middle of it.

Mr. S. M. Masud : Mr. Chairman, Sir, I think, we are today going more on technicalities rather than on achieving the objectives. The question before this honourable House and the sentiments which have been expressed by the honourable mover in this House make us fully realize under what circumstances and the pressures the past assurances have been given in this House, in which certain things happened so that the sentiments of the honourable mover today are quite high. But I can assure him that in fact, originally it was under the Prime Minister's directive that the Jacobabad and Tumpal Dera were to be provided, and a scheme was to be prepared for the supply of gas to these two districts. The project was submitted to the Planning Division, and the cost of this was about Rs. 7 crore which involved a foreign exchange component of 2.4 crore.

Then, there was pressure from the Members from Baluchistan that Quetta should be supplied sui gas. The priority was to be given to supply sui gas to Quetta, and then it was decided that the sui gas to Quetta should be routed through these two districts which I have mentioned, Jacobabad

and the other one. Now, this involves another lot of amount and your honour is already aware that the sui gas has recently been, on the right bank of the Indus River, provided to Karachi at a cost of about 9 00 million. Now this involves financial implications. At the moment, it requires the sanctioning of ECNEC and others, because at the present moment we are planning to supply sui gas to Quetta through Jacobabad, and the intention has not been to postpone. What really is in the mind of Mr. Afzal Khan Khoso, is only that the scheme had to be revised and a revised plan had to be implemented. That is why, I think, even if this honourable august House agrees in the term of what Mr. Afzal Khan Khoso has suggested that it must be implemented, it will be very very difficult, because it involves lot of implications of the foreign exchange component, and in the preparation of scheme it will not be feasible. but as far as the question of the satisfaction of the honourable mover is concerned, the Government is already considering the plan which has already been prepared, and it is under consideration of ECNEC to supply Sui Gas to Quetta through Jacobabad. It is not that we are delaying. It is only that the revised scheme had to be prepared. I think, that should normally satisfy the honourable Senator.

Sardar Mohammad Aslam : Point of order, Sir.

With due respect to Law Minister, the Law Minister has spoken on the facts. Actually we were on the amendment and the amendment was moved by the mover of the amendment.....

Mr. S.M. Masud : I.....

Sardar Mahammad Aslam : Excuse me, Sir, I am on a point of order. And the mover has moved the amendment, and it was objected, and the honourable Law Minister has spoken, and given facts in his statement. First, let us decide the amendment. What happens to the amendment. What is the fate of the amendment, and then if the Law Minister gives a statement, and if the mover of the resolution is satisfied with that statement, then he can decide what fate he wants of the resolution. But let us decide the amendment.

Mr. S.M. Masud : I am quite conscious about that. Why I made this statement, because I thought that the amendment may not be guillotined in the manner in which the honourable Member wanted to guillotine it. I don't mind if the resolutions are thrown out on the grounds of technicalities and for objections on the grounds of technicalities. But if the purpose of this House is to achieve certain objective, then instead of going into technicalities, the via media should have been rather the co-operation. That is the purpose why the amendment is being moved and that is the real objective which we wanted to achieve. But if the consensus is to go on technicalities, and because I made a statement why this amendment is necessary, it is to be decided that it should be provided in 1977-78, then the result will be that the Government may not be able to implement it. So, this is the rationale of the amendment I wanted to explain before the House. That is why I made the statement, not because I do not realise the technicalities, but because I wanted to

[Mr. S. M. Masud]

take the House into confidence as to what is the rationale of this amendment, and then the House may decide whether to accept the amendment or to reject the amendment.

Sardar Mohammad Aslam : I agree, Sir. It was not an objection on the honourable Law Minister. My point was that it is not that we wanted to guillotine the amendment. Actually, this has become a sort of routine in this House for the last four or five years that a resolution comes and it is discussed. The honourable Minister gives a statement of assurance, and the resolution is withdrawn. It does not amount to give the decision. On resolution or anything done. If the objective of a mover of any resolution is only to bring to the notice of the Government, then we can move the motion in some other way. We can move the motion under rule 187. We can put questions, and we can table adjournment motions. But resolutions in such a speed, when they are moved in the House and then after general statements of Minister-assurance statements which have become a sort of common thing in this House—every resolution is withdrawn. It does not give a prestige to the House outside, Sir. So, I would request that we do not want to guillotine this, and personally I object, and I oppose this resolution, because the resolution of a Upper House of Parliament must be a very very important thing. It must carry weight, a lot of weight. On these petty matters we should not pass the resolutions. I wanted this that we should not avoid the technicalities, because we have to adopt the technicalities. We have to give decorum and dignity to the House I wanted only that if that amendment is accepted by the mover, then let us accept it and discuss it, and then honourable Minister can make a statement, and the mover can withdraw his resolution or you can put the motion to the House. If he does not accept the amendment, then let that amendment decided, and then the honourable Minister can satisfy the Members as to what is happening in that scheme.

Mr. Deputy Chairman : Now, the mover has opposed the amendment. Let us put the amendment to voting.

Mr. Afzal Khan Khoso : I would request that the arguments on this resolution may be deferred to some other date.

Mr. Deputy Chairman : What about the amendment ?

Mr. Afzal Khan Khoso : I have opposed the amendment definitely when these words are used, because I have substantiated my arguments on 1977-78.

Mr. Deputy Chairman : Do you want to explain your amendment, Rao Sahib ?

راؤ عبدالستار : جناب والا ! میرے دوست افضل خان کہوسو نے کہا ہے کہ مجھے اس وقت کنفیڈینس میں نہیں لیا گیا تھا جب اسٹیمٹ لائی گئی تھی۔

میں ان کو یاد دلاتا ہوں کہ جب میں نے یہ امینڈمنٹ پیش کی تھی تو وہ خود حاضر تھے۔ وہ اس معزز ایوان میں تشریف رکھتے تھے جب یہ حاضر تھے تو میرے دوست اعتراض کرتے ہیں کہ آپ یہ پیش نہ کریں، اس وقت اس کو موو نہ کریں۔ لیکن اب وہ اگر سمجھتے ہیں کہ یہ امینڈمنٹ ہم نے کسی مقصد کے لئے استعمال کی ہے اور میرے دوست کو اس سے تکلیف پہنچی ہے۔ تو میں اپنے دوست سے درخواست کرتا ہوں کہ مجھے اجازت دی جائے کہ میں اسے واپس لے لوں۔ ان کا مفاد مجھے اپنے مفاد سے زیادہ عزیز ہے، جیکب آباد کا مفاد مجھے بھی عزیز ہے۔ میری یہ کوئی خواہش نہیں ہے کہ جیکب آباد کو سوئی گیس دیر سے ملے۔ میری تو یہ خواہش ہے کہ جیکب آباد کو سوئی گیس جلد از جلد ملے۔ اگر میرے دوست محسوس کرتے ہیں کہ مجھے یہ امینڈمنٹ موو نہیں کرنی چاہیئے تھی تو اس صورت میں، میں ہاؤس سے درخواست کروں گا کہ مجھے اس امینڈمنٹ کو واپس لینے کی اجازت دی جائے۔

(Pause)

Voice : Yes, yes.

Mr. Deputy Chairman : Has Mr. Rao permission of the House to withdraw his amendment ?

Voices : Yes.

Mr. Deputy Chairman : The House has permitted, and the amendment stands withdrawn. Now, as the mover of the resolution Mr. Khoso has also agreed to defer the debate on this resolution to another date.....

Mr. Afzal Khan Khoso : Sir, although I had requested the honourable Chair that I would like this resolution to be deferred to some other date, but it was not because I felt that the honourable Law Minister would not be able to satisfy me, but there are certain other technicalities that we may have to go through, and if the Minister concerned was to be present that would be more better. The Minister concerned is Makhdoom Hameed-ud-Din. So, if this is deferred, I think, it will be more workable and more manageable.

Mr. Deputy Chairman : If the House agrees, then the discussion on this resolution is deferred to another date ?

(The resolution was deferred)

Mr. Deputy Chairman : So, we take up the next item on the agenda. Again there is a resolution from Mr. Afzal Khan Khoso.

RESOLUTION RE : SETTING UP OF AGRO-BASED INDUSTRIES
IN JACOBABAD DISTRICT ON TOP-PRIORITY BASIS

Mr. Afzal Khan Khoso : Sir, I beg to move :

“ That this House is of opinion that Jacobabad District be given top-priority for setting up agro-based industries”.

Mr. Deputy Chairman : Now, the resolution is :

“That this House is of opinion that Jacobabad District be given top-priority for setting up agro-based industries.”

Sardar Mohammad Aslam : Opposed.

Mr. Afzal Khan Khoso : There is one request, Sir, before I go into its explanation, I would like to make a short statement that I had a word with the honourable Minister concerned yesterday, and it was agreed between him and myself that this should be taken up when he is present in the House. The Minister concerned is Mr. Anwar Aziz Chaudhry. So, we had an understanding that I should move for deferment of this resolution. Now, the discussion may be deferred. This was agreed upon by me and the Minister concerned Mr. Anwar Aziz Choudry that I should request for its deferment.

Mr. Deputy Chairman : If the House agrees the discussion on this resolution will be deferred.

Voices : May be deferred.

Mr. Deputy Chairman : It is deferred.

Now the next item No. 6, again is in the name of Mr. Afzal Khan Khoso.

RESOLUTION RE : PROVISION OF FUNDS BY WAPDA
FOR ACCELERATING FIGHT AGAINST WATER-LOGGING
AND SALINITY IN JACOBABAD DISTRICT
DURING 1977-78

Mr. Afzal Khan Khoso : Sir, I beg to move :

“That this House is of opinion that WAPDA do provide funds for accelerating the fight against the twin menace of water-logging and salinity during the financial year 1977-78 for Jacobabad District.”

RESOLUTION RE : PROVISION OF FUNDS BY WAPDA FOR ACCELERATING 255
FIGHT AGAINST WATER-LOGGING AND SALINITY IN JACOBABAD DISTRICT
DURING 1977-78

Mr. Deputy Chairman : The resolution moved is :

“That this House is of opinion that WAPDA do provide funds for accelerating the fight against the twin menace of water-logging and salinity during the financial year 1977-78 for Jacobabad District.”

Sardar Mohammad Aslam : Opposed.

Mr. Afzal Khan Khoso : I am grateful to Sardar Mohammad Aslam. He is in a mood to oppose everything.

Sir, could this be deferred to some other date as the Minister concerned is not present ?

Mr. S. M. Masud : I would explain. I do not know whether this august House is being converted into a Provincial Assembly or to the level of Provincial Assembly, because to my mind this is the highest House of Parliament. We cannot go on without even knowing the difference. For the earlier resolution, which Mr. Khoso moved in this august House, he said that he had an understanding with the honourable Minister. If that understanding can be reached, then I think the best way is to agree on such a procedure and bring such matters to the notice of the honourable Minister, and then discuss these matters in the Chamber instead of making a part of the discussion in this august House. This resolution also deals with a matter in which WAPDA has already provided funds, and the work is already being carried out. I do not understand what is the object in the mind of the honourable the mover of this resolution. I would suggest to the honourable Member not to convert this highest House of Parliament to the level of the Provincial Assembly. At least before moving, there should be knowledgeable matter before him whether funds have already been allocated and whether the work is already going on or not. If a statement on my part would satisfy him. I would like to make a statement on this issue. But if he wants the concerned Minister to be present, let him defer it. I won't mind.

Mr. Deputy Chairman : Yes, Mr. Khoso ?

Mr Afzal Khan Khoso : Sir, after having moved this resolution, if I go into the discussion part of it, of course, there may be other honourable Members who would like to take part in it. This is not a provincial subject. It is a central subject. This resolution was thoroughly discussed on March 19, 1976. It is the same resolution, which I am entitled to repeat after every six months, but which I have repeated after almost twelve or thirteen months. So, it is not that it is a provincial matter or it is localised regional matters. It is a matter of national importance. Water-logging and salinity, as I understand, is a matter of national importance, and so, I think, it may be deferred till the Minister comes.

Mr. S. M. Masud : May I submit. The resolution says ?

“This House is of the opinion that WAPDA do provide funds

[Mr. S. M. Masud]

for accelerating the fight against the twin menace of water-logging and salinity during the financial year 1977-78”.

The factual position is, Sir, that WAPDA has already entrusted the planning of the project, namely, Khankot Thul Shadadkot Surface Drainage Project, covering an area of 1.09 acres in the District Jacobabad Messrs Planning & Development Consultants. Necessary provision of the funds for planning of this project have already been made in WAPDA-ADP for 1977-78. The Consultants have completed about 65% of the work involved. The entire planning of the project is expected to be completed during the financial year 1977-78. This project would form part of the right bank of the outfall drainage system. The planning of the right bank is, similarly, being carried on by WAPDA in its own planning organisation. So, the question of providing funds is already being carried out, and it is included in the ADP. A provision of one crore of rupees has been made by WAPDA in 1977-78. It is proposed to instal 75 tubewells around Jacobabad town. I think, that satisfies the very objective of the resolution and there is no need to move it. I do not know what technicality would be involved, because what the honourable Member is demanding is already being made, and funds have been provided.

Mr. Afzal Khan Khoso : If this is what I made a request for, if this is what I think, I come to the House for, if this is what Jacobabad is going to be provided with, then, I think, my resolution stands adopted.

Mr. S. M. Masud : That is why I suggested that before such resolution are moved at least information should be obtained from the Ministry concerned whether such project is under process or not, before bringing such a resolution in this august House.

Mr Afzal Khan Khoso : With utmost regard for the comments of the honourable Law Minister, there is no hard in bringing the resolution. We may be able to contact the Minister, we may not be able to contact the Minister.

Mr. Deputy Chairman : As explained by the Minister your resolution was that you wanted this project to be included during the next financial year.

Mr. S. M. Masud : The objects have already been achieved through this resolution. He wanted funds, funds have been provided.

Mr. Afzal Khan Khoso : It means there is no objection from the Law Minister to my resolution being adopted.

Mr. S. M. Masud : The resolution becomes infructuous.

Mr. Deputy Chairman : When the Government has already provided funds, and they are on the scheme then you must be satisfied. What is the need for this resolution to be pressed ?

Mr. Afzal Khan Khoso : Sir, the funds have been provided and the schemes are being implemented, well, this is exactly what my resolution seeks.

Mr. S. M. Masud : So, this becomes infructuous.

Mr. Afzal Khan Khoso : I do not see how it becomes infructuous ?

Mr. Deputy Chairman : Because what you wanted the Government to do that has already been done by the Government in the same district. I do not think there is any difference. What you wanted, the Government is already doing that there. I agree with the Law Minister. The resolution itself has become infructuous, because the honourable Member wanted this entire House pass a resolution to the effect that the Government should be asked by this House to provide funds through WAPDA. Funds have already been provided. The purpose of this resolution has already been achieved before it is moved. So, it has become infructuous. In this context the resolution has become superfluous.

سردار محمد اسلم : جناب والا ! ایک بات جو میں نے پہلے ریزولوشن کے متعلق عرض کی تھی کہ جس طریقے سے ہم ریزولوشن پیش کر رہے ہیں اور میں بڑے مؤدبانہ طریقے سے اپنے کولیک سے ریکویسٹ کروں گا کہ لاء منسٹر صاحب نے جو کچھ کہا ہے وہ صحیح ہے کہ ہم شاید صوبائی اسمبلی کی کارروائی دیکھ کر اسپریس ہوتے ہیں کہ وہیں صوبائی اسمبلی کے ممبران اپنے اپنے علاقے کے لئے سڑکیں اسکول ، ہسپتال وغیرہ کے متعلق جب اس قسم کے سوال آتے ہیں تو وہ اس طرح کرتے ہیں اور جناب والا ! ایوان بالا کی طرف سے جو ریزولوشن پاس ہوتا ہے اس کا بہت بڑا وزن ہوتا ہے اور وہ نیشنل پالیسیوں یا نیشنل اہمیت کی چیزوں پر پیش ہوتا ہے اور اس قسم کی انفارمیشن لینے کے لئے سوال پوچھے جاتے ہیں ایڈجنٹ مینٹ موشن لائے جاتے ہیں یا ۱۸۷ کے موشن جو ہیں وہ ڈسکس کیئے جاتے ہیں۔ لیکن ہمارے ہاں تین چار سال سے جو ہو رہا ہے وہ یہ ہے کہ مقصد صرف یہ ہوتا ہے کہ منسٹر صاحب کے علم میں ایک چیز لائیں کہ یہ کام کیا جائے اور ہم اس کے لئے ریزولوشن پیش کرتے ہیں اور منسٹر صاحب پھر اسٹیٹمنٹ دیتے ہیں اور پھر ہم اس کو ودڈرا کر لیتے ہیں تو اس سے اس ہاؤس کی پریسٹیج لو ہو رہی ہے ، خراب ہو رہی ہے ، اس سے اچھی نہیں ہو رہی ہے۔ اس لئے ریزولوشن سال میں ایک لایا جائے اور پھر ہاؤس جو ہے اس کو دیکھئے ، اس کے بعد اس کو پرمیو

[Sardar Mohammad Aslam]

کرے کہ جو ریزولوشن کیری آؤٹ ہوا ہے جو ریزولوشن پاس ہوا ہے وہ فیڈرل گورنمنٹ کے نام پر جائے اس کو پرسیو کریں تاکہ وہ امپلیمنٹ ہو اور اس قسم کے جب ریزولوشن ہم پیش کرنا شروع کریں گے ، تو ڈسٹرکٹ سے تحصیل تک ، تحصیل سے ٹاؤن تک ، ٹاؤن سے قصبے تک اور قصبے سے گاؤں تک کہ وہاں سڑک نہیں ہے ، اسکول نہیں ہے ، کالج نہیں ہے ، ہسپتال نہیں ہے ، تو یہ ریزولوشن آخر کہاں تک پہنچ جائیں گے - تو اسی نیت سے میں نے یہ ریزولوشن جو ہے ، وہ اپوز کیا تھا کہ فنڈز جو ہیں وہ پہلے ہی مل گئے ہیں - تو بجائے ریزولوشن کے کوئی اور موشن لاسکتے ہیں اور ڈسکس کر سکتے ہیں -

Qazi Faizul Haq : Point of order, Sir. The resolution is very much according to the rules. If it is not, you can object to it.

Sardar Muhammad Aslam : Sir, there can be no point of order on a point of order.

میں نے یہ تو نہیں کہا کہ ریزولوشن آؤٹ آف آرڈر ہے -

Mr. S. M. Masud : I think, the resolution is out of order. The resolution says:

“That the House is of the opinion that WAPDA must accelerate and provide funds.”

The words are :

“Provide funds ‘during the financial year 1977-78 for Jacobabad District’.”

Now, one crore rupees have already provided. So, what else are you now going to provide, for which funds have already been provided. So, this I respectfully say is out of order, because what you want to achieve, and what you ask this honourable House to do is a thing that has already been done. I do not understand how this is not out of order, and how it is not infructuous.

(Instructions)

Mr Deputy Chairman : I think, Mr. Khoso is now satisfied, and the statement made by the Minister should satisfy him that the Government has already provided funds for the scheme which you want the Government now to provide. Still have you got any doubt in your mind ?

RESOLUTION RE : PROVISION OF FUNDS BY WAPDA FOR ACCELERATING 259
FIGHT AGAINST WATER-LOGGING AND SALINITY IN JACOBABAD DISTRICT
DURING 1977-78

Mr. Afzal Khan Khoso : I have explanation to make, Sir. There was a bit of criticism on the part of Sardar Muhammad Aslam, Senator. That No. 1, such resolutions are not proper and should not be moved in this august House and that if we drift from districts, then, of course, we will go to the tehsil and towns. Well, I beg to say, Sir, that as I have mentioned, resolution of this nature was moved on 19th March, 1976, the wording of which were : "Top priority by WAPDA be given to control Water-logging and salinity in District Jacobabad."

Mr. Deputy Chairman : But that much resolution has materialised, and the Government has already provided funds. You move a resolution and want something from the Government, which the Government has not given to you, but when the Government has already given to you, now what do you want ?

Mr. Afzal Khan Khoso : Sir, I was replying to the comments made by my colleague Senator Sardar Mohammad Aslam Khan that I am not entitled to bring second resolution within the year's time.

Sardar Mohammad Aslam : I have not said this. Record is there you can check the record

Mr. S. M. Masud : He was only pointing out that such a resolution should not be moved.

Mr Afzal Khan Khoso : These are not, Sir, Provincial subjects. We do not go to the Provincial Assemblies and see these demands being made, and then we come here.

Sardar Mohammad Aslam : Point of explanation, Sir.

یہ شائد میری بات سمجھ نہیں سکے - میں نے یہ نہیں کہا کہ ہراونشل سبجیکٹ ہے - میں نے یہ کہا تھا کہ آنریبل ممبرز جو انسٹنٹ کر رہے ہیں اس لیئے جب ہم ہاؤس سے باہر جائیں گے تو خود یہ فیلنگ پیدا ہوگی کہ یہ انسٹنٹس کوٹ کر رہے ہیں کہ ۱۹۷۵ء میں ہم نے ریزولوشن پاس کیا تھا and what happened to that resolution میں نے یہ کہا ہے کہ ریزولوشن کی بجائے ۱۸۷ کے تحت we can discuss, we can criticise the Minister.

Mr. Deputy Chairman : You are quite clear. What you want to be done in 1977-78, that is exactly being done.

Mr Niamatullah Khan : Mr. Chairman, Sir, the resolution is quite in order. But in view of the categorical explanation submitted by the honourable Law Minister, I would request the honourable Member, Mr. Khoso, not to press this resolution. In view of the submission that the

[Mr. Naimatullah Khan]

funds are provided and it has already been acted upon the resolution, I will just request the honourable Member not to press for it.

Mr Afzal Khan Khoso : Well ! That is different. I do not know why. Sardar Aslam went away. One can move a resolution every six months.

Mr Deputy Chairman : Yes, you can move the resolution, but he has explained that the Government has already accepted your previous resolutions and the scheme is already going to be implemented next year. So, this is what you want by this resolution.

Mr Afzal Khan Khoso : Sir, there is only one small difference. The way I understand the resolution and the way I think it has been explained to me by the honourable Law Minister. The honourable Law Minister has said that funds have already been provided by which I take that they had been provided in the Budget of 1976-77.

Mr. Deputy Chairman : No, he used the word ADP also. That means 1977-78.

Mr. Afzal Khan Khoso : If it is 1977-78 well I am satisfied.

Mr. S. M. Masud : This is what I said.

Mr. Deputy Chairman : Exactly.

Mr. Afzal Khan Khoso : My purpose has been met, Sir.

Mr Deputy Chairman : There is no difference between what he has said and what you want in this resolution.

Mr. Afzal Khan Khoso : I am sorry if I did not hear these words, but I would like to hear them again.

Mr. Deputy Chairman : I think, the Minister used the word ADP, and ADP means for the next year, for the next financial year.

Mr. S. M. Masud : For this purpose a provision of Rs. 1 crore has already been made in the WAPDA's ADP for the financial year 1977-78.

Mr. Deputy Chairman : It is quite clear.

Mr. Afzal Khan Khoso : I appreciate, Mr. Chairman.

Mr. Chairman : Now, are you satisfied ?

Mr. Afzal Khan Khoso : I am satisfied with the statement of the Law Minister. I am sorry to honourable Law Minister, I did not listen before. Thank you very much.

Mr. Deputy Chairman : Now, the mover of the resolution, Mr. Afzal Khan Khoso, is satisfied with the statement made by the Minister, and he has agreed to withdraw his resolution. I think, the House has no objection to this effect, and the resolution stands withdrawn.

Mr. Afzal Khan Khoso : Sir, it may be formally put to the House.

Mr. Deputy Chairman : The motion made by Mr. Khoso was that.

“This House is of opinion that the WAPDA do provide funds for accelerating the fight against the twin menace of water-logging and salinity during the financial year 1977-78 for Jacobabad District.”

Mr. Afzal Khan Khoso : Now, I would seek leave of the House to withdraw this resolution on the assurance and the statement made by the honorable Law Minister. Sir, I would seek the leave of the House for withdrawing it.

Mr. Deputy Chairman : Has Mr. Khoso the permission of the House to withdraw his resolution?

Voices : Yes.

Mr. Deputy Chairman : Yes, the resolution is withdrawn.

Now, the next item is a resolution in the name of Mr. Wali Mohammad Khan.

RESOLUTION RE : GOVERNMENT DO DIRECT WAPDA TO
ARRANGE IMMEDIATE SUPPLY OF POWER TO ELECTRIC
PUMPS AND TUBE-WELLS IN TEHSIL NOWSHERA OF
PESHAWAR DISTRICT, NWFP

Qazi Faizul Haque : May I have the permission to move on his behalf?

I beg to move :

“That the House is of the opinion that Government do direct WAPDA to arrange immediate supply of power to electric pumps and tubewells in Tehsil Nowshera in Peshawar District, NWFP.”

Mr. S. M. Masud : Opposed on the ground that this is a provincial subject.

Mr. Afzal Khan Khoso : Distribution of power is a Provincial subject, Sir. When that is a Provincial subject, Sir, I will say that this is a Provincial subject.

Mr. Niamatullah Khan : It is a Central subject, because there is a SCARP programme in every Province and they do instal tubewells and

[Mr. Naimatullah]

such like things, It is going on everywhere also in NWFP under the SCARP scheme which is a Central one.

Mr. S. M. Masud : Mr. Chairman, Sir, there is, I think, a lot of confusion in the wording that the resolution which is being moved, and the objective which the honourable Member wants to achieve, because the resolution says :

“That this House is of the opinion that the Government do direct WAPDA to arrange immediate supply of power to electric pumps and tubewells in Tehsil Nowshera of District NWFP.”

This resolution as I have read it means that the obligation is being sought from the WAPDA to arrange supply of electricity to the tubewells. Whether these tubewells are already in existence and the WAPDA is refusing the supply of electricity to these tubewells? So, if that is the intention, certain instances can be quoted and we would like if the tubewells are already installed, to provide the electricity. But the question is that the installation of tubewells is not the subject of the Federal Government. That is primarily the subject of the provincial Government. If the objective to achieve that the tubewells are to be installed, then that is the subject of the Provincial Government. Now, what are the wordings. You are saying that we should supply the electricity to the tubewells. Now, whether the tubewells are in existence where the electricity is not being supplied? I think, this resolution is not happily worded, and I am not clear what the honourable Member wants to achieve through it. If he wants that the WAPDA should be asked to instal tubewells, new tubewells, then it is primarily the subject of the Provincial Government, because they do it. But if the tubewells are already installed, and you are asking us to supply the electricity, then you must give us information whether the tubewells are there or not. I think, I am not able to understand the exact objective which has to be achieved by this.

Qazi Faizul Haque : Mr. Chairman, Sir, the electric power has to be arranged and supplied by the WAPDA, and WAPDA is to supply electricity for tubewells or for anything. But it is mentioned here that electricity is to be supplied for tubewells and electric pumps. So, the main thing is to arrange supply of power. It is a Federal Government subject.

Mr. S. M. Masud : But where are those tubewells for which they have not supplied electricity?

Mr. Deputy Chairman : Now, since the mover of the resolution is not in the House, and Mr. Qazi, on his behalf, is perhaps not able to give.....

Qazi Faizul Haque : Minister concerned also is not here, so, it can be deferred.

Mr. Deputy Chairman : It will be much better to defer discussion on this resolution to another date. So, you all agree that it should be deferred?

Voices : Yes.

Mr. Deputy Chairman : Yes, it is deferred.

Item No. 8 again is in the name of Mr. Afzal Khan Khoso.

Qazi Faizul Haque : If I am allowed to move, Sir, on his behalf ?

Mr. Deputy Chairman : I think, he is not serious about it.

Qazi Faizul Haque : He is very much serious about it.

Mr. S. M. Masud : Sir, let it be deferred, because it is a subject which is already under the consideration of Islamic Ideology Council ; and Islamic Ideology Council has made certain recommendations. I would suggest that this may be deferred, because the decision of the.....

Qazi Faizul Haque : Let it be moved only, and we can defer it. I will only move it on his behalf, and we may defer.

Mr. Deputy Chairman : Are you moving on his behalf ?

Qazi Faizul Haque : Yes, Sir.

Mr. Deputy Chairman : Yes.

RESOLUTION RE : MAKING SHALWAR QAMEEZ OF PAKISTANI
CLOTH OBLIGATORY FOR MEMBERS OF PARLIAMENT
WHILE ATTENDING PARLIAMENTARY SESSION OR
OTHER PUBLIC FUNCTIONS

Qazi Faizul Haque : Sir, I beg to move :

“That this House is of opinion that it should be made obligatory for the members of Parliament to wear *Shalwar Qamees* made of Pakistani cloth only, while attending sessions of Parliament or other public functions.”

Mr. Deputy Chairman : Now, the resolution before the House is :

“That this House is of opinion that it should be made obligatory for the members of Parliament to wear *Shalwar Qamees* made of Pakistani cloth only, while attending sessions of Parliament or other public functions.”

Qazi Faizul Haque: I will request that it may be deferred to some other other date, because the mover is not present, and the Minister concerned is also not present.

Mr. Deputy Chairman : If the House agrees ?

Voices : Yes.

Mr. Deputy Chairman : All right. The House agrees, and the discussion on this resolution is deferred to some other date.

New, we go to legislative business.

Yes, Item No. 9. the Law Minister.

**THE CRIMINAL LAW AMENDMENT (SPECIAL COURT)
(AMENDMENT) BILL, 1977**

Mr. S. M. Masud: Mr. Chairman Sir, I beg to move :

“That Bill further to amend the Criminal Law Amendment (Special Court) Act, 1976 [The Criminal Law Amendment (Special Court) (Amendment) Bill, 1977], as passed by the National Assembly, be taken into consideration.”

Mr. Deputy Chairman : The motion made is :

“That Bill further to amend the Criminal Law Amendment (Special Court) Act, 1976 [The Criminal Law Amendment (Special Court) (Amendment) Bill, 1977], as passed by the National Assembly, be taken into consideration.”

Do You want to explain, Mr. Law Minister ?

Mr. S. M. Masud : Mr. Chairman, Sir, you are aware that Special Courts are to consider cases affecting security, integrity or sovereignty of Pakistan and matters which related to the offences of high treason. So, they were constituted under this Criminal Law Amendment (Special Court) Act, 1976. Under its Section 8, the provision was that only those parts of the proceedings would be published by the newspapers, which are approved by the Court. Now, this resulted in that certain portions were being circulated by the Judges of the Courts themselves. If the portion of the news was in favour of the accused, then it reflected on the prosecution case, but if something was in favour of prosecution, it brought criticism from the accused side. It also involved the working of the judges that they were preparing the reports which were to be published. Now, by this amendment we are going to allow all the proceedings which are going to happen in that Special Court with one proviso, one clause has been added that if it is not in the interest of the integrity of this country, then the Court will be empowered to stop publication of that portion which the court considers that it will not be in the interest of integrity of the country.

The second amendment which we intend to make through this Bill is that it will be obligatory for the Special Court to accept any findings, the

judgment and findings of the Supreme Court. Previously it was not obligatory, but now if there is a finding and a judgment of the Supreme Court it will be admissible *per se* and it will be obligatory to admit the findings and judgments of the Supreme Court. These are the two objectives which are being achieved through this Bill which has been passed by the National Assembly, and I am sure this august House will also accept and approve this Bill. Thank you.

Mr. Deputy Chairman : Yes, any Member who wants to speak on this Bill ?

(Pause)

Mr. Deputy Chairman : So, there are no discussions, and perhaps they are satisfied with the statement made by the Law Minister. So, I will put the question.

The question before the House is :

“That the Bill further to amend the Criminal Law Amendment (Special Court) Act, 1976 [The Criminal Law Amendment (Special Court) (Amendment) Bill, 1977], as passed by the National Assembly, be taken into consideration.”

(The motion was adopted.)

Mr. Deputy Chairman : The motion is carried.

(At this stage the Chair was occupied by Mr. Chairman.)

Mr. Chairman : Now, the first motion is carried.

We take up clause by clause reading. There is no amendment to Clauses 2, 3 and 4. So, we take all these clauses together.

The question before the House is :

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

(The motion was adopted)

Mr. Chairman : Clauses 2, 3 and 4 form part of the Bill. Next question is :

“That Clause (1), preamble and title form part of the Bill.”

(The motion was adopted.)

Mr. Chairman : Clause (1) Preamble and Title form part of the Bill.

Mr. S. M. Masud : Mr. Chairman, Sir, I beg to move :

“That the Bill further to amend the Criminal Law Amendment (Special Court) Act, 1976 [The Criminal Law Amendment (Special Court) (Amendment) Bill, 1977], be passed”.

Mr. Chairman : The motion made is :

“That the Bill further to amend the Criminal Law Amendment (Special Court) Act, 1976 [The Criminal Law Amendment (Special Court) (Amendment) Bill, 1977], be passed”.

Mr. Chairman : Would You like to say anything on this subject ? I think, it had already been discussed.

Mr. Masud Ahmad Khan : Mr. Chairman, Sir, with your permission, I would like to ask the honourable Law Minister with regard to amendment of section 10 in Clause 3 of the Bill, paragraph (b).

Mr. Chairman : Clause 3 of the Bill and para ?

Mr. Masud Ahmad Khan : Para (b), Sir.

Mr. Chairman : It reads :

“(b) in clause (d), for the words “the conclusions arrived at by the Supreme Court in its decision” the words “the judgement and findings of the Supreme Court” shall be substituted”.

Is this what you are referring to ?

Mr. Masud Ahmad Khan : Yes, Sir.

Mr. Chairman : What is your objection ?

Mr. Masud Ahmad Khan : In Clause (b), for the words “the conclusions arrived at by the Supreme Court in its decision” the words “the judgement and findings of the Supreme Court” shall be substituted. The judgement and the findings. But in the wording used in the Constitution with regard to the decision of the Supreme Court we find only one word used in Article 189 of the Constitution. It reads:

“Any decision of the Supreme Court shall, to the extent that it decides a question of law or is based all other courts in Pakistan”.

When we are bringing the amendment in the Criminal Law Amendment (Special Court Act), 1976, my assertion is why shouldn't we use the language used in the Constitution with regard to the decisions of the Supreme Court which are binding on all the courts in the country. Again, in Clause (c) it is said :

“(c) in the proviso, for the word “conclusion” the word “finding” shall be substituted”.

So, my respectful submission was that it would not have made any difference in the words “the judgement and findings” could be replaced by the word “decision” in both these clauses.

Mr. Chairman : You don't see the difference :

Any decision of the Supreme Court shall to the extent that it decides a question of law or is based upon or enunciates a principle of law, be binding on all other courts in Pakistan”.

So, that is settled by this Article that all questions of law or a principle of law, as enunciated by the Supreme Court, are binding upon subordinate courts, including High Courts and other courts. It is one thing. And the amendment seeks something else. It says :

“In Clause (d) the words “conclusions arrived at by the Supreme Court” should be substituted by the words “the judgement and finding so the Supreme Court”.

Mr. Masud Ahmad Khan : The words should have been “the judgement or the findings of the Supreme Court”, because the “findings and judgement” if they are two different things, then word “or” should have been used.

Mr. Chairman : The judgement may not be necessarily on a question of law.

Mr. Masud Ahmad Khan : That is what my submission is, Sir, that ‘judgement and findings’ and ‘judgement or findings’ are two different things. It may not be a judgement, but it may not be a finding. So ‘finding’ when it is to be read with ‘and’ that is compulsorily a judgement wherein a finding is contained. But if you say ‘judgement or finding’, then finding may be there but it may not be a judgement, an exhaustive judgement. Why the word ‘conclusion’ is being replaced because ‘conclusion’ would not mean a judgement. It would have been rather better exhaustive if we have replaced it by ‘judgement or findings’.

Mr. Chairman : Do you see any difference between ‘conclusion’ and ‘finding’? What is the difference between ‘conclusion’ and ‘finding’?

Mr. Masud Ahmad Khan : ‘Finding’ may be just a passing remark of the honourable Judge of the Supreme Court.

Mr. Chairman : And what is ‘conclusion’?

Mr. Masud Ahmad Khan : ‘Conclusion’ is tantamount to final word-a judgement. You can say a judgement or a conclusion.

Mr. Chairman : And that is why he says that 'conclusion' should be substituted by 'finding' because the two are different.

Mr. Masud Ahmad Khan : They are being replaced by 'the judgement and finding'. I say if the judgement is not there but the finding is there.....

Mr. Chairman : No, no, but there are three words. You are referring to 'judgement', 'finding' and 'conclusion'. These are three different words, and you know the difference between the three.

Mr. Masud Ahmad Khan : As I have explained, I know this much.

Mr. Chairman : No, no, but you are a practising lawyer. you know. 'Conclusion', 'judgement' and 'Finding', these three expressions have been used in this amendment, and they are different from each other.

Mr. Masud Ahmad Khan : Yes, Sir. My submission was that if there is no judgement, but there is a finding that can't be adopted in the form of an amendment in the Criminal Law (Special Courts) (Amendment) Act, because the judgement is not there, but the finding is there. So, it should have been "the judgement or finding" instead of "conclusions".

Mr. S. M. Masud : May I explain it, Sir. Although the point is being raised at the third reading of this Bill, but in spite of that I think.....

Mr. Chairman : Only to satisfy him.

Mr. S. M. Masud : I think, the point has arisen in the mind of the honourable Member, because perhaps the original law is not before him. In the original law, Clause (d) reads like this. I will read it in the amended form. It is :

"(d) the judgement and findings of the Supreme Court on a reference made to it under sub-section (2) of section 6 of the Political Parties Act, 1962 (III of 1962) :"

Now, this proviso where everything is clarified. It reads :

"Provided that such statement, confession, judgement, conclusion or decision is relevant to the trial or proceedings before it."

I think, that should satisfy the honourable Member. So, everything is separated.

Mr. Chairman : Yes, it is quite clear. Yes? Do you not want to say anything further?

Mr. Masud Ahmad Khan : No, Sir.

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

Now, the question before the House is :

“That the Bill further to amend the Criminal Law Amendment (Special Court) Act, 1976 [The Criminal Law Amendment (Special Court) (Amendment) Bill, 1977], be passed”.

(The motion was adopted)

Mr. Chairman : The Bill is passed unanimously.

No other business ?

Voices : No, Sir.

Mr. Chairman : All right. Tomorrow, it is Saturday. Would you like to meet ?

Rao Abdus Sattar : On Monday Sir.

Mr. Chairman : Don't you want to meet tomorrow ? Well, Mr. Law Minister, it is upto you. I don't know whether you have got any work to be put on the agenda.

Mr. S. M. Masud : There are two Bills in the National Assembly which are under discussion, and which are being approved. I have just to leave for the National Assembly. But the difficulty which the honourable Leader of the House is explaining to me is that there are some Members from Punjab who are to attend the Parliamentary Party's meeting tomorrow at Sheikhpura. So, in view of this we can meet on Monday Morning.

Mr. Chairman : So, are we not meeting tomorrow ?

Voices : No, Sir.

Mr. Chairman : We are not meeting tomorrow, not on Sunday either. So, we meet on Monday evening.

Voices : Morning, Sir.

Mr. Chairman : All right. What time will suit you? Should it be 9.30?

Voices : 10 O' Clock, Sir.

Mr. Chairman : All right. The House stands adjourned to meet again on Monday next at 10.00 a.m.

*(The House then adjourned to meet again at ten of the Clock
in the morning on Monday, May 16, 1977)*
