

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ ط

SENATE OF PAKISTAN

SENATE DEBATES

Tuesday, July 15, 1986

The Senate of Pakistan met in the Senate Hall (Parliament House), Islamabad, at six of the clock in the evening, with Mr. Chairman (Mr. Ghulam Ishaq Khan) in the Chair.

(Recitation from the Holy Quran)

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ ط

كَذٰلِكَ فَعَلَ الَّذِیْنَ مِنْ قَبْلِهِمْ
فَهَلْ عَلَى الرَّسْلِ اِلَّا الْبَلٰغُ الْمُبِیْنُ
وَلَقَدْ بَعَثْنَا فِيْ كُلِّ اُمَّةٍ رَّسُوْلًا اَنْ
اعْبُدُوْا اللّٰهَ وَاجْتَنِبُوْا الطَّاغُوْتِ ۗ مِنْهُمْ
مَنْ هَدٰى اللّٰهُ وَمِنْهُمْ مَّنْ حَقَّتْ
عَلَيْهِ الضَّلٰلَةُ فَسِوُوْا فِی الْاَرْضِ
فَاَنْظُرُوْا كَيْفَ كَانَ عٰقِبَةُ الْمُكٰذِبِیْنَ ۝
اِنْ تَحْرَضُوْا عَلٰی هٰدِیْمٍ فَاِنَّ اللّٰهَ
لَا یَهْدِیْ مَنْ یُّضِلُّ وَمَا لَهُمْ
مِنْ نَّصِیْرٍ ۝ وَاَقْسَمُوْا بِاللّٰهِ جَهْدَ
اَیْمَانِهِمْ لَآیَبَعَثُ اللّٰهُ مَنْ یَّمُوْتُ ط

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بَلَىٰ وَعْدًا عَلَيْهِ حَقًّا وَلَٰكِنَّ أَكْثَرَ
النَّاسِ لَا يَعْلَمُونَ ○

سورۃ المائدہ آیات ۳۵ تا ۳۸

ترجمہ :

اور یہ واقعہ ہے کہ ہم نے (دنیا) کی ہر امت میں کوئی نہ کوئی رسول ضرور پیدا کیا تاکہ اس پیامِ حق کا اعلان کر دے کہ اللہ کی بندگی کرو اور سرکش قوتوں سے بچو۔ پھر ان امتوں میں سے بعض ایسی تھیں جن پر اللہ نے کامیابی کی راہ کھول دی۔ بعض ایسی تھیں جن پر گمراہی ثابت ہو گئی۔ پس ملکوں کی سیر کرو اور دیکھو، جو قومیں (سچائی کی) جھٹلانے والی تھیں، انہیں بالآخر کیسا انجام پیش آیا؟

رہے پیغمبر! تم ان لوگوں کے ہدایت پانے کے کتنے ہی خواہشمند ہوئے لیکن یہ راہ پانے والے نہیں۔ کیونکہ اللہ اس آدمی پر کامیابی کی راہ کبھی نہیں کھولتا، جس پر اُس کے انکار و کفر کی وجہ سے راہ گم کر دیتا ہے اور ایسے لوگوں کے لئے کوئی مددگار بھی نہیں ہوتا۔ کہ انہیں نتائجِ عمل سے بچالے

اور دیکھو ان لوگوں نے اللہ کی سخت سے سخت قہیں کھائیں کہ جو مر جاتا ہے، اُسے اللہ کبھی دوبارہ نہیں اٹھائے گا۔ ہاں ضرور اٹھائے گا۔ یہ اُس کا وعدہ ہے اور اس کا پورا کرنا اس پر لازم ہے، لیکن اکثر آدمی ہیں جو اس بات کا علم نہیں رکھتے!

QUESTIONS AND ANSWERS

جناب چیئرمین : بسم اللہ الرحمن الرحیم، سوالات، انجینئر فضل آغا صاحب،

سوال نمبر ۳۱۴۱

PERSONS FROM BALUCHISTAN WORKING IN POST OFFICES

143. *Engr. Syed Muhammad Fazal Agha: Will the Minister for Communications be pleased to state:

(a) the existing total number of gazetted and non-gazetted staff working at present in different scales of pay in post offices of Pakistan; and

(b) the number & names of the persons belonging to the province of Baluchistan included in the above staff, grade-wise?

Malik Nur Hayat Khan Noon (Answered by Mr. Muhammad Ibrahim Baluch):

(a) Gazetted (BPS 16 to 21)	..	413
Non-gazetted (BPS 1 to 15)	..	29,609
(b) Gazetted (BPS 16 to 18)	..	13
Non-Gazetted (BPS 1 to 15)	..	842

A statement showing names of gazetted officers as well as non-gazetted staff employed in offices, recruitment to which is made on an all Pakistan basis, is laid on the Table of the House. Recruitment to posts in BS-1 to 15 in Baluchistan postal circle comprising the entire province of Baluchistan is made from persons who belong to that province. Names of these employees which number 837 cannot be readily supplied but will be placed on the Table of the House later, if still desired by the honourable member.

STATEMENT SHOWING THE NAMES OF GAZETTED OFFICERS AS WELL AS NON-GAZETTED STAFF EMPLOYED IN OFFICES ON AN ALL PAKISTAN BASIS, BELONGING TO THE PROVINCE OF BALUCHISTAN SERVING UNDER THE PAKISTAN POST OFFICE DEPARTMENT

BPS-18

1. Syed Khaliqzaman Gharsheen,
(At present on deputation to Allama Iqbal Open University with effect from 2-5-1984).

2. Mr. Raheel Asghar Ginai,
Assistant Deputy Director General (Post Code),
Pakistan Post Office,
Directorate General,
Islamabad.
3. Mr. Agha Anwar Gull,
Senior Superintendent of Post Offices,
Quetta.
4. Dr. Mrs. Safoora Aziz,
Medical Superintendent,
Pakistan Post Office Dispensary,
Lahore.

BPS-17

1. Mr. Sajjid Ali Khan,
Assistant Postmaster General (Staff),
Circle Office,
Hyderabad.
2. Mr. Mushtaq Ahmed,
Postmaster,
Gujrat.
3. Mr. Muhammad Khalid,
Senior Postmaster,
Quetta G.P.O.
4. Mr. Khalid Hidayat Khan,
Probationer.
5. Mr. Haq Nawaz,
Postmaster,
Karachi City Head Office.
6. Mr. Jamal Khan Mandokhel,
Probationer.
7. Mr. Moizur Rehman Khan,
Probationer.

BPS-16

1. Mr. Abdul Rehman,
City Superintendent of Post Offices,
Quetta.
2. Mr. Qurban Ali Maree,
Superintendent (Import),
Foreign Post,
Karachi.

BPS-15

1. Mr. Abdul Sattar,
Stenographer,
Pakistan Post Office,
Directorate General,
Islamabad.

BPS-11

1. Mr. Ahmed Yar Gondal,
Assistant,
Pakistan Post Office Directorate General,
Islamabad.

BPS-7

1. Mr. Mansoor Ahmed,
Upper Division Clerk,
Pakistan Post Office Directorate General,
Islamabad.

2. Mr. Muhammad Hanif Lodhi,
Upper Division Clerk,
Pakistan Post Office, Directorate General,
Islamabad.

BPS-5

1. Mr. Abdul Razzaq,
Lower Division Clerk,
Pakistan Post Office, Directorate General,
Islamabad.
-

جناب چیئرمین : جواب پڑھا ہوا تصور کیا جاتا ہے کہ فی لمبا ہے۔

ضمنی سوال ؟

انجینئر سید محمد فضل آف : انگریزی سٹیٹ منٹ میں جو جواب دیا ہے وہ اتنا لمبا نہیں ہے، بہت چھوٹا ہے۔ اگر منسٹر صاحب پڑھ لیں تو ذرا وضاحت ہو جائے گی۔

جناب چیئرمین : سٹیٹ منٹ جو ہے ناموں کی اس کو بھی پڑھوانا

چاہیں گے؟

انجینئر سید محمد فضل آف : یہیں سٹیٹ منٹ جو ہے اس کو پڑھنے کی ضرورت نہیں ہے۔ باقی جواب پڑھ دیں۔

جناب چیئرمین : بلوچ صاحب، جواب پڑھ دیجئے۔

Mr. Muhammad Ibrahim Baluch: In Pakistan Post Office in gazetted posts, in basic pay scales 16 to 21 direct recruitment is made. However, it is made only to 17 Postal Group to the extent of 60% on the results of combined competitive examinations held by the Federal Public Service Commission.

The quota in BPS 17 posts prescribed for the province of Baluchistan is 3.5%. Thus, against only 2 posts in quota of Baluchistan 6 BPS 17 officers are in position.

The posts in BPS 16 to 18 and above are filled in by promotion. Recruitment to posts in BPS 1 to 15 in a postal circle is made from amongst persons domiciled in the area upto which the Circle extends. A postal circle with headquarters at Quetta has been in existence in Baluchistan since 1981. About 835 postal employees in BPS 1 to 15 serving in the circle belong to Baluchistan while only two employees of Sind domicile deputed from Karachi at the time of the formation of the circle office are in position. In three offices which cater to the need of four provinces of Pakistan the internal recruitment to the posts in BPS 3 to 15 is made on an all Pakistan basis. The prescribed quota in such posts for the province of Baluchistan is 3%. The number of posts in the share of Baluchistan and

the employees of Baluchistan belonging to Baluchistan in position in these offices is indicated against each below :

Director General, Pakistan Post Office, Islamabad :		
BPS 5	For Baluchistan quota we have.	2
	In position.	1
	We need one more.	
In BPS 7		
	The quota is.	1
	In the office we have.	2
	We have one extra over here.	
In Islamabad :		
In BPS 11	The quota is.	1
	In position we have.	1
Directorate of Accounts Post Office Department, Lahore :		
BPS 3	The quota of Baluchistan is.	2
Chief Controller of Stamps, Karachi :		
	We have nil.	
	Persons of Baluchistan domicile have not responded to. . . .(interruption).	

Mr. Javed Jabbar : Point of order, Sir. Wherefrom the honourable Minister is reading?

Mr. Chairman : I think the answer you are reading is not in the printed reply to Q. No. 143. I have been trying to look at my papers where you are reading from but I could not find it.

Engr. Syed Muhammad Fazal Agha : This is more informative than the answer given in the printed sheet.

Mr. Chairman : No. No. It may be more informative but we should also be able to follow what is being stated.

Mr. Muhammad Ibrahim Baluch : I thought the printed answer was to be laid and he wanted supplementary information.

Mr. Chairman: It is the written answer which should be read out first.

Mr. Muhammad Ibrahim Baluch: If he wants the written answer I would read the written answer.

Mr. Chairman: Well, it was the written answer which should be read. The rest could be stated in reply to supplementary questions if he asks any.

Mr. Muhammad Ibrahim Baluch: I thought the honourable member wanted supplementary information.

Mr. Chairman: He has not even asked a supplementary question yet. Any way the written answer can be taken as read. You can now ask the supplementary, if you want.

انجینئر سید محمد فضل آغا: آئریبل منسٹر کی سٹیٹ منٹ سے یہ ظاہر ہوا کہ کچھ سکینز میں ہمارے کوٹے کے against ابھی کچھ کمی ہے۔ بلوچستان کے پولرے لوگ ایمپلائی نہیں ہوئے، تو میری گزارش ہے کہ وہاں پر جو ڈائریکٹر جنرل بیٹھا ہے، ان کو ڈائریکشن دے دیں کہ ہمارے کوٹے کے against ابھی جو پوسٹیں ہیں، ان کے لئے جو کو ایفیکشن ہے اس کو advertise کرے اور اس کو fill کر دے اور secondly ایک سے پندرہ تک انہوں نے ہمیں ۸۳۷ کی لسٹ دی ہے لیکن افسوس یہ ہے کہ تین مہینے پہلے میں نے یہ بات پوچھی تھی، اور اب تک ان کا ڈیپارٹمنٹ ہمیں ان ناموں کی لسٹ نہیں دے سکا، اب مجھے یہ سمجھ میں نہیں آتی کہ انہوں نے کہا کہ اگر میں insist کرتا ہوں تو ٹیمپل پر place کریں گے۔ تین مہینے میں نہیں کر سکے تو اب پندرہ دن ہیں یکے کر سکیں گے۔ تو یہ انفارمیشن بعد میں ہو سکے تو مجھے دے دیں۔

Mr. Muhammad Ibrahim Baluch: Sir, the total quota left for Baluchistan is 10. We want ten persons. I will be very pleased if the

honourable member gives me the names of ten persons and I will enlist them.

Engr. Syed Muhammad Fazal Agha: So, it is decided that I am to give them ten names in the House. I thought that they may advertise it in local newspapers actually, persons will be called from different districts, competitive examination will be held and they can have the persons from Baluchistan.

Mr. Muhammad Ibrahim Baluch: If you want so, I will advertise them (*interruptions*).

Mir Hussain Bakhsh Bangulzai: The advertisement is a must for such posts. It should not be left to the recommendation of one honourable member only.

Mr. Chairman: I think you have to follow the normal method of recruitment of advertising the posts, and calling the applications from people with Baluchistan domicile.

Syed Abbas Shah: Supplementary. Sir, Will the honourable Minister be able to tell us about NWFP?

Mr. Chairman: Have you got the information available about people from NWFP?

Mr. Muhammad Ibrahim Baluch: Sir, the question was on-

Mr. Muhammad Ibrahim Baluch: Sir, the question was only for of Baluchistan. For NWFP I require fresh notice.

Engr. Syed Muhammad Fazal Agha: What about these 837 names which they have claimed are from Baluchistan.

Mr. Muhammad Ibrahim Baluch: If you want the names I will put it on your table.

Mr. Chairman: Next question No. 144, Engineer Syed Muhammad Fazal Agha.

Engr. Syed Muhammad Fazal Agha: Sir, this is a road from

CONSULTANCY FEE FOR NOKKUNDI-TAFTAN ROAD

144. *Engr. Syed Muhammad Fazal Agha: Will the Minister for Communications be pleased to state:

(a) whether it is a fact that a sum of Rs. 45 lacs was paid as consultancy fee by the National Highway Board for Nokkundi-Taftan section; and

(b) if so, why the Engineers of the Communications and Works Department were not deputed for the said work?

Malik Nur Hayat Khan Noon (Answered by Mr. Muhammad Ibrahim Baluch): (a) No. The consultancy fee for the feasibility study and preparation of detailed designs of Nokkundi-Taftan Road including bridges is 13.07 lacs.

(b) Preparation of technical feasibility study for the construction and improvement of a road is a specialised job, which requires the services of specialists in this particular field. The Communication and Works Department have not got such expertise nor strength to carry out the design.

انجینئر سید محمد فضل آغا: سر پہلی سبینٹری یہ ہے کہ
 سرباب چیک پلاٹ ٹو نوکندی
 right from
 انہوں نے نہ بڑے کے لئے
 consultant engage
 جس پر میری اصلاح کے مطابق ۳۵ لاکھ روپے کے لگ بھگ پے
 خرچ ہوئے تھے لیکن سیکریٹریٹ کی یہ مہربانی ہے کہ اسے
 split up
 کیا ہے۔ اگر منسٹر صاحب کے پاس انفارمیشن ہے تو دیں کہ اس
 روڈ پر ٹوٹل سروے کے لئے
 consultancy
 فیس جو دی گئی
 ہے وہ کتنی ہے؟
 جناب چیئرمین: میں سوال کو سمجھا نہیں۔

Engr. Syed Muhammad Fazal Agha: Sir, this is a road from Sarrab to Taftan boarder.

س پر انہوں نے consultancy فیس دی ہے میری اطلاع کے مطابق یہ ۳۵ سے ۴۰ لاکھ روپے ہیں۔ لیکن وہ N-25 N-40 سیکرٹریٹ نے میرا خیال ہے split up کیا ہے۔ آدھے پوریشن کے بتائی ہے باقی نہیں۔ تو منسٹر صاحب کے پاس اگر انفارمیشن تو بتائیں کہ کون سا فیس جو دی گئی وہ کتنی ہے؟

جناب چیئرمین : یا تو آپ کے پاس زیادہ انفارمیشن ہے اور اس صورت میں منسٹر صاحب کو پھر تکلیف دینے کی ضرورت نہیں ہے۔ یا اگر آپ کوئی اطلاع مانگتے ہیں تو انہوں نے وہ انفارمیشن دے دی ہے۔

Engr. Syed Muhammad Fazal Agha: Sir, it is not correct.

Mr. Muhammad Ibrahim Baluch: Sir I give him this information. Sir, we have split up two sections, one is N-25 and the other is N-40 partly. Now, Quetta Luckpass-Nokkundi is 478 Km and Nokkundi-Taftan is 125 kilometers. The technical feasibility study and detailed designs for the construction and improvement of National High Way including bridges comprise of two sections as I already mentioned. As per agreement the break-down fee for the section is; Quetta Luckpass-Nokkundi 478 kilometers 18.09 lacs and Nokkundi-Taftan is 13.07 lacs comes to a total 31.16 lacs.

جناب چیئرمین : جناب فضل آغا صاحب ۔

انجینئر سید محمد فضل آغا : سر یہ وہ روٹ ہے جو کہ آر سی ڈی مائی وے کے زیر تکمیل رہ چکی ہے اس کی تمام

مکمل ہو چکی تھیں اور میری سمجھ میں یہ بات نہیں آتی کہ بار بار اس کی feasibility رپورٹس کے کیا معنی۔ اب یہ consultancy fee سروے کے لئے ہے۔ اس کے بعد consultancy fee ڈیزائن کے

لئے ہوگی جبکہ وہاں پہلے ایک مکمل محکمہ سی اینڈ ڈبلیو کے نام سے موجود ہے اور وہاں سینکڑوں کے حساب سے انجینئرز کام کرتے ہیں جو کہ پی ایچ ڈی اور ایم ایس بھی ہیں اور اس کے بعد اگر نیشنل ہائی وے ہاورڈ نے take over کیا ہے تو ان کے پاس اپنا بھی

[Honor. Syed Muhammad Fazal Agha]

بہت سارے انجینئرز سٹاف ہے تو کام میں یہ logic نہیں آتی کہ چار کوارٹر ہے اگر اس روڈ پر اس طرح پیسے خرچ ہوتے اور سڑک ٹریسٹن C&W کوٹہ، پھرنیشن لانی روٹے کے انجینئرز

consultancy for the survey and construction

allocation ہوتی ہے اس میں سے ۸۰ فیصد اس طرح چلا جاتا ہے یہ منسٹر صاحب بتائیں گے کہ وہاں بہرہ سی اینڈ ڈیولپمنٹ اور نیشنل لانی روٹے کے انجینئرز موجود تھے تو پھر سرورٹیزز

engage کرنے کی کیا ضرورت پڑی تھی؟

جناب چیئرمین: جناب بوریج صاحب۔ ہم نے جناب بوریج صاحب سے یہ سڑک معززہ تعمیر کرنے کے لیے ہمارا چاہیے کہ یہ سڑک

سرورٹیز سہادی منسٹری سے پہلے appoint میں ہم کچھ کہہ نہیں سکتے کہ یہ سڑکوں کو ہم نے بہر حال جب سے ہم آئے ہیں

We have taken over these roads from the C&W and now it is under the National Highway Board.

That committee will look after the contracts and if the honourable member has any suggestions he can come to my office and give me.

recently Project Coordinator

ہماری ہے، سی اینڈ ڈیولپمنٹ کو پیار ٹمنٹ بھی ہے consultant

اور نیشنل لانی روٹے بھی ہے۔ ایک بہرہ و جیکٹ کو آڈیٹ ڈیویژن جو پرائیویٹ

سیکٹر ہے اور وہ اس بہرہ کو روٹوں روپے کے expenditure

ورک چارج بلیٹرز پر کرتا ہے تو اس کے accounts

بھی

نہیں ہیں اور budgeting بھی نہیں ہے۔ میں منسٹر صاحب

سے عرض کروں گا کہ وہ دوبارہ اسی پر نظر ثانی کریں جبکہ حکومت کے

پاس اپنے ماہرین ہیں اور وہ ہم مختلف محکموں کے لوگوں کو باہر بھیجتے ہیں۔

ان کو وظائف دیتے ہیں اور ان کو expert کرا کے لاتے

ہیں۔۔۔۔۔ (مدخلت)

جناب چیرمین: میرا خیال ہے کہ جو آپ فرما رہے ہیں وہ

سوال کے دائرے میں نہیں آتا۔ جیسے وزیر صاحب نے آپ کو

دی ہے آپ ان کے دفتر جا کر سہی باتیں ان سے تفصیلاً

کر دیں۔

انجینئر سید محمد فضل آغا: یہی باتیں ایک عرصہ سے عرض کر رہا ہوں مگر عملی

نہیں ہوا ہے۔

جناب چیرمین: وہ تمام لاؤس کے سونے آپ کو invite

کر رہے ہیں کہ ان کے دفتر میں آپ بیٹھ کر یہ تمام معاملات طے کر لیں۔

انجینئر سید محمد فضل آغا: اچھی بات ہے۔

پیر عباس شاہ: کیا منسٹر موصوف بتائیں گے کہ انہوں نے ابھی فرمایا

کہ ہماری منسٹری سے پہلے جو پچھ رہا ہے اس کے ہم ذمہ دار نہیں

ہیں۔ میرا خیال ہے کہ یہ اس حکومت کی ذمہ داری ہے کہ اس سے پہلے

جو کچھ ہوا ہے اس کا بھی اس کے حساب ہونا چاہیے اور اس کی

correction ہوئی چاہیے اگر غلطی ہوئی ہو گی منسٹر صاحب اس

کا جواب دینا چاہئے، تاکہ کہ جو (مدخلت)

جناب چیرمین: جہاں تک بن سمجھ لگا ہوں کہ انہوں نے یہ کہا

ہے۔۔۔ expenditure ہم سے پہلے کیا کیا تھا وہ بتا دینے چاہئے۔

کا نہیں ہے یہ نہیں فرما رہے کہ ہم اس کا جواب دینے کے لئے

نہیں ہیں۔ یہ جتنی انفارمیشن دی ہے تو پھر یہ کہہ دیتے۔ اگلا سوال

جناب میرداد حیل صاحب: نمبر ۱۴۵۔

INCOME EARNED FROM POST OFFICES IN KARACHI
DIVISION

145. *Mr. Abdur Rahim Mir Dad Khel: Will the Minister for Communications be pleased to state:

(a) the amount of annual income earned through the sale of postal stamps, charges of money orders and registered envelopes in the Post Offices located in Karachi Division during the year 1984-85;

(b) the number of the Institutions provide with Franking machines in Karachi indicating also the number of maintenance staff appointed for looking after the said machines; and

(c) the number of the officers with their designations who are responsible for proper maintenance and auditing of the accounts and the records of the items mentioned at (a) and (b) above?

Malik Nur Hayat Khan Noon (Answered by Mr. Muhammad Ibrahim Baluch): (a) The amount earned by Post Offices in Karachi Division during 1984-85:

- | | |
|--|---------------------|
| (i) Through sale of postage stamps, postal stationery and postage paid in cash was | Rs. 95.152 million. |
| (ii) and from money order commission it was | Rs. 5.093 million. |

Note.—Revenue earned on account of sale of registered envelopes is not classified separately and has been accounted for under item (i) above.

(b) The number of institutions which have been provided Franking machines in Karachi is 1047. The machines are maintained by the licenses and their matters are reset by the Postmaster of the Head Post Office of the area from time to time.

(c) Seven Postmasters assisted by the following supervisory staff are responsible for accounts and audit work :—

Karachi GPO	Senior Accountant	1
	Junior Accountants	2
Karachi City H.O.	Junior Accountant	1
Karachi Saddar H.O.	Junior Accountant	1
Karachi Al-Haidary H.O.	Junior Accountant	1
Karachi Korangi H.O.	Junior Accountant	1
Karachi New Town H.O.	Junior Accountant	1
	Total	8

In addition to the staff sanctioned for maintenance of accounts in each Head Post Office, there is also an accounts branch in the office of the Postmaster General, Karachi to supervise the maintenance of accounts in each postal unit.

The maintenance of the machines installed and in use of post offices is carried out by the Postal Mechanisation Unit of Karachi postal area headed by a qualified Engineer B-16. The realisation of postage through the machines is checked and supervised by the incharge of the Post Office, the unit officer (Postmaster or Dy. Controller of Post Offices) in whose administrative jurisdiction the Post Office is situated, Town Inspectors and Assistant Superintendent of Post Offices and occasionally by the officers of the Postmaster General's office.

جناب چیئر مین : کوئی ضمنی سوال ؟

جناب عبدالرحیم میرداد خیل : چھوٹا دیا ہے جناب۔

جناب چیئر مین : شکریہ۔ اگلا سوال نمبر ۶۴۱ جناب میرداد خیل صاحب۔

PURCHASE OF P.I.A. SHARES BY BANKS

146. *Mr. Abdur Rahim Mir Dad Khel: Will the Minister for Defence be pleased to state:

(a) whether the nationalized banks have purchased the shares of the PIA, during the last five years; if so, the nature and value of this investment; and

[Mr. Abdur Rahim Mir Dad Khel]

(b) whether the PIA has made any payment of profit to the said banks during the said period; if not, the reasons therefor?

Sahabzada Yaqub Khan (Answered by Mr. Zain Noorani):

(a) Yes. The required information is available at Annexure I.

(b) PIA has paid dividend to the nationalized banks during the said period. Its details are available at Annexure II.

In addition to the staff mentioned for maintenance of accounts in each Head Post Office, there is also an accounts branch in the office of the Postmaster General, Karachi to supervise the maintenance of accounts in each postal unit.

The maintenance of the machines installed and in use of post offices is carried out by the Postal Mechanisation Unit of Karachi postal area headed by a qualified Engineer B-16. The installation of postage through the machines is checked and supervised by the incharge of the Post Office (the unit officer) Postmaster or Dy. Controller of Post Offices) in whose administrative jurisdiction the Post Office is situated. Town Inspector and Assistant Superintendent of Post Offices and occasionally by the officers of the Postmaster General's office.

؟ والا نہ تو کیا ہے : : :
- بے شک : : :
- : : :
- : : :

PURCHASE OF P.I.A. SHARES BY BANKS

140 * Mr. Abdur Rahim Mir Dad Khel: Will the Minister for Defence be pleased to state:

(a) whether the nationalized banks have purchased the shares of the PIA during the last five years; if so, the nature and value of this investment; and

Annexure-I

STATEMENT OF SHARE CAPITAL HELD BY THE NATIONALISED BANKS

Name of the Banks	Ordy. 'A' Class Shares of Rs.10/-each purchased on 21-11-81	Div. @ 12.5% for the F.Y. 1981-82 capitalised and Ordy. 'A' Class Shares of Rs.10/- each issued	Ordy. 'A' Class Shares of Rs.10/- each purchased on 30-6-83	Holding during 1982-83 after capitalization of Div. for the F.Y. 1981-82 (2+3+4)	Div. @ 15% for the F.Y. 1982-83 capitalized	Bonus Shares @ 18% of Ordy. 'A' Class Shares issued in F.Y. 1984-85	Total Ordy. 'A' Class Shares of Rs. 10/- each held by the Bank during the year 1985-86 (5+6+7)	Prof. Shares of Rs. 10/- each issued to Banks	Total No. of Shares Ordy. 'A' and Prof. Shares (8+9)	Total amount invested by the Banks	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
A.B.L.	942,728	117,841	52,208	1,112,777	166,916	230,344	1,510,037	-	1,510,037	15,100,370	
H.B.L.	13,198,185	1,649,762	730,928	15,578,875	2,336,831	3,224,827	21,140,533	10,000,000	31,140,533	311,405,330	
M.C.B.	2,828,182	353,522	156,628	3,338,332	500,749	691,034	4,530,115	-	4,530,115	45,301,150	
N.B.P.	5,656,365	707,045	313,254	6,676,664	1,001,499	1,382,069	9,060,232	5,000,000	14,060,232	140,602,320	
U.B.L.	5,656,365	707,045	313,254	6,676,664	1,001,499	1,382,069	9,060,232	5,000,000	14,060,232	140,602,320	
Total:	28,281,825	3,535,226	1,566,272	33,383,312	5,007,494	6,910,343	45,301,149	20,000,000	65,301,149	653,011,490	

Annexure-II

STATEMENT OF DIVIDEND/BONUS SHARES PAID TO THE NATIONALISED BANKS

Years	Allied Bank Ltd.			Habib Bank Ltd.			Muslim Bank of Pakistan			Total Div.
	Div. on Ordy. 'A' Shares	Div. on Prof. Shares*	Total Div.	Div. on Ordy. 'A' Shares	Div. on Prof. Shares	Total Div.	Div. on Ordy. 'A' Shares	Div. on Prof. Shares	Total Div.	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
1980-81	—	—	—	—	—	—	—	—	—	
1981-82	1,178,410	—	1,178,410	16,497,620	16,750,000	27,247,620	3,535,220	—	3,535,220	
1982-83	1,669,160	—	1,669,160	23,368,310	10,750,000	34,118,310	5,007,490	—	5,007,490	
1983-84	2,239,462	—	2,239,462	32,352,485	10,750,000	42,102,485	6,718,391	—	6,718,391	
1984-85	2,303,440	—	2,303,440	32,248,270	10,750,000	42,998,270	6,910,340	—	6,910,340	
1985-86	—	—	—	—	—	—	—	—	—	
Total..	7,390,472	—	7,390,472	103,466,685	43,000,000	146,466,685	22,171,441	—	22,171,441	

QUESTIONS AND ANSWERS

National Bank of Pakistan				United Bank Ltd.				Total amount of Div./Bonus Shares paid/ capitalised upto 20-5-1986 (4+7+10+13+16)	Remarks
Div. on Ordy. 'A' Shares	Div. on Prof. Shares	Total Div.	Div. on Ordy. 'A' Shares	Div. on Prof. Shares	Total Div.	Total Div.			
(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)		
Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.		
7,070,450	5,750,000	12,820,450	7,070,450	5,750,000	12,820,450	57,602,150			
10,014,990	5,750,000	15,764,990	10,014,990	5,750,000	15,764,990	72,324,940			
13,436,785	5,750,000	19,186,785	13,436,785	5,750,000	19,186,785	89,433,908			
13,820,690	5,750,000	19,570,690	13,820,690	5,750,000	19,570,690	91,353,430			
Total ..	44,342,915	23,000,000	67,342,915	44,342,915	23,000,000	67,342,915	310,714,428		

جناب چیئر مین : ضمنی سوال ۶

جناب عبدالرحیم میرداد نیل : چھوڑ دیا ہے جناب لیکن جناب لیکن

میں یہ گزارش کروں گا کہ جو سوالات وزیر خارجہ سے متعلق ہوتے ہیں ان کا وہ ہمیشہ جواب

انگریزی میں دیتے ہیں جبکہ پاکستان کی قومی/ملکی زبان اردو ہے۔ تو اس کی کیا وجوہات ہیں کہ یہ خاص رسم و کرم میرے لئے ہوتا ہے؟

جناب چیئر مین : اس پر کئی دفعہ بحث ہو چکی ہے اس الودانے کی

دو نوں زبانیں ہیں۔ اردو اور انگریزی۔ حتی الامکان اور حتی الوسع

میری بھی یہ درخواست ہوگی کہ منظرہ اعلان کو شش کریں کہ اردو میں سے جواب

دیں۔ لیکن اردو میں نہیں ہے تو انگریزی میں بھی آ سکتا ہے۔ اسے

سوال کے علاوہ کوئی اور ضمنی سوال پوچھیں گے؟

جناب عبدالرحیم میرداد نیل : یہ ابھی جہان بن کر آیا ہے تو

اس کو بھی معاف کرتا ہوں۔

جناب نرین نوری : معزز سینیٹر کا شکریہ۔

جناب چیئر مین : آج میرداد نیل صاحب بہت فیاضی کے موڈ میں

ہیں۔ جناب شیریں دل خان صاحب سوال نمبر ۱۴۷۔

REGISTRATION OF DEENI-DARASGAHS

147. *Maj. Gen. (Retd.) Shirin Dil Khan Niazi: Will the Minister for Education be pleased to state:

- the number of *Deeni-Darasghas* in the country;
- whether all these *Darasghas* have been registered and given registration numbers, province-wise;
- the basis of their registration; and
- the criteria that is being followed while registering the *Darasghas* representing various schools of thought?

Malik Nasim Ahmad Aheer: (a) According to the present estimates there are 2269 *Madaris* in the country.

(b) They are registered under the societies registration act, XXI of 1860 but this is not an indication of their recognition by the Government. They are independent.

(c) & (d) If they apply and fulfil the requisite conditions of the Societies Registration Act, XXI of 1860 they are registered.

جناب چیئرمین : کوئی ضمنی سوال ؟

میجر جنرل (ریٹائرڈ) شیریں دل خان نیازی پاکستان چونکہ نظریاتی

ریاست ہے۔ کیا دینی درسگاہوں کا نصاب، حکومت laydown کرے گی ؟

جناب چیئرمین : جناب اسپیکر صاحب۔

ملک نسیم احمد اسپیکر : جناب جہاں تک سینیٹر کا سوال ہے مجھے ذاتی طور پر تو اس سے پورا اتفاق ہے کہ یہ ایک اسلامی مملکت ہے اور نظریاتی مملکت ہے اور اس میں تمام دینی درسگاہوں کا سلیبس ایک جیسا ہونا چاہیئے۔ لیکن سوال یہ ہے کہ موجودہ حالات میں ایسا ممکن ہے؟ جس قسم کی اس ملک میں فضا پائی جاتی ہے کہ فرقہ واریت کا دورہ شروع ہو۔ میرا خیال ہے کہ حکومت اس پوزیشن میں نہیں ہے۔ میں علماء حضرات سے گزارش کروں گا کہ اگر وہ خود مل بیٹھیں اور ان دینی درسگاہوں کے لئے ایک سلیبس کا خود انتخاب کر لیں اور کسی پر متفق ہو جائیں تو حکومت نہ صرف اس کو اپنائے گی بلکہ وہ ان کی ہر قسم کی اعانت کرنے کے لئے بھی تیار ہے۔

جناب چیئرمین : جناب شیریں دل خان صاحب !

میجر جنرل (ریٹائرڈ) شیریں دل خان نیازی : یہ جن دینی درسگاہوں

کو تسلیم کرتے ہیں۔ ان کی سندوں کو کہیں بنا پر یہ ایم اے عربی کے برابر سمجھتے ہیں ؟

جناب چیئر مین : جناب نسیم احمد صاحب -

ملک نسیم احمد امیر : جناب اس معاملے میں گزارش کروں گا ایک رجسٹریشن ہے رجسٹریشن کا جہاں تک تعلق ہے۔ اس کا جواب طبع شدہ جواب میں دے دیا گیا ہے۔ جہاں تک حکومت کے تسلیم کرنے کا تعلق ہے اس کے کچھ معیار ہیں۔ جس میں ان کے بے بلڈنگ فیڈبک میٹروں کی کو ایفیکشن، طلباء کی تعداد، جسمانی سہولتیں بشمول ہوسٹل کی سہولت، لائبریری، کتابیں، اسٹیڈیمنٹ کی تاریخ وغیرہ شامل ہیں۔ اس کے علاوہ صوبائی حکومتیں اپنی طرف سے، مثلاً بلوچستان میں علماء کی ایک باڈی ہے۔ جو ان کو تسلیم کرتی ہے۔ پنجاب میں اس کی منظوری محکمہ اوقاف دیتا ہے۔ اس طرح جب ان کی qualifications پوری ہو جاتی ہیں تو حکومت ان کو تسلیم کر لیتی ہے۔ رجسٹریشن اور تسلیم کرنے میں یہ تھوڑا سا فرق ہے۔

جناب چیئر مین : جناب حسن اے شیخ صاحب

جناب حسن اے شیخ : رجسٹریشن کا تعلق حکومت کے تسلیم کرنے سے تو نہیں ہے۔

ملک نسیم احمد امیر : میں آپ سے اتفاق کرتا ہوں۔ جن کو حکومت تسلیم کرتی ہے ان کی شرائط۔ میں نے آپ سے عرض کی ہیں۔ رجسٹریشن کا جہاں تک تعلق ہے وہ سوسائٹی ایکٹ کے تحت ہوتا ہے۔ کوئی بھی جا کر رجسٹریشن کروا سکتا ہے۔ اس میں کوئی پابندی نہیں ہے۔

Mr. Chairman: Thanks. Next question—Javed Jabbar Sahib.

IMPLEMENTATION OF RESOLUTION REGARDING BOOK-PUBLISHING IN PAKISTAN

148. *Mr. Javed Jabbar: Will the Minister for Education be pleased to state:

(a) whether any steps have been taken by the Government to implement the resolution adopted by the Senate in February,

1986 concerning the need for urgent steps to develop the book-publishing industry in Pakistan; and

(b) whether the Government intends to provide a report on the prospects of the book publishing industry in Pakistan; if so when?

Malik Nasim Ahmad Aheer: (a) The Government have been aware of the problem and have taken necessary steps since long to develop the book publishing industry in Pakistan. In order to achieve this objective, following organizations have been established:

1. *National Book Council of Pakistan.*—It was established in 1960 through a Government resolution to serve as a National Book Centre. It was re-named as National Book Council of Pakistan in 1975 with revised objectives aiming at the development of book publishing industry. This organization strives to identify the problems of the book industry and is working in closed collaboration with publishers, book sellers and other concerned agencies to promote the industry. It has been holding book fairs, exhibitions, seminars and workshops to promote sale of books.
2. *National Book Foundation of Pakistan.*—It was established in 1972 through an Act of the parliament. It has been engaged in providing books and reading material at cheaper rates to students community and the general public.
3. *Pakistan Academy of Letters.*—It was established in 1976 through a Government resolution. This organization aims at promoting literature and looking after the interests and welfare of the writers. One of its objective is to recommend suitable measures for the promotion of printing and publishing industry in the country. The Academy will undertake to implement all of its objectives when it is housed in its own building equipped with the necessary facilities of a documentation centre, printing press, language laboratory and Bureau of Translation. Following steps have also

[Malik Nasim Ahmad Aheer]

been taken to develop the book publishing industry in Pakistan.

- (i) Cash prizes have been instituted for publishers.
- (ii) Necessary amendments have been finalized in the existed Copyright Ordinance of 1962 to protect the rights and interests of authors and publishers.
- (iii) The Government have agreed to give 50% rebate on advertisement of books etc. on Radio and Television.
- (iv) 50% rebate has also been allowed for transportation of books by rail. The question of subsidizing books in place of lowering duties of papers and printing machinery is also under active consideration. The financial impact is being assessed.
- (v) Schemes have been launched to establish readers clubs, promotion of books by purchasing multiple number of copies and various incentives to Pakistani writers, publishers and book sellers.

(b) Not for the present. Report will be prepared when some of the newly developed schemes come into full operation.

Mr. Chairman: Supplementaries?

Mr. Javed Jabbar: With reference to part (a) of my question, instead of answering in a comprehensive, accurate and honest manner, why does the honourable Minister choose to evade the nature of the question and simply give a resume of events since 1960? My question relates specifically to events after February, 1986.

Mr. Nasim Ahmad Aheer: Mr. Chairman, Sir, this is a very interesting question. I think, if he had known to what the Government is doing for the industry because the book-publishing industry is directly related to the number of literate people in the country who can read books. For that, I think, this Government is giving so much importance to the literacy that it has raised the GNP which was previously 1.5 for education to 2.5 this year. Unless we can

produce people who can read and write I don't know how can we help the book-publishing industry. So, we have started right from the gross-root level. Unless we produce people who can read, there is no point in building up the book industry. At the moment, I think, we have more books than the people who can read them.

Mr. Chairman: The question was whether any steps have been taken by the Government to implement the resolution adopted by the Senate in February, 1986?

Malik Nasim Ahmad Aheer: Sir, we are beginning from the root level. We have launched a campaign for the literacy. Now, Sir, as far as the book-publishing industry is concerned it is already there. But the problem is that we are not finding enough people to draw the books even from the libraries. The libraries are full and if you look at the readership I think, it is almost negligible. So, the basic thing is that we should cultivate the habit of reading amongst the people and then we should produce enough literate people who are interesting in reading books and taking interest in the study of books.

Mr. Chairman: Mr. Javed Jabbar.

Mr. Javed Jabbar: With the respect, Sir, the honourable Minister has given a statement on adult literacy which is not the intention of my question, 24% literacy that already exists in this country deserves a dynamic book-publishing industry. I am not talking of the 1986. The 24% that needs support as the Government made a commitment on the floor of the Senate to take certain steps. Has the honourable Minister at least read the transcript of the debate in the Senate?

Malik Nasim Ahmad Aheer: Sir, I have read the debate and I was fair to when the honourable member, Mr. Javed Jabbar requested that 'Aqra' surcharge from the book-publishing industry should be withdrawn and I opposed on the floor of the House at that time and again, Sir, I may inform the honourable member that out of 26% and it is not 24% but only 2% people go up to the matric and 2% to the higher level. So, you can imagine literacy means the people who can just write their names. The definition of the literacy in the country unfortunately, is this—not that 'people who can read'. With 2% people who can read and write, at the higher level, I think, at present as book-publishing industry—we have got a

[Malik Nasim Ahmad Aheer]

National Book Council; we have got the National Book Foundation. Then we have got the private publishers, I mean, the arrangements are more than possibly we can meet their demands, Sir.

Mr. Chairman: Have you got the resolution of 1986 with you?

Mr. Javed Jabbar: Sir, I can remember its verbatim. That this House resolved (*interruption*).

Malik Nasim Ahmad Aheer: Sir, that stands totally in the answer, Sir.

Mr. Javed Jabbar: May I Sir? (*interruption*).

Mr. Chairman: Yes.

Mr. Javed Jabbar: This House resolves that appropriate steps be taken by the Government on a priority basis to vitalize the book-publishing industry in Pakistan. This is the gist of that resolution. Nowhere does the answer refer to any part of that resolution of the steps taken after February, 1986. I wonder, no need to be told that this country needs literacy programme, one is aware of that. But even that 2% of people who read books deserve a better book-publishing industry. I just want the Minister to say what has been done since February 1986?

Malik Nasim Ahmad Aheer: Sir, as far as I am concerned, I think, more has been done than it was necessary I think, the National Book Foundation, the National Book Council; the private publishing industry. I think, it does not have such problem at the moment. As far as the Government is concerned, it had taken these steps much earlier. This Government never felt the need of going through a new process of strengthening the book-publishing industry because we find that there already enough facilities exist and they are not being adequately used by the people.

Mr. Chairman: The problem you have traced, I think, quite aptly the historical background of the book industry development. But there are certain things what the honourable Senator was interested in, was to find out the measures that you may have taken since February, 1986? Now, from the answer, I can find out one

or two things. For example, cash prizes have been instituted for publishers. Was this done after February or before that?

Malik Nasim Ahmad Aheer: Sir, all these things were done much earlier.

Mr. Chairman: The Government have agreed to give 50% rebate on advertisement of books on radio and television. Was this done earlier? (*interruption*).

Mr. Javed Jabbar: Before, Sir.

Mr. Chairman: So, then by implication the answer is that since February 1986, no specific measures have been taken except that whatever has been done previously.

Mr. Javed Jabbar: Supplementary, Sir.

Mr. Chairman: Please.

Mr. Javed Jabbar: Sir, part (b) of the answer by the honourable Minister does concede that a report will be prepared when some of the newly developed schemes come into full operation. What are these newly developed schemes? May I know (*interruption*).

Mr. Chairman: You can ask that question.

Mr. Javed Jabbar: May we know what are those developed schemes?

Malik Nasim Ahmad Aheer: We are trying to develop new schemes and as yet they are not developed. So, I think, I cannot answer it at this stage.

Mr. Chairman: At this stage, you are not in a position to answer it. Right. Next Maulana Kausar Niazi Sahib.

Mr. Chairman: Who was to answer this? Reply not received.

Mr. Zain Noorani: Sir, may I (*interruption*).

Mr. Chairman: Have you got the answer?

Mr. Zain Noorani: No. But it has been transferred to the Works Division.

Mr. Chairman: This has been transferred to the Works Division. So, will it be answered on the next rota day, as far the Works Division is concerned.

Mr. Zain Noorani: It is upto the Works Division to answer.

Mr. Chairman: Right. Next—Nawabzada Jahangir Shah Jomezai, 150.

AERONAUTICAL ENGINEERING COLLEGE, KARACHI

150. *Nawabzada Jahangir Shah Jomezai: Will the Minister Incharge of the Aviation Division be pleased to state whether the College of Aeronautical Engineering alongwith a complete laboratory which was established at Karachi at the cost of millions of rupees has now been shifted to Risalpur if so, the reasons therefor?

Sahabzada Yaqub Khan (Answered by Mr. Zain Noorani): Yes, the College of Aeronautical Engineering (CAE) alongwith all its laboratories has been shifted from Korangi Creek, Karachi to Risalpur, and has started functioning at its new location *w.e.f.* 6th July, 1986. The reasons for shifting of CAE to Risalpur are summarised below:—

- (a) The training of officers of various branches of the PAF was being conducted at several different locations. Pilots were being trained at Risalpur, Engineers at Korangi Creek, supply, accounts, admin and Education Officers at Kohat. It was felt that combined training of all branches of PAF would result in better integration and esprit de corps amongst the officers and thus it was decided in 1978 that all officers' training be centralized at Risalpur.
- (b) Korangi Creek has, traditionally, been a PAF training base for airmen for the last 30 years. The move of

College of Aeronautical Engineering to Risalpur has made it possible for the PAF to set up the entire training of JCOs and NCOs at Korangi Creek.

- (c) PAF Base Shara-e-Faisal, Karachi accommodates one of the biggest maintenance units of the PAF. Apart from other varied duties, this Base will provide F-16 aircraft extended maintenance facilities, which will result in acute shortage of accommodation there. The PAF will be able to shift some units from Faisal to Korangi Creek.
- (d) Flight Cadets at Risalpur would benefit from the latest technologies equipment laboratories of College of Aeronautical Engineering.
- (e) Close proximity of PAF Kamra, Pakistan Ordnance Factories (POF) Wah and Heavy Mechanical Complex at Taxila would be beneficial for the trainees of College of Aeronautical Engineering for their theoretical and practical training.

Mr. Chairman: Supplementary question, please.

Nawabzada Jahangir Shah Jomezai: No, Sir.

Mr. Chairman: Right. Abdur Rahim Mirdad Khel Sahib, 151.

FRONTIER WORKS ORGANISATION

151. ***Mr. Abdur Rahim Mir Dad Khel:** Will the Minister for Defence be pleased to state:

(a) whether it is a fact that the Frontier Works Organisation is functioning as a self-sufficient institution during peace time; and

(b) the name of the civil works and other projects assigned to the said institution during the last three years indicating also the nature, location and the cost involved?

Sahabzada Yaqub Khan (Answered by Mr. Zain Noorani):

(a) Yes. FWO is self-supporting institution in that it caters for its own logistic support and the pay and allowances to its manpower are paid through its own budget.

(b) The details of projects acquired by FWO during last three years is enclosed at Annex I, II and III. The information indicates nature, location and cost of each project.

PROJECTS ACQUIRED BY FWO
1983 - 84

Year - 1983-84

S. No.	Status	Description	Sponsoring Agency	Area	Cost in Million	Allocation Expenditure Current year	Date of Start	Date of Completion	Remarks.
1.	On-Going	Road Dhulli-Alliabad	Ministry of Communication	AK	94.559	24.825	Apr 76	In Progress	
2.	"	Road Bagh-Sudhangali - Chikar	"	AK	90.789	4.989	Jan 76	"	
3.	"	Road Chakdara - Chitral	"	NWFP	532.921	54.783	Dec 74	"	
4.	"	Road KKH - Skardu	"	NA	574.842	54.726	Nov 72	"	
5.	"	KKH Maintenance	"	NA		28.919	Sep 79	"	
6.	"	Plungo Pool Khanpur Dam	WAPDA	NWFP	51.050	8.800	Feb 82	Jun 84	Completed
7.	"	Pro-clouser and clouser work Khanpur Dam	"	"	231.135	60.274	Jul 82	Jun 83	Completed
8.	"	Road Haripur - Chappar	"	"	168.716	23.630	Sep 81	In Progress	
9.	"	Romodelling of Islan Headworks	"	"					
10.	"	Helicopter Runway at Gwadar	Navy	Punjab	20.880	17.000	Nov 82	Feb 84	Completed
11.	"	Temporary Moic Ormara	"	Baluchistan	2.820	2.820	Feb 82	Sep 83	Completed
12.	"	Const of 1 Lac Gallons under-ground Water Tank.	"	"	9.811	-	Aug 82	In Progress	
13.	"	Naval Accomodation at Gwadar	"	"	0.966	0.966	Mar 83	Oct 83	Completed
14.	"	Road Konaia-Kuliari	AK Govt	AK	4.026	4.026	Apr 83	In Progress	
15.	"	Road Kotli - Sattian - Kuliari	"	AK	52.900	5.749	Feb 79	Sep 83	Completed
16.	"	Road Muzaffarabad - Shardi	"	AK	34.688	0.857	Mar 79	Sep 83	Completed
17.	"	Road Injra-dukhad	Punjab Govt	Punjab	230.000	35.853	Aug 76	In Progress	
18.	"	Road Bun - Kotli	"	"	8.566	8.906	Apr 83	"	
19.	"		"	"	9.203	6.106	Dec 82	Jun 83	Completed

Mar - 1983-84

S. No.	Status	Description	Sponsoring Agency	Area	Cost in Million	Allocation Expenditure Current Year	Date of Start	Date of Completion	Remarks
19.	On-Going	Road Kalabagh -Shakardara	NLC	Punjab	11.268	4.907	Mar 82	Aug 83	Completed
20.	"	Vohari Air Field	PAF	"	153.272	44.380	Dec 79	In Progress	
21.	"	Road Kak Bridge to Kahuta-Rawalpindi Link.	Ministry of Communication	"	24.564	2.248	Feb 82	Sept 83	Completed
22.	"	Sport Complex(Carpetting) at Islamabad.	NISC	"	6.986	0.624	Jan 83	In Progress	
23.	New	Staff Quarters at Chitral	T&T Dept.	NWFP	2.982	0.852	Nov 83	Jun 84	Completed.
24.	"	10 Additional Rooms for PTDC at Chitral	PTDC	"	1.600	0.664	Nov 83	In Progress	
25.	"	Airstrip at Kalabagh	WAPDA	Punjab	5.700	5.700	Jan 84	Jun 84	Completed.
26.	"	Afi Bund.	OGDC	Baluchistan	17.992	2.663	Nov 83	In Progress	
27.	"	Rajapur Airdf	PAF	Punjab	106.200	25.000	Jan 84	"	
28.	"	Quaid-e-Azam Avenue	CDA	"	24.493	15.885	Jun 83	Dec 83	Completed
29.	"	Romcdial Measure Khanpur Dam	WAPDA	NWFP	27.975	12.022	May 84	In Progress	

PROJECTS ACQUIRED BY FWO
1984 - 85

Year 1984-85

S. No.	Status	Description	Sponsoring Agency	Area	Cost in Million	Allocation Expenditure Current Year	Date of Start	Date of Completion	Remarks
1.	On-Going	Road Chakdara - Chitral	Ministry of Communication	NWFP	532.921	37.365	Dec 74	Jun 85	Completed
2.	"	Road KKH - Skardu	"	NA	574.842	50.783	Nov 72	Jun 85	Completed
3.	"	KKH Maintenance	"	NA		31.086	Sep 79	In Progress	
4.	"	Road Dhulli-Aliabad	"	AK	24.559	10.157	Apr 76	"	
5.	"	Road Bagh - Sudhangali-Chikar	"	AK	90.789	6.757	Jan 76	Jun 84	Completed
6.	"	Remedial Measures Khanpur Dam	WAPDA	NWFP	27.975	12.022	May 85	In Progress	
7.	"	Road Haripur - Chappar	"	"	168.716	48.771	Sep 81	"	
8.	"	Temporary Mole at Gwadar	Navy	Baluchistan	9.911	-	Aug 82	Feb 85	Completed
9.	"	Naval Accommodation at Gwadar	"	"	4.026	-	Apr 83	Dec 84	Completed
10.	"	Afi Bund.	"	"	18.992	5.407	Nov 83	Aug 84	Completed
11.	"	Road Muzaffarabad - Shardi	AK Govt	AK	230.000	27.255	Aug 76	In Progress	
12.	"	Road Injra - Mukhad	Punjab Govt.	Punjab	9.628	2.633	Apr 83	Aug 84	Completed.
13.	"	Vehari Air Field	PAF	"	153.272	22.700	Dec 79	Sep 84	Completed.
14.	"	Rajapur Air Field	"	"	106.200	64.600	Jan 84	In Progress	
15.	"	Carpetting of Sport Complex at Islamabad.	"	"	6.986	0.026	Jan 83	Sep 84	Completed
16.	"	10 Additional Rooms for PTDC at Chitral. PTDC	NISC	NWFP	1.600	0.732	Nov 83	Aug 84	Completed
17.	Nov *	SCARP-VI (Drains)	WAPDA	Punjab	32.884	4.442	Apr 85	In Progress	
18.	"	Khari Main Canal	"	AK	11.842	1.668	Mar 85	In Progress	
19.	"	Rawalakot Air Field	CAA	AK	10.645	-	Apr 85	"	
20.	"	Parachinar Air Field	"	NWFP	10.197	-	May 85	"	
21.	"	Muzaffarabad Air Field	"	AK	15.854	-	Apr 85	"	
22.	"	Road Thakot - Dapband	C&W Dept	NWFP	89.801	8.98	Nov 84	"	

Year 1984-85

S. No.	Status	Description	Sponsoring Agency	Area	Cost in Million	Allocation Expenditure Current Year	Date of Start	Date of Completion	Remarks.
23.	On-Going	Ammunition Store Rawalpindi	Ministry of Defence	Punjab	42.084	8.00	Oct 84	In Progress	
24.	"	Development of F-11 Sector Islamabad Road Jhari Ormara	CDA	"	19.440	8.625	Dec 84	"	
25.	"		Govt of Baluchistan	Baluchistan	30.00	15.00	Jan 85	"	
26.	"	Precision Engg Complex	Army	Sind	17.020	9.50	Aug 85	"	
27.	"	Parallcl Taxi(Rajanpur Airfd)	PAF	Punjab	63.939	1.324	Jun 85	"	
28.	"	Bhambor - Samani - Chauki	AK Govt.	AK	17.845	7.680	Jan 85	"	
29.	"	Lanore Cantt Coop Housing S Society.	DOHA	Punjab	54.900	0.657	May 85	"	

Annexure III

PROJECTS ACQUIRED BY FWO
1985 / 86

Year 1985/86

S. No.	Status	Description	Sponsoring Agency	Area	Cost in Million	Allocation Current Year	Date of Start	Date of Completion	Remarks.
1.	On-Going	Road Thakot - Darband	C & W Dept	NWFP	89.801	15.796	Nov 84	In Progress	
2.	"	Road Haripur - Chappar	WAPDA	"	168.716	-	Sop 81	"	
3.	"	SCARP-VI (Drainages)	"	Punjab	32.884	7.785	Apr 85	"	
4.	"	Khori Main Canal	"	AK	11.842	6.146	Mar 85	"	
5.	"	Remedial Moasuros Khanpur Dam	"	NWFP	27.975	-	May 84	Dec 85	Completed
6.	"	Ammunition Storo Rawalpindi	CHO	Punjab	42.083	20.000	Oct 84	In Progress	
7.	"	Parachinar Air Field	CAA	NWFP	10.197	9.00	May 85	"	
8.	"	Rawalakot Airfield	"	AK	10.645	9.00	Apr 85	"	
9.	"	Muzaffarabad Airfield	"	AK	15.854	9.00	May 85	"	
10.	"	Development of F-11 Sector at Islamabad.	"	"					
11.	"	Rajapur Airfield	CDA	Punjab	19.440	10.973	Dec 84	"	
12.	"	Paralol Taxi(Rajapur Airfield)	PAF	"	106.200	-	Jan 84	Aug 85	Completed
13.	"	Road Liari - Dymara	"	"	63.939	63.939	Jun 85	May 86	Completed
14.	"	Road Muzaffarabad - Shardi	Govt of Baluchistan	Baluchistan	30.00	15.00	Jan 85	May 86	Completed
15.	"	Road Bhimber - Samani - Chauki	AK Govt.	AK	230.00	9.426	Aug 76	In Progress	
16.	"	Road Dhulli - Allabad.	AK Govt.	AK	17.845	10.137	Jan 85	"	
17.	"	KKH Maintenance	Ministry of Communication	AK	94.559	7.510	Apr 76	"	
18.	"	Lahoro Cantt Coop Housing Society	DOHA	MA	-	31.086	Sop 79	"	
19.	"	Precision Enge Complex	Army	Punjab	54.900	5.069	May 85	"	
20.	NCW	Astoro Valley Road	Commissioner MA	Sind	17.020	9.50	Aug 85	"	
21.	"	Karslihan - Bhamba	WAPDA	MA	162.675	20.00	Sop 85	"	
				NWFP	8.069	-	Jan 86	"	

Year 1985/86

S. No.	Status	Description	Sponsoring Agency	Area	Cost in Million	Allocation Current Year	Date of Start	Date of Completion	Remarks
22.	On-Going	Mirpur Loading Cut	WAPDA	AK	32.400	-	Mar 86	In Progress	
23.	"	Structures SCARP-VI	"	Punjab	5.256	-	Mar 86	"	
24.	"	WAPDA Housing Society Lahore.	"	"	79.000	4.000	Aug 85	"	
25.	"	Skardu Air Field	PAF	NA	240.877	10.000	Mar 86	"	
26.	"	Rocarpotting Rafiqui Air Base.	"	Punjab	16.670	12.456	Nov 85	May 86	Completed
27.	"	Loop Taxi Track(Rajampur)	"	"	17.200	1.324	Jan 86	In Progress	
28.	"	Army Bridge Camp and Base Depot at Khushab.	"	"	12.600	5.000	Jan 86	"	
29.	"	Risalpur Work.	"	NWFP	0.200	0.200	Feb 86	Feb 86	Completed
30.	"	Sind Rogtl Centro(Roads)	"	Sind	18.366	-	Jan 86	In Progress	
31.	"	Pano Aqil Cantt (Rds)	"	"	180.000	-	Feb 86	"	
32.	Now	Darya Khan - DI Khan Bridge	OCP	Punjab	5.120	5.000	Dec 85	Dec 85	Completed
33.	"	Hajj Complex	CDA	"	6.453	4.245	Jan 85	Jan 86	Completed
34.	"	Mangla Air Field	CAA	"	0.944	0.400	Apr 86	May 86	Completed
35.	"	Islamabad Airport.	CAA	"	2.120	2.120	May 86	May 86	Completed
36.	"	Alternative Alignment Road Sandoha - Dab - Saunani	AK Govt	AK	10.860	-	Sep 85	In Progress	
37.	"	Access Road Muzaffarabad Airfield	"	AK	4.776	3.807	Jul 85	"	
38.	"	Holipons at Gwadar	Navy	Baluchistan	9.618	-	Jan 86	"	
39.	"	Construction Machinery Training Centre	Ministry of Comm.	Punjab	23.279	4.508	May 86	"	

جناب چیئر مین : کوئی ضمنی سوال ؟
 جناب عبدالرحیم میرداد نھیل : کیا وزیر محترم یہ بیان فرمائیں گے
 کہ موجودہ وزراء میں سے کتنی اسمیاں خالی ہیں ؟
 جناب چیئر مین : کیا مطلب ؟
 جناب عبدالرحیم میرداد نھیل : ان وزیروں میں سے کتنی اسمیاں
 خالی ہیں کیا یہ بتا سکتے ہیں ؟
 جناب زین نوری : جناب جس دن وزراء کو ایف۔ ڈیو۔ اڈ کے
 تحت لے لیا جائے گا اس کے بعد اس سوال کا جواب دیا جائے گا۔
 جناب عبدالرحیم میرداد نھیل : بات یہ ہے کہ یہ وزیر خارجہ صاحب
 کا سوال ہے اور جواب ہمیشہ وزیر دفاع دیتا ہے یہ وزیر دفاع کی
 جو اسمی خالی ہے کیا یہ وزیر خارجہ کے سپرد ہے ؟
 جناب چیئر مین : وزیر دفاع کی اسمی خالی نہیں۔ دفاع کا عہدہ
 پر اعلیٰ منسٹر کے پاس ہے اور ان کے behalf پر کوئی بھی منسٹر
 جواب دے سکتا ہے۔ انہوں نے وزیر خارجہ کو اور وزیر خارجہ کی
 غیر حاضری میں جناب زین نوری صاحب کو یہ کام تفویض کیا ہے کہ
 یہ ان کے جواب دیں۔
 جناب شاد محمد خان صاحب - سپلیمنٹری سوال -

Mr. Shad Muhammad Khan: The honourable Minister has said in reply to question 151 that FWO is a self-supporting institution, may I know Sir, whether the funds for the budget of the FWO are provided by the Federal Government?

Mr. Chairman: The entire defence budget is provided by the Federal Government.

Mr. Shad Muhammad Khan: Yes, but FWO is not self-supporting Sir.

Mr. Zain Noorani: Sir, but in this case although the honourable Senator is right to an extent that the personnel working with the

FWO are army personnel, those serving in the FWO are paid for out of the budget of the FWO itself and not by the Armed Services.

Mr. Chairman: And they earn their own keep.

Mr. Zain Noorani: Yes Sir, they earn their own keep.

جناب چیئرمین : اگلا سوال ، فاضل عبداللطیف صاحب ۔

ARRANGEMENTS FOR TEACHING ISLAMIC STUDIES

152. ***Qazi Abdul Latif** (put by Mr. Abdur Rahim Mir Dad. Khel): Will the Minister for Education be pleased to state:

(a) the arrangements that exist for the teaching of *Deeniyat* (Islamic Studies) in the Middle and High Schools of Islamabad;

(b) whether any scholar *ulemas* having Degree from Arabic *Madaress* (Religious Schools) are appointed to teach Islamic Studies;

(c) if the answer to (b) above be in the affirmative, indicating the total strength of such teachers and the scale of pay in which they are appointed; and

(d) the rate of annual increment being given to these teachers?

Malik Nasim Ahmad Aheer: (a) Islamic Studies is being taught as a compulsory subject in all Middle and High Schools under the Federal Directorate of Education, Islamabad. As per approved scheme of studies, 4 periods per week have been prescribed for Middle classes and 3 periods for high classes. However in institutions where agro-tech. subjects are not being taught, the Heads are allowed to allocate 4 to 5 periods to these subjects. Prescribed books according to the syllabi are also available for each class.

(b) 32 scholars of *Madaress* have been appointed to teach Arabic in Islamabad. Some of them teach Islamiyat also.

(c) Total strength is 32 *Sanad* holders of *Darsi Nizam* get the scale of B-15 (900-55-2000) if appointed against the post of a trained graduate teacher. They remain at the start of the scale till they acquire B. Ed. or equivalent professional qualification.

(d) As in (c) above.

جناب چیئر مین : ضمنی سوال ؟ کوئی نہیں ، اگلا سوال قاضی عبداللطیف صاحب -

STEPS TO PROMOTE ARABIC LANGUAGE

153. *Qazi Abdul Latif (put by Mr. Abdur Rahim Mir Dad Khel): Will the Minister for Education be pleased to state:

(a) the steps taken by the Government for the promotion of Arabic language;

(b) the number of Arabic teachers appointed in the middle and high schools in the Federal Area of Islamabad; and

(c) the basic pay scales alongwith the annual rates of increment allowed to these Arabic teachers?

Malik Nasim Ahmad Aheer: (a) Arabic is being taught as a compulsory subject for classes 6th to 8th in all educational institutions under the Federal Directorate of Education Islamabad since 1982. 67 posts of trained graduate teachers (Arabic) in B-15 were created for the purpose in 1983. Apart from this the following steps were taken:—

- (i) Curricula and text books have been developed and introduced.
- (ii) Teachers guide for classes 6th to 8th has been developed.
- (iii) Lessons plans for class 6th and 7th are in the process of printing.
- (iv) Test items for examination in this subject for classes 6th to 8th.

[Malik Nasim Ahmad Aheer]

(v) A video film of a lesson for class 7th.

(vi) Arabic Learner's dictionary based on the vocabulary of text books for classes 6th to 8th.

(b) 64 teachers have been appointed in Federal Government schools of Islamabad. The cases of other three are under consideration.

(c) All arabic teachers either trained or untrained have been appointed in BPS-15 (Rs. 900-55-2000). Untrained are not allowed increments unless they secure professional training.

جناب چیئر مین : کوئی ضمنی سوال ؟ جی میرداد خیل صاحب ۔

جناب عبد الرحیم میرداد خیل : جناب والا! کیا وجہ ہے کہ یہ چھٹی سے پہلے یعنی چوتھی جماعت سے عربی نہیں پڑھا سکتے ؟ کیا ایسا کوئی منصوبہ ہے کہ چوتھی جماعت سے عربی پڑھائی جائے ؟

ملک نسیم احمد آہیر : جناب والا! بنیادی طور پر تعلیم کا معاملہ ایک صوبائی معاملہ ہے لیکن جہاں تک فیڈرل گورنمنٹ کا تعلق ہے ہم نے یہ سمجھا ہے، جیسے کہ پہلے بھی شکایت ہے کہ پرائمری کے چونپکے ہیں ان پر پہلے ہی مختلف نصابوں کا کافی بوجھ ہے اس لئے ہم عربی اس سطح سے شروع کر رہے جہاں سے بچوں میں اسے سمجھنے اور لکھنے کی صلاحیت بہتر ہو۔ جناب والا! ہمارا بنیادی مقصد یہی ہے کہ ان کو دینی اور اسلامی تعلیم سے روشناس کرایا جائے جہاں بہتر طریقے سے وہ تعلیم حاصل کر سکیں۔ تو میرا ذاتی خیال ہے کہ اس عمر کے چونپکے ہیں ان میں پڑھنے اور لکھنے کی جو capacity ہوتی ہے وہ بہتر ہوتی ہے۔

جناب عبد الرحیم میرداد خیل : کیا میٹرک اور ایف اے کی سطح پر بھی

یہ منصوبہ ہے ؟

ملک نسیم احمد آہیر : جناب! چونکہ میٹرک میں بھی دینیات کا جو مضمون ہے

یہ لازمی ہے اس لئے خود بخود ان کو اس کے لئے تیاری کرنی پڑتی ہے۔ آپ یہ یقین رکھئے کہ حکومت کسی قسم کی دینی معاملات میں کوتاہی نہیں کرتی رہی ہے، کیونکہ ہم سمجھتے ہیں کہ یہ ایک نظریاتی ملک ہے اس لئے

عربی اور دینیات سے ہمارا جو تعلق ہے، اس کی میں سمجھتا ہوں کہ مزید وضاحت کرنے کی ضرورت نہیں ہے۔

جناب عبدالرحیم میرداد خیل : اب تک کتنے دینی کاموں پر

عمل ہوا ہے ؟

ملک نسیم احمد آہیر : میرے خیال میں اگر آپ ہم سے حساب مانگنا شروع کریں گے تو پھر مقابلہ کریں، پھر آپ ہی انصاف کریں۔ میں تو صرف یہ کہتا ہوں۔

آپ منصف ہیں تو انصاف کریں

کون دیتا ہے گواہی میری

جناب چیئر مین : جناب مولانا کوثر نیازی صاحب۔

مولانا کوثر نیازی : ورنہ یہ صاحب نے یہ ارشاد فرمایا ہے کہ فیڈرل گورنمنٹ اسلام آباد کے سکولوں میں ۱۶۴ اساتذہ تعینات کئے گئے ہیں۔

ملک نسیم احمد آہیر : جناب والا، صرف ”۶۴“۔

مولانا کوثر نیازی : آپ نے ابھی جواب میں ۱۶۴ کہا ہے۔

ملک نسیم احمد آہیر : اصل میں ”۶۴“ کے ساتھ ”اساتذہ“ کا

جو ”الف“ ہے یہ مل گیا ہے اس لئے ”۱۶۴“ بڑھا گیا مگر اصل

تعداد ”۶۴“ ہے۔

جناب چیئر مین : اگلا سوال، میر علی نواز خان تالیپور۔

SINDHI AS PROVINCIAL LANGUAGE

97. *Mir Ali Nawaz Khan Talpur: Will the Minister for Education be pleased to state:

(a) whether the Federal Government and its agencies in the country in their official correspondence refer to *Sindhi* as regional language contrary to the expression provincial language employed in Article 251 (iii) of the Constitution; and

[Mir Ali Nawaz Khan Talpur]

(b) if the answer to (a) is in the affirmative whether the Government has issued any instructions to the Federal Ministries and its attached agencies to describe *Sindhi* as a provincial language in their official correspondence?

Malik Nasim Ahmad Aheer: (a) Not generally, but the two terms are considered synonymous owing to a lack of awareness of the difference between them.

(b) Yes, instructions have been issued to all concerned to give the accurate nomenclature of provincial languages in their correspondence.

Mr. Chairman: Mr. Ahmed Mian Soomro.

Mr. Ahmed Mian Soomro: Sir, the question asked by the honourable Senator is, whether the Federal Government and its agencies in the country and in their official correspondence refer to *Sindhi* as regional language contrary to the expression 'provincial language' employed in Article 251 of the Constitution. Whereas there is first of all no Article 251 (iii) in the Constitution, and then 251 sub-Article (3) says:

Without prejudice to the status of the national language, a Provincial Assembly may by a law prescribe measures for the teaching, promotion and use of a provincial language in addition to the national language.

The question of any regional language a, b or c does not seem anywhere in the Constitution, and I will respectfully submit to the honourable Minister that his reply, I do not think, correspond to what has been asked.

Mr. Chairman: I have not been able to follow your question, I think the question was that *Sindhi* which is a provincial language is being referred to in official correspondence as regional language. Now this is what the Minister has tried to answer that not generally, but because of lack of awareness the two terms are considered synonymous in certain quarters and in order to rectify that, then, he proceeds on to say in part (b) that instructions have been issued to all concerned to give the accurate nomenclature of provincial language in their correspondence. So I think this... (*interruption*)

Mr. Ahmed Mian Soomro: But Sir, I am trying to explain that the question asked and the reply given do not seem to be relevant. Because Article 251 sub-Article (3) says that the Provincial Assembly can pass a by law regarding the.... (*interruption*). What is the reply and what is the reference?

Malik Nasim Ahmad Aheer: Sir, in that case, I think, the honourable Senator should pose the question to the other honourable Senator because he has raised this question of Constitution, not I.

Mr. Ahmed Mian Soomro: I am talking about the question and reply that they seem irrelevant.

Mr. Chairman: But I think it is quite simple that instead of being called a provincial language, it was referred to in official correspondence in certain quarters as regional language and this is what the honourable Senator was objecting to.

Mr. Ahmed Mian Soomro: 'Generally' means what? Because I am specifically asking which quarter, Sir?

Mr. Chairman: 'Not generally', what he means to say is that ordinarily it is not so described but occasionally it does happen. This is what not generally means. Next question Mr. Abdur Rahim Mir Dad Khel.

جناب عبد الرحیم میر داد نھیل : کیا وزیر محترم یہ ارشاد فرمائیں گے کہ اس وقت صوبائی زبانوں کی جو استعمال ہوتی ہیں تعداد کتنی ہے ؟

Mr. Chairman: It has nothing to do with education, I believe.

Malik Nasim Ahmad Aheer: I think so Sir. I am unaware to this question. Was it a supplementary or what Sir?

Mr. Chairman: It was a supplementary.

جناب پیئر مین : آپ اپنا سوال دہرائیں ۔
جناب عبد الرحیم میر داد نھیل : کیا وزیر محترم بیان فرمائیں گے کہ صوبائی زبانیں کتنی تعداد میں استعمال ہوتی ہیں خط و کتابت میں یا دیکھا ہوں میں ؟

ملک نسیم احمد اہیر : جناب اس سلسلے میں آئین میں یہ حق دیا گیا ہے کہ جو صوبائی حکومتیں ہیں وہ اپنی جو علاقائی نہ بانیں ہیں ان کو استعمال کر سکتی ہیں اور سندھ میں یہ سہولت ہے۔ سرحد میں بھی پشتو پڑھائی جاتی ہے، لیکن پنجاب میں پنجابی نہیں پڑھائی جا رہی تو اس بات کا انحصار صوبائی حکومتوں پر ہے کہ وہ اس کو کتنی اہمیت دیتی ہیں یا اس کو کتنا پر دموت کرنا چاہتی ہیں۔ جہاں تک مرکزی حکومت کا تعلق ہے وہ اس سلسلے میں کوئی مداخلت نہیں کرتی۔

جناب چیئر مین : اگلا سوال۔

SIACHEN GLACIER

†157. *Mr. Javed Jabbar: Will the Minister for Defence be pleased to state:

(a) whether any additional territory of Pakistan has been occupied by Indian forces in the Siachen Glacier area during the past 3 months after the initial clashes earlier; if so, to what extent; and

(b) the number of violations committed by Indian forces on the line of control in Kashmir during the year 1985-86?

Sahabzada Yaqub Khan (Answered by Mr. Zain Noorani):

(a) No additional territory of Pakistan has been occupied by the Indian forces in Siachen Glacier area during the past three months.

(b) Cease fire violations committed by the Indian forces on the Line of Control in Jammu and Kashmir are as under:—

(i) From 1st January, 1985 to 31st December, 1985	321
(ii) From 1st January, 1986 to 9th July, 1986	148

Mr. Javed Jabbar: Supplementary, Sir.

Would the honourable Minister like to respond to the fact that since there seems to be no reduction in the rate of violations committed by India, have we formulated a policy to militarily respond across the Cease Fire Line?

Mr. Zain Noorani: Our policy is not to respond militarily across the Cease Fire Line. A number of flag meetings and even meetings at higher levels have been held to try and dissuade the Government of India from continuing with their irresponsible behaviour.

Mr. Javed Jabbar: If that is the policy, Sir, would the honourable Minister like to comment on the fact that since this policy has obviously not been effective or successful, is the Government of Pakistan willing to review/revise this policy?

Mr. Zain Noorani: The policy of the Government of Pakistan is always under review and is liable to be revised any moment the Government thinks appropriate.

Mr. Javed Jabbar: Supplementary, Sir.

Mr. Chairman: Last one.

Mr. Javed Jabbar: Would the honourable Minister like to confirm categorically that Pakistan has never committed cease fire violations in response to Indian violations?

Mr. Chairman: You have not asked that question. It is not in the original question. It is a supplementary. Can you answer that?

Mr. Zain Noorani: I can categorically say that Pakistan has not deliberately indulged in any excesses across the Line of Control by way of retaliation but at times when the two armies face one another almost eye-ball to eye-ball local skirmishes do take place and they have taken place and we have tried to sort them out by way of these flag meetings.

Mr. Chairman: Well this was the question that had been asked. If you want to ask a fresh question, that is a different matter.

Mr. Zain Noorani: True, Sir.

Mr. Chairman: That brings us to the end of the questions.

LEAVE OF ABSENCE

جناب چیئر مین : جناب سردار محمد یوسف خان ساہواری نے ناگزیر گھریلو مہر و فیات کی بنا پر ایوان سے حالیہ مکمل اجلاس کے لئے رخصت کی درخواست کی ہے ، کیا آپ ان کی یہ درخواست منظور فرماتے ہیں ؟
(رخصت منظور کی گئی)

ایک معزز رکن : جناب والا ! میں معادم کرنا چاہتا ہوں کہ میں پہلے رخصت کی درخواست نہیں دے سکا تو کیا بعد میں رخصت کی درخواست دے سکتا ہوں ؟

جناب چیئر مین : قاعدہ یہ ہے کہ آپ in writing بھیج دیں۔ اگر آپ کل بھیج دیں گے تو کوئی فرق نہیں پڑے گا۔ اب باقی پریولجیشن کی

PRIVILEGE MOTIONS. (1) RE: FAILURE TO SUMMON A JOINT SESSION OF PARLIAMENT AS REQUIRED UNDER ARTICLE 56(3) OF THE CONSTITUTION

Mr. Chairman: The first one is No. 9, standing in the name of Mr. Wasim Sajjad which has been brought forward from the previous sitting. I think we decided yesterday that the Attorney General and the Minister for Justice and Parliamentary Affairs would express their views on the motion. Who would like to make a start?

This is Mr. Wasim Sajjad's privilege motion with regard to the failure of the President to summon a joint session of Parliament as required in Article 56(3) of the Constitution. Mr. Aziz A. Munshi.

Mr. Aziz A. Munshi (Attorney General): Thank you Mr. Chairman. This privilege motion relates to the interpretation of Article 56(3) of the Constitution. What does it in effect say, after repeating Article 56(3), if I am permitted to say, is:

“This sub article places an obligation on the President to address a joint session of the Parliament at the commencement of the first session of each year, and confers

a privilege on the Senate to meet in a joint session and consider the address of the President. The President's address will traditionally outline the programme of the Government for the year which programme can then be discussed either in the joint session or individually by the Senate. This is an important privilege of the Senate because it can in this manner discuss *inter alia* the economic policies and the fiscal programme of the Government which opportunity may otherwise be lost. Already the discussion of fiscal policies has become meaningless with the presentation of the budget before the National Assembly. As a vital privilege of the Senate has been breached and the Constitution has also been violated in the process, I propose that this matter be immediately considered by this House."

Now, Sir, the first question is of the right emanating from Article 56(3). Article 56(3) when read properly and interpreted properly refers to the first session of the joint Houses. It says:

"56(3). At the commencement of the first Session after each general election to the National Assembly and at the commencement of the first Session of each year, the President shall address both Houses assembled together and inform the *Majlis-e-Shoora* (Parliament) of the causes of its summons".

So what is contemplated is the first session of the Parliament—the joint session of the *Majlis-e-Shoora*. The sentence is to be read as a whole with the last sentence which says:

"...and inform the *Majlis-e-Shoora* (Parliament) of the causes of its summons".

It refers to the entire Parliament which includes the National Assembly and the Senate. Now, here the first session of the Parliament at the commencement of the year which was after 23rd of March, 1986, was on the 8th of July 1986. This was the first session of the *Majlis-e-Shoora* after the commencement of the year and, therefore, there has been no breach. If a session of the Parliament had taken place earlier, this possibly could have been the interpretation. Here the first session of the Parliament (*Majlis-e-Shoora*) has

[Mr. Aziz A. Munshi]

taken place for the first time on the 8th of July 1986 and, therefore, there has been no violation of sub-clause (3) of Article 56.

Then, Mr. Chairman, Sir, may I invite the attention of this honourable House to the provisions of Article 54 which are to be read together with Article 56, then with the other provisions of the Constitution like Article 254 and Article 69. Now, calling of the session of the House either the National Assembly or the Senate or the joint session is an act under advice. It is not an act of discretion of the President at his own, therefore, Article 54 will have also to be considered before we arrive at the conclusion, as far as clause (3) of Article 56 is concerned. Article 54 provides;

“54(1): The President may, from time to time, summon either House or both Houses or *Majlis-e-Shoora* (Parliament) in joint sitting to meet at such time and place as he thinks fit and may also prorogue the same.”

This together with clause 3 of Article 54 which says;

“54(3); On a requisition signed by not less than one-fourth of the total membership of the National Assembly, the Speaker shall summon the National Assembly to meet, at such time and place as he thinks fit, within fourteen days of the receipt of the requisition; and when the Speaker has summoned the Assembly only he may prorogue it.”

Now, here the provisions relating to the National Assembly are also applicable to the Senate. It could not be said that the members of the Senate are not capable of requisitioning a meeting, therefore, we all of us share the responsibility. It is the responsibility of the entire House when they want to get together they can always get together by requisitioning a meeting. They have not done so.

Then coming to the provisions of Article 254, taking for a moment that what has been stated before this House is correct and the privilege motion as formulated is correct, taking it for granted, though I do not admit it, Article 254 says;

“When any act or thing is required by the Constitution to be done within a particular period and it is not done within that period, the doing of the act or thing shall not be invalid or otherwise ineffective by reason only that it was not done within that period.”

PRIVILEGE MOTIONS RE: FAILURE TO SUMMON A JOINT SESSION OF 577
PARLIAMENT AS REQUIRED UNDER ARTICLE 56(3) OF THE
CONSTITUTION

Here what was required, according to the honourable member, was that the first session should have been held before the budget session, so that they could discuss, the Senate could discuss the budget and the economic and fiscal policies. What this article says is that if the session was required to be called within a particular period or by a particular period and if it is not done, then that failure in doing of the act *i.e.*, calling of the joint session or thing shall not be invalid or otherwise ineffective by reason only that it was not done within that period. I am pointing out this only for the purpose of showing to this honourable House that the validity of what has been done can not be questioned. The constitutional legality of the proceedings of the *Majlis-e-Shoora* or the Parliament or either of the House cannot be questioned on account of what is stated in the privilege motion.

Now coming to the privilege motion itself, and before I come to that, Article 69 will come into play. Article 69 of the Constitution also provides "that the validity of any proceedings in the Parliament shall not be called in question on the ground of any irregularity of procedure." Now, all these articles taken together would mean that the proceedings are valid constitutionally. Then coming to the question of privilege, the grievance which is mainly made out in this privilege motion is that this article confers a privilege on the Senate to meet in a joint session and consider the address of the President. Sir, the address was delivered and no one stopped anyone from considering the address. No action has been shown in this privilege motion which amounts to denial of the right of the Senate except for holding the session on the 8th of July after the budget session. Therefore, the address of the President was open to discussion to that extent, therefore, this logic is incorrect that any breach has taken place because nobody has stopped anyone from discussing the address of the President.

Then Sir, the privilege motion says;

"The president's address will traditionally out-line the programme of the Government for the year, which programme can then be discussed either in the joint session or individually by the Senate. This is an important privilege of the Senate".....

[Mr. Aziz A. Munshi]

Again Sir, the same answer is there that no one has stopped the Senate from discussing what the President has said. Then Sir, the privilege motion continues

“Because it can in this manner discuss *inter alia* the economic policies and the fiscal programme of the Government which opportunity may otherwise be lost”

Now, Sir, here I beg to differ with due respect to the honourable members of this House. After-all we are all creatures of the Constitution. We can do those things which are permitted by the Constitution. As far as the budget is concerned and as far as the fiscal policies are concerned and as far as the contents of the budget are concerned and the finance bill is concerned these are not still within the purview of this House and therefore, discussing these things is only of an academic interest. One can not say and one can not make out a grievance that it confers a privilege. Then Sir, further as a grievance the privilege motion says;

“Already the discussion of fiscal policies has become meaningless with the presentation of the budget before the National Assembly. As a vital privilege of the Senate has been breached and the Constitution has also been violated, in the process”

This is a breach of privilege according to the honourable member.

Now, Mr. Chairman Sir, a privilege arises out of a constitutional right, privilege arises out of something which is conferred by a constitutional provision. A breach of privilege takes place only when something is done which interferes with the proceedings of this House, with the discharge of its constitutional functions as a Senate and when that is interfered, it amounts to a breach of privilege and it is an obstruction. Merely, delivering the address of the President in a joint session on the 8th of July 86, keeping in view the interpretation which I have given—a *bonafide* interpretation and a *bonafide* holding of the session, will that amount to a breach of privilege of the Senate when the Constitution does not confer a privilege.

Secondly, Sir, who has prevented them from discussion which is admissible under the Constitution? Therefore, in my humble view there is no breach of privilege because first of all there is no privilege. This is all that I would say with due respect. Mr. Chairman, thank you Sir.

جناب چیئرمین : جناب اقبال احمد خان صاحب -

جناب اقبال احمد خان : جناب انارنی جیمل صاحب نے جو موقف

بیان کیا ہے میں اس کی تائید کرتا ہوں اور اس میں، میں کوئی مزید اضافہ کر کے زیادہ وقت ضائع نہیں کرنا چاہتا، میں اس کے ساتھ ہی ساتھ آپ کی خدمت میں یہ گزارش کرنا چاہتا ہوں کہ جس دن پہلی دفعہ یہ موشن پیش کی گئی تھی میں نے اس دن اس کو اپورٹ کرتے ہوئے یہ گزارش کی تھی، جہاں تک آرٹیکل (۵۶) ۳ کا تعلق ہے اس میں یہ کہیں بھی پردہ وائیڈ

نہیں ہے کہ کسی ہاؤس کے individually convening سے پہلے

جائنٹ ہاؤس کا بلانا ضروری ہے۔ اس کی پروویژن خواہ وہ غلط ہے

یا صحیح ہے لیکن اس وقت جو آئین کے اندر موجود ہے اس کے مطابق

جائنٹ سٹیٹ کا پہلا اجلاس جو سال میں ہو گا اس میں صدر محترم کا

خطاب کرنا لازمی ہے لیکن اس ایوان کے اندر جن خیالات کا اظہار کیا

گیا۔ اس خطاب سے آئندہ کسی پالیسی پر ڈسکس کرنے کا موقع ملتا ہے

تو میں نے یہ محسوس کیا، اس لحاظ سے یہ تجویز معقول ہے اور مستقیم

میں اس کا خیال کرنا چاہیے، کہ جب آئندہ یہ صورت حال پیدا ہو، اس

قسم کے اجلاس کو پہلے بلانے سے کچھ مفید نتائج حاصل ہو سکتے ہیں، لیکن جہاں

تک بریج آف پریولج کا تعلق ہے چونکہ آئین کی پروویژن کے اندر

expressly ایسی کوئی پروویژن ہے ہی نہیں جس کی violation

ہوئی ہے اس لئے میں سمجھتا ہوں کہ کوئی breach یہاں commit

نہیں ہوئی اس لحاظ سے ان کی جو پریولج موشن ہے وہ آؤٹ آف آرڈر

ہے لیکن اس مسئلے پر یقیناً غور کیا جائے گا، کہ اس قسم کے اجلاس کو

my learned friend Prof. Khurshid Ahmad have given detailed submissions and stated that this provision *i.e.* Article 56 has been borrowed from other jurisdictions, we have precedents in the English Law, in the Indian Law and interpreting this important constitutional provision we have also to keep in mind the object and purpose of this provision. I don't want to repeat what I said earlier but I just want to point out the absurdity of this argument because if what the Attorney General has said is correct, then the President of Pakistan can call the session at the end of the year and then give a programme for the Government which would have no meaning. Whatsoever I have had the occasion to submit yesterday and sought out by Prof. Khurshid Ahmad, the purpose of this address is to open Parliament, to formally open Parliament and to present the programme of the Government to the Parliament, then the Parliament debates it and discussion takes place. So, this interpretation if we take into its logical conclusion, will defeat the very purpose of this amendment which was specifically brought in and would render the whole provision nugatory.

Then, my learned friend referred to Article 54 which does not directly deal with this matter. It gives the power to the President to summon a joint sitting and Article 56(3) deals with the specific matter and it is an accepted principle of law that the special provisions over-ride the general provisions. The special provision of Article 56(3) which provides for a special situation which was brought in by a special legislation, by a special amendment, was intended to achieve an object and if we give an interpretation which defeats that object then it would, as I submitted, render the provision nugatory. Then the learned Attorney General said that nobody prevents the Senate from requisitioning a meeting of the Senate. Sir, this is a marvellous argument. I fail to understand the relevance of this to this argument which is going on before this honourable House. We can requisition a meeting of the Senate but how do we force the President to address us? There is no power in the Senate to compel the President to address a meeting of the Senate; secondly, there is a provision to requisition a meeting of the Senate but there is no provision to requisition a meeting of the joint House. This is a privilege conferred on the Senate under Article 56(3). It is an obligation of the President and a privilege of the Senate, specially as I said, is incorporated into the Constitution by means of an amendment. Then Sir, Article 254

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PARLIAMENT AS REQUIRED UNDER ARTICLE 56(3) OF THE
CONSTITUTION

and if you want to continue, you can continue after Maghrib Prayers.

Mr. Wasim Sajjad: Yes, Sir, after Maghrib Prayers.

Mr. Chairman: Right. Then we adjourn to meet again at 8.00 P.M.

(The House adjourned for Maghrib Prayer).

[The House reassembled after Maghrib Prayers, with Mr. Chairman (Mr. Ghulam Ishaq Khan) in the Chair]

Mr. Chairman: Mr. Wasim Sajjad you were to continue.

Mr. Wasim Sajjad: Yes Sir, I was referring to the argument of the learned Attorney General based on Article 254 of the Constitution and I had with respect submitted Sir, that Article 254 states that if something is required to be done under the Constitution within a certain period then doing of that thing beyond that period will not invalidate the act. Now just to explain this point of view Sir I would refer your honour to Article 251 of the Constitution. It says that:

“The National language of Pakistan is Urdu, and arrangements shall be made for its being used for official and other purposes within fifteen years from the commencing day.”

Now let us say that arrangements are made after fifteen years and six months from the commencing day. Obligation undertaken under Article 251 would not be invalid if it is done beyond that period. Similarly Sir, Article 252 says: “Notwithstanding anything contained in the Constitution or in any law, the President may, by public notification, direct that, for a period not exceeding three months from a specified date, a specified law will apply so and so” Again Sir, there is a time period mentioned in Article 250.

[Mr. Wasim Sajjad]

Article 250 states: Within two years from the commencing day, provision shall be made by law for determining the salaries, allowances and privileges of the President, Speaker etc. Let us say Sir, that this obligation is undertaken after two years and three months from the commencing day, it does not mean that the doing of that act becomes invalid, that the salaries cannot be paid or the law is invalid for some reason. No Sir, Article 254 will protect such a law. Similarly, Sir, in Article 232 same time period has been mentioned and it says when under Article 229 a question is referred by a House, a Provincial Assembly, the President or a Governor to the Islamic Council, the Council shall within 15 days thereof inform the House the Assembly or the President, as the case may be, of the period within which the Council expects to be able to furnish that advice. Supposing the Council is unable to do it in 15 days. We received this advice on 16th day or this information on 17th day. It does not mean that the act of Council of Islamic Ideology has henceforth become illegal. It is to protect these situations that Article 254 was enacted to give cover to this situation.

Now, in Article 56(3) firstly, Sir, no time period is mentioned that the President shall call it within two months or three months etc. It says at the commencement of each year and as we submitted earlier, in interpreting this provision Sir, the hundreds of years of traditions of history of the English Parliament of the analogous provisions in the Indian Constitution where democracy has worked and these provisions have been interpreted, they will have to be kept in mind and a meaning has to be given to this phrase so that the object is achieved, the purpose of this legislation is achieved and not a meaning which will make it entirely meaningless. Then Sir, reference was made to Article 69 of the Constitution and with great respect I will submit that that is totally irrelevant to the subject matter which is under discussion. Article 69, if you kindly see the marginal note against Article 69, it says: "Courts not to inquire into proceedings of *Majlis-e-Shoora* (Parliament). Article 69 gives cover to proceedings of the House before courts of law so that if there has been a defect in the procedure, a motion has not been properly passed or some procedural matter has been overlooked that cannot be made the ground for invalidating the acts of the Parliament. The words are very clear in the margin. It says:

“Courts not to inquire into proceedings of *Majlis-e-Shoora*
(Parliament)”.

But as far as we are concerned, Sir, I would like to refer your honour to the oath taken by the members. We are bound by the procedures, we have to abide by the Constitution. This is the oath that we have taken, the oath, Sir, that you have also taken *i.e.* we will uphold the Constitution and we will follow the rules of this House. We cannot take cover under this, that let us commit irregularities even when they are pointed out to us, and when they go to courts of law they will not be questioned under Article 69. Sir, that is *ex-post facto*, that is a defence available to an action challenging the acts of the Parliament. But it cannot be said that because we have the cover of Article 69, therefore, the act cannot be questioned.

Here, Sir, the question is very plain. As I said we have debated this at length. We have referred to various rulings from India. We have referred to the traditions and practices of Parliament from England. My friend Prof. Khurshid Ahmad also referred to the traditions and practices of the Muslims and he said that this is a process of accountability. These methods are being evolved so that the Parliament can question, debate, take into account the actions of the Executive. If this interpretation is not given then this purpose is totally done away with. It is nullified and a very important factor that a process is available to the House by which they can debate and take into account, question the policies, criticise the policies of the Government, that opportunity will be taken away. This opportunity is given at the commencement of the year so that in the year that follows, whatever policies are to come; at the beginning of the year the Government comes forward, gives its programme and then in the light of those discussions, in the light of the suggestions made the policies are then evolved. There are other opportunities also, there are other opportunities given—various opportunities— but this is one of the important opportunities which has been given to the Senate.

The last argument of my learned friend was that the right to discuss has not been taken away. That is correct, Sir. The right to discuss has not been taken away but by denying us the opportunity of discussing it at the appropriate time *i.e.* at the commencement of the year, an important and valuable right of the Senate has been lost.

[Mr. Wasim Sajjad]

That right cannot be returned to us. We may go on debating endlessly but the programmes, the policies which have already been announced, which have already taken final shape, that is an act passed and done and we will have no opportunity to do that again.

The learned Minister for Justice has said that in future we will follow this. I wish he had the grace also to admit that a mistake has been committed and they will not do it in future. The purpose of the exercise that we are undertaking is not to pull anybody's legs or to try and belittle somebody. The purpose of this is to develop the right traditions. Parliament has come in this country after a long time. Democracy needs to be nurtured and built up and we must start with the right traditions, Sir. In developing the right traditions, the first thing we have to do is to uphold the Constitution in the stricter sense and to try to achieve the purpose for which these provisions have been enacted and not give an interpretation which will nullify the very purpose and effect of this legislation. Thank you, Sir.

Mr. Ahmed Mian Soomro: I think, Sir, neither the honourable Minister for Justice and Parliamentary Affairs nor the Attorney General has addressed you on the point that we have raised under Article 56(3) about not being informed of the causes of the summons. No argument rebutting that point raised by us has been given by them and this is one of the mandatory provisions in Article 56, sub-Article (3).

Mr. Chairman: Correct. Any other point of view. Prof. Khurshid Ahmad.

پروفیسر خورشید احمد : بسم اللہ الرحمن الرحیم۔ جناب جسٹس مین ایچ اے کے میرے فاضل دوست جناب وسیم سجاد نے کہا۔ ہمارا مقصد دستور کی صحیح تعبیر اور صحیح جمہوری روایات قائم کرنا ہے۔ بلاشبہ حکومت کے لئے ایک بڑی پیچیدہ صورت حال پیدا ہو گئی ہے۔ لیکن اسے سمجھنا چاہیئے کہ یہ بھی پارلیمانی زندگی کا ایک حصہ ہے، اور ہم سب کو اس سے learn کرنا ہے، میں آپ کی اجازت سے جناب والا سب سے پہلے تو یہ بات

[Mr. Iqbal Ahmad Khan]

پہلے کیا جائے تو اس سے دونوں مائڈ سٹمز کے اراکین کی رائے حاصل کرنے کا زیادہ موقع مل سکے گا۔

اس کے ساتھ ساتھ جب معزز سینیٹر نے اپنی تحریک پیش کی تو انہوں نے سب سے زیادہ زور فسل لاز پر دیا، اور جس کے متعلق جناب اٹارنی جنرل صاحب نے بھی فرمایا کہ بجٹ کے متعلق شاید بجٹ پیش کرنے سے پہلے اس پر اظہار خیال ممکن نہیں ہے۔ لیکن اگر پریذیڈنٹ کی speech جو بجٹ کے بعد بھی کی گئی ہے، اگر اس پر اس ایوان کے اندر اظہار خیال کرنا چاہیں، تو اس کے لئے گورنمنٹ کی پالیسی میں ریفرنڈیشن کے لئے کوئی راستہ بند نہیں ہے۔ اگر فرض کیجئے کوئی نئی تجاویز آتی ہیں جو زیادہ بہتر ہیں تو اس کے مطابق حکومت اپنی پالیسیوں کو تبدیل کر سکتی ہے۔ اس کے راستے میں کوئی رکاوٹ نہیں ہے۔ لیکن شاید یہ ممکن نہ ہو کہ فسل لاز کے متعلق یا بجٹ کے متعلق بجٹ پیش کرنے سے پہلے کہیں کسی صورت میں بھی ان کو discuss کیا جاسکے۔ اس لئے اس لحاظ سے نوٹ میں سمجھتا ہوں کہ کسی مائڈس کو سمن کرنے سے پہلے اگر وہ اجلاس بلایا جائے اس میں بجٹ پر یا بجٹ کے کسی proposed پروپوزیشن پر یہ کوئی بات کی جاسکے وہ نوٹ شاید آئین کے مطابق نہیں ہے۔ لیکن دوسری باتوں پر رہنمائی حاصل کرنا مناسب ہے اور میں آپ کو یقین دلاتا ہوں کہ آئندہ سے ان تجاویز پر seriously غور کیا جائے گا اور کوشش کی جائے گی کہ گورنمنٹ کی پالیسیوں کی فارمولیشن سے پہلے معزز اراکین کی رائے حاصل کرنے کا اہتمام کیا جائے اور اس کے لئے مشترکہ اجلاس کافی مفید ثابت ہو سکتا ہے۔

جناب چیئرمین : جناب وسیم سجاد صاحب!

Mr. Wasim Sajjad: Sir, the learned Attorney General of Pakistan has referred to the provision of Article 56 on which I and

[Mr. Wasim Sajjad]

was referred to that general clause which says that if something is required to be done within a particular time..... Now, there are certain constitutional provisions that we say that such and such things will be done within so many days; within so many months whatever. Article 254 says: "that if it is not done within that period" that is to say the oath is to be taken within a period, it is not taken within that period, then the taking of that oath or the doing of that act is not invalid. Now, I have not said and Prof. Khurshid Ahmad never said that the summoning becomes invalid that is not the question. The question here is—whether this Senate have a right to hear the address of the President and flowing from that whether the Senate have the right to consider and discuss that particular address and the importance of this is that so many important matters pertaining to the state which come into the address of the President can be debated through that address.

Now, a reference was made to the fiscal laws etc. The only restriction on the powers of the Senate is that a Money Bill will not be introduced in the Senate under Article 73. It says, "notwithstanding anything contained in Article 70, a Money Bill shall originate in the National Assembly and after it has been passed by the Assembly, it shall, without being transmitted to the Senate, be presented to the President for his assent." Now I am not saying that the Money Bill should be presented here but the economic policies, the fiscal policies, the labour policies are quite different from a Money Bill. The discussion is not barred in the Senate. Unless there is a specific provision in the Constitution to say that such and such discussion is barred, the Senate would have that privilege to discuss that and I would say, Sir, that a specific power has been conferred by Article 56(3) to discuss all those policies, or all those matters which are mentioned in the speech of the President. Article 56(4) says: "Provisions shall be made in the rules for regulating the procedure of a House and the conduct of its business for the allotment of time for discussion of the matters referred to in the address of the President." Now, in the face of this provision, let us say, Sir, that the President may refer to certain matters. Are we debarred from considering this under Article 56(4)?

جناب چیئرمین : نماز کا وقت ہو رہا ہے اگر آپ ذرا جلدی کریں۔

کہنا چاہتا ہوں کہ محترم اٹارنی جنرل صاحب اور محترم و ذیہ عدل نے ان issues کو touch ہی نہیں کیا جو اٹھائے گئے ہیں۔ ہم نے سب سے پہلا سوال یہ اٹھایا تھا کہ آیا یہ بات دستور کا ایک سینڈ پیٹری تقاضا ہے کہ ہر سال سیشن شروع ہونے سے پہلے صدر خطاب کرے گا۔ دوسرا سینڈ پیٹری تقاضا یہ ہے کہ اگر اس تقریر میں، جیسا کہ محترم سومرو صاحب نے کہا

causes of summoning the parliament
 کو بھی بیان کریں۔ ہمیں یہ نہیں بتایا گیا کہ یہ mandatory ہے یا نہیں۔ اگر ہمارا موقف صحیح ہے کہ یہ mandatory ہے تو پھر سوال یہ پیدا ہوتا ہے کہ commencement کے کیا معنی ہیں۔ دستور میں یہ نہیں کہا گیا ہے کہ سال میں صدر جب چاہے خطاب کرے بلکہ کہا گیا ہے کہ سال کے commencement پر ہمیں اس کا کوئی جواب نہیں دیا گیا کہ فی الحقیقت commencement سے کیا مراد ہے۔

تیسری چیز یہ ہے کہ سیشن پر دو سیم سجاء صاحب نے بھی اور میں نے بھی کافی تفصیل سے اپنی معروضات پیش کی ہیں۔ اس دستور میں سیشن کی تین شکلیں بیان کی گئی ہیں۔ ایک سیشن ہے۔ سیشن آف دی ہاؤس، خواہ وہ سینٹ ہو یا نیشنل اسمبلی۔ دوسرا ہے جوائنٹ سٹنگ۔ joint session of the two Houses of the parliament اور تیسرا ہے

انے میں سے ہر ایک کا تصور الگ الگ ہے انے کے ضابطے الگ الگ ہیں۔ سینٹ اپنے قواعد کے مطابق کام کرے گا۔ جوائنٹ سٹنگ کے لئے واضح ہے کہ یہ ان مسائل پر ہوگی جو کہ سات یا آٹھ دستور میں بیان کر دیئے گئے ہیں اور سپیکر اس کی صدارت کرے گا۔ لیکن جوائنٹ سیشن کی صدارت نہ سپیکر کرے گا نہ چیئرمین۔ حتیٰ کہ صدر بھی اس کو چیئر نہیں کرے گا، وہ صرف اس کو کنڈکٹ کرے گا اس میں کوئی مسائل نہیں اٹھائے جاسکتے۔ صرف دو چیزیں اس میں ہو سکتی ہیں۔

[Prof. Khurshid Ahmad]

ایک صدر کا خطاب اور دوسرا، خدا خواستہ اگر کوئی ایڈجسٹمنٹ ہوتا ہے تو اس سے کیسے تمٹا جائے۔ اس سلسلے میں پارلیمانی روایات موجود ہیں۔ حتیٰ کہ کوہرٹ تک میں معاملات گئے ہیں۔ صدر ان کے علاوہ کچھ نہیں کرتا صرف کنڈکٹ کرتا ہے۔ میں یہ پوچھتا چاہتا ہوں کہ ان بنیادی سوالات کو آخر کیوں ایڈریس نہیں کیا گیا، جب کہ ان پر اس امر کا جواب مینٹی تھا۔

جناب والا! پھر میں یہ بات بھی کہنا چاہتا ہوں کہ ہم کسی خطا میں غور نہیں کر رہے۔ ان چیزوں کے اوپر ایسا نہیں ہے کہ کسی سٹیئرے پر بیٹھ کر بحث ہو رہی ہو اور وہاں محض کسی قانون کے الفاظ ہوں کہ ان کی روشنی میں بحث کی جائے گے اس میں دو بڑی بنیادی چیزیں سامنے رکھنے والی ہیں۔ پہلی بات یہ ہے کہ سٹیئرے اور سٹیئرے کے دستور میں صدر کا mandatory خطاب موجود نہیں تھا۔ سٹیئرے میں اس کا اضافہ کیا گیا تھا۔ اگر کسی چیز کا اضافہ کیا جائے تو پھر کسی ضرورت کے لئے کیا جاتا ہے۔ یہ continuity نہیں ہے۔ departure ہے۔ اور اگر یہ departure ہے تو سمجھنا پڑے گا کہ یہ کیوں کیا، اور اس کے تقاضے پورے ہوئے ہیں یا نہیں۔ دوسری چیز یہ ہے کہ تمام چیزیں دنیا کی پارلیمانی روایات کے تجربے میں ہو رہی ہیں۔ ہم نے جو الفاظ استعمال کئے ہیں وہ آج کسی شاعر نے نہیں کہہ دئے ہیں بلکہ ان کے پیچھے پارلیمانی تجربہ ہے اور اس تجربے کو کاٹ کر آپ interpret نہیں کر سکتے۔ اور اس معاملے میں ہم نے ایک دو نہیں، بیسیوں مثالیں ابواب کے اقتباسات پیش کر کے بنائی ہیں۔ لیکن ان میں سے کسی کے ساتھ بھی ہمارے محترم اٹارنی جنرل یا محترم وزیر عدول نے تعرض نہیں کیا۔ اگر آپ مجھے اجازت دیں تو میں کہوں کہ یہ بلاشبہ اگر ان کے it is like adding insult to injury ہے۔ اس دلائل کے پاس دلائل نکلے تو وہ دلائل لے کر آتے۔ اگر دلائل نہیں تھے، ہم

سب انسان ہیں ہم سب سے غلطیاں ہو سکتی ہیں تو ان کے لئے یہ
 روئے زیادہ اچھا تھا۔ وہ کہتے کہ ہاں! ہم سے غلطی ہو گئی لیکن آئندہ
 ہم یہ غلطی نہیں کریں گے اور اس کے لئے میں یہ تجویز پیش کروں گا
 کہ جس طرح انڈین پارلیمنٹ میں ہے۔ پہلے سے آپ یہ طے کر لیں کہ
 تین سیشن ہونے ہیں اور ان تین سیشنز کی یہ حدود ہیں اور اس کے
 بعد ان اوقات میں مناسب وقت یہ سیشن بلا لئے جائیں گے۔ رہی
 یہ بات کہ اب قانونی تقاضوں کے طور پر جو کچھ ہو چکا ہے۔ اس سے
 کیسے بچا جائے۔ تو یہاں پر میں یہ بات عرض کروں گا کہ اگر آپ آرٹیکل
 ۲۵۴ کے ذرا زیادہ feasible انٹریٹیشن کریں تو آپ
 یہ بات کہہ سکتے ہیں کہ اس کے تحت ایک غلطی ہو گئی اور اس کی بنا پر
 بجٹ جمعہ پاس ہو گیا یا اور activity شروع ہو گئی ہے اس کو
 question نہیں کیا جائے گا۔ لیکن یہ بات کہنا کہ غلطی نہیں ہوئی
 یہ بات کہنا کہ ہم نے دستور کو صحیح طور پر interpret نہیں کیا ہے۔
 اس کے علاوہ کوئی انٹریٹیشن ہو سکتی ہے، دیس سے بات کرنے کو
 ہم تیار ہیں۔ لیکن اگر دیس سے بات نہیں کی جائے گی تو اسے کوئی
 قبول نہیں کر سکتا۔ اس لئے میں پورے ادب سے عرض کروں گا کہ ہمیں
 اچھی روایات کو قائم کرنے کے لئے اسی جذبہ اور افہام و تفہیم کے ساتھ
 کام کرنا چاہئے، جس کے بارے میں، میں ہمیشہ کہتا رہا ہوں۔ لیکن دیانتداری
 کے ساتھ، جرات کے ساتھ، اور اس بات کو سامنے رکھ کر ہمیں یہ کام کرنے
 چاہئیں کہ کلیم یہاں نہیں ہونگے مگر یہ ایوان ضرور ہوں گے یہ قوم ہوگی یہ ادارے ضرور ہونگے۔ اگر ہم
 آج غلط روایات کو لے کر آتے ہیں اور اس کے لئے غلط دلائل
 لے کر آتے ہیں اور بودے سہارے ہم تلاش کرتے ہیں تو ہم یہ ایک
 اچھی مثال قائم نہیں کر رہے ہیں بلکہ غلط مثال قائم کر رہے ہیں۔

جناب چیئرمین: شکریہ، جناب مرقد صاحب۔

میر نواز خان مردوت : بڑی مدلل بحث کے بعد، میں آپ کی وساطت سے ان کی خدمت اقدس میں عرض کروں گا۔ یہاں سیشن کا نقطہ اٹھایا گیا ہے، جوائنٹ سٹنگ کا نقطہ اٹھایا گیا ایک نقطہ یہ اٹھایا گیا ہے جناب احمد مہیاں سومرو کی طرف سے کہ causes of summoning کی طرف کسی نے بھی توجہ نہیں دی ہے۔ میں اس کی بھی آپ کے سامنے مقطوری وضاحت کروں گا کیونکہ یہ reference کیا گیا ہے، برٹش پیٹرن کو، برٹش پارلیمنٹ کو۔ اس لئے میں اسی سے آپ کی خدمت میں عرض کروں گا۔ پہلے جناب آرٹیکل ۵۴ یا ۵۶ جو پہلے پڑھے گئے ہیں۔ میں ان کے متعلق عرض کرتا ہوں۔ پہلے جناب آپ آرٹیکل ۵۴ کو دیکھیں۔

“The President may, from time to time, summon either Houses or both Houses of *Majlis-e-Shoora* (Parliament) in joint sitting to meet”

یہاں جناب meet کا مطلب ہے، ”جوائنٹ سٹنگ“ یہاں مراد صرف ”سیشن“ نہیں ہے۔ اسی طرح آرٹیکل ۵۶ (۳) میں

“At the commencement of first session after each general election to the National Assembly and at the commencement of the first session of each year”

تو یہاں بھی الفاظ یہی ہیں۔

The President shall address both Houses assembled together.

یہاں assembled together اور وہاں joint sitting لگایا ہے۔ میرے خیال میں اس کی کلیدی وضاحت ہو گئی ہے۔ ”سیشن“ کا لفظ اگر عام شروع میں پڑھیں گے تو جہاں ”نیشن اسمبلی“ ہے اس کے لئے ”سیشن“ کا لفظ استعمال ہوا ہے۔ ایک پوائنٹ یہ ہے۔

جناب والا! دوسرا پوائنٹ یہ ہے کہ اگر اسی کو آپ ۵۶ (۳) میں ملاحظہ فرمائیں گے تو اس میں پہلے ہے کہ at the commencement of first session of each general election.

کے متعلق ہے۔ جنرل الیکشن کے بعد تو لازمی ہے incumbent ہے جس وقت فرسٹ سیشن ہوگا تو اس میں صدر کا خطاب لازمی ہے۔ and at the commencement of the first session of each year

اس کے بعد یہ نہیں ہے کہ آیا سال کے شروع ہوتے ہی انہوں نے پہلا سیشن بلانا ہے اور اس کا افتتاح کر کے یا جو مین کا نہ آف سمن ہیں وہ بنا کر اس کے بعد دوسرا سیشن بلانا ہے۔ یا اس کے بعد نیشنل اسمبلی اور سینٹ کے سیشن ہو سکیں گے یا نہیں۔ یہاں کوئی قدرغن عائد نہیں کی گئی ہے کہ جو نہی سال شروع ہو جائے تو صدر کو چاہیے کہ پہلا کام یہ کریں کہ جوائنٹ سٹنگ یعنی پارلیمنٹ یا مجلس شوریٰ کا اجلاس بلائیں تو اس کا مطلب یہ ہے کہ سال میں جب پہلا سیشن بلا یا جائے۔ تو اس کا مطلب ہے جہاں تک میں سمجھا ہوں کہ سال میں پہلا سیشن یا جوائنٹ سٹنگ بلائی جائے گی تو اس میں صدر یہ کہیں گے جیسے کہ نیچے دیا گیا ہے۔ اب سال میں پہلی جوائنٹ سٹنگ تو ہوئی۔ اس کی تو انہوں نے پاسداری کی ہے۔ اب دوسرا پوائنٹ یہ اٹھایا گیا ہے کہ causes of summoning یہ بھی انہوں نے صحیح فرمایا ہے اور آرٹیکل 56 (۲) میں جو پوائنٹ ہے کہ ہاؤس کو یہ اختیار ہے۔

Provision shall be made in the rules for regulating the procedure of a House and the conduct of its business for the allotment of time for the discussion of the matters referred to in the address of the President.

یہ بالکل صحیح ہے لیکن طریقہ یہ ہے کہ جیسے جناب جانتے ہیں کہ جب ہاؤس کی ٹیبل پر یہ وہ تقریر lay ہو گئی ہو تو اس کے بعد اس پر ڈسکشن ہو گئی تو کیا کوئی بھی چیز جو آئے گی تک وہ ٹیبل پر lay نہ ہو جائے اتنے تک اس پر بحث ہو سکتی ہے ہموار یہ ہے۔ اگر یہاں فرمایا گیا ہے برٹش پیٹرن کے متعلق، تو اس سلسلے میں میں یہ عرض کروں گا۔

[Mir Nawaz Khan Murwat]

I'll read from the May's Parliamentary practice, Sir.

“As the Queen appoints the time and place of meeting, so, also at the commencement of every session, she declares to both Houses the causes of summons by a speech delivered to them in the House of Lord by herself in a person or by a Commissioner appointed by her, until she has done this, neither House can proceed with any business but the cause of summons as declared . . .”

یہ ان کے لئے ہے۔ اس میں جو reasons دی گئی ہیں یہ ان کے لئے ہیں کیونکہ ان کا بیسٹن یہ ہے۔

The British Constitution is based on conventions and precedents. It is un-written constitution.

تو اس کے لئے the reasons of summoning جو ہوں گی وہ اپنی تقریر میں ملکہ دے گی۔ اگر ہم اسے کو follow کرتے ہیں تو میں عرض کرتا ہوں کہ ان کے اجلاس میں آنے کا انداز بھی الگ ہے، ان کا پروٹوکول بھی الگ ہے۔ میں اس کی تفصیل میں نہیں جانا چاہتا۔ صرف میں یہ عرض کروں گا کہ اسی میں یہ دیا گیا ہے کہ یہ کیسے ڈسکس ہوگا۔ اس کے لئے باقاعدہ انہوں نے ایک طریقہ مقرر کیا ہوا ہے وہ کہتے ہیں کہ

When in the morning she addresses from the Throne and the Parliament is opened, then the next step would be, after the opening speech, it is adjourned, the members go to each House when the Houses are resumed in the afternoon, the main business is for the Lord Chancellor in the House of Lords and the Speaker in the House of Commons to report the Queen's speech. In the former House a speech is read by the Lord Chancellor. In the commons the Speaker states for greater accuracy. He has obtained a copy of the speech which he directs to be printed.

تو یہ ہے ان کا طریقہ کار، پھر ان کا پروٹوکول کا طریقہ الگ ہے۔

Other business is also to be placed on the Order of the Day. It does not concern this. Then, there is an other procedure where they address in reply to the Queen's speech which we do not have here. Then Her Majesty's answer if at all necessary.

لہذا میری گزارش یہ ہے کہ اس میں اور اس طریقے میں فرق ہے۔ سوال یہ ہے کہ آیا صدر صاحب نے اس سال کے اندر جوائنٹ سیشن بلا یا ہے یا نہیں ہے، اگر بلا یا ہے تو انہوں نے اپنی تقریر میں causes of summoning بتائے ہیں یا نہیں۔ انہوں نے اپنی تقریر میں بتایا ہے اور یہ ہم سب نے سن لیا تھا اب کسی طریقے سے اس ہاؤس کا بریج آف پروپوزیشن ہوتا ہے یا نہیں۔ اب اس میں یہ دیکھنا ہے کہ "سیشن" تو انہوں نے بلا لیا اور اس کی تعمیل ہو گئی، اور causes of summoning بھی انہوں نے اپنی تقریر میں بتا دئے۔ اب ہاؤس کا مسئلہ، اب ڈسکشن سے جہاں کسی ممبر کا یا ہاؤس کا پروفوبلیج بریج ہو گا اس کے متعلق عرض ہے کہ جب یہ تقریر ہاؤس کے سامنے پیش ہوگی

When it is laid on the Table of this House, then this House will have every right to discuss as far as I have understood the point.

ابھی چونکہ یہ ہاؤس کے سامنے lay نہیں ہوئی ہے چونکہ ہمارے ہاں برٹش پیرٹن ہے ہی نہیں، جو پروپوزیشن میں نے آپ کی خدمت اقدس میں پیش کیا ہے اور آپ کی وساطت سے معزز اراکین کی خدمت میں پیش کیا ہے اس کے مطابق کوئی breach of privilege نہیں ہوا ہے اور تمام requirements جو تھیو، وہ meet ہو چکی ہیں۔ شکریہ۔

جناب چیئر مین : جناب کوئٹہ نیازی صاحب

مولانا کوئٹہ نیازی : جناب والا! جہاں تک آئینی نکات کا تعلق

ہے، اس کے متعلق بہت سارے فاضل اراکین اظہار خیال کر چکے ہیں میں ان میں اضافہ کرنے کی پروپوزیشن میں نہیں ہوں۔ میں تو اس وقت حکومت کا دفاع کرنے کے لئے کھڑا ہوا ہوں۔

Mr. Chairman: For a change.

مولانا کوثر نیازی : جی، آخر خان اقبال احمد خان نے یہ جو یقین دہانی کرائی ہے کہ آئندہ وہ اس کا خیال رکھیں گے تو یہ کوئی اسہولت ہے۔ سبب یقین دہانی نہیں کرائی ہے اس کا ایک خاص مفہوم ہے۔ آخر کیا ضرورت تھی کہ آئین کی ایک کھٹی دفعہ کے ہوتے ہوئے جو ایک ظاہر اور باہر چیز ہے اور ایک lay-man بھی اسے سمجھنے کی پوزیشن میں ہے۔ حکومت نے اس آئینی ضرورت کو نظر انداز کیا اور پہلے قومی اسمبلی کا اجلاس بلایا اور چند دنوں کے بعد پھر جانٹ سیشن بلایا۔ جناب والا! بات یہ ہے کہ ان کے سامنے ایک بہت اہم قومی فریضہ تھا۔ اور وہ قومی فریضہ یہ تھا کہ انہوں نے سپیکر کا جھٹکا کرنا تھا۔ اور اگر وہ پہلے پارلیمنٹ کا اجلاس بلا تے تو اس میں وقت لگ جاتا اور فخر امام غریب جو ہے وہ کچھ دنوں کے لئے اور سپیکر رہ جاتا۔ اس لئے انہوں نے اس آئینی ضرورت کو اپنی وقتی سیاسی ضرورت کے تابع کر دیا اور پہلے قومی اسمبلی کا اجلاس بلا کر اس کا قلع قمع کیا اور اس کے بعد پھر انہوں نے اطمینان سے یہ جانٹ سیشن منعقد کیا۔ جناب والا! اتنی اہم قومی ضرورت کے ہوتے ہوئے میرے دوست اگر حکومت کے اس فعلے پر سوال کرتے ہیں تو میں سمجھتا ہوں کہ یہ وزیر قانون کے ساتھ نا انصافی ہے۔ آئندہ سال سپیکر کا جھٹکا کرنے کی ضرورت نہیں ہوگی۔

جناب چیئرمین : کس کو پتہ ہے اس کا۔۔۔ (مداخلت)

مولانا کوثر نیازی : "منہیں ہوگا"۔ (انشاء اللہ)۔ اس لئے آئندہ

وہ جانٹ سیشن پہلے بلایا کریں گے۔ شکر یہ۔

Mr. Chairman: Thanks. Do you expect me to give any ruling or are you going to say something?

جناب اقبال احمد خان : جناب ایک منٹ میں عرض کرنا چاہتا

ہوں، آئین اور قانون کے متعلق، ہر فاضل رکن کو اس بات کا حق

ہے کہ اپنی صوابدید کے مطابق اس کی تشریح کرے لیکن اس ایران کے اندر ایک نیا حق پیدا کرنے کی کوشش کی گئی ہے کہ مجھے یہ کہا جائے کہ میں تسلیم کروں کہ غلطی ہوئی ہے۔ جناب والا! جس طرح ان کو اس بات کا حق ہے کہ وہ اپنے نقطہ نظر سے تشریح کر رہے ہیں مجھے بھی اس بات کا حق ہے کہ میں اپنے نقطہ نظر سے تشریح کروں۔

جناب چیئرمین : ع وہ اپنی خود چھوڑیں گے ہم اپنی وضع کیوں بدلیں۔
جناب اقبال احمد خان : فیصلہ تو بہر حال آپ سب اراکین کی رائے کے بعد یقیناً فرمائیں گے لیکن میں پہلے عرض کرنا چاہتا ہوں کہ یہ بھی کسی پارلیمانی روایت میں نہیں لکھا ہوا اور نہ یہ جمہوریت کے لئے لکھا ہوا ہے کہ اس بات پر کسی کو مجبور کیا جائے کہ ان کی تشریح کو قبول کیا جائے۔ میں جناب والا! ایک دفعہ پھر اس بات پر اصرار کرتا ہوں کہ آرٹیکل ۵۶ (۳) کی منشا بالکل یہ نہیں ہے کہ جو اس وقت موجود زبان ہے کہ دونوں ہاؤسوں کو بلانے سے پہلے یہ بات لازمی ہے کہ جوائنٹ ہاؤس بلایا جائے، اس کلاز کی اس تشریح سے میں اتفاق نہیں کرتا۔ اس میں یہی لکھا ہوا ہے کہ جب بھی کبھی صدر صاحب آرٹیکل ۵۶ (۳) کے تحت جوائنٹ ہاؤس بلائیں گے تو اس جوائنٹ ہاؤس میں اور کوئی کام نہیں کیا جائے گا سوائے اس کے صدر محترم خود اس کو خطاب فرمائیں اور اس کے بلانے کے اسباب بیان کریں۔ ورنہ جناب والا! اس آئین کے اندر صرف دو صورتیں ہیں جب پارلیمنٹ کا جوائنٹ ہاؤس بلانے کی ضرورت محسوس ہوتی ہے تو ایک صورت حال جناب والا! آرٹیکل ۵۶ کے مطابق ہے کہ اگر دونوں ایوانوں کا آپس میں کسی قانون پر اتفاق رائے نہ ہو تو اس کے لئے جوائنٹ ہاؤس بلایا جاسکتا ہے یا یہ کہ خدا نخواستہ کبھی ملک کے اندر ایسے حالات پیدا ہو جائیں کہ آرٹیکل ۲۳۲ کے تحت ایمر جنسی ڈیکلئر کرنے کی ضرورت ہو تو پھر جوائنٹ ہاؤس بلایا جاتا ہے اس لئے

[Mr. Iqbal Ahmad Khan]

یہ کہنا مناسب نہیں ہے۔ میں ان معزز اراکین سے بالکل اتفاق نہیں کرتا جو اس بات کی تشریح فرما رہے ہیں کہ ہمیں پہلا اجلاس بلانا چاہیے تھا اور شاید انہوں نے میری اس گزارش کو اس خوش دلی سے قبول نہیں فرمایا جو میں نے آپ کی خدمت میں پیش کی تھی کہ جن خیالات کا اظہار یہاں کیا گیا، میں نے محسوس کیا کہ وہ ایک اچھی تجویز ہے اور اچھی تجویز کو قبول کرنا چاہیے۔

میں نے یہ گزارش کی تھی اور میں وضاحت کے لئے یہ دوبارہ عرض کرنا چاہتا ہوں کہ ان کی اس تجویز کو قبول کرنے کے لئے اگر ہمیں کسی ترمیم کی ضرورت پڑی تو وہ ترمیم ضرور کی جائے گی کیونکہ ان کی تجویز اچھی ہے اور ہمیں دونوں ٹاؤ سنز کا پہلا مشترکہ اجلاس بلا کر صدر محترم کی طرف سے گورنمنٹ کی پالیسیوں کے متعلق بیان دلوانا چاہیے۔ میری اس تجویز کا یہ مقصد نہیں ہے کہ اس آرٹیکل کی یہ ضرورت ہے۔ آپ ضرور خیال فرمائیں گے کہ میں نے یہی کہا تھا کہ اس تجویز پر عمل کرنے کیلئے ایسے جو ضروری اقدامات ہوں گے وہ مستقبل میں کئے جائیں گے۔ اس وقت ہم نے کسی آئینی شق کی کسی طور پر بھی اور کسی بنا پر بھی خلاف ورزی نہیں کی اس لئے استحقاق کا سوال پیدا نہیں ہوتا۔ میں یہ گزارش کرنا ضروری سمجھتا تھا کہ ہمیشہ جب کوئی شخص آئین کی کسی قانون کی تشریح کرتا ہے تو اس کو یہ حق کسی نے نہیں دیا کہ وہ دوسرے کو کہے کہ تم مانو تم نے غلطی کی ہے۔ میں تو ان کو یہ عرض نہیں کر رہا کہ وہ میری تجویز کو ضرور مانیں اور ضرور کہیں کہ آپ نے غلط تشریح کی ہے، میں نہیں کہتا یہ تشریح انہوں نے بھی کی ہے اپنے نقطہ نظر سے دیانت داری کے ساتھ اور جو تشریح میں نے کی ہے میں نے بھی اپنے نقطہ نظر سے دیانت داری سے کی ہے اس لئے میں یہ عرض کروں گا کہ اس قسم کی بات مناسب نہیں ہے مگر یہ۔

Mr. Chairman: Thanks. I think, you expect me at this stage to say something on the motion and also to give my ruling, if possible.

So many references have been made during the course of this debate to the provisions of the Constitution, to the laws, practices and procedures in other Parliaments, that I am somewhat at a loss to decide where to begin. But I will do my best to summarise the arguments which have been advanced for and against the motion, and also in the end give my own understanding of the position, which you may call my ruling.

I have, during the course of listening to the debate, kept some notes of my own to which I will have to refer. They are very sketchy and appear to be altogether disjointed. I will try to integrate them into some meaningful piece. Let me begin by referring to the privilege motion as moved by Senator Wasim Sajjad. It starts with reference to Article 56(3) of the Constitution which has been read already several times. But I seek your indulgence to read it once again—I hope you bear with me—because there is a lot to be said about the interpretation that should be placed on it. The language used is: “At the commencement of the first session after each general election to the National Assembly . . .” Now, as for this portion is concerned, the period or the fixation of the period in it is very precise. But then it goes on to say—“and at the commencement of the first session of each year . . .” This, you would recall was the question which I had posed to you earlier also—the first session each year of what? We are here dealing with three separate entities: the *Majlis-e-Shoora* as defined in Article 50, the Senate and the National Assembly. The article simply refers to the commencement of the first session of each year. It does not define whether it is of the *Majlis-e-Shoora* as such or of the Senate or of the National Assembly. Then, it proceeds on to say that “the President shall address both Houses assembled together and inform the *Majlis-e-Shoora* (Parliament) of the causes of its sommons.” The learned Attorney General was laying emphasis on the last phrase appearing in this article ‘inform the *Majlis-e-Shoora*’. He was saying, as far as I have been able to understand him, that since the reference is to *Majlis-e-Shoora*, the “first session” must also be of the *Majlis-e-Shoora*, which the President shall address. I just now mentioned that we are dealing here

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with three entities—the *Shōora*, the Senate and the Assembly. Like the three entities, the Constitution also envisages three different modes for the meetings of the Parliament. Incidentally, Senator Wasim Sajjad mentions in his motion that the sub-Article 56(3) places an obligation on the President to address a “joint session of Parliament”. No where in the Constitution, have I been able to find the words “joint session”. The words used, signifying the three modes of sitting that I am referring to are, that either House meets separately, or the two Houses meet in “joint sitting”—and I will come to “joint sittings” separately—or the two Houses are “assembled together”. These then are the three different modes: The two Houses “assembled together”; the two Houses in “joint sitting”; and either House meeting separately. There is no such thing as a “joint session” of the Parliament. This same article to which references have been made also gives a right or places an obligation on the President to address either House or the two Houses assembled together. But where does the President derive his power from to summon or to prorogue the Parliament or either House of the Parliament? The power to summon and prorogue the Houses is provided under Article 54, to which Minister of State for Justice and Parliamentary Affairs, Mr. Marwat, made a reference. Article 54, if I may read that out, says: “The President may, from time to time, summon either House or both Houses or *Majlis-e-Shoora* (Parliament) in joint sitting to meet etc.”

Now, although the subsequent Article 56, both in its clause 1 as well as in clause 3 refers, among others to the President addressing the two Houses “assembled together”, yet the power which Article 54 of the Constitution confers on the President, as for summoning and prorogation of the Parliament or of either of its Houses is concerned, talks only of the Parliament meeting “in joint sitting”. For the purposes of his address, however, Article 56 does provide that the President “may for that purpose require the attendance of the members”—which may or may not amount to summoning a session of the Parliament. Whether this can be considered as a flaw in drafting I am not in a position to say at this stage and would not like to enter into that argument. But, on the first day, when this issue came up I did point out that the language of the Constitution as

far as these articles are concerned, is not a very happy language, as it is susceptible of different interpretations, and this is what is creating the present confusion.

Coming to interpretation: if for the time being, we forget about the etymology of Article 56(3) and we take its plain meaning, the first question that arises and which has been bothering us all, is what exactly the reference to "the first session in each year" means; the first session of the *Majlis-e-Shoora* as interpreted by the Attorney General, the first meeting of the Senate which started on the 3rd July or the first meeting of the National Assembly which started on the 29th of May. This is not very clear from the text if for the time being, as I said, we forget about its etymology. So the plain reading of this clause does create a doubt as to the type or mode of the meeting of Parliament which the President should address. Address under Article 56(1) is voluntary—the President "may" address—but in what mode the Parliament should meet and when, which would obligate the President under Article 56(3) to address, it is not obvious.

However, whatever may appear to be the plain meaning of the clause, we cannot forget its etymology as was rightly pointed out by a number of honourable members. And when we go into its origin the first thing we should do is to examine the text of Article 56(3) as it existed before it was amended to appear in its present form. The original article (prior to amendment) read:

"At the commencement of each session of the *Majlis-e-Shoora* (Parliament), the President shall address both Houses assembled together and inform the *Majlis-e-Shoora* of the causes of its summons."

Now, it would be noted that the central idea or thought contained in the original Article 56(3) regarding the compulsory address by the President appears in the amended clause also but while in the original, from where it is borrowed, it was very specific, and very precisely mentioned that what was meant was each session of the *Majlis-e-Shoora* or Parliament and not of either House, the amended clause does not refer to the occasion of the address with the same clarity, although it also closes with the same language (as

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did the original) that "the President shall address both Houses assembled together and inform the *Majlis-e-Shoora* of the causes of its summons."

This is one aspect of the etymology. The other is to which the mover of the motion as well as a number of other honourable members were referring *viz* the practice, the procedures and the traditions in this respect existing elsewhere, and also the purpose or rather the object and purpose, as Mr. Wasim Sajjad put it, if I have heard him correctly, for which this amendment had to be made and this change brought in the Constitution. It was contended that it must have been with a purpose and must have been for an object. The conclusion was being drawn that the Parliament, in parliamentary democracies—and we as also India are following the British traditions in this regard—opens each year with a speech from the throne (by the Queen) and this was the *Shan-e-Nazool*, and this was the origin of the President or the Head of State's address.

In the history of this sub-continent, as far I have been able to find out the "provision for address by the Head of State of Parliament goes back to the year 1921 when the Central Legislature was set up for the first time under the Government of India Act, 1919. The Act provided for the address by the Governor General in his discretion to either House of the Central Legislature. Though there was no specific provision in the Act for the Governor General's address to both the Houses assembled together, in practice during the year 1921 to 1946, the Governor General addressed the Lower House separately as well as both the Houses assembled together on a number of occasions." Now what was the object? The object was, and this is what the mover of the motion has been emphasising that the address was supposed to be a statement of policy of the Government. Although at that time, the Governor General had a lot more discretionary powers but the speech, in the British tradition of speech from the throne, was supposed to be an address prepared by the Government. This was the point of view held by a number of honourable members and I believe it was Prof. Khurshid or perhaps Senator Wasim Sajjad himself who had pointed out that the so-called address of the President, "is an address drafted by the Government and it is the Government which is responsible for the contents of that address."

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Again, what is the purpose, it was asked? The purpose was stated to be to make the policies and programmes of the Government known at the commencement of the parliamentary session and it was for this reason that the traditional address on the one hand contained a review of the activities and achievements of the Government during the previous year and on the other an outline of its policies with regard to important internal and current international problems. With the same object in view, the address also contained a brief account of the programme of the Government business for the year. It, however, (and this is also in the British tradition) did not cover the entire range of legislative business which Government intended to bring before the House during the year, and a practice has developed in some countries that after the address a separate note giving details of the Government business expected to be taken up during the year is published in what is called "the Bulletin."

The position then is that according to one interpretation based on superficial reading of the text there can arise (and was perhaps) a genuine doubt about the exact meaning of Article 56(3) particularly when we forget its background, we forget its etymology, and we forget its *Shan-e-Nazool*, as I have been saying. On the other hand, if we keep the background and origin of the amendment in the article in mind then the interpretation can be different, and I think it appears more reasonable to proceed on the assumption which the mover of motion has been stressing that the object of the change was that the President should address the Parliament right in the beginning of the parliamentary year, that he should give the Government programme for the year, and explain its various policies etc, so that Parliament can proceed with its business from there onward in the full knowledge of Government programmes and policies. Now this purpose is indeed, and I think actually was, a valid purpose, which in the past, before the amendment of Article 56(3), it would appear, had remained unfulfilled.

But when we compare our position in this matter with other countries there is again a difference. Members have been laying too much stress on the Indian traditions. One of the honourable members, (I forget who) quoting from the Indian Constitution, in fact said that the language of Article 56(3) is an exact copy of Article 87(1) of the Indian Constitution. This is largely so but here again

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it would seem advisable to point out the differences also between the two Constitutions.

In the Indian Constitution the President's right of address has been divided into two categories and dealt with under two separate and independent articles. Article 86 of the Indian Constitution deals with the "Right of the President to address and send messages to the Houses" and is in two parts, 86(1) and 86(2). Now clause (1) of this Article is at par with and couched more or less in the same language as clause (1) of Article 56 of the Pakistan Constitution reading:—

"The President may address either House or both Houses assembled together and may for that purpose require the attendance of its members."

The second clause of this Article is not relevant for our present purpose. Article 86 (Indian Constitution) is followed by another, independent Article 87 whose heading is altogether different. Its heading is "Special address by the President". This Article again is in two parts; its clause (1) is at par, more or less, with clause (3) and its clause (2) with clause (4) of Article 56 of Pakistan Constitution. So, while we are covering the "right" of the President to address both the Houses assembled together as well as the "requirement" of "special address" by the President on specified occasions under one single Article 56, with its marginal heading "Address by President", the Indian Constitution makes a clear distinction between the two. Prof. Khurshid did point out that the same differentiation can also be read into clause (1) and clause (3) of Article 56 of our Constitution in so far that it is not obligatory on the President under Article 56(1)—the word used being 'may'—to address the Parliament even though the two Houses may be assembled together, but Article 56(3) makes it incumbent or obligatory on him to do so. This may be so, but Article 56 still fails to bring out in the same precise manner as the Indian Constitution does, the distinction in the matter of Address between the President's "rights" and "obligations", and the occasions on which he may exercise his 'ordinary' right or must fulfil his 'special' obligation. There is thus this basic difference in the Articles governing the subject of Address, as they appear in the two Constitutions.

Besides, when we contend that in these and similar matters we may follow the Indian tradition—and India itself has been following the British traditions—we must look at the attendant circumstances also, apart from the stage of development and the history of evolution of democracy in the two countries. In evolving its own traditions and institutions, India has been adopting the British practices to its own requirements, and here I would like to quote from Kaul: It says with regard to Article 85 (India) which deals with “Sessions of Parliament: Prorogation and Dissolution”—corresponding to our Article 54, to which I referred earlier, that this is a departure from the British practice. “In the United Kingdom both the Houses are summoned, prorogued and dissolved together even though the House of Lords is a hereditary body and the dissolution has no effect on its membership.” Departing from this practice India has adopted its own system of summoning of the Parliament in which the two Houses can be called to meet separately and on different dates. They work according to a ‘calendar of sittings’ which is issued at the beginning of each year or session. Quoting Kaul again:

“Normally three sessions of the *Lok Sabha* are held in a year. The question of having more or less fixed dates for the commencement of the three sessions was considered by the General Purposes Committee of *Lok Sabha* at their sitting held on April 22, 1955 and they recommended the following time table for the three sessions:—

Budget session.—from February 1 to May 7. (Their financial year incidentally starts from the beginning of April).

Autumn session.—from July 15 to September 15.

Winter session.—from November 5 to December 22.

The Cabinet agreed with these recommendations. The time table has not, however, been observed in practice. Sessions have commenced on different dates though more or less in the specified months and the duration

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has varied according to the volume of business conducted by the House.”

My point was that when we follow the examples of others we must also take note of the difference in the attendant—circumstances. Now, unlike India we have no system yet to know before hand when the Parliament is going to meet in its first session. We have unfortunately (our institutions are perhaps too new and our democracy still in its infancy) not yet been able to decide upon a programme, for the year as a whole, regarding the sittings either of the Parliament or of the Senate or the National Assembly and in its absence it becomes very difficult to regulate the business of the House to any time frame and for members to be certain about the likely dates of commencement of a particular session. This is one point.

The second related point pertains to the necessity and the timing when meeting of the two Houses are normally called. The Indian practice according to Kaul is that “It is not necessary that the *Lok Sabha* and *Rajia Sabha* should be summoned and prorogued simultaneously on the same date. Sessions of the two Houses are generally held on different dates except for the first session of a year every year and the first session after the reconstitution of the *Lok Sabha* when the President addresses members of both the Houses assembled together.” Normally the two Houses meet, I think, at an interval of not more than seven to ten days after the *Lok Sabha* starts its first session in the year. Here again we have no such system, not yet at any rate, and this in my opinion is another matter to which we will have to address ourselves. We shall consider why it is thought necessary and how it is that in India the two Houses meet within a short span of time of each other but in our case, as happened this year, while the Assembly met on 29th May, the necessity of calling a session of the Senate was not felt until the 3rd of July, *i.e.* almost one month later. Now there seems to be a reason for it and I think this reason also constitutes one of those differences which should not be forgotten, when we talk of the object and purpose behind the amended provision governing the President’s address and when we talk of the programme and policies of the Government which that address is supposed to reflect. The reason lies in the difference in responsibilities of the two Houses of Parliament in the two countries particularly in financial matters, the

different treatment which their respective Constitutions give to these matters and the different procedures they prescribe for their consideration in Parliament. If you would bear with me I would like to quote what the exact position is in the two Constitutions because this aspect had not been referred to by any other honourable member and it is, I believe, particularly relevant to the determination of the question of privilege that we are considering.

“Financial matters” in our Constitution are covered in the main by Article 73, Article 80, Article 81, Article 82—Article 84 and Article 85. I will briefly touch on these because Senator Wasim Sajjad while commenting on the respective role and responsibility of the Senate and National Assembly in financial matters had made the point that it is with regard to Money Bills only that the Senate jurisdiction is barred—implying thereby that in other respects the two Houses have an equal role in monetary matters. This unfortunately is not the position and that is why I would like to bring it especially to the notice of the House and explain it at a little length.

Article 73 deals with Money Bills. It says “— a Money Bill shall originate in the National Assembly and after it has been passed by the Assembly it shall, without being transmitted to the Senate, be presented to the President for his assent.”

This is one. Then follow several other articles dealing with the definition and processing of Money Bills and certain financial procedures which are not particularly relevant for our present purpose. Article 80 is the next relevant Article and it says “ The Federal Government shall, in respect of every financial year, cause to be laid before the National Assembly a statement of the estimated receipts and expenditure of the Federal Government for that year, in this Part referred to as the Annual Budget Statement”. Now this Annual Budget statement is not placed before the Senate, it is only placed before the National Assembly which means that the real budget business is the concern of the Assembly and not of the Senate.

Next we come to the Charged Expenditure. Article 82(1) says: “So much of the Annual Budget Statement as relates to the expenditure charged upon the Federal Consolidated Fund may be

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discussed in, but shall not be submitted to the vote of the National Assembly” Here again the provision, completely ignoring the existence and by-passing the jurisdiction of the Senate, makes even the discussion of charged expenditure the responsibility of the Assembly and not of the Senate.

The Article next following deals with supplementary and Excess grants, and Article 84 says in respect thereof “...the Federal Government shall have power to authorise expenditure from the Federal Consolidated Fund . . . and shall cause to be laid before the National Assembly a Supplementary Budget Statement or an Excess Budget Statement”. In it again there is no mention of the Senate.

Next comes “Votes on account”. This is Article 85 and it says: “Notwithstanding any thing contained in the foregoing provisions relating to financial matters, the National Assembly shall have power to make any grant in advance in respect of the estimated expenditure. . . .” Here again it would be noted the power is given to the National Assembly and not to the Senate

It is thus clear that it is not only the legislative business of the passing of a Money Bill but the whole range of financial matters—from placing of the Annual Budget Statement, the Demands for Grants, discussion on the Charged Expenditure, the laying of the Schedule of Authorised Expenditure the Supplementary and Excess Expenditure Grants, to Votes on account or advance provision of funds. . . . which the Constitution makes the sole responsibility of the National Assembly and totally excludes therefrom the jurisdiction of the Senate.

Contrary to this, the Indian Constitution has altogether different provisions. Starting with Money Bills. Article 109 of the Indian Constitution says:

“A Money Bill shall not be introduced in the Council of the State (which is equivalent of our Senate) (but) after a Money Bill has been passed by the House of the

People it shall be transmitted to the Council of States for its recommendations and the Council of States shall, within a period of 14 days from the date of the receipt of the Bill return the Bill to the House of the People with its recommendations and the House of the People may thereupon either accept or reject all or any of the recommendations of the Council of States. If the House of the People accepts any of the recommendations of the Council of States, the Money Bill shall be deemed to have been passed by both Houses with the amendments recommended by the Council of States. If the House of the People does not accept any of the recommendations of the Council of States the Money Bill shall be deemed (even then) to have been passed by both the Houses in the form in which it was passed by the House of the People.”

So the Upper House in the Indian Constitution has a distinct role to play with regard to Money Bill simultaneously with the consideration of that Money Bill by the Lower House. This is not, as I said, the position in Pakistan. Not only is a Money Bill not introduced in the Senate but it also at no stage comes to the Senate. As soon as it is considered and passed by the Lower House, it goes straight to the President for his assent.

Similarly, as I just told you, the Annual Budget Statement is not required by our Constitution to be placed before this House (Senate). In fact, the Constitution by its various provisions would appear to bar it. In the case of India, on the other hand, the relevant provision (Article 112) says:

“The President shall in respect of any financial year cause to be laid before both the Houses of Parliament a Statement of the Estimated Receipts and Expenditure of the Government of India for that year, in this part referred to as the Annual Financial Statements.”

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Further in its Article 113 the Indian Constitution says:

“So much of the estimate as relates to expenditure charged upon the Consolidated Fund of India shall not be submitted to the vote of Parliament but nothing in this clause shall be construed as preventing the discussion in either House of Parliament of any of these estimates.”

Similar provisions exist in respect of Supplementary, Additional and Excess Grants. Article 115 which deals with these matters says:

“The President shall cause to be laid before both the House of Parliament another statement showing the estimated amount of that (Supplementary or Additional) Expenditure or cause to be presented to the House of the People a demand for such excess”
etc.

Then with regard to the ‘votes on account’ or the sanction of expenditure in advance, Article 116 says:

“ and the Parliament shall have power to authorise by law the withdrawal of Money Bills etc ”

It would thus be evident that it is not actually the Lower House or the *Lok Sabha* alone but the Parliament as such—the two Houses together—to which the Constitution assigns a role in these matters.

The purpose of my quoting at this length from the two Constitutions was to demonstrate that there is a basic difference between what I have been calling the “attendent circumstances” in the two countries, and these will have to be taken into account when thinking of adopting the traditions set by the other. What makes it necessary in the case of one Parliament (India) that the two Houses should meet simultaneously or within a short span of each other is because of the fact that there are matters, arising at the beginning of a year, which its Constitution, and the procedure set by it, requires that the two should consider and determine more

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or less simultaneously. These requirements do not exist in the case of Pakistan and this is why a delay of something like five or six weeks takes place between the meeting of the National Assembly, if it is its budget session, and the meeting of the Senate, which has no role to play in the consideration and passing of the budget.

Now it is in this context when the constitutional procedures (and our own traditions for the time being) do not establish a clear and close link between first sessions of the two Houses in a year that the doubt in regard to the interpretation of clause 56(3) gets strengthened, whether the references therein to "the first session of a years" is to the first session of a year of the Senate or of the two Houses together *i.e.* of the *Majlis-e-Shoora*—a genuine doubt I would say, particularly when we have also interpreted that the "year" in our case means the Parliamentary year—(the period or the time in which the life of either House is computed)—which does not coincide either with the financial year or with the calendar year but is a different animal—a category of its own. The 'year of the Senate' can also differ widely from the 'year of the Assembly' creating further complications. What happens for example if the Assembly in a particular year is elected in, say October or December, and its year starts from then onwards. It may not be possible in that case, as I have perhaps explained on some other occasion, to have a "timely" discussion at any rate, of matters which the Senate should ordinarily be discussing at the commencement of its (the Senate) year. These then are some of the points, some of the considerations, creating genuine doubts (about the timing and occasion of the Address). But I come back to the main point; why was it considered necessary to amend the Article and what purpose and object was intended to be served by the change?

The main point which the mover of the motion has made in his motion, making it one of the privilege, is and I would read that portion again :

"This sub Article [referring to clause 56(3) of the Constitution] places an obligation on the President to address a joint

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session of Parliament at the commencement of the first session of each year and confers a privilege on the Senate to meet in a joint session” and consider the address of the President.

Now a “Joint Session” as I have explained already is not something which is recognized by the Constitution. The Constitution recognizes a “Joint Sitting” only or “the two Houses assembled together” and I will comment on that a little later. The motion then goes on to say “that the President’s address will traditionally outline the programme of the government for the year”—(provided—if I may interject my own opinion at this stage—the other attendant circumstances are also similar to what obtains either in U.K. or in India, and I have already brought to your notice the principal differences that exist in our respective Constitutions and procedures) —“which programme can then be discussed either in the joint session or individually by the Senate. This is an important privilege of the Senate because it can in this manner discuss, *inter alia*, the economic policies and the fiscal programme of the government which opportunity may otherwise be lost. Already the discussion of the fiscal policies has become meaningless with the presentation of the budget before the National Assembly.”

Referring in particular to this last point, if the president’s address did confer a privilege on the Senate by providing it with an opportunity to discuss government programme and policies for the year and if that opportunity has indeed been lost, then I would say that it would amount to a breach of privilege. But I think that opportunity to discuss the programmes and policies and what else is contained in the President’s address still exists and is not lost. The President addressed the two Houses assembled together on 8th of this month. (There is a procedural point connected with that also but I would refer to it later). That address (subject to rules) can be discussed at any time by either House and since in that address the President has touched on a number of matters—political, foreign and domestic, budget and fiscal, islamisation of laws etc—I think all of them can be discussed if the House so decides. Senator Wasim Sajjad’s point, however, was that even though they may be discussed, they would not be discussed at the right time, and in his formal motion, as I have quoted earlier, he contends that “already the

discussion of the fiscal policies has become meaningless with the presentation of the budget before the National Assembly". I have explained to you at length what role the Senate can play and what contribution it can make under the Constitution to the consideration and passing or approval of the budget and allied money matters. None whatever, I have also apprised you of what role the Senate can legitimately play otherwise. In that respect there is nothing in my opinion which will prevent the Senate, or its Committees from discussing any policy or programme of the government, including the broad general policy underlying the budget or other fiscal measures, on the basis of a resolution, or on the basis of a motion of some other type or even on the basis of the question and answer exchanges that take place daily. That right still remains un-affected and that opportunity still exists and can be availed of under the Rules. But as it was not a direct obligation of the Senate and the Constitution does not envisage any active role for the Senate to express its opinion or make its recommendation on the budget as in India, no privilege was involved and, therefore, no privilege hurt.

Nevertheless, I must say that the change in the language of Article 56(3) did imply a change in intention, a change in the object and purpose as I had hinted in the beginning. The intention and object appeared to be that government policies and government programmes for the year should see the light of the day right in the beginning of the year, before the commencement of the first session of the Assembly or of the Senate. This implicit assumption has not been met. Although the failure to do so, because of the various reasons that I have detailed earlier, particularly the different interpretation to which the language of the relevant provision lends itself and the genuine doubt that it creates regarding its exact import and the manner in which it is to be carried out, does not amount to a breach of privilege, it very nearly I would say comes to that. It hovers, in other words, on the border of a breach of privilege not calling and addressing the two Houses assembled together earlier than the first session of either House in that year.

There are two other points which need to be made; one is this concept of "joint sitting" as distinct from the "two Houses assembled together". Convening of joint sittings is provided for in several articles of the Constitution and there is a separate procedure

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for it. Briefly, joint sittings are convened when there arise differences of opinion between the two Houses with regard to legislation. This contingency is covered by Article 70(2) and Article 70(3). The question of removal or no confidence in or impeachment of the President also requires to be discussed in a joint sitting [Article 47(5)]. Similarly, the proclamation of emergency needs to be laid under Article 232 before a joint sitting, and there are one or two more cases of that type. The procedure for joint sittings is also governed by separate rules framed under Article 72 of the Constitution. Under these rules the Speaker or the Chairman of the Senate can make a request to the President for calling a joint sitting if there are differences of opinion between the two Houses with regard to the approval or passage of Bills and the President is bound to call such a meeting.

But these joint sittings, and this is a point to be noted, are altogether distinct and have a different connotation from the concept of the two Houses assembled together. The later concept figures only in Article 56(1) and in Article 56(3), dealing with the address of the President and is relevant only for that purposes, while joint sittings are intended for transacting specified business. A reference was made in the debate to the necessity of Rules for regulating the proceeding of the two Houses assembled together and for the allotment of time under Article 56(4) for discussion of matters in the President's address. Article 56(4) provides:

“Provision shall be made in the rules for regulating the procedure of a House and the conduct of its business for the allotment of time for discussion of the matters referred to in the address of the President.”

This regrettably has again not been done. Some attempt has been made to provide for it in what are called the “Parliament (joint sittings) Rules”. But those rules essentially govern the joint sittings—how they are to be called, in what circumstances they have to be called, who presides over them, who controls and regulates their business etc.—and have little to do with the conduct and proceedings of the two Houses assembled together. Nevertheless, an *ad hoc* provision has been inserted in these “joint sitting” rules of the 1973

vintage, which appears more like an after-thought than a considered provision under Article 56(4). The new insertion appears as Rule 5 A in the "Joint Sitting Rules" and reads:

"5 A. Both Houses assembled for the address of the President

- (1) When both the Houses assemble together for the purpose of the address of the President under clause(3) of Article 56; the proceedings shall be conducted and controlled by the President in such manner as he may deem fit and without prejudice to the generality of the foregoing provision, the President shall for the purposes have all the powers vested in the Speaker under these rules.
- (2) The address of the President shall amongst other things contain a statement of the causes of the two Houses being summoned".

At this stage it appears convenient if I also deal with the point which was raised, I think, by Senator Ahmed Mian Soomro that even for the meeting on the 8th July which was addressed by the President, the *Majlis-e-Shoora* (Parliament) was not informed of the causes of its summons, which is a statutory requirements. From the rule that I have quoted, it would be noted that the causes of summons are not required to be given separately but the address of the President itself is supposed to contain them. Otherwise too, every address even as a form of address ordinarily opens with some formal words refering to the significance of the occasion, why the meeting had been convened and why and in what capacity the speaker was addressing it, and that actually becomes the cause of the summons; Now this, as I was saying, is the only provision made in the Rules with regard to "the two Houses assembled together" in connection with the President's address and I do not think it meets the requirements of Article 56(4). If we follow the Indian tradition, which also incidentally corresponds to what the practice is in U.K. — the assembly of the members of the National Assembly and the Senate to hear the President's address under clause (3) of Article 56 can be deemed to

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be neither a joint sitting of both the House (because the joint sitting is called for altogether different purposes and under different provisions of the Constitution to which I have referred) nor a sitting of the National Assembly, nor of the Senate, and this is what creates the confusion and points out to a deficiency in the rules. As Kaul says: "When the President addresses the Houses under the said provision, he functions as a limb of Parliament. When he discharges the constitutional function of addressing the two Houses, he is in charge of the proceedings of the Houses until his address is completed" and "for this purpose he may conduct the proceedings in an appropriate manner consistent with his position and dignity as well as the dignity and status of the Houses". Further, although the President is in charge of the proceedings neither he nor the Chairman, Senate nor the Speaker (who by convention take their seats on this occasion at the dias with the President) nor any other person can be said to preside over the meeting of the members of the two Houses assembled together—the President, for the reason that he is neither a member of the Senate nor of the Assembly and nobody who is neither a member of the one or the other House can preside over a meeting of the Houses. So this is the position of "joint sitting" and "the two Houses assembled together" under the articles of the Constitution.

The up-shot of all that I have said rather disjointedly is that while there appears to have been a lapse, the lapse does not amount to a breach of privilege, although as I said before, keeping the intention in mind, it very nearly does. Putting it differently, and whether somebody accepts the blame for it or not, I am of the view that the failure to arrange for the President's address before the commencement of the session of either of the Houses while it borders or rather hovers on the border of (constitutional) illegality, in our present situation, for the reason that I have given earlier and in the absence of rules and traditions of our own to which I just referred, is not "illegality" itself. This is point one.

A related point is that it was the responsibility of all of us to address ourselves to the framing of rules envisaged by the Constitution. We could also have decided what was meant by the change in the provisions regarding the President's address. We may do so now. I do not think it would require a constitutional amendment

to clarify the position. It can and better be done by establishing a tradition regarding the "commencement of the first session of each year" and what we mean by it. Since our parliamentary sessions each year also usually starts with the budget session of the National Assembly that can serve as a point of reference, and with reference to that occasion we may decide that the first session of the year should be deemed to commence—a day or two or three or whatever the Government thinks fit, before the commencement of the budget session of the Assembly. At the same time, we must have a programme or a "calendar of sittings" for the two Houses drawn up in advance for the year as a whole. We should also, without loss of time, lay down a procedure for the President to address the two Houses assembled together and what to make of the address after it has been delivered. Even today, we have not got an authentic copy or the "authorized version" of what the President said on the last occasion. There is of course no time limit specified for this, but as both Houses under the rules are expected to discuss the matters contained in the address by means of a motion of thanks or whatever, the Houses are entitled to get a copy of the address as early as possible. It would also be necessary to specify in the procedures the manner in which the address of the President should be provided to the two Houses either by making authentic copies available to their presiding officers or by laying it on the Table of the two Houses. There again a question may arise, as it has arisen during this session in some other connection, as to who should lay it? The contents of the address as we have observed already is the responsibility of the government. The address itself is supposed to be drafted by the Government and its words are words of the government put in the mouth of the President according to the parliamentary practice. It must, therefore, be placed by the government on the Table of the House so that on a motion by any member or by the government itself it can be debated and discussed.

One thing more, I agree with Prof. Khurshid when he said referring to Article 254 that this could be stretched (by placing a somewhat liberal interpretation on its provisions) to cover any irregularity that might have taken place as a result of the failure to address the two Houses assembled together at the time (whatever it is) envisaged by the Constitution. Since the two House assembled together have been addressed by the President although after the

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privilege motion was moved and may be not at the appropriate time, Article 254 can be pressed into service to cover whatever irregularity one or the other honourable member might think there has been in the proceedings. Article 254 reads: "When an act or a thing is required by the Constitution to be done within a particular period— "within a particular period" incidentally also means by a particular date according to its dictionary meanings—and it is not done within that period; the doing of the act or thing shall not be invalid or otherwise ineffective by reason only that it was not done within that period". This Article can be invoked to rectify if necessary any irregularity arising from failure to comply with the constitutional requirement, as to time.

In conclusion, to lay down the rule and accepting the offer of the honourable Minister for Justice and Parliamentary Affairs, I would say, that in future, the date or time when the two Houses should meet for the President's address under Article 56(3) should be specified in advance; there should be a calendar of sittings drawn up for the year as a whole before the commencement of the first session; Rules should be framed providing for the manner in which the meeting of the two Houses assembled together should be called and conducted; how the President's address (because the President in these matters is governed by the advice of the Government and is not a free agent) should be organized; how and in what manner copies of his address should be made available to the two Houses; how a debate should be initiated on that basis, how much time should be allotted and in what manner for discussion of the matters referred to in the address and what changes should be made in the existing rules of procedures of the two Houses for that purpose. With this, I think, while there may have been a mistake or a lapse or whatever, for the future at least we would be on the right track, and would have set up unambiguous traditions. I hope, this is acceptable to the House. Thank you.

جناب چیرمین، جناب پروفیسر خورشید صاحب۔

Prof. Khurshid Ahmad: Sir, I would like to read out to you the practices in different Parliaments about this placing of the President's speech. In the Australian House of Representatives, the

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Speaker reports to the House the Governor General's speech. In Newzealand, the House is represented by the Speaker. He reports the speech and lays the copy of the speech upon the Table of the House. In England's Parliament, the Secretary of each House now places the address on the Table of the House.(interruption)

Mr. Chairman: In Indian Parliament, the Secretary General, as they call it, has to place it.

Prof. Khurshid Ahmad: Well, my information is the Secretary of each House.

Mr. Chairman: Right.

Prof. Khurshid Ahmad: So, both are possible. . . .(interruption)

Mr. Chairman: No. But this is something which the House, when we frame the rules for this particular purpose, have to decide.

Prof. Khurshid Ahmad: On the issue of Ordinance, Sir.

Mr. Chairman: There was another one—Maulana Kausar Niazi's. But I believe you have withdrawn that very motion about the APP business.

Maulana Kausar Niazi: Yes, Sir.

Mr. Chairman: Thank you. Is there any other privilege motion. No.

Incidentally, one thing that I forgot to tell you that the question of breach of privilege of this address of the President, was raised in the National Assembly also. No honourable member has referred to that and although we are not bound by what was passed in that House, but I think, it is worth referring to in order to complete the record that the issue that "at the commencement of the first session in each year the President should have addressed both the Houses assembled together and inform the Parliament of the causes of its summons", was also raised earlier when the National Assembly met on the 26th of May, 1986 in connection with the vote of 'no confidence' to which Maulana Kausar Niazi Sahib referred. At

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that time, the Deputy Speaker gave the ruling who was presiding over the meeting, that that was only the National Assembly session and not of both the Houses, so that the President should have addressed. According to the Deputy Speaker the words 'first session in each year' referred to the session of both the Houses. So, this is also something to be borne in mind.

پروفیسر خورشید احمد: جناب چیئرمین! آپ نے چونکہ ایک اضافہ کر دیا ہے اس لئے اگر آپ اجازت دیں تو ایک بات میں بھی عرض کروں اور وہ یہ کہ آپ کی رولنگ سے جو بڑی ناتہک صورت حال ہمارے سامنے آئی ہے یعنی نہ کہ یہ ایک laps تھا۔ استحقاق تو مجروح نہیں ہوا

It was bordering or hovering on the border of illegality.

تو میں صرف قرآن پاک کی ایک آیت سنانا چاہتا ہوں وہ یہ ہے کہ لا تقص بحدود اللہ یعنی یہ نہیں ہے کہ حدود اللہ کو اس کے لئے بلکہ ان کے پاس بھی نہ جاؤ۔

جناب چیئرمین: بالکل ٹھیک ہے تحریک نمبر ۲، مولانا کوثر نیازی صاحب یہ آپ کی ہے

(ii) RE: FAILURE OF THE GOVERNMENT TO PROVIDE
THE TEXT OF THE PRESIDENT'S ADDRESS
TO THE HOUSE

مولانا کوثر نیازی: جناب میری تحریک کا متن یہ ہے کہ آئینی قواعد کے مطابق سینٹ کا یہ استحقاق ہے کہ پارلیمنٹ میں صدر کے خطاب کے بعد اس پر بحث کر سکے اور اس خطاب سے پیدا ہونے والے نکات پر اپنا عندیہ ظاہر کرے۔ صدر کے خطاب کو کئی دن ہو گئے ہیں اور حکومت نے ان کا خطاب نہ تو سینٹ کی میز پر رکھا ہے اور نہ ہی اس کے لئے کوئی تاریخ دی ہے۔ اس طرح لاؤس اپنے ایک اہم حق سے محروم ہو گیا ہے۔ میں تحریک کرتا ہوں کہ اس مسئلے پر ایوان میں غور کیا جائے۔

جناب چیئرمین ! میرے دوست نسیم سجاد کی تحریک استحقاق اصل میں سال کے پہلے سیشن کو جوائنٹ سیشن ہونے کی صورت میں آئینی ضرورت سے متعلق تھی۔ اس میں ضمناً بحث صدر کے خطاب کرنے کے حق سے متعلق بھی ہوئی اور آپ نے بھی اس پر کچھ ارشاد فرمایا، میں یہ گزارش کرنا چاہتا ہوں کہ حکومت صدر کے اس خطاب کو دونوں ایوانوں میں زیر بحث لانے کا غالباً کوئی ارادہ نہیں رکھتی۔ اسی لئے اولاً تو صدر صاحب کا خطاب مطبوعہ صورت میں اسی دن پارلیمنٹ کے ارکان کی میزوں پر نہیں رکھا گیا حالانکہ ہم نے خارجہ پالیسی پر بحث کے دوران یہ مشاہدہ کیا کہ وہاں وزیر خارجہ کے خطاب تک مطبوعہ صورت میں اراکین کو فراہم کیا گیا لیکن اس دن صدر صاحب کا خطاب جو ظاہر ہر کئی دن پہلے تیار ہو چکا تھا، مطبوعہ صورت میں اراکین میں تقسیم ہی نہیں کیا گیا، اس خطاب کے بعد قومی اسمبلی کا اجلاس ہوا اور قومی اسمبلی میں بھی آرٹیکل ۵۶ ذیلی دفعہ (م) کے تحت یہ زیر بحث آنا لازم تھا، مگر وہاں بھی نہ تو اس کی کوئی مطبوعہ کاپیاں اراکین کو فراہم کی گئیں اور نہ ہی اس پر بحث ہوئی اب یہی صورتحال اگر سینٹ کے ساتھ روا رکھنے کے لئے جیسا کہ حکومت غالباً مقصود ارادہ کے ہوئے ہے، کیونکہ قومی اسمبلی تو اب اگست میں میٹ کرے گی، ڈیڑھ دو ماہ ہو چکے ہوں گے صدر صاحب کے خطاب کو اور یہ مشتبہ بعد از جنگ دلی بات ہو گی وہ مباحث ذہنوں سے نکلی چکے ہوں گے، ان پر اس وقت گفتگو حاصل ہو گی، حالات بھی بدل چکے ہوں گے سیاسی کم سے کم اور بھی بعض تغیرات ہو سکتے ہیں کہ ان کے اٹھائے ہوئے نکات ریلیونٹ نہ رہیں۔ اب اس سینٹ کا اجلاس ہو رہا ہے اور ابھی تک حکومت نے سینٹ کے اراکین کو بھی صدر صاحب کے خطاب کی کوئی کاپی فراہم نہیں کی اور مجھے تو یہ شبہ ہے کہ عینک لگا کر جو صدر صاحب خطاب فرما رہے تھے وہ تو لکھا ہوا تھا اور جو عینک اتار کر وہ فرمودات کر رہے تھے آیا اس کا ریکارڈ ہماری حکومت کے پاس ہے بھی کہ نہیں کی وہ اس پوزیشن

[Mr. Chairman]

میں ہے کہ یہ سارا جو مسودہ ہے اسے ایوان میں پیش کرے۔ جہاں تک سینٹ کا تعلق ہے، تو مجھے اسمبلی کے قواعد تو میں نے دیکھے نہیں، آئین کی رو سے یہ لازم تھا کہ ایسے قواعد مرتب کئے جائیں جن میں صدر کے خطاب پر ہوتے والی ڈی بیٹ کے لئے پروسیجر طے کیا جائے، مگر اب تک حکومت نے اس سلسلے میں بھی کوئی موشن کسی لاؤس میں پیش نہیں کی کہ جس سے یہ پروسیجر طے ہو سکتا۔ اس سے حکومت کا ارادہ ظاہر ہے کہ وہ صدر کے خطاب کو شاید مقدس گائے کا درجہ دیتی ہے اور اس مقدس گائے کو اس ایوان میں لا کر معرض بحث میں لانے کے لئے تیار نہیں ہے۔ اب سینٹ غالباً ۲۰ تاریخ تک ملنے کو ہے کیونکہ جو فیڈرل آپ نے بھیجا ہے اس سے بھی لگتا ہے اور اگر اس وقت تک ختم ہو گیا تو کوئی آٹالہ دودھ دودھ تک نہیں ہیں کہ صدر صاحب کا خطاب جو ہے اس سیشن میں بھی زیر بحث آسکے، یہ صورت حال سخت افسوسناک ہے اور دونوں لاؤسوں کو ایک اہم آئینی حق سے محروم کرنے کے مترادف ہے اور میں یہ سمجھتا ہوں کہ ایوان کو سینٹ کی حد تک اس بات کا نوٹس لینا چاہیے، شکریہ۔

جناب چیئرمین : شکریہ چی جناب اقبال احمد خان صاحب۔

جناب اقبال احمد خان : جناب چیئرمین! ابھی اس سے پہلی تحریک

استحقاق پر آپ نے کافی وضاحت کے ساتھ تمام پہلوؤں پر اظہار خیال فرمایا ہے اور ہمارے ساتھ فرمائی فرمائی ہے۔ آپ نے اپنے فیصلے میں یہ ارشاد بھی فرمایا ہے کہ ابھی تک اس قسم کے کوئی رولز نہیں فراہم کئے گئے جن کے مطابق صدر مملکت کے خطاب کے سلسلے میں کوئی اہتمام کیا جائے اور یہ کہ کسی کی طرف سے ان کے خطاب کو اس ایوان میں پیش کیا جائے آپ کے فیصلے کے بعد محترم سینٹر پروسیجر خود شدید احمد نے دوسرے ایوانوں کی مثالیں پیش کی ہیں جن کے مطابق یا تو جناب سپیکر اور چیئرمین یا متعلقہ لاؤس کے سیکریٹری ایوان میں خطاب کی کاپیاں

پیش کرتے ہیں۔ میں یہ عرض نہیں کرتا کہ آیا ہمیں بھی ان قواعد پر عمل کرنا چاہیے لیکن یہاں اس موشن پر جتنے خیالات کا اظہار کیا گیا ہے اس میں پاکستان کے علاوہ صرف دوسرے ممالک کی اسمبلیوں کے حوالہ جات ہی دئے گئے ہیں اور اگر ان حوالہ جات ہی کو فیصلے کا ذریعہ بنایا جائے تو پھر ان کے روشنی میں اگر دیکھا جائے تو پھر حضور والا! صدر مملکت کے خطاب کو اس ایوان میں سینٹ سیکریٹریٹ کی طرف سے ہی پیش کرنا ہوگا۔ اس لحاظ سے حکومت کی اس وقت تک جبکہ کوئی واضح رولز نہیں ہیں، کوئی ذمہ داری نہیں ہے جس پر حکومت کو مورد الزام ٹھہرایا جائے اور پھر یہ کہا جائے کہ کوئی استحقاق مجروح ہو گیا ہے۔ لیکن جناب والا! ان قواعد کے اندر ایک چیز موجود ہے کہ صدر مملکت کے خطاب کو یہ چھوڑنا ہے جناب رول نمبر ۲۹ صرف اس صورت میں صدر مملکت کے خطاب کو اس ایوان میں ڈسکس کیا جاسکتا ہے اگر وہ اس ایوان کو خطاب فرمائیں۔ اس میں درج ہے۔

“The President may address the Senate and such address may be discussed by means of a motion of thanks.”

اگر صدر مملکت نے اس ایوان کو خطاب کیا ہوتا تو پھر ان کے خطاب کو by means of a vote of thanks کسی بھی ممبر کی طرف

سے موو کر کے ڈسکس کیا جاسکتا تھا، اب چونکہ اس سلسلے میں قواعد مرتب نہیں ہوئے ہیں میں سمجھتا ہوں ابھی اس مرحلے پر یہ ذمہ دار کسی پر عائد نہیں کی جاسکتی، کہ وہ خطاب اس ایوان میں کیوں پیش نہیں ہوا، تو پھر اس پر کس طریقے سے بحث ہو سکتی تھی، موجودہ قواعد کی روشنی میں میری ناقص رائے میں جو خطاب انہوں نے مشترکہ اجلاس میں کیا وہ یہاں نہ زیر بحث نہیں آسکتا، اس لحاظ سے میں سمجھتا ہوں کہ یہ مویشن آرڈر آف آرڈر ہے۔ اس میں صرف یہ درج ہے کہ آرڈر ٹیکل ۵۶ (۴) کے تحت

[Mr. Iqbal Ahmad Khan]

“56(4): Provision shall be made in the rules for regulating the procedure of a House and the conduct of its business for the allotment of time for discussion of the matters referred to in the address of the President”.

چونکہ آرٹیکل ۵۶ (۳) کا خطاب مشترکہ اجلاس کے متعلق ہے اس لئے اس خطاب پر اظہارِ خیال کے لئے مشترکہ اجلاس کے رولز میں ہی پڑھو بیٹھنے کی جا سکتی ہے جو یہ ایوان نہیں بنا سکتا، اگر اس سلسلے میں رولز بنانے کا ضرورت محسوس کی گئی یا جنہیں ضرور بنانا چاہیے، تو جناب یہ پارلیمنٹ کے اندر ہی ہو گا اس ایوان کے اندر ان رولز کے بننے یا نہ بننے کا مسئلہ زیر بحث نہیں آ سکتا، میری ان گزارشات کے بعد میری رائے میں یہ تحریک استحقاق آؤٹ آف آرڈر ہے اس لئے میں گزارش کروں گا کہ اسے رولڈ آؤٹ آف آرڈر قرار دیا جائے۔

جناب وسیم سجاد: جناب والا! میں اس پر کچھ کہنا چاہ رہا تھا۔

جناب چیمبرین: جناب وسیم سجاد صاحب۔

جناب وسیم سجاد: جناب والا! یہ بھی ایک آئینی مسئلہ ہے جس پر میں گزارشات کرنا چاہ رہا تھا، آئین کی آرٹیکل ۵۶ کی ذیلی شق (۱) کے تحت یہ ایک دستوری ذمہ داری ڈال دی گئی ہے کہ رولز بنائے جائیں گے اور رولز میں اس بات کی گنجائش رکھی جائے گی کہ صدر پاکستان جو ایڈریس پیش کریں گے اس پر بحث کرنے کے لئے موقع فراہم کرنا ان رولز میں درج ہو گا، اب وزیر انصاف صاحب کی جانب سے کہا گیا ہے کہ اس وقت جو رولز موجود ہیں ان میں اس کی گنجائش نہیں ہے۔ لہذا یہ مویشن آؤٹ آف آرڈر ہے۔ جناب والا! اس وقت جو رولز اس ایوان پر لاگو ہوتے ہیں وہ رولز دستور کی آرٹیکل ۶۷، ذیلی شق نمبر (۲) کے تحت بنائے گئے ہیں، ۶۷ (۲) یہ کہتا ہے۔

“67(2) Until rules are made under clause (1), the procedure and conduct of business in a House shall be regulated by the rules of procedure made by the President”.

یعنی جب تک ایک ایوان خود اپنے رولز ۶۷ (۱) کے تحت نہیں بناتا، صدر پاکستان کو اختیار ہے کہ وہ رولز بنائیں، اور صدر پاکستان نے اس اختیار کو استعمال کرتے ہوئے وہ رولز بنائے جو اس وقت اس ایوان پر لاگو ہیں، ان رولز میں ترمیم کرنا بھی صدر پاکستان کی ذمہ داری ہے اور ہماری ذمہ داری ہے، ایوان کی ذمہ داری اس وقت شروع ہوگی، جب آرٹیکل ۶۷ (۱) کے تحت رولز بنائے جائیں گے۔ جب تک وہ رولز نہیں بنائے جاتے، اور یہ رولز اس پر enforce ہیں، ان رولز میں ترمیم کرنا، ان رولز کو دستور سے ہم آہنگ کرنا، دستور کی جو obligations ہیں ان کو پورا کرنا، وہ صدر پاکستان یعنی حکومت کی ذمہ داری ہے۔ صدر پاکستان کی ذاتی حیثیت میں نہیں تو اس ذمہ داری کو پورا نہیں کیا گیا، اور ایک طرف اس ذمہ داری کو پورا نہیں کیا گیا، اور پھر اس کی آڑ لے کر کہا جا رہا ہے وہ جو جناب نے کہا کہ ایک حق ہے ایوان کا کہ وہ صدر پاکستان کی تقریر پر بحث کرے، اس حق سے ایوان کو محروم کیا جا رہا ہے۔

جناب والا! میں یہ کہوں گا، کہ یہ ذمہ داری حکومت کی ہے۔ موجودہ رولز کے تحت اور یہ کہنا کہ گنجائش نہیں ہے، ہمارے پاس رولز نہیں ہیں۔ یہ بات صحیح نہیں ہے۔ یہ رولز صدر پاکستان نے بنائے وہی اس کو amend کریں گے جب تک نئے رولز نہیں بنتے، یہی رولز لاگو رہیں گے۔

Mr. Ahmed Mian Soomro: Sir, I would just want to add this to what my learned brother Mr. Wasim Sajjad has said, I will not repeat that, but to the point raised by the honourable Minister for Justice that this House is not competent to make rules regarding discussion of the address by the President in the joint sitting, if I understood correctly, in that case, Sir, I would respectfully draw your attention to sub-article (4) of Article 56 of the Constitution which says:

“56(4) Provision shall be made in the rules for regulating the procedure of a House and the conduct of its business

[Mr. Ahmed Mian Soomro]

for the allotment of time for discussion of the matters referred to in the address of the President.”

The address of the President is referred to in sub-article (3) of Article 56. So this House is, of course, fully competent to make its rules regarding discussing a matter the President has addressed in a joint sitting. Until that period, as my learned brother Wasim Sajjad, Senator, pointed out under Article 67(2) the rules have been framed by the President. The President here means the Government because he is not acting in his discretion, he is bound by the advice of the Prime Minister and the Cabinet. Therefore, in other words, until we have framed our rules, it is the duty of the Federal Government to have provided in the rules the procedure for discussing matters referred to by the President in his address to the joint sitting in this House. Therefore, I think it would be better, if the Government, till we are able to make our rules on this, gives this a serious consideration and make an early provision for this before the matter to be discussed is almost passed out.

Mr. Chairman: Thank you.

“For the purpose of clarification I would like to draw your attention to three Articles of the Constitution which give rule making powers, to cover three specific situations related to the three modes of sitting of the Parliament to which I had referred in the earlier Ruling. One is, what was quoted by Senator Wasim Sajjad viz. Article 67, which says:

‘67(1) subject to the Constitution, a House may make rules for regulating its procedure and the conduct of its business, and shall have powers to act notwithstanding etc.’ and (2) that ‘until Rules are made under clause (1) the procedure and conduct of business in a House shall be regulated by the Rules of Procedure made by the President’.

We are working for the time being under these Rules.

Next is Article 56(4) which says :—

‘56(4) provision shall be made in the rules for regulating the procedure of a House and the conduct of its business for the allotment of time for discussion of the matters referred to in the Address of the President’.

This is the second situation for which we have to have rules.

There is yet another situation—that of joint sittings—catered for in Article 72(1) to which I would invite member's attention.

Article 72(1) says :

‘72(1) The President, after consultation with the Speaker of the National Assembly and the Chairman, may make rules as to the procedure with respect to the joint sittings of, and communications between, the two Houses’.

Thus we have three different modes of sittings or meetings of the Parliament and three different provisions of the Constitution—all in the form of enabling powers—to make rules, to regulate such sittings. One covers the individual sittings of a House, (Article 67) the second caters for the two Houses assembled together [Article 56(3)] and the 3rd for regulation of the joint sittings [Article 72(1)].

Now, the question arises, who has to make these rules. Rules can only be framed with the approval of the Party in power, by the majority Party. They are the authority and it is with them that the initiative lies and they have to start the process in the House. According to the information just received by me Senator Fida Mohammad Khan has been nominated by the Prime Minister as the Leader of the House, and it perhaps now becomes his responsibility to take the initiative to make the rules, or if some other arrangement is more acceptable to Government, to act on that. On the point, which the Minister for Justice and Parliamentary Affairs had made earlier that it is for the Secretariat of the Senate, to lay the Address, I must

correct him, with all due respect, that the Secretariat of the Senate is not the Secretariat of the two Houses assembled together for the purpose of Address of the President. If anything—if we take that occasion as closer to a 'joint sitting', then it becomes the responsibility of the Secretariat of the National Assembly which is the Secretariat for 'joint sitting'. But since it was also not a 'joint sitting', I doubt if the matter can become even their (Assembly's Secretariat) responsibility. Since the Address as I had said earlier is supposed to be prepared by the Government—words put in the mouth of the President—it becomes the responsibility of the Government to provide copies of it in whatever manner it thinks appropriate. For the time being the contention is quite correct that rules governing the President's Address to the two Houses are not there. But one of the points that I had covered in my earlier ruling also was that such rules must be framed early. Since the Constitution does not provide a time limit for the framing of the Rules, nor does it provide when and how the Address should be made available to the two Houses we can only go by precedents and examples and considering the great urgency which these precedents attach to circulation of the President's Address the necessary Rules must be framed without undue delay. In that sense then and for the reason that Rules on the subject have yet to be framed the motion of the honourable member, Maulana Kausar Niazi would appear premature. But as previously ruled, the Rules must be framed in a reasonably short time and copies of the Address as I said earlier should be made available to the House as early as possible”.

جناب اقبال احمد خان : جناب والا! میں نے یہ گزارش کی تھی کہ اس سیکریٹریٹ کو یہ کاپیاں سبلائی کرنی چاہیے۔ میں نے اس کی وضاحت بھی عرض کی تھی کہ جو lengthy ruling آپ نے دی ہے اس میں بہت زیادہ حوالہ جات دوسرے ممالک کی پارلیمنٹ کے پریسیڈنٹس اور ہدایات سے دئے۔ اور اسی ضمن میں میں نے عرض کیا تھا کہ اگر ہم دوسری پارلیمنٹ کے فیصلوں سے رہنمائی حاصل کرتے ہیں تو میں نے محترم پروفیسر خورشید احمد صاحب کی تجویز کے ضمن میں یہ گزارش کی تھی کہ انہوں نے یہ ارشاد فرمایا تھا کہ کن کن ممالک میں ایسی situation

میں سیکریٹریٹ تقسیم کرتا ہے۔ میں نے یہ جناب والا! تجویز نہیں پیش کی کہ ضرور یہ سیکریٹریٹ کرے لیکن میں نے اس حوالے سے یہ بات کہے کہ دوسری پارلیمنٹ میں جن کے حوالہ جات دئے گئے وہاں سیکریٹریٹ کے ذمہ داری تھی، گورنمنٹ کی ذمہ داری نہیں تھی ان کے حوالہ جات کے مطابق اس لئے اگر وہ ایڈریس (مداخلت)

Mr. Chairman: Excuse me my interruption but this must be according to the rules framed by those Houses with the approval of the Government. The Secretariat can not proceed at his own to distribute anything. Whatever they do, they do it according to the rules framed for that House by the Government.

جناب اقبال احمد خان: میں آپ کی خدمت میں یہی ایک گزارش کرنے کی جسارت کر رہا ہوں کہ آرٹیکل ۵۴ کے اندر اور آرٹیکل ۵۶۔ یہ وہ صرف both houses assembled together کو ہی صدر کے خطاب کا ذکر نہیں ہے بلکہ individually وہ ہر ہاؤس کو ایڈریس کر سکتے ہیں اس لئے ہر ہاؤس کے ایڈریس کے discussion کا ذریعہ (مداخلت)

جناب چیئر مین: وہ تو already covered ہے۔

جناب اقبال احمد خان: جناب والا! میں عرض کر رہا ہوں۔ وہ سب کلار (۴) میں ہی درج کیا گیا ہے۔ مشترکہ ہاؤس ہو یا individual ہاؤس جو اس کے لئے سب کلار (۴) میں ہی ایک پرنویژن دی گئی ہے کہ کس طریقے سے روز نیٹے جائیں گے۔ میں آپ کی توجہ اس وقت جو انٹ ہاؤسز کے لئے جو روز نیٹ frame کئے گئے، یہ اس کے رول ۳۳ کی طرف مبذول کرانا چاہتا ہوں۔ اس میں درج ہے۔

[Mr. Iqbal Ahmad Khan]

In all matters not specifically provided for in these rules at any joint sitting, the procedure of the Assembly shall apply with such modifications and variations as the Speaker may consider necessary or appropriate.....

میری ناقص رائے میں ان کے اندر بھی جو انٹ ہاؤس کی پرویزن دی گئی ہے جو respective آرٹیکل ۵۶ کلاز (۴) کو کوور کرتی ہے اگر کوئی رول نہیں دیا گیا تو اس کے سلسلے میں اگر کوئی مسئلہ پیدا ہو تو قومی اسمبلی کے رول سے رہنمائی حاصل کی جائے گی۔

جناب والا! سینٹ کے رولز میں اور نیشنل اسمبلی کے رولز کے اندر بھی بحث کا ایک طریقہ دیا ہوا ہے۔ اور یہ کہنا شاید اس مرحلے پر مناسب نہیں ہے کہ اس وقت تک specifically ان مسائل کے متعلق کوئی رول نہیں ہیں۔ یہ درست ہے کہ ابھی اس ایوان نے اپنے رولز یا نیشنل

اسمبلی نے اپنے رولز یا جو انٹ ہاؤس کے لئے پارلیمنٹ نے اپنے respective ہاؤس سے اپنے رولز منظور نہیں کروائے۔ لیکن ان کے نظام کار کو چلانے کے لئے بہر طور صدر مملکت کی طرف سے آئین میں دئے گئے اختیارات کے تحت رول enforced ہیں اور ان میں وہ situation meet کرتے کی بھی گنجائش ہے۔ مسئلہ

صرف اتنا تھا کہ اس ایوان میں ان کے ایڈریس کو independently ایڈریس کرنا ہے تو پھر اس کی سرکولیشن کا کیا طریقہ ہوگا۔ اب اس ایوان کے اندر انٹین پارلیمنٹ کا حوالہ دیا گیا ہے بد قسمتی سے وہ کتاب میرے پاس نہیں ہے لیکن اگر کول کی کتاب کسی کے پاس موجود ہو تو اس میں ملاحظہ فرمایا جائے۔ اس کے اندر جہاں تک مجھے یاد پڑتا ہے جو انٹ ہاؤس کی پیسج کی ڈسکشن جو انٹ ہاؤس میں ہو گے اور انفرادی ہاؤس کی پیسج انفرادی ہاؤس میں ہوگی۔ اور اس سلسلے میں

یہ دیا ہوا ہے کہ صدر مملکت کے خطاب کے بعد اجلاس ایڈجرن ہو جائے گا۔ اور ۱۱ گھنٹے کے بعد اجلاس دوبارہ شروع ہو گا۔ مشترکہ اجلاس جس کو سپیکر پرینڈنٹ کریں گے۔ اور اس کے ساتھ یہ مسئلہ آگے چلے گا ہمارے ہاں یہ صورت حال نہیں تھی نہ یہ پروویژن ہمارے ہاں تھی اور نہ یہ طریقہ ہمارے ہاں اپنا یا گیا تھا۔ کیونکہ اس سلسلے میں مجھے یاد نہیں کول کی کتاب کا صفحہ ۴۸ ہے یا کچھ دوسرا ہے۔ اگر میرے پاس کتاب ہو تو میں پیش کر دوں گا اس کے اندر یہ دیا ہے کہ جب صدر کے خطاب کے بعد اجلاس ایڈجرن ہو گا پھر ۱۱ گھنٹے کے بعد اجلاس دوبارہ شروع ہو گا۔ یہ A - 1 صفحہ ۴۸ ہے۔ اس میں جناب دیا ہوا ہے۔

At the commencement of the first session of the Parliament after each general election to the Lok Sabha and thereafter at the commencement of the first session of every year, the President addresses members of both Houses of Parliament assembled together and informs Parliament of the causes of its summons.

اب جناب اس کے آگے پرنڈنٹ کنٹرول کرتا ہے اور پھر اجلاس . . . (مداخلت)

جناب چیئرمین : میں آپ کی خدمت میں عرض کر دوں کہ صفحہ ۵۰ کا ٹاپ پڑھ لیں۔

مولانا کوثر نیازی : اسی صفحہ کو ذرا اور پڑھئے اس کے بعد پھر ہاؤس سپرٹ ہو جاتے ہیں۔

جناب اقبال احمد خان : میں اسی کو پڑھ رہا ہوں کہ آگے دیا ہوا ہے کہ ۱۱ گھنٹے کے بعد دوبارہ اجلاس ہو گا اور اس میں فیصلہ کیا جائے گا۔

The assembly members of the Lok Sabha and Rajia Sabha to hear the President's address under article so and so. It is deemed to be neither a joint sitting of both the Houses nor a sitting of a Lok Sabha nor of Rajia Sabha. When the President addresses the Houses under the said

[Mr. Iqbal Ahmad Khan]

Article, he functions as a limb of the Parliament, when he discharges the constitutional functions of addressing two Houses, he is in charge of the proceedings of the Houses until his address is complete, for the purpose he may conduct the proceedings in an appropriate manner consistent with his position and dignity as well as the dignity and status of the House, although the President is in charge of the proceedings neither he nor the Chairman of the *Rajia Sabha* nor the Speaker nor any other person can be said to preside at the meeting of the members of the two Houses assembled together for his address under the said Article.

مولانا کوثر نیازی؛ اس سے پہلے ہو گا۔ اس کے بعد ہمیں ہے۔
جناب اقبال احمد خان؛ نہیں جناب اس کے بعد ہی ہے۔ کیونکہ

As I have read it, I will just (interruption)

جناب چیئرمین؛ میں آپ کی توجہ صفحہ ۵۱ کے آغاز پر دلاتا ہوں۔
آپ پرٹھ لیں یا مجھے اجازت دیں کہ میں پڑھ لوں۔۔۔ (مداخلت)
جناب اقبال احمد خان؛ آنرےبل سینیٹر پروفیسر محمد رشید صاحب
نے کچھ ارشاد فرمایا ہے، میں نے سنا نہیں ہے کہ انہوں نے کیا مشورہ
دیا ہے۔ وہ دوبارہ ارشاد فرمادیں۔
جناب چیئرمین؛ پہلے آپ حکم کر لیں۔ پھر وہ جو کچھ ارشاد فرمانا چاہیں
گے تو فرمائیں گے۔

Mr. Iqbal Ahmad Khan: That portion. (interruption).

Mr. Chairman: May I read it out:

“The President address to both Houses of Parliament assembled together has to be laid on the Table of the House on the same day by the Secretary General when the House holds a sitting in its own Chamber, half an hour after the President’s address and it is at that stage that the address is incorporated in the proceedings of the *Lok Sabha*. This is what I have been submitting earlier that this

is the procedure that we have to evolve. Since the Constitution does not provide a time limit by which the address was previously circulated. Also we do not have the rules and the Constitution again does not prescribe the time limit by which the rules can be framed technically Maulana Kausar Niazi's motion would be treated as premature but one expects and hopes that the Government would act on the advice or the rule that I have laid down earlier.

مولانا کوثر نیازی: جناب چیئر مین! آپ نے رولنگ ارشاد فرمائی

جناب چیئر مین: دس بج رہے ہیں۔۔۔۔۔ (مداخلت)

جناب کوثر نیازی: میں عرض کرتا ہوں۔ آپ نے رولنگ میں بعض اہم پہلو نظر انداز کئے ہیں۔ ان پر بھی اذراہ کرم آپ رولنگ دے دیں۔ فاضل و ترمیر انصاف نے یہ کہا ہے کہ چونکہ قواعد میں صدر صاحب کے خطاب پر بحث کرنے کی کوئی صراحت نہیں ہے۔ اور ایسے قواعد نہیں بنائے گئے۔ اس لئے اس خطاب پر جو انہوں نے پارلیمنٹ میں ارشاد فرمایا ہے۔ بحث نہیں ہو سکتی۔ یہ بہت اہم بات ہے۔ سوال یہ ہے کہ قواعد آئین کے ماتحت ہیں یا آئین قواعد کے ماتحت ہے۔ اس پر آپ ارشاد فرمائیں کہ آیا صدر صاحب کا جو خطاب تھا۔ وہ آئین کی حدود کے اندر تھا یا آئین سے ماوراء تھا اور آئین سے بالا تھا؟

جناب چیئر مین: میں نے پہلے جو معروضات آپ کے سامنے پیش کی تھیں اگر ان کو آپ نے فالو کیا ہے تو اس میں صاف میں نے کہا تھا کہ یہ سینٹ کا حق ہے۔ دوسرے اسمبلی کا بھی حق ہے کہ پریذیڈنٹ ایڈریس میں جو matters refer ہوئے ہیں ان کو ڈسکس کرے۔ لیکن پرایم یہ تھی کہ وہ ڈسکس بھی ہو سکتے ہیں جب جو کچھ انہوں

نے ارشاد فرمایا ہے اس کا authentic version دونوں سے ایوانوں کو مل جائے۔ رورلٹی الحال نہیں ہیں کہ وہ کس طرح ملنا چاہیے، کس طریقے سے ملنا چاہیے۔ (مداخلت)

مولانا کوثر نیا زئی: جناب والا! سوال اتنا ہے کہ اگر حکومت یہ کہتی ہے کہ پہلا سیشن، جائنٹ سیشن، سال کا پہلا سیشن نہیں ہونا چاہیے۔ کوئی بھی سیشن ہو سکتا ہے۔ جب کوئی urgency ان پر نہیں تھی۔ سال میں کسی بھی وقت جائنٹ سیشن ہو سکتا تھا۔ اگر صدر صاحب کا خطاب بھی کوئی ایسا خطاب نہیں تھا کہ اگر وہ مؤتمر ہو جاتا تو کوئی آسمان گر پڑتا۔ تو پہلے قواعد فریم کرتے۔ پھر وہ صدر صاحب سے خطاب کرتے۔ کیا یہ لائڈس کو اس کے حقوق سے محروم کرنے کا اندازہ نہیں ہے۔ اور کیا حکومت کو آپ کسی موقع پر بھی جھڑکتے کی پوزیشن میں نہیں ہیں۔ اور یہ نہیں کہہ سکتے کہ یہ تم لوگوں نے آئین کے خلاف کیا ہے یا غلط کیا ہے؟

جناب چیئر مین: جو کچھ میں نے کہنا تھا کہ جو آئین کے خلاف ہے جس حد تک خلاف ہے وہ میں نے کہہ دیا ہے۔

مولانا کوثر نیا زئی: تو یہ تقریر ایوان میں زیر بحث آئے گی؟

جناب چیئر مین: یہ تو پہلے ہی میں نے عرض کیا تھا، اب بھی یہی عرض کرتا ہوں، کیوں کہ اس پر جہاں تک میرا تعلق ہے میں نے کہا تھا کہ اس ایوان کا حق ہے۔ یہ نیشنل اسمبلی کا حق ہے۔

مولانا کوثر نیا زئی: تو کسی بھی وقت سال کے دوران زیر بحث آ جائے گی۔

جناب چیئر مین: اس کا آپ تعین کر لیں۔

مولانا کوثر نیا زئی: تو انراؤ کریم آتا تو وقت ہمیں لے دیں

وزیر انصاف سے کہ وہ یہ تعین کر دیں کہ کب اس ایوان میں زیر بحث آئے گی۔

جناب چیئر مین : یہ آپ لوگوں کا کام ہے۔ آپ ان سے کہیں۔ میں کسی وزیر کو مجبور نہیں کرتا۔۔۔ (مداخلت)

مولانا کوثر نیازی : آپ جناب والا! اپنی روٹنگ کے تحت کیا نہیں کر سکتے۔ آپ سے کبھی فائدہ تو نہ اٹھائیں۔

جناب چیئر مین : میں روٹنگ کو ڈسکس نہیں کر رہا۔ لیکن میں نے ان کو اتنا کہہ دیا ہے کہ یہ جلد از جلد سمونا چاہیے کب جلد از جلد؟ تو وہی چیز آئے گی کہ عنقریب کا مطلب عنقریب ہے۔

مولانا کوثر نیازی : کاش آپ کہتے کہ اسی سیشن میں، اور اس سیشن کو طویل کیا جاسکتا تھا۔

جناب چیئر مین : اگر مجھے یہ پتہ ہو کہ یہ سیشن حکومت نے کب تک چلانا ہے۔ مجھے یہ نہیں پتہ۔۔۔۔۔ (مداخلت)

مولانا کوثر نیازی : تو کیا آپ کی وساطت سے وزیر انصاف سے یہ پوچھ سکتے ہیں؟

جناب چیئر مین : جی ہاں پوچھیں۔

مولانا کوثر نیازی : کہ وہ اس خطاب کو جو اب چیئر مین صاحب کی روٹنگ کے تحت لازماً یہاں زیر بحث آئے گا، کب تک اس ایوان میں بحث کے لئے پیش کرنے کا ارادہ رکھتے ہیں؟

جناب چیئر مین : جناب اقبال احمد خان صاحب اس کا جواب

آپ دیں۔

جناب اقبال احمد خان : جناب والا! انڈین پارلیمنٹ کی روٹنگ کے مطابق سیکرٹری جنرل صاحب نے ان کا خطاب lay کرنا تھا۔

[Maulana Kausar Niazi]

آپ نے غالباً مجھے یہ حکم دیا ہے کہ یہ میں نے کرنا ہے۔ میں یہ سمجھتا ہوں کہ آپ کی رولنگ کے مطابق کاپی حکومت نے مہیا کرنی ہے۔ میں اس مرحلے پر نہیں گزارش کر سکتا کہ وہ کاپی تیار ہے یا اسے تیار کرنے میں کتنا وقت لگے گا۔ لیکن میں واجب الاحترام دوست حضرت مولانا کوثر نیازی صاحب کی خدمت میں یہ گزارش کروں گا کہ جب کاپیاں مہیا ہوں گی۔ اس کے لئے میں جلدی کر شش کروں گا، اس ایوان میں ہو جائیں گی تو گورنمنٹ نے اس پر بحث شروع نہیں کرنی۔ اس کے لئے آپ کے پاس رولز موجود ہیں، چاہیں تو بحث کیجئے نہ چاہیں تو نہ کیجئے۔ اس میں، میں نے کچھ نہیں کرنا صرف کاپیاں سپلائی کرنی ہیں۔

مولانا کوثر نیازی : یہ بالکل مبہم سا جواب ہے۔ گورنمنٹ پرنٹنگ پریس موجود ہے۔ جو چیز چھاپنی ہوتی ہے۔ اسے چھاپنے میں کوئی دقت نہیں ہوتی، کوئی مشکل نہیں ہے۔ اب وہ بہانہ بسیار کی بات ہے۔ اب اس کا تو کوئی جواب نہیں ہے۔ اگر وہ چاہیں تو اسی سیشن میں یہ زیر بحث لایا جاسکتا ہے۔ اور اگر وہ اس سیشن میں زیر بحث نہیں لانا چاہتے تو فرمائیں۔ اگست میں غالباً اس سینٹ کا اجلاس بلانے کا ان کا ارادہ ہے۔ یہی فرمادیں کہ اگلے سیشن میں زیر بحث آئے گا۔ لیکن یہ تو کوئی بات نہیں ہے کہ کاپیاں میسر نہیں ہیں۔

جناب چیئرمین : آپ نے میری رولنگ بھی سن لی۔ آپ نے اپنا سوال بھی سنایا۔ وزیر محترم کا آپ نے جواب بھی سن لیا باقی جو کچھ ہے..... (مداخلت)

مولانا کوثر نیازی : مفہوم سمجھ میں نہیں آیا۔

جناب چیئرمین : یہی بات تو انہوں نے کہی ہے کہ جلد از جلد
سہجائے گا۔

So, the House is being adjourned to meet again tomorrow
at 6.00 P.M.

[The House adjourned to meet again at six of the clock in the
evening, on Wednesday, July 16, 1986.]

[Faint, illegible text]

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