

SENATE OF PAKISTAN

SENATE DEBATES

Thursday, May 6, 1993.

The Senate of Pakistan met in the Senate Hall (Parliament House) Islamabad, at fifteen minutes after ten of the clock in the morning, with Mr. Chairman (Mr. Wasim Sajjad) in the Chair.

Recitation from the Holy Quran

بسم الله الرحمن الرحيم

الم تر و ان الله سخر لكم ما فى السموات و ما فى الارض
واسخ عليكم نعمه ظاهرتهم باطنه و من الناس من يجادل فى
الله بغير علم ولا هدى ولا كتب منيرة (۱)

ترجمہ: کیا تم نے نہیں دیکھا کہ جو کچھ آسمانوں میں اور جو کچھ زمین میں ہے سب کو خدا
نے تمہارے قابو میں کر دیا ہے اور تم پر اپنی ظاہری اور باطنی نعمتیں پوری کر دی ہیں اور
بعض لوگ ایسے ہیں کہ خدا کے بارے میں جھگڑتے ہیں نہ علم رکھتے ہیں اور نہ ہدایت اور نہ
کتاب روشن۔

(سورۃ لقمان آیت ۲۰)

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کتاب روشن۔

(سورۃ لقمان آیت ۲۰)

Point Of Order Re: Non-Telecasting Of Walkout Against

Cancellation Of Entry passes Of Press Repoters

جناب چیئرمین۔ جناب ذکی الدین پال صاحب۔

جناب ذکی الدین پال۔ جناب والا، وزیر صاحب کے نوٹس میں جو دو صحافی لانے گئے تھے وہ News Agencies کے Reporter تھے۔ جن کو ایوان میں نہیں آنے دیا گیا تھا۔ تو جناب پٹے گئے۔ اس کے بعد فضل آغا صاحب نے کرسی صدارت سنبھالی تھی بطور Acting Chairman کے۔ اس وقت مولانا نیازی صاحب ایوان میں آگئے تھے۔ اس وقت پھر یہ تحریک پیش کی گئی کہ ان کی entry جو ہے وہ کی جائے۔ ان کو ہاؤس میں آنے کی اجازت دی جائے تاکہ وہ باقاعدہ reporting کریں۔ اس بحث میں ' میں نہیں جاتا کہ ان کو کیوں entry allow نہیں کی گئی۔ جواب چونکہ تسلی بخش نہیں تھا with objection of three persons میں ایک تو سینئر تھے۔ نہیں باقی دو تھے اور باقی سب سینئرز نے walk out کیا۔ ٹی وی پر ریڈیو پر میں نے پانچ بجے سے ۹ بجے تک خبریں سنیں ہیں۔ سینٹ کی proceedings نشر کی گئی ہیں لیکن اس بات کا کوئی ذکر نہیں کیا گیا میں خود واک آؤٹ کرنے والوں میں سے تھا۔ یہاں جو سینئرز حضرات بیٹھے ہیں بیشتر وہی ہیں جنہوں نے واک آؤٹ کیا۔ اس طرح سے یہ جو خبر نشر نہیں کی گئی اس سے privilege جو ہے وہ مجروح ہوا ہے۔ میں یہ درخواست کرنا چاہتا ہوں کہ اس کا ازالہ کیا جائے اور اس کے لئے معذرت کی جائے اور یہ خبر باقاعدہ آج نشر کی جائے اور اگر اس کا وعدہ نہیں کیا جاتا تو پھر کم سے کم میں باقاعدہ privilege motion move کروں گا۔

جناب چیئرمین۔ مولانا صاحب غالباً اسی مسئلے کے بارے میں کہہ رہے ہیں۔

مولانا کوثر نیازی۔ جناب والا، میں اسی سلسلے میں پہلے تو کل کے واقعہ کے بارے میں جو گزارشات ہیں وہ پیش کروں گا۔ مجھے پہلے مکمل معلومات نہیں تھیں۔ صورت یہ ہے Press Gallery میں کسی journalist کو آنے سے ban نہیں کیا گیا۔ پی آئی ڈی ہر سیشن شروع ہونے سے پہلے ایک لسٹ بناتی ہے اور وہ لسٹ سینٹ کے سیکریٹریٹ کو پیش کی جاتی ہے۔ وہ لسٹ میرے پاس موجود ہے، آپ دیکھ سکتے ہیں۔ جن 'ڈو ایجنسیوں کا

نام لیا گیا ہے وہ باقاعدہ اس کے اندر شامل ہیں اور جناب والا! کل بھی ان کے دونوں نمائندے پریس گیلری میں موجود تھے۔ یہ صحیح نہیں ہے کہ ان کو یہاں آنے سے روکا گیا ہے۔ مسئلہ واپس آتی ہے، ہم ایجنسیوں کو، اداروں کو اخبارات کو اپنے نمائندے جب دینے کو کہتے ہیں تو وہ ایک دو آدمیوں کی بجائے بعض اوقات پانچ پانچ، سات سات آٹھ آٹھ نام دے دیتے ہیں اور پھر جگہ اتنی کم ہے اور ان سب کے لئے ان کے اندر گنجائش نہیں ہوتی اور پھر سیکورٹی والے بھی اس پر اعتراض کرتے ہیں تو میری یہ تجویز ہے اگر آپ پسند فرمائیں اور احباب اس کی منظوری دیں۔ ہم ایک کمیٹی بنا دیتے ہیں اور یہ جرنلسٹوں کی بھی خواہش ہے کہ غیر متعلقہ لوگ پریس گیلری میں نہ بیٹھیں۔ اسی پریس کے سلسلے میں، میں کمیٹی جو تجویز کرتا ہوں اس میں چیئرمین سینیٹنگ کمیٹی انفارمیشن کے لئے مسٹر فصیح اقبال اور منسٹری آف انفارمیشن کی طرف سے پی آئی او اور پریس گیلری کمیٹی کی طرف سے مسٹر شاہین صہبائی ڈان، مسٹر فاروق اقدس جنگ، اور مسٹر اشرف ہاشمی مسلم، یہ اس کے اندر شامل ہوں اور یہ میٹنگ کر لیں اور دیکھ لیں کہ کون لوگ ہیں جو اس کے اندر آنے چاہتے ہیں۔ اور کون لوگ نہیں آنے چاہتے تاکہ یہ system regularise ہو جائے۔

جناب چیئرمین۔ اور in the meantime جن کو issue کئے گئے ہیں وہ جاری رکھیں گے اور Status quo maintain رہے گا۔

جناب ذکی الدین پال۔ میں نے جو سوال raise کیا ہے۔

جناب چیئرمین۔ اس پر بھی کرتے ہیں مسئلے یہ مسئلہ حل ہو جائے۔

جناب ذکی الدین پال۔ میری گزارش یہ ہے کہ proceedings بغیر کی گئی ہیں

ریڈیو پر، ٹی وی پر۔ It has happened actually۔

جناب چیئرمین۔ اس پر میں آتا ہوں۔ پہلے جو سارے مسئلے کی بنیاد ہے اس کا

فیصلہ ہو جانے کے یہ مناسب ہے۔

خواجہ محمد آصف۔ اس سلسلے میں جو statement مولانا کوثر نیازی نے دی ہے۔ ان

آئی این کے چیف ایڈیٹر کو جس وقت میں نے آپ کی موجودگی میں یہ point raise کیا ہے اس کے بعد دوبارہ جب point raise کیا ہے اس وقت چیئرمین جناب فضل آغا تھے۔ اس دوران ان کو یہ

کارڈ کیسے ٹیریا میں بھیجا گیا اگر ریکارڈ چیک کیا جانے تو کل کی date ہوگی۔ ایک تو یہ بات ہے دوسرا کل کی تاریخ میں چار رپورٹرز کو مسٹر مسعود ساحر یہ 'تکبیر' اور 'بصارت' کے لئے رپورٹنگ کرتے ہیں۔ فاروق فیصل پاکستان کے لئے رپورٹنگ کرتے ہیں۔ سہیل اقبال "پاکستان آئرز" کے لئے رپورٹنگ کرتے ہیں اور فاروق اقدس سیکریٹری پریس پارلیمانی کمیٹی بھی ہیں اور جنگ کے لئے رپورٹنگ بھی کرتے ہیں ان کے وارنٹ اور کمن issue کئے گئے ہیں۔ ایس ایچ اوسی آئی اے اور اے سی نے ان کے دفاتر اور گھروں پر چھاپے مارے ہیں۔ یہ پریس کو جو ہے ہراساں کیا جا رہا ہے اور موجودہ انٹاریشنل سنٹر اس عہد کے وارنٹ میں جس عہد میں پریس آزاد نہیں تھا۔ میری request یہ ہے کہ نئے وقتوں کے ساتھ وہ adjust کر جائیں۔۔۔۔۔

جناب چیئرمین۔ اس میں اب یہ ایک نیا مسئلہ آگیا۔ پہلی چیز تو یہ ہے کہ جو لوگ پریس کی کوریج کرتے ہیں یہاں سینٹ کی گیدی سے ان کے بارے میں یہ جو proposal ہے اس کو منظور کرتے ہیں یہ ٹھیک ہے۔

پروفیسر خورشید احمد۔ کمیٹی میں ایک اپوزیشن سے سینئر بھی ہونا چاہیے۔ حافظ حسین احمد صاحب یا مندوخیل کسی کو بھی رکھ لیں۔

جناب چیئرمین۔ ٹھیک ہے مناسب بات ہے۔

خواجہ محمد آصف۔ وزیر اطلاعات صاحب نے جو نام پریس کی طرف سے دیئے ہیں۔۔۔۔۔

جناب چیئرمین۔ پریس سائیڈ سے غالباً ان کے office bearers ہیں۔ یہ پریس گیدی کمیٹی کے غالباً office bearer ہیں۔ صدر کون ہے؟

مولانا کوثر نیازی۔ یہی تین نام پریس گیدی۔۔۔۔۔

جناب چیئرمین۔ فاروق اقدس جن کا ابھی آپ نے نام لیا ان کا نام بھی اس میں شامل ہے اور میرا خیال ہے شاہین صہبانی بھی پریس گیدی کے کمیٹی کے ممبر ہوں گے لیکن آپ چیک کر لیں اور اپنے پریس کے دوستوں سے پوچھ کر ہمیں بتا دیں۔ تجویز یہ ہے کہ پریس گیدی کمیٹی کے تین حضرات فصیح اقبال صاحب چیئرمین انٹاریشنل کمیٹی ایک پریس انٹاریشن ڈیپارٹمنٹ کا آدمی ایک اس میں اپوزیشن کا آدمی۔ یہ کمیٹی بن جائے۔

طریقہ کار کو دیکھ لے۔ اس اثنا میں پہلے جو ہوتا تھا وہ جاری رہے گا اور یہ کمیٹی اس کو finalize کر کے recommendation ہمیں دے دے ٹھیک ہے۔ آپ ذرا اپنے دوستوں سے چیک بھی کر لیں۔ یہ جو حضرات ہیں جن کے نام مولانا صاحب نے دیئے ہیں کیا یہ واقعی پریس کمیٹی کو represent کرتے ہیں کیونکہ میری جو اطلاع ہے یہ اس کے آفس بیئررز ہیں۔

خواجہ محمد آصف۔ فاروق اقدس۔۔۔۔۔

جناب چیئرمین۔ فاروق اقدس کا نام ہے۔ باضی صاحب کا نام ہے اور شاہین صہبانی صاحب کا نام ہے۔

خواجہ محمد آصف۔ میں بات کر لیتا ہوں If there is any difference of opinion۔۔۔۔۔ we will come to that۔

جناب چیئرمین۔ پھر مجھے بتا دیں۔ اب دوسرا مسئلہ ذکی الدین پال صاحب نے ریز کیا۔ ذکی الدین پال صاحب کہہ رہے ہیں کہ کل جو واک آؤٹ کیا تھا اس کا ٹی وی پر ذکر نہیں آیا۔

جناب ذکی الدین پال۔ سینٹ کی پروسیڈنگز باقاعدہ ٹیلی کاسٹ کی گئی ہیں براڈ کاسٹ کی گئی ہیں۔

جناب چیئرمین۔ اچھا اس میں ذکر نہیں آیا۔ Walk out was part of those proceedings۔ پروسیڈنگز نعر کی جائیں تو اس کا کیوں ذکر نہ ہو۔ یہ جان بوجھ کر اس کو omit کیا گیا ہے۔

جناب چیئرمین۔ آپ خبرنامے کی بات نہیں کر رہے ہیں۔ پارلیمنٹ کی جو پروسیڈنگز ہوتی ہے اس کی بات کر رہے ہیں۔ ہاں یہ تو ٹھیک ہے۔

جناب ذکی الدین پال۔ اس کو rectify کیا جائے۔ باقاعدہ اس کی معذرت کی جائے نہیں تو میں پریوچ موشن پیش کروں گا۔

مولانا کوثر نیازی۔ جناب والا! میں دونوں باتوں پر یہ گزارش کروں گا۔ جہانگیر نی وی اور ریڈیو سے یہ خبر ٹیلی کاسٹ اور براڈ کاسٹ نہ ہونے کا تعلق ہے میں ضرور اس

کا نوٹس لوں گا اور جواب طلبی کروں گا۔۔۔

جناب چیئرمین۔ خبر نامے کی بات نہیں ہے۔

مولانا کوثر نیازی۔ بہر حال جو بھی ہے اسے آنا چاہیے تھا۔ میں اپنے اراکین سے متفق ہوں اور انشاء اللہ آئندہ ایسی بات نہیں ہوگی۔ اور جہاں تک کیسز کا تعلق ہے، میں فاضل ممبر کو جتنا چاہتا ہوں، اس گورنمنٹ کا ان کیسز سے کوئی تعلق نہیں ہے۔ یہ انہی کے عہدہ کا تحفہ ہے۔ پہلے سے یہ کیسز چل رہے ہیں اور انہی کی حکومت کے دوران یہ کیسز بنائے گئے ہیں اور ہم یہ کوشش کر رہے ہیں یہ کیسز رفت گزشت ہوں۔ ہماری گورنمنٹ کے عہد میں نہ یہ کیسز رجسٹرڈ ہونے اور نہ بنائے گئے۔ یہ انہی کے عہد میں بنے ہیں اور عدالتوں میں ہیں۔ اور ظاہر ہے عدالتوں پر ہمارا کوئی کنٹرول نہیں ہے لیکن میں نے پی آئی او کو یہ ہدایت کی ہے جن لوگوں کے درمیان یہ کیسز ہیں ان کو بلا کر کوشش کریں کہ ان کے درمیان مصالحت ہو جانے اور یہ کیسز withdraw کر لئے جائیں۔ لیکن گورنمنٹ کا منسٹری آف انعامیشن کا یا پی آئی ڈی کا اس سے کوئی تعلق نہیں ہے۔

Point Of Order Re: Conversion Of Deposits In To Local Currency.

جناب چیئرمین۔ شکریہ جی ریحان صاحب۔

ڈاکٹر محمد ریحان۔ جناب والا! کل کے روزنامہ "نوائے وقت" میں ایک خبر میری نظر سے گزری جس میں یہ لکھا گیا تھا بنکوں نے کارن آئیجنگ کے کھاتہ داروں کو لیٹر جاری کئے ہیں کہ ان کے جو amount ہیں اس کے اتنے پاکستانی روپے بنتے ہیں تو اس سلسلے میں حکومت سے میں عرض کرنا چاہتا ہوں حکومت وضاحت کرے کیونکہ اس خبر سے کافی اضطراب اور تشویش پائی جاتی ہے۔

جناب چیئرمین۔ وضاحت آگئی ہے۔ لیکن It is a point which is important

May be you would like to respond to this

سرمد فاروق احمد خان لغاری۔ جناب چیئرمین! میں ڈاکٹر صاحب کا مشکور ہوں کہ

انہوں نے یہ مسئلہ اٹھایا - یہ بڑی قیمتی بات ہے اور افسوسناک روش ہے کہ اخبار میں کوئی رپورٹر اپنے نام پر یا تجربے کی بنیاد پر یا کسی اطلاع کی بنیاد پر جو انفارمیشن قطعی طور پر غلط اور بے بنیاد ہے اس کے اوپر وہ اتنی بڑی سرخی لگا دیتے ہیں جس سے ملک کی جو situation ہے - ہمارے balance of payments ہیں - ہمارے اوپر جو لوگوں کا اعتماد ہے بئنک سسٹم کے اوپر - وہ خطرے میں پڑ جاتا ہے - کل کی "نوائے وقت" کی جو خبر ہے یہ من گھڑت تھی - بے بنیاد تھی اور فوری طور پر جیسے ہی یہ اخبار سامنے آیا تو سنٹ بئنک آف پاکستان نے اس کی تردید کردی -

میں یہ بات یہاں معزز ایوان سینٹ میں کہنا چاہتا ہوں اور میں تمام اخبارات کو بھی اپیل کروں گا کہ وہ اس معاملے میں جہاں ہمارے فارن ایجنٹ ریزوز کے اوپر ایک دباؤ پڑ سکتا ہے جہاں پورے بئنک سسٹم کے اوپر ایک غلط دباؤ پڑ سکتا ہے - جس سے ہماری پوری معیشت کا نظام تہ و بالا ہو سکتا ہے - اس قسم کی خبروں کو ان کے جو ایڈیٹرز ہیں وہ سوچ سمجھ کر اور پہلے بات کو پکا کر کے کیا کریں - ہم سے پوچھ لیتے اگر ہم نے کوئی ایسی ہدایت دی ہوتی یا contemplate کر رہے ہوتے تو ہم ان ایڈیٹرز کو ضرور بتا دیتے -

تو میری گزارش ہے آپ کے توسط سے ان کو request کرنے کے لئے اور ہاؤس کے ذریعے کہ آئندہ ان معاملات میں ذرا احتیاط کریں - اور اس کو حکومت کے خلاف یا کسی لابی کی خاطر اس کو ایک instrument اور ٹول نہ بنائیں - شکریہ -

جناب ذکی الدین پال - جناب وزیر خزانہ صاحب بتائیں کہ مختلف بینکوں میں یہاں اور باہر کے لوگوں نے فارن ایجنٹ اکاؤنٹس جو کھولے تھے کروڑوں ڈالر کے حساب سے ان میں سے اب تک اس حکومت کی تبدیلی سے اب تک کتنے کروڑ ڈالر ہٹائے جا چکے ہیں -

جناب چیئرمین - بہر حال وہ تو آپ سوال پوچھیں لیکن پالیسی سٹینٹ یہی ہے کہ خبر جو نکلی تھی وہ غلط ہے - حکومت نے کوئی ایسا اقدام نہیں کیا ہے اور میرا خیال ہے بروقت انہوں نے اس کی تردید کردی ہے کیونکہ یہ بہت اہم معاملہ تھا -

جناب ذکی الدین پال - جناب بہر حال یہ میرا اہم سوال ہے اس کا جواب آنا

چاہیے -

جناب چیئرمین۔ اس کے لئے آپ باقاعدہ سوال دیں جواب آجائے گا۔ جی جناب مندوخیل صاحب۔

جناب صوبیدار خان مندوخیل۔ جناب وزیر صاحب نے تردید کی ہے اور اخباری رپورٹ غلط ہے لیکن جناب ایک شخص تو مجھے معلوم ہے کہ ایک ہفتہ پہلے اس نے مجھے بتایا کہ اس نے تقریباً پونے دو لاکھ ڈالر امریکہ بھیجے اور تقریباً پچاس ہزار پونڈ ہم نے انگلینڈ بھیجے۔ یہ میں ایک آدمی کی بات کر رہا ہوں۔

جناب چیئرمین۔ اس سے کہیں ناں کہ وہاں لے لے اب۔

جناب صوبیدار خان مندوخیل۔ وہ نہیں آتا معیشت جو خراب ہے۔

جناب چیئرمین۔ صحیح خبر دے دیں۔ اس کو کہیں وہاں آجائے۔ جی لغاری صاحب۔

سردار فاروق احمد خان لغاری۔ جناب اگر کوئی اپنے پیسے باہر بھیجنا چاہتا ہے تو ہم نے کوئی رکاوٹ نہیں ڈالی اور نہ ہمارا ارادہ ہے کہ ان accounts کے اوپر ہم کسی قسم کی رکاوٹ ڈالیں۔ اگر کوئی شخص جس کا ذاتی فارن ایکسچینٹ اکاؤنٹ ہے اس کو قانون کے تحت اجازت ہے کہ وہ باہر بھیجے۔ اس کو ابھی بھی اجازت ہے اور قطعاً ہم کوئی یہ contemplate نہیں کر رہے کہ ہم اس کے اوپر کسی قسم کی پابندی لگائیں نہ ہی ہم نے یہ consider کیا ہے یا contemplate کیا ہے کہ ڈالرز یا فارن کرنسی اکاؤنٹس کی convertability rupees اس کے اوپر کوئی ممانعت کا نہ ارادہ ہے اور نہ ہی کوئی زیر غور ہے۔

جناب چیئرمین۔ شکریہ جی اب وقتہ سوالات جی۔۔۔۔۔

جناب صوبیدار خان مندوخیل۔ جناب یہ غیر مستحکم حکومت ہے اور غیر آئینی حکومت ہے۔ اور لوگ ڈر رہے ہیں کہ ان کے پیسے کا کوئی مستقبل نہیں ہے اور شرطیہ میں آپ کو کہتا ہوں کہ پانچ ڈالر کا چیک آپ بنک میں دے دیں تو بنک میں پانچ ڈالر نہیں ہیں۔۔۔۔۔ یہ ہماری معیشت کا کیا ہوگا۔ غیر مستحکم حکومت ہے۔۔۔ اس لئے لوگ اپنا پیسہ غیر محفوظ سمجھ رہے ہیں۔۔۔۔۔

جناب چیئرمین۔ اچھا میں اس مسئلے پہ بحث نہیں چاہتا۔

جناب صوبیدار خان مندوخیل۔ جناب میں تو لوگوں کو احساس دلارہا ہوں۔

جناب چیئرمین۔ اس پر علحدہ بحث کرلیں گے ناں جی۔ جناب خواجہ آصف صاحب۔

خواجہ محمد آصف۔ جناب چیئرمین! جناب وزیر خزانہ صاحب نے فرمایا ہے کہ ڈالر

کی پاکستانی کرنسی میں convertability پہ کوئی ممانعت نہیں ہے 'issue یہ نہیں ہے۔ 'issue یہ ہے کہ کل کے اخبارات میں آیا تھا کہ اب سے اکاؤنٹ سے ڈالر نہیں نکالے جاسکیں گے بلکہ لوکل کرنسی ملے گی۔

جناب چیئرمین۔ وہ انہوں نے تردید کی ہے ناں۔

خواجہ محمد آصف۔ یہ بالکل اب برعکس بات کر رہے ہیں۔ ابھی جو انہوں نے بات

کی ہے کہ ممانعت تبدیل کرنے میں نہیں ہے جبکہ اسی پہ تو لوگوں کو اعتراض ہے کہ ڈالر کے ڈالر بننے پائیں 'cash بھی اور remittance بھی ڈالر کے ڈالر ہونے پائیں۔

or whatever currency is required by the account holder.

Mr. Chairman: But this is what the honourable Minister is saying.

کہ جی سی سی پالیسی ہے وہی ملے گا کوئی change نہیں آئی لیکن دوبارہ ان سے پوچھ لیتے ہیں۔ جی لغاری صاحب۔

Sardar Farooq Ahmed Khan Leghari: Sir, I would like to

clarify this time in English that there is no change in the policy whatsoever, (1) that this news item that has appeared in the press is malicious, has been put up, I am afraid, by people who are deliberately out to harm the country and the country's interests and there is no question of people feeling uneasy or panic on account of any difficulties with the policies of this government. Because our policies have been very clearly spelt out on the day after the induction of the new cabinet and have been repeated time and again and the criticism of Senator Mandokhel that because it is (unstable) etc, I am afraid, does not hold true because an election is

contemplated. We are determined to hold the elections on the 14th of July. There have been no major deviations from the economic policy of free market oriented thrust of the government. I don't know what he is talking about but I can certainly say that there are elements in this country who had created big bank deposits out of their dealings in the blackmarket and those people might be attempting to do this.

Mr. Chairman, I think what is important is that you are saying

کہ یہ جو خبر ہے ڈالر کے پیسے ڈالر میں ملیں گے اگر باہر ڈالر بھیجنے ہیں تو ڈالر ہی جائیں گے۔ یہ آپ نے وضاحت کر دی ہے۔

and I think that is the end of the matter. Now, we go to question hour-- question

*No. 45, Abdullah Shah Sahib.

QUESTIONS AND ANSWERS

45. *Syed Abdullah Shah: Will the Minister Incharge of the Cabinet Division be pleased to state:

- (a) the total number of plots falling under the category of "Abandoned Property" in Islamabad;
- (b) the number of claims filed against such plots indicating also the names of the claimants and sector-wise details of these plots; and
- (c) the number of such plots lying open, unallotted or undisposed of so far and the time by which this property will be disposed of?

Mian Khurshid Mahmood Kasuri: The requisite information is being collected and will be furnished as soon as possible.

Syed Abdullah Shah: Sir, there is no answer.

جناب چیئرمین - کوئی جواب نہیں - جی خورشید محمود قصوری صاحب یہ جواب نہیں اس

کا آیا۔

میاں خورشید محمود قصوری - جناب والا ! پورا جواب تو نہیں ہے لیکن ابھی تک

جو اطلاعات ہیں وہ میں فراہم کر دیتا ہوں - جناب 383 کے قریب پلاٹ تھے اس سلسلے میں 60

گھر تھے دس دکانیں تھیں اور جو انہوں نے آگے سوال پوچھا ہے اس میں یہ ہے کہ 295

جو ہیں وہ Abandoned Property Board کو دے دیئے گئے تھے جو انہوں نے لوگوں کو

دے دیئے ہیں - اس میں اطلاعات کتنی کی جا رہی ہیں - صرف ٹیبلیشن کی ہے - انشاء اللہ

بہت جلد مہیا کر دی جائیں گی۔

جناب چیئرمین - جی سید عبداللہ شاہ صاحب -

Syed Abdullah Shah: Sir, then the question may be deferred when

we get the complete answer, only then I will be able to put my supplementary.

جناب چیئرمین - جی ڈیفر کر دیں جی۔ اگلا سوال نمبر ۴۶۔

46. * Syed Abdullah Shah: Will the Minister Incharge of the Cabinet

Division be pleased to state:

(a) the criterion adopted for the allotment of Agro-farming/P&V plots in Islamabad; and

(b) the total number of above kind of land allotted so far together with the details of the allottees and their candidatures indicating also the number of such plots which were allotted in relaxation of rules?

Mian Khurshid Mahmood Kasuri: (a) Allotment of plots were

made on the following criteria:

(i) General interest.

(ii) Financial resources.

- (iii) Expertise.
- (iv) Technical know-how in the related field.
- (v) Agriculture background.
- (vi) feasibility study.
- (vii) Machinery etc.
- (b) A list showing the details of 324 persons who were allotted plots in P&V, Poultry & Vegetable Scheme in Islamabad is enclosed. No plot was allotted in relaxation of rules.

(List has been placed in the Senate Library)

Mr. Chairman: Any Supplementary?

Syed Abdullah Shah: Sir, my supplementary is, who decides about the qualifications of the persons who can be entitled for the allotment of the plots because the categories as mentioned here are general interest, financial resources, expertise, technical know how in the related field and agriculture background. So, who judges the applicants whether the person has got qualification for the allotment of the plot.

میاں خورشید محمود قصوری - جناب والا! 1988ء سے پہلے جو پالیسی تھی، فاضل ممبر صحیح فرما رہے ہیں اس میں یہ پس منظر وغیرہ دیکھا جاتا تھا لیکن 88ء کے بعد تو پالیسی بالکل بدل گئی ہے۔ اب یہ ہے کہ 45 فیصد اوپن آکشن سے ہوتے ہیں 50 فیصد متاثرین کو دینے جاتے ہیں جن کی ایک سو کٹال سے زیادہ زمین تھی اور اس سے پہلے یہ تھا کہ 5 فیصد صوابدیدی کوٹہ تھا جو اب اڑا دیا گیا ہے اس لئے اب favourtism کا کوئی chance ہی نہیں رہا اس سارے معاملے میں۔

Syed Abdullah Shah: Sir, when this policy was invoked which has been stated here then who was the person who used to decide? That is my

question, Sir. Now, we see there is change in the policy that it is being auctioned then this and that but when the policy was to allot these plots to persons having certain qualifications, who was the authority to decide about their qualifications. That is my question.

میاں خورشید محمود قصوری۔ جناب والا! جو اس سے پہلے کی پالیسی تھی اس کے بارے میں یہی فاضل ممبر کو میں کہوں گا کہ اس کے بارے میں میں پتہ کر لیتا ہوں اور آپ کو فراہم کر دوں گا لیکن naturally یہ سی ڈی اے کا کوئی اپنا criteria تھا جس کے اندر اس میں مختلف criteria lay down کیا ہوا تھا جو اس میں آپ کو بتایا گیا ہے financial background feasibility یہ ہم پتہ کر کے فاضل ممبر کو بتا دیں گے۔

Syed Abdullah Shah: Sir, my second question will be that whether there is any limit for allotting this land because in some cases two acres are given and in other cases 22 and 30 acres are given, whether it is also left to the discretion of allotting authority or are there any rules which control these allotments?

جناب چیئرمین۔ جی جناب خورشید قصوری صاحب۔

میاں خورشید محمود قصوری۔ جناب موجودہ پالیسی تو اب بالکل ہی clear ہو گئی ہے۔

جناب چیئرمین۔ وہ کیا ہے؟

Syed Abdullah Shah: Sir. I am not talking in air I have been given some information and I am putting my question on the basis of the answer that is given to me.

جناب چیئرمین۔ آپ کس پالیسی کی بات کر رہے ہیں بدلتی کی یا اب کی بات کر

رہے ہیں۔

Syed Abdullah Shah: Sir, the answer which has been provided to me shows that in certain cases people have been given two acres in other cases 22

acres. Sir, I wanted to know whether there is any rule restricting the allotment.

جناب چیئرمین۔ آج کی بات کر رہے ہیں یا پہلے کی بات کر رہے ہیں۔

سید عبداللہ شاہ۔ یہ جو جواب مجھے ملا ہے اس میں لکھا ہوا ہے۔ کہیں پر دو ایکڑ ہے۔

You want to know the policy today جو پوچھا ہے آپ نے سوال or the policy two years ago, one year ago

-policy today? کا آپ کیا ہے سوال یعنی

Syed Abdullah Shah: Sir, I am saying whatever the policy was

invogue

Mr. Chairman: When?

Syed Abdullah Shah: When these allotments were made.

Mr. Chairman: Which allotments?

Syed Abdullah Shah: Which are given to me . Because I don't

have the dates.

جناب چیئرمین۔ نہیں allotments تو مختلف تاریخوں میں ہوتی رہتی ہیں۔ کوئی چار

سال پہلے ہوئی ہوگی کوئی دو سال پہلے ہوئی ہوگی۔

سید عبداللہ شاہ۔ مجھے تو کچھ پتہ نہیں ہے میں نے کہا جس۔۔۔

جناب چیئرمین۔ چلیں آپ آج کی پالیسی بتا دیں کہ آج جو پالیسی ہے آپ کی

اس کے مطابق کوئی criteria ہے جی کہ اتنے کنال دیتا ہے یا free for all ہے کہ جتنی مرضی ہے دے دیں۔

میاں خورشید محمود قصوری۔ آج کی جو پالیسی ہے وہ تو یہ ہے۔ میں کاغذ ممبر

کا مطلب سمجھ گیا ہوں۔ اس کے بارے میں میں ضرور ان کو اطلاع فراہم کروں گا اور پرانی

پالیسی سے although I was not member of جس وقت یہ کام ہوا تھا اس وقت منسٹر

نہیں تھا لیکن میں نے اپنے منگے سے پوری بات کی ہے۔ انہوں نے مجھے بتایا ہے کہ آج

favouritism کا کوئی مسئلہ نہیں ہے۔ جو بھی different schemes کے پلاٹ ہوتے ہیں ان کا 45 فیصد auction ہو جاتا ہے۔

جناب چیئرمین۔ نہیں ان کا یہ سوال نہیں ہے۔ سوال ان کا یہ ہے کہ جب آپ یہ agro farming کے پلاٹ دیتے ہیں اس کا جو ایریا ہوتا ہے اس پر کوئی restriction ہے یا کبھی آٹھ کنال ملے گا۔ کبھی بارہ ملے گا یا پندرہ ملے گا یا جو مرضی ہے اتھارٹی ہے۔

میاں خورشید محمود قصوری۔ نہیں جناب! اس سلسلے میں اطلاع محکمے سے لے کر آپ کو فراہم کر دوں گا۔ شکریہ۔

جناب چیئرمین۔ محکمے سے اطلاع لے کر دیں گے۔

Syed Abdullah Shah: Sir, third question will be. They have stated the qualification of the persons who can be given this sort of a plot for this scheme. But I find one name Mr. S. K. Mahmood, who is the Secretary of Federal Government. How he can be termed as an agriculturist of having financial resources, I don't understand, on what ground this one gentleman was given the plot? This is on page No. 153.

میاں خورشید محمود قصوری۔ ٹھیک ہے جناب۔ یہ جو ہے ناں ماضی کے بارے میں یہ بوجھ رہے ہیں یہ بھی پتہ کر لیں گے۔ کیونکہ اس وقت جو criteria lay down کیا گیا تھا وہ اس کے حساب سے کوالیفائی ہوں گے اگر کوئی سنرل گورنمنٹ کا سیکریٹری ہے تو ہو سکتا ہے وہ اس کیئرنگ میں کوالیفائی کر جائے۔ بہر صورت یہ ہم پتہ کر کے آپ کو بتا دیں گے۔

Syed Abdullah Shah: The last supplementary, Chairman Sahib.

جناب چیئرمین۔ جی last supplementary

سید عبداللہ شاہ۔ سر یہ last ہے کہ

There is one fellow who was allotted the plot and the allotment was however cancelled. I would like to know the reasons for allotment and subsequent

cancellation.

جناب چیئر مین۔ کون ہیں جی یہ؟

سید عبد اللہ شاہ۔ نام اس میں یہ ہے۔ پوہری رمت علی، سیٹلائٹ ٹاؤن راولپنڈی۔

جناب چیئر مین۔ جی پوہری رمت علی صاحب کو دے کر واپس لیا ہے، اس کی

کیا وجہ ہے۔ یہ لسٹ ذرا مجھے بھی دکھائیں گے کیا ہے؟

سید عبد اللہ شاہ۔ یہ ساری لسٹ آپ دکھیں۔

میں خورشید محمود قصوری۔ یہ کوئی ۳۲۱ آدمیوں کی لسٹ ہے۔

جناب چیئر مین۔ جی رمت علی صاحب کو وہ کہتے ہیں کہ کس نمبر پر ہیں جی؟ صفحہ نمبر؟

سید عبد اللہ شاہ۔ یہ unstared question میں یہی repeat کیا گیا ہے۔

جناب چیئر مین۔ نہیں صفحہ نمبر کیا ہے جس میں رمت علی صاحب کا نام ہے؟ صفحہ ۲ پر۔

(کچھ توقف کے بعد)

سید عبد اللہ شاہ۔ ایک بو میں نے ابھی عرض کیا کہ unstared question میں یہی

جواب ہے کہ رمت علی صاحب ہیں ان کو الاٹمنٹ کی گئی تھی مگر وہ cancel ہوگئی۔ میرا

پوچھنا یہ ہے کہ الاٹمنٹ کس بنیاد پر کی اور پھر کینسل کس بنیاد پر آپ نے کی۔

میں خورشید محمود قصوری۔ عام طور پر ہو ہوتی ہے وہ تو اس بنیاد پر ہوتی ہے۔

میں اس نے بارے میں عرض نہیں کر رہا۔ مٹھا کوئی requirements پوری نہ کرے لاس ایک

خاص ٹائم دیا جاتا ہے اس پر نہ کرے۔ لیکن آپ نے چونکہ ایک specific سوال پوچھا ہے۔

اس کا جواب فراہم کر دیں گے۔

جناب چیئر مین۔ اچھا جی جناب بہرہ ور سید صاحب ضمنی سوال۔

اخواترزاہہ بہرہ ور سید۔ کیا یہ سی ڈی اے کی مرضی ہے کہ جب چاہے اس کو

auction کرے، جب چاہے اس کو الاٹ کرے، جب چاہے اس کو تحتہ کسی کو دے

دے۔ یہ change کرتے ہیں یہ کیوں ایسا ہوا؟

جناب چیئرمین - جی -

میاں خورشید محمود قصوری - جناب یہ سی ڈی اسے کی پالیسی جو ہے ؟ اول تو یہ بنی تھی جب انہی کی سرکاری - بہورت جو اس وقت پوزیشن ہے وہ یوں ہے کہ ۸۸ کے بعد ایسی کوئی پوزیشن نہیں ہے پالیسی میں اور اسے میں نے پہلے عرض کر دیا ہے کہ کیا اب موجودہ پالیسی ہے - اس میں آکشن کا بھی ہے (50 فیصد متاثرین کا ہے اور 5 فیصد جو کوئی تھا discretionary ختم کر دیا گیا ہے -

جناب چیئرمین - شکریہ جی

اخونزادہ بہرہ ور سعید - جناب والا -

جناب چیئرمین - جی جناب آخری سوال -

اخونزادہ بہرہ ور سعید - جناب والا یہ جو پالیسی ہے جس کا میں ذکر کر رہا ہوں جس وقت سے ہو رہا ہے یہ تو ان کے والد صاحب بزرگوار جب وزیر تھے اس وقت یہ پالیسی ہو رہی تھی -

جناب چیئرمین - نہیں جی وہ تو بہت -

میاں خورشید محمود قصوری - میرے والد بزرگوار جب وزیر تھے - کیونکہ والد کا نام ہوا ہے - وہ اس تاریخ میں کم وزیر تھے ہو کہ وزارت کو بہت جلدی چھوڑ گئے تھے matter of principle پر اور نہ ہی یہ ان کا محکمہ تھا -

اخونزادہ بہرہ ور سعید - میں کہتا ہوں اس period کا -

جناب چیئرمین - بہر حال وہ بہت پرانا پیرید ہے -

میاں خورشید محمود قصوری - وہ بہت پرانا پیرید ہے -

اخونزادہ بہرہ ور سعید - اسی کی پالیسی تھی -

میاں خورشید محمود قصوری - ان بیسے بہت کہ وزیر اور سیاستدان ہیں اس ملک میں -

جناب چیئرمین - Next question جی - اب کافی ہو گیا ہے اس پر - حافظ صاحب آپ

فرمائیں - جی حافظ حسین احمد صاحب -

حافظ حسین احمد - جناب چیئرمین قصوری صاحب فرما رہے ہیں کہ پرانی پالیسی ختم کر دی گئی ہے۔ نئی پالیسی نہیں بنائی گئی۔ اب کیا کر رہے ہیں۔

جناب چیئرمین - اب نئی پالیسی کے تحت کیا ہے جی۔ اب آکشن کرتے ہیں کیا کرتے ہیں۔

میاں خورشید محمود قصوری - جو نئی پالیسی ہے اس میں 'میں آپ کی وسالت سے مولانا کی خدمت میں' عرض کروں گا۔ وہ یہ ہے کہ 45 فیصد آکشن ہے۔ 50 فیصد متاثرین وہ جن سے زمین لی گئی تھی 100 کنال سے زیادہ اور discretionary quota ختم ہو گیا ہے۔

جناب چیئرمین - اچھا جی جناب مندوخیل صاحب۔

جناب صوبیدار خان مندوخیل - پرائم منسٹر نے اپنا صوابدہ یہی کوئٹہ ختم کر دیا تھا کہ پرائم منسٹر کوئی بھی پلاٹ الٹ نہیں کر سکتا ہے۔ نہ کسی ایم این اے نہ کسی شخص کو۔ یہ ہمیں بتائیں کہ ابھی جو پلاٹ 40 فیصد یا 50 فیصد دیئے ہوئے ہیں۔ وزیر اعظم نے اپنے لئے کچھ پلاٹ رکھے ہوئے ہیں تاکہ سیاسی طور پر دیئے جائیں یا نہیں رکھے۔ کیونکہ پچھلے پرائم منسٹر صاحب نے اپنے کوئٹے میں یہ پلاٹ ختم کر دیئے تھے۔

جناب چیئرمین - جی۔ کیوں جناب وزیر اعظم صاحب نے اپنے لئے کوئٹے میں کوئی رکھے ہوئے ہیں یا نہیں۔

میاں خورشید محمود قصوری - جی ہاں ہمیں تو یہی بتایا گیا ہے کہ 5 فیصد جو کوئٹہ تھا وہ ختم کر دیا گیا ہے۔ اس کے بارے میں مزید اطلاعات مل جائیں گی۔ یہ بھی اگر پوچھیں گے تو بتا دیں گے کہ کون کون سے ممبران کو پلاٹ الٹ ہوئے ہیں۔ ہمیں تو کوئی اعتراض نہیں۔ کم از کم ہم لوگ جو یہاں بیٹھے ہیں ان کو کوئی پلاٹ الٹ نہیں ہوا۔

جناب چیئرمین - شکریہ جی میر عبدالحبار صاحب۔

میر عبدالحبار - شکریہ جناب! میں نہایت ادب سے تمام ممبر حضرات کی خدمت میں گزارش کروں گا کہ ہم سب نے متفقہ طور پر یہ فیصلہ کیا تھا کہ کسی سوال پر تین ضمنی سوالات سے زیادہ نہیں کئے جائیں گے۔ جناب والا ہم یہ ذاتیات پر آگئے ہیں۔ میں سمجھتا ہوں کہ یہ

ہمارے وقت کا ضیاع ہے۔ ہمارے سوالات آگے پڑے ہوئے ہیں مہربانی کر کے آگے چلیں۔
 جناب چیئر مین۔ بالکل صحیح ہے۔ ہم آگے چلتے ہیں۔ اگلا سوال ہے سید فصیح اقبال
 صاحب کا سوال نمبر 47۔

47. *Syed Faseih Iqbal(on his behalf): Will the Minister Incharge of the Cabinet Division be pleased to state:

(a) the total number of plots cancelled so far in wholesale fruit and vegetable Market in Sector I-11/4, Islamabad, indicating also the names of allottees and the reasons of cancellation in each case;

(b) whether the Show Cause Notice etc. were issued to the allottees at the time of cancellation of these plots, if not, its reasons;

(c) whether it is a fact that some allottees had already accepted the offer of allotment and also deposited premium for these plots with CDA before cancellation;

(d) whether this premium has not been returned to the allottees, if so, its reasons;

(e) whether there is any proposal under consideration of the Government to allot the plots to these affected persons; and

(f) whether it is also a fact that some applicants were allotted more than one plot in violation of the policy, if so, its reasons?

Mian Khurshid Mahmood Kasuri: (a) Three plots bearing Nos. 254, 24-D, and 46-D situated in I-11/4 (Fruit and /Vegetable Market) Islamabad have cancelled so far. The names of the allottees and reasons for cancellation are given at Annexure "A".

(b) Yes, allottees were served with Show Cause Notices, as per

details given at Annexure "A".

(c) Yes. However, allottees of plots 254 and 24-D did not make full payment of the premium.

(d) As per lease agreement the Authority is competent to cancel the allotment, in case of breach of any condition thereof, and forfeit any amount paid by the allottee. As per broad terms and conditions for allotment of plots in F&V Market I-11/4, the Authority shall forfeit 10% of the total premium alongwith AGR (Annual Ground Rent) and delayed charges. None of the allottees has come up with Pre-dated receipt for refund cheque of the payable amount so far.

(e) No.

(f) Yes. It is a fact that more than one plot stands allotted in the name of one persons/firm in certain cases in Fruit and Vegetable Market, Sector I-11/4, Islamabad. But it was not in violation of the policy as Industry/Trading plots are free from the condition that only one plot can be allotted to one person in Islamabad which is applicable to the residential plots only.

During 1980 the General Attorney/Convener of Wholesale Fruit & Vegetable Market recommended more than one plot to one person/firm according to their scale of business in various case and allotment was made accordingly. Certain plots were also auctioned during 1980.

From 1980 onward all the plots are disposed of through open auction. One person can bid/purchase more than one trading plot under the prevailing policy.

1. PLOT NO. 254, SECTOR I-II/4

This plot was allotted to Mr. Abdul Karim S/o Ch. Mehraj Din on 21-7-1985. Possession of the plot was handed over to the allottee on 22-10-1985. The allottee was required to complete the construction on the plot within 2 years from the date of allotment, but he failed to complete the building within the stipulated period. He was allowed extension in construction period upto 28-2-1991 with extension surcharges. The plot was found un-built and the allottee was served with show cause notice on 31-3-1991 to complete the building upto 15-4-1991, with clear directions that the allotment of the plot, in case of failure in construction, will be cancelled/ withdrawn and possession resumed entirely at his risk and cost.

The allottee was again served with another show cause notice on 18-9-1991 to complete the building, the allottee failed to construct the building contravention of terms and conditions of allotment. The allotment of the plot was cancelled/withdrawn on 13-1-1992. He also defaulted in paying balance premium of Rs. 1,666/67 out of the total premium of Rs.13,333/33.

2. PLOT NO. 24-D, I-II/4

The plot was allotted to Mr. Muhammad Aslam and Muhammad Akram Sons of Hashmat Ali on 22-5-1980 through open auction. Due to failure in remitting the balance premium of Rs. 54,250/- out of the total premium of Rs. 1,50,000/- the plot was cancelled on 8-3-1990 after observing codal formalities and issue of show cause notice. The plot was restored on 31-1-1991 under a general policy and the allottee was required to arrange the outstanding dues and complete the building upto 28-2-1991. The allotted was again served with a show cause notice on 28-9-1991 to complete the construction, but he failed to do so. The

allotment was cancelled/withdrawn on 1-3-1992 due to failure in constructing the building within allowed period.

3 PLOT NO46-D, I-11/4

This plot was allotted to Mr. Abdul Rehman Essa Bhai on 2-7-1980. The allottee was required to complete the building within 2 years from the date of allotment, but he failed to complete the building. He was served with the show cause notice on 22-2-1987 with the directions to complete the construction immediately. He was allowed extension in construction period upto 10-8-1988 but he could not complete the building. He was served with show cause notice on 28-3-1991 to complete the building, but he failed to do so. The allotment was, as such, withdrawn/cancelled on 9-7-1991.

سید عبداللہ شاہ - ضمنی سوال جناب -

جناب چیئرمین - جی فرمائیے -

Syed Abdullah Shah: I would like know only one thing. Whether this policy or these conditions have been observed in the case of all the allottees or only these three persons are an exception?

Mr. Chairman: What has been observed the procedure?

Syed Abdullah Shah: You have to complete construction within certain period and he did not do it. He was given show cause.....

جناب چیئرمین - جی وہ فرما رہے ہیں کہ یہ criteria صرف انہی کے لئے ہے یا

generally آپ نے observe کیا ہے -

میاں خورشید محمود قصوری - جی ہاں ابھی یہ بتایا ہے جو information ہے کہ

صرف ان کے لئے کیا ہے کیونکہ انہوں نے specified time period نہیں کیا تھا اور

normally اس میں جو پالیسی ہے وہ یہ ہے کہ they are entitled under the law کہ وہ جو پرستیم ہوتا ہے وہ پورا ضبط کر سکتے ہیں۔ In fact جو پالیسی ہے وہ liberal ہے۔

جناب چیئرمین۔ نہیں ان کا سوال یہ ہے 'سوال سن لیں۔ سوال ان کا یہ ہے کہ کسی اور نے بھی اگر یہی violation کی ہے تو اس کا بھی کینسل کیا ہے یا صرف انہی کا کیا ہے۔
میاں خورشید محمود قصوری۔ جی انہی کا کیا ہے۔

جناب چیئرمین۔ اور لوگوں کا نہیں کیا؟

میاں خورشید محمود قصوری۔ جی میری اطلاع ایسی نہیں ہے۔ لیکن اگر ہوا ہے۔۔۔۔۔

جناب چیئرمین۔ جی وہ کہتے ہیں اوروں کا نہیں کیا صرف انہی کا کیا ہے۔

سید عبد اللہ شاہ۔ اگر ہم کوئی ایسی اطلاع منسٹر صاحب کو فراہم کریں کہ یہ رولز کسی اور شخص یا شخصیات کے بارے میں observe نہیں کئے گئے ہیں۔

جناب چیئرمین۔ جی وہ کہتے ہیں اگر یہ criteria کسی اور پر apply کرتا ہے۔ انہوں نے یہی conditions violate کی ہیں اس کی اطلاع آپ کو دی جائے تو آپ اس کو بھی کینسل کر دیں گے۔

میاں خورشید محمود قصوری۔ جناب اس پر ہم پورا ایکشن لیں گے۔ جو مناسب ہو گا۔

Syed Abdullah Shah: Simple question would be cancel those plots.

جناب چیئرمین۔ جی جناب پروفیسر خورشید احمد صاحب۔

پروفیسر خورشید احمد۔ میرے خیال میں اس معاملے میں ایک criteria ہونا چاہیے۔ یہ بات کہ سینئرز یا دوسرے افراد رپورٹ کریں کہ صحیح نہیں ہے۔ جس طرح آپ نے تین پر کیا ہے۔ سارے الاٹمنس دکھیں۔ آیا فی الحقیقت payments ہوتی ہیں یا نہیں ہوتیں۔ جن کی نہیں ہوتی ہیں ان کو ایک وقت دیکھیں اور کینسل کچھینے۔ یہ صحیح نہیں ہے کہ تین کا آپ کر دیں باقی کے لئے آپ کہیں کہ کوئی point out کرے تب ہم کریں گے۔ پالیسی ایک ہونی چاہیے۔

میاں غورشید محمود قصوری - پروفیسر صاحب صحیح فرما رہے ہیں اس 100 فیصد میں agree کرتا ہوں کہ پالیسی ایک ہونی چاہیے۔ ابھی تک جو تھی وہ تو یہ ہے ٹھکے نے جو بتایا ہے اور میرا خیال ہے ان کی صحیح اطلاعات ہیں جو مجھے فراہم کی گئی ہیں کہ انہوں نے کافی relaxation برقی ہے۔ کئی لوگوں کو 80 فیصد میں پلاٹ الاٹ ہوئے ہیں۔ ان کو extension دی گئی ہے اور 1991ء میں کچھ پلاٹ کی cancellation ہوئی ہے لیکن جو وہ پالیسی فرما رہے ہیں یہ میں ٹھکے کو بھی کہوں گا کہ وہ نوٹ کرے اور بالکل وہ صحیح ہے کہ اس میں کوئی discrimination نہیں ہونی چاہیے۔

جناب چیئر مین۔ اگلا سوال نمبر 48 ادا کر محمد رحمان صاحب۔

48. *Dr. Muhammad Rehan: Will the Minister for Finance and Economic Affairs be pleased to state:

- (a) whether it is a fact that the Wafaqi Mohtasib in his findings dated 29-10-1992 had recommended that discrimination in the grant of 20% Secretariat Allowance to the employees working in the Federal Secretariat should be removed; and
- (b) the action taken by the government to implement the said recommendations of Wafaqi Mohtasib?

Sardar Farooq Ahmed Khan Leghari: (a) Yes, the Wafaqi Mohtasib in his findings dated 29-10-1992 had recommended that discrimination in the grant of 20% Secretariat Allowance to the employees working in the Federal Secretariat should be removed.

- (b) A Summary was prepared, taking also into consideration, the recommendations made by the Wafaqi Mohtasib and was submitted to the Cabinet for its approval. However, it could not be considered by the Cabinet and in the meantime the National Assembly was dissolved. It

will now be submitted to the Cabinet afresh in due course

Dr. Muhammad Rehan: No supplementary except one request that as has been said in the answer, it will now be submitted to the Cabinet afresh in due course, and it should be expedited as soon as possible.

جناب چیئرمین۔ منسٹر صاحب! وہ کہتے ہیں expedite کردیں اس کو۔

Sardar Farooq Ahmed Khan Leghari: Yes Sir, it will be expedited.

Mr. Chairman: It will be Inshallah.

جی پروفیسر خورشید صاحب۔

پروفیسر خورشید احمد۔ میں وزیر محترم کے علم میں یہ بات لانا چاہوں گا کہ سینٹ کی فنانس کمیٹی نے بھی وفاقی محتب کے فیصلے کے بعد اس issue کو examine کیا تھا اور منسٹری نے اس موقع پر یہ وعدہ کیا تھا کہ ہم uniform-standard جیسا کہ انہوں نے کہا ہے 20 فیصد سب کو دے دیں گے اور یہ مجھے صحیح یاد ہے کہ وفاقی محتب کے فیصلے کے ایک ماہ کے اندر اندر ہونی چاہیے لیکن اب اسے 6 مہینے ہو چکے ہیں۔ وفاقی محتب کا فیصد فی الفور enforce ہونا چاہیے۔ پھر سینٹ کمیٹی نے examine کیا، کمیٹی میں assurance دی گئی کہ ہاں یہ کام کر دیا جانے گا لیکن ابھی تک یہ نہیں ہوا ہے۔ اس لئے اسے expedite کرنے کا وعدہ آپ کا بجا بالکل لیکن میرا خیال ہے اس میں کچھ نہ کچھ احتساب بھی ہونا چاہیے کہ اتنی delay چھ سات مہینے کیوں ہوئی؟

سردار فاروق احمد خان لغاری۔ یہ پتھلی کابینہ کے پاس بنا تھا اور اس میں delay ہوئی۔ پتھلی حکومت میں یہ نہیں جانتا کہ اس کی بنیادی وجوہات کیا تھیں لیکن یہ assurance میں دینے کے لئے تیار ہوں کہ اب جلد از جلد اس معاملے کو ہم کابینہ تک پہنچائیں گے اور پھر جو بھی کابینہ فیصد کرے اس کے اوپر انشاء اللہ عمل کریں گے۔

جناب چیئرمین۔ اگلا سوال نمبر 49 بشیر احمد منہ صاحب۔

49. *Mr. Bashir Ahmed Matta: Will the Minister for Finance and Economic Affairs be pleased to state:

- (a) the steps taken by the Government for the revival of sick units in the N.W.F.P.;
- (b) the amount spent for this purpose during the last three years in each province; and
- (c) the details of sick units actually revived during the same period in the N.W.F.P.?

Sardar Farooq Ahmed Khan Leghari: (a) Government appointed a committee to examine the problems of closed and sick units in NWFP. Committee has succeeded in rehabilitating a number of projects through co-operation of Banks/DFIs and sponsors.

- (b) Government has spent no amount for reviving/rehabilitating any sick unit in any province.
- (c) In all 25 units have been revived in NWFP. Of these, 16 are in production. Nine will start production shortly (their names are annexed)

Anexure

I. PROJECTS REHABILITATED THAT ARE NOW WORKING

- (1) Yasser Steel Limited, Abbottabad. (Steel Furniture)
- (2) Castle Industries Ltd. Baldher (Welding Electrodes)
- (3) Fabrica Ullasi Industries Peshwar (Engineering concern)
- (4) Golden PVC Products Ltd. Abbottabad (PVC Pipes)
- (5) Allied Food Industries Ltd. Abbottabad (Bakery Products)
- (6) Ittefaq Silk Mills Ltd. Mingora Swat (Silk Looms)

- (7) Khatak Fabrics Ltd. Peshawar (Hosiery)
- (8) New Khattak Ice Factory Mardan (Ice Making)
- (9) National Match Factory Ltd. Peshawar (Now khyber Match Factory)
- (10) Ali Gul Khan Packages Ltd. Peshawar (Now AJ Packages Ltd)
- (11) Rehman Silver Industries Distt. Dir. (Aluminium Kitchen Utencils)
- (12) Barri Enterprises, Abbottabad (Plastic Goods)
- (13) Charsadda Sugar Mills Ltd. (Sugar)
- (14) Hassan Tanneries Ltd. Peshawar (Leather Tanning and Shoes Making)
- (15) Pakistan Paper Corporation Ltd., Charsadda [Now Flying Kraft Paper (PVT) Ltd.]
- (16) China Paint, Manshra (Paints and Varnishes).

II. PROJECTS REHABILITATED THAT WILL START OPERATIONS

SHORTLY

- (1) Milly Leather Industries, Ltd., (Now Mall Developers) (Leather Tanning)
- (2) Royal Chemicals Ltd., Peshawar, (Precipitated Silica), Leather Tanning)
- (3) Yasir Weaving Factory Ltd., Peshawar (Textile Weaving)
- (4) Chemicals Limited Charsadda, [Now Flying Chemicals (Pvt.) Ltd.],
(Caustic Soda)
- (5) Sarhad Bricks Ltd., Maryamazai, Peshawar, (Tiles and Bricks)
- (6) Brekhma Industries Ltd., Mingora Swat (Knitted Garments)
- (7) Spinzer Towel Industries Peshawar (Towel Manufacturing)
- (8) Rising Sun Knitwear Ltd., Peshawar (Knitted Garments)
- (9) Mukkaram Textiles, Peshwar, (Small Textile Unit)

جناب بشیر احمد مٹہ۔ سر ایک سیکمنٹری ہے۔ یہ تو پہلے سے تیار شدہ جواب ہے۔ یہ جو

انہوں نے کہا ہے کہ جو انڈسٹریز جنہوں نے rehabilitate کیا ہے they are now working اس میں جو

نمبر 15 پر ہے میرے خیال میں جہاں تک مجھے علم ہے تو یہ - it has not yet started working.

جناب چیئرمین - پیپر کارپوریشن؟

جناب بشیر احمد مٹہ - جی ہاں تو whether this information is correct or not?

سٹارٹ کیا ہے تو ابھی اسی ہفتے میں کیا ہے یا دو چار روز میں کیا ہے -

جناب چیئرمین - یہ بھی لکھا ہے کہ - it is now called Flying Kraft Paper

جناب بشیر احمد مٹہ - جی ہاں - it is , but even then I do not know whether it

is functional or not. مہربانی کر کے بتادیں اگر ہے تو ابھی بات ہے -

جناب چیئرمین - جی وہ کہہ رہے ہیں کہ ان کے خیال کے مطابق یہ کام نہیں

کر رہی ہے -

جناب بشیر احمد مٹہ - نمبر 15 پر جو دیا ہوا ہے پاکستان پیپر کارپوریشن

Pakistan Paper Corporation which has now been converted into Flying Kraft Paper (Pvt.) Ltd.

Sardar Farooq Ahmed Khan Leghari: My information is that this has now been revitalised. Its now rehabilitated and it is functioning but I can certainly get this information as to the date from which it has started functioning. I do not have the date of rehabilitation or its getting into operations at this moment.

Mr. Chairman: Dr. Rehan Sahib.

Dr. Muhammad Rehan: Sir, the Government has constituted a committee for the revival of sick units in the province of, whatever named there has been given by the imperialist and which still persist in that province. I would like to know from the honourable Minister how many meetings have been held of that Committee during the last two years?

Sardar Farooq Ahmed Khan Leghari: I cannot tell you how

many meetings this Committee has had but the Committee, I think, has done a commendable work because these units were sick and many of them had closed down. They required financial restructuring. Some of them needed heavy doses of fresh capital, inputs and this had also formed a sub-committee. The committee itself consisted of the Additional Secretary, Finance and there were representatives of the Government of NWFP, Pakistan Banking Council, Ministry of Industries and also of the concerned IDIs. The sub-committee was also formed so that this work could be hastened and although I cannot give you information on the number of meetings, infact that is hardly relevant or important. What is important is to see whether they have done any useful, meaningful work and I feel that rehabilitating sick private sector units is a difficult job. It requires a very close look at the reasons why they have become a sick and I think they have made significant progress and the work is continuing.

Mr. Chairman: Thank you. Syed Fazal Agha Sahib

انجینئر سید محمد فضل آغا۔ گزارش یہ ہے کہ جس طرح محترم عاری صاحب نے فرمایا ہے کہ اس پر کوئی پیسے خرچ نہیں ہو رہے بعض sick units پر ۔ اس کے باوجود کہ بلوچستان میں دو sick units ایسے ہیں کہ بلوچستان نیکسٹل مل اور لسبیلہ نیکسٹل مل اور میری knowledge میں ہے کہ وہاں صرف تنخواہوں پر اب تک 40 سے 45 کروڑ روپے کا خرچ ہو چکا ہے ۔ تو محترم وزیر صاحب یہ فرمائیں گے کہ اس قسم کی sick units کے لئے وہ کیا سوچ رہے ہیں ۔ یہ ایک permanent liability گورنمنٹ کے ذمہ رہے ۔ اس کو revitalise کریں گے یا اس کو dispose of کریں گے ۔ اس سلسلے میں کیا فرمائیں گے کیونکہ ان کے پیسے تو خرچ ہو رہے ہیں ؟

Sardar Farooq Ahmed Khan Leghari: Actually this would

really require a fresh notice but all I can say is that the question of the textile mills

in Baluchistan and I think Agha Sahib specifically referring to the textile mills set up jointly between Pakistan and Iran. There was a very long controversy as to who would do it but as far as I know off hand I can tell him that there was a decision to dis-invest those and take them into the private sector and as to when it will be done is.....I am not.....(interruption).....to answer you.

افترادہ بہرہ ور سمد۔ دیر کمپنیکس کا کیا خیال ہے ۔ اس کو revise کرتے ہیں
اس کو چتے ہیں یا کیا کرتے ہیں؟

Sardar Farooq Ahmed Khan Leghari: Sir, I think, he is referring to the Dir Forest Complex. The Dir Forest Complex was under PIDC and in the Ministry of Production, or there is not strictly speaking on the subject but all I can say is that is an extremely, again unit which is sick perhaps beyond repair but it needs to be somehow dealt with and there was a I remember two years ago at least there was a decision that this should either be taken over by the Government of NWFP or it should be privatised and its assets sold-off or we should try and give it to the labour unions there but no decision at that time was taken. I am not aware of any decision having been taken after that but it is within the ambit of the Ministry of Production.

Mr. Chairman: Mr. Basheer Ahmed Matta, Last question.

Mr. Basheer Ahmed Matta: Similar questions which are related to the same subject, they are thrown apart from each other. Now, this question which I have put is linked with another question which has been numbered 61. The subject matter of both the questions is same, but I do not understand why they have put these questions apart in this brochure. I have asked here, Sir, about this special committee for the rehabilitation of sick or near sick projects. Here

the Minister has said that this committee has worked in collaboration with Banks and DFIs and succeeded in reviving certain projects and in that question where I have asked him whether there is any proposal under the consideration of the Government to with-drawn cases from the courts with the assistance of the special committee for the revival of sick units and help those units to be revived in such a way that some financial institutions or DFIs extend help to those units and they are revived. There he says that there is no such proposal under consideration of the Government and that such decisions rest with the financial institutions. It is true that the decisions rest with the financial institutions but the committee helps the institutions to help the industrialists and all those who sponsor the projects. Now, here he says that the committee is active in helping the sick industries but where a way of helping them is available, they have no proposal for pursuing that way. Why is it so?

Sardar Farooq Ahmed Khan Leghari: We are dealing with question No. 61. So you can dispose of both these questions together because I presume there will not be any need for taking up again but the point is that the committee has been formed as I said earlier and in answer to question 61 also the composition of that committee has also been given. The answer to his question is that the government is not contemplating withdrawing cases because the government does not come into it. It is the funds and the money of the DFIs and the banks that are involved and obviously the institution which is concerned with either withdrawing the case or pursuing the case is that particular institution and they have to deal with all these cases in accordance with the law. Certainly, there have been cases and the case of some of the sick units which were under discussion earlier or the totality of these sick units in NWFP where cases have

been withdrawn but there again it is a question of determining whether the issue can be resolved amicably in the interest of the DFLs and the investors and the sponsors of the units can be adequately met through removal of the cases, withdrawal of the cases or whether it requires financial restructuring, whether there is another element, whether these industries exist or not, if I may give you some more background, information of the 167 units that were being looked at, a very large number just did not exist. Many sponsors have taken away the plant and machinery of many units. So, obviously in those cases, cases cannot be withdrawn. Those cases will have to be pursued against those people. So, when we say that the government is not contemplating withdrawing cases, this is the correct picture but certainly this committee jointly with the DFLs wherever they feel it necessary or meaningful or productive, there they are empowered to withdraw the cases and they do that but the power lies with the DFLs and the banking institutions.

Mr. Chairman: Thank you.

بس جی اب بہت سوال ہو گئے ہیں۔

Syed Abdullah Shah: Sir, what I mean is that would he ensure withdrawal where the cases are deserving.

جناب چیئرمین۔ وہ کہہ رہے ہیں کہ۔ The DFLs will do it.

Syed Abdullah Shah: Sir, the government should help this committee to withdraw the cases.

Mr. Chairman: Next question No. 50, Dr. Rehan Sahib.

50. *Dr. Muhammad Rehan: Will the Minister for Finance and Economic Affairs be pleased to state:

(a) whether it is a fact that family pension is admissible to the heirs of deceased Army Officers w.e.f. 1-7-1983; and

(b) whether there is any proposal under consideration of the Government to allow this benefit to the families of those deceased Army Officers who died before 1-7-1983, if not its reasons?

Sardar Farooq Ahmed Khan Leghari: (a) Yes

(b) No, there is no such proposal as the families, of those army officers who died before 1-7-1983, were already drawing the family pension as per rules existed at that time.

جناب چیئر مین۔ کوئی ضمنی سوال نہیں ہے۔ اگلا سوال نمبر 51

51. ***Mir Abdul Jabbar:** Will the Minister Incharge of the Prime Minister's Secretariat be pleased to state the steps taken by the Government to provide jobs to the unemployed doctors, engineers and Master degree holders belonging to Balochistan?

Mian Khurshid Mahmood Kasuri: The subject of provision of jobs to the unemployed doctors, engineers and Master degree holders does not relate to the Prime Minister's Secretariat.

Mr. Chairman: Supplementary question?

Mir Abdul Jabbar: Yes, I have, Sir.

Sir, my question was very much clear. Will the Minister Incharge of the Prime Minister's Secretariat be pleased to state the steps taken by the Government to provide jobs to the unemployed doctors, engineers and Master degree holders belonging to Balochistan?

Sir, the answer which has been given is the subject of provision of jobs

Sir, the answer which has been given is the subject of provision of jobs to the unemployed doctors, engineers and Master degree holders does not relate to the Prime Minister's Secretariat.

جناب سوال گندم جواب چنا تو ہم کہاں جائیں؟ کس نے اس سوال کا جواب دینا ہے۔۔۔

جناب چیئر مین۔ پوچھ لیتے ہیں جی۔

میاں خورشید محمود قصوری۔ جناب یہ پرائم منسٹر سیکریٹریٹ میں گیا تھا۔ صحیح فرما رہے ہیں۔ وہاں یہی انداز تھا کہ پرائم منسٹر سیکریٹریٹ کے معاملے میں نہیں ہے۔ اسٹیبلشمنٹ ڈویژن کو بھیجا گیا۔ انہوں نے اس کو مین پاور ڈویژن کو بھیجا۔ پرائم منسٹر سیکریٹریٹ نے یہ فیصلہ کیا ہے کہ جیسے ایسے معاملوں میں ہوتا ہے کہ کینٹ ڈویژن سے کنسلٹ کر کے اس کو appropriate منسٹری میں بھیج دیا جائے۔ کیونکہ مختلف قسم کے ہیں۔ ہیلتھ کے بھی ہیں، وائر اینڈ پاور کے بھی ہیں۔ بہر صورت کینٹ ڈویژن سے کنسلٹیشن کر کے appropriate محکموں میں بھیج دیئے جائیں گے۔

جناب چیئر مین۔ بہر حال ایک بات سمجھ میں آگئی ہے کہ نوکریوں کا معاملہ کوئی نہیں ہے۔ نوکری نہیں ملے گی، فائل گھومتی رہے گی۔

پروفیسر خورشید احمد۔ ادھر ادھر فائل گھومتی رہے گی۔ پرائم منسٹر سیکریٹریٹ کا کام اسپلایمنٹ پالیسی کا ہے۔ جو کہ بیک ایشو ہے۔ پرائم منسٹر خود جواب دے سکتا تھا یا وہ۔۔۔۔

میاں خورشید محمود قصوری۔ صاف کرنا، آپ کی آواز نہیں آرہی۔

پروفیسر خورشید احمد۔ میں یہ عرض کر رہا ہوں کہ یہ بیورو کریٹک انداز میں معاملات کو الجھانے کی ایک بڑی خوبصورت مثال ہے۔ پرائم منسٹر سیکریٹریٹ کا فرض یہ تھا کہ جو اسپلایمنٹ پالیسی ملک کے لئے انہوں نے بنائی ہے اس کے جواب میں اس کو بیان کرتے۔ اس سے avoid کیا گیا۔ اسٹیبلشمنٹ میں بھیج دیا، وہاں سے لیئر ڈویژن میں چلا گیا۔ تو یہ دراصل avoid کرنے کا طریقہ ہے جیسے کم از کم آپ کی حکومت کو نہیں کرنا چاہیے تھا۔

جناب چیئر مین۔ جی جناب منسٹر صاحب وہ کہتے ہیں کہ کوئی اسپلایمنٹ پالیسی بنی

چاہیے۔ whenever has to make it اور پھر سنیت کرنی چاہیے کہ یہ پالیسیاں ہیں۔

میاں خورشید محمود قصوری۔ جناب کرنی چاہیے۔ لیکن اس میں ایک بات ہے کہ شاید محک کے ذہن میں یہ بات ہو کہ پرائم منسٹر نے جو سیلف اسمپلائٹ سکیم بنائی تھی اس میں ڈاکٹرز اور انجینئرز کے لئے قرضے تین لاکھ کے تھے۔ اگر وہ ہے تو وہ تو فنانس منسٹری کا معاملہ ہے۔ لیکن یہ جو فرما رہے ہیں یہ بات صحیح ہے۔

جناب چیئرمین۔ پھر اس کا کچھ کریں ناں۔ کوئی پالیسی بنائیں اور ہاؤس کو بنائیں۔ حافظ حسین احمد صاحب۔

حافظ حسین احمد۔ میرا سوال یہ ہے کہ جواب میں انہوں نے کہا ہے کہ ملازمت دلانا وزیر اعظم سیکریٹریٹ کا کام نہیں ہے۔ کیا وزیر موصوف اتفاق کریں گے کہ اگر وزیر اعظم سیکریٹریٹ کا کام نہیں ہے تو کیا پریذیڈنٹ سیکریٹریٹ کا کام ہے؟ جناب چیئرمین۔ جی فرمائیں یہ کس کا کام ہے۔

میاں خورشید محمود قصوری۔ یہ مختلف قسم کے انہوں نے فرمائے ہیں۔ اس میں ہمسیتہ کے بھی معاملات ہیں دوسرے بھی ہیں۔ ہم نے یہ avoid نہیں کیا ہے۔ ہم نے تو یہ کہا ہے کہ مختلف جو محکمے ہیں کیونٹ ڈویژن سے consult کر کے وہاں ان کو یہ بھیجے جائیں گے اور ان کا جواب دیا جائے گا۔

جناب چ۔ بن۔ اگلا سوال نمبر 52 جناب میر عبد الجبار صاحب۔

52. *Mir Abdul Jabbar: Will the Minister Incharge of the Cabinet Division be pleased to state whether it is a fact that construction of boundry wall around the old graveyard situated near Cat. I and II Houses in Sector I/8, Islamabad, has not been completed, if so, the time by which it will be completed?

Mian Khurshid Mahmood Kasuri: The graveyards near Category-I and II houses in this sector are already properly fenced with barbed wire and boundry wall respectively.

جناب چیئرمین۔ کوئی ضمنی سوال نہیں ہے۔ نمبر 53 فصیح اقبال صاحب۔

53. *Syed Faseih Iqbal: Will the Minister for Finance and Economic Affairs be pleased to state whether there is any proposal under consideration of the Government to privatise some units of the WAPDA, if so, its details?

Sardar Farooq Ahmed Khan Leghari: The policy of privatisation is under review of the present Government. No decision has so far been taken on privatisation of WAPDA units. Experts have, however, recommended privatisation of thermal power units of WAPDA in order to stimulate expansion and to meet the rapidly growing demand in the power sector.

جناب چیئرمین۔ پروفیسر خورشید احمد صاحب۔

پروفیسر خورشید احمد۔ دراصل میں وزیر صاحب کے سامنے ایک مشورہ چاہتا ہوں اس کے جواب میں کہ پرائیویٹائزیشن کا مسد ایسا ہے کہ جس نے فی الحقیقت ملک میں بھی اور ملک سے باہر بھی خاصا confusion پیدا کیا ہے۔ اور پرائیویٹائزیشن کی بنیاد کی حد تک پیٹیز پارٹی کے مشور میں بھی تھا۔ آئی جے آئی کے مشور میں بھی تھا اور آپ کی حکومت نے بھی آنے کے بعد پرائیویٹائزیشن کے بارے میں یہ کہا ہے کہ ہم جاری رکھیں گے۔ میرا خیال یہ ہے کہ یہ موقع اچھا ہے کہ آپ اس پر پالیسی سٹینٹ لائیں جس میں clearly وہ خطوط واضح ہو جائیں تاکہ جو confusion پیدا ہوا ہے وہ دور ہو سکے۔ اس سے ملک کی معیشت کو نقصان پہنچ رہا ہے۔ انویسٹرز، سٹاک ایکسچینج یہ سب اس سے پریشان ہیں۔ میں چاہتا ہوں کہ جو بات آپ نے یہاں کہی ہے کہ the policy of privatisation is under review of the present government۔ زیادہ delay نہ کریں۔ جو کہیں violation ہوا ہے، transparency نہیں ہے، کرپشن ہے تو ضرور پکڑیے۔ لیکن پالیسی لے آئیے تاکہ ملک کو نقصان نہ ہو۔

Sardar Farooq Ahmed Khan Leghari: Sir, I am willing to make a statement right now on this. I think, there is no need for any confusion. Our Government has already made it very clear that the policy of privatisation generally

will be continued and I would like to add here that it was my party's manifesto in 1988 that introduced the word 'privatisation' in the political jargon of Pakistan. We have been pursuing that policy in the period 1988 to 1990. We prepared all the ground, we brought foreign consultants and we prepared strategy for that.

Now the privatisation that took place in the previous regime was a totally different thing. This privatisation was not just privatisation. It was disinvestment to certain people, many of them who were friends and cronies and there was very little transparency in that. There was a lot of odium attached to that privatisation and that was what we were talking against all along even when we were in the opposition. As far as privatisation of WAPDA units are concerned that is what we said is under review and the reason is that the previous government also never took a final decision that they were going to privatise those units. They had set up procedure and a machinery for looking into it. This involved certain international organisations and consultants that were advising the previous government on privatisation of WAPDA. The main features of that were that WAPDA was to be broken up into different corporate entities. For instance, if there was thermal power station at Guddu or at Kot Addu or at Jamshoro, these would form separate corporate entities. Similarly, Area Electricity Boards would form separate corporate entities. So, that is what they had suggested and this privatisation that they have suggested was to take place in a phased manner staggered over a long period. Now, it was still under consideration by the previous government. Their coanbinet meeting on privatisation had had a look at it. They had found some difficulties in that and they had wanted certain modifications. Now, a final decision has not been taken and a final decision on how to privatise WAPDA still has not been taken but the main thrust of our policy is

that we would like foreign private investment to come into thermal power generation and small hydle generation where the gestation of this project is not very large and where it is feasible and practicable for foreign private sector companies to come in and where there is a lot of attraction for them and we would like WAPDA to concentrate on large hydle projects in the public sector. This way we would get an additionality but what was happening and envisaged in the previous government was that the additionality portion was ignored and was put into the background because if WAPDA's existing thermal stations were put out for disinvestment and sale most of the foreign private investors would prefer to come and only take up those. Now, there are two types of investors, Sir. One are investors per say who may not have any expertise in running power stations etc., who are not in the business of manufacturing and selling or who do not have conglomerates that are doing this kind of work. So, those foreign investors who have surplus funds they would like to come and buy the existing units. Now, we would like to encourage that, but we would also like to stipulate that alongwith that they also give us plans for additionality, for adding more power to the system. Similarly, there is another group of investors who are connected to machinery manufacturers etc., and we would also like to tap that source and we would like to induct them into additionality, into adding new units. So, we are trying to review the whole set of recommendations in such a way that we encourage both sides and both parties.

The other aspect is that most of WAPDA's losses are on the distribution side and there is enormous theft that goes on and it is that area that needs to be privatized. Now, that again has a number of complications. For instance, it is the desire of government, at least our government, that we extend rural electrification

as fast as possible. And we would like in the contracts, in case we award certain areas to the privatized sector, we would like that the interest of the government and of the public be kept in view and we have in-built into the privatization this aspect also. So, the policy is clear, I have made the statement right here on the floor, but we would certainly be elaborating on this. But these are the general broad stands of the policy that I have indicated. As far as the investors, generally, are concerned, I think there is no confusion. I think some people have tried to spread confusion that with the departure of Mian Nawaz Sharif from Prime Ministership there will now be a reversal of the policies. There is no such thing. We would certainly like free market-oriented policies to be pursued. We would like de-regulation to go further. We would like de-controls to go further and we would like the private sector to come in a big way. But we would certainly like greater transparency and lesser kickbacks and corruption. Thank you, Sir.

Mr. Sartaj Aziz: Supplementary, Sir. First of all, I would like to know whether ten units which have been sold but not yet transferred, what is going to be the policy on those, whether that process of projects in the pipeline of privatization will continue?

Secondly, Mr. Chairman, I would also suggest, under Rule 58, that you allocate half-an hour after three days to this subject so that these allegations of lack of transparency, and all that are analysed. Let them bring all the evidence on each unit so that everything will be clear. I will give you a notice today, I hope, the Minister would be ready to have a discussion-half-an-hour discussion on this subject.

Mr. Chairman: Right. So, the question regarding the ten units,

which have been sold, but not transferred-----

Sardar Farooq Ahmed Khan Leghari Sir, that pertains to a different question altogether from what we are discussing. This is WAPDA's privatization plan that we are discussing and that is a separate matter but, in any case, I would like to say that even those ten units we are going to first have a look, we are going to see because if there has been no transparency, if it has been done in such a way that there is odium attached to that, we would like to have a look and I assure the former Finance Minister that this review would take very little time, we would not like to keep people or parties in-suspense, we would like to do this very quickly and then if there is no problem we will go ahead with it.

Mr. Chairman: Thank you. Next question No. 54. **Mian Alam Ali Laleka Sahib**

54. ***Mian Alam Ali Laleka** (on his behalf) : Will the Minister for Finance and Economic Affairs be pleased to state whether it is a fact that persons in BPS-17 who were drawing more pay than those in BPS-15 and 16, are now drawing less pay after fixation under scales revised in 1991, if so, the steps taken by the Government in this regard?

Sardar Farooq -Ahmed Khan Leghari: No such cases have been brought to the notice of Finance Division

Dr. Muhammad Rehan: Supplementary, Sir, I would just like to ask the honourable Minister that I know a few cases, he has replied that no such cases have been brought to the notice of the Finance Division, I know of a few cases and I would just like that whether if I do that, bring it to his kind notice will they receive as sympathetic consideration?

Sardar Farooq Ahmed Khan Leghari: Sir, in fact, I will be very happy to receive those cases and to have them reviewed immediately and under the rules they will certainly be dealt with as expeditiously as possible.

Mr. Chairman: Thank you. Next question No. 55. Syed Faseih Iqbal Sahib.

55. *Syed Faseih Iqbal (on his behalf) : Will the Minister Incharge of the Cabinet Division be pleased to state:

- (a) the total number of stranded Pakistanis in Bangladesh;
- (b) the number of stranded Pakistanis returned home so far; and
- (c) the steps taken by the Government for the repatriation of the remaining persons indicating also the steps taken to provide employment, housing and other amenities to them?

Mian Khurshid Mahmood Kasuri: (a) According to census conducted with the help of Pakistan High Commission at Dhaka total number of stranded Pakistanis in Bangladesh stood at 40,208 families (2,37,440 persons).

(b) Out of the above number of persons 63 families (323 persons) have been repatriated in January, 1993.

(c) Rabita Trust Board will arrange for the repatriation and rehabilitation of remaining persons as the funds become available and housing facilities are completed? A plan for construction of 40,208 housing units near big cities in 32 districts of Punjab has been prepared to enable the repatriates to avail of the job opportunities and become gainfully employed citizens. A pilot project for construction of 3000 flats at Mian Channu with the funds in hand has been approved.

Initially 1000 Flats are under construction and are expected to be completed by the end of July, 1993.

Flooring material, bedding, utensils, clothing and other household articles and subsistence allowance @ Rs. 1200 per family for three months will be provided to the repatriates. Their colonies will be provided with schools, dispensaries, mosques and community centres.

جناب چیئرمین۔ ضمنی سوال پروفیسر خورشید احمد صاب۔

پروفیسر خورشید احمد۔ جناب چیئرمین میں وزیر موصوف کا ممنون ہوں کہ انہوں نے جو up to date position ہے وہ ہمیں بتا دی ہے۔ لیکن ہم یہ جاننا چاہتے ہیں کہ گورنمنٹ اس معاملے میں committed ہے کہ ان لوگوں کو لانے کے لئے جو پروگرام بنا ہے جو وعدے ہوئے ہیں ان پر عمل کیا جائے گا اور اس ٹائم ٹیبل کو بھی مد نظر رکھا جائے گا جو اس سے پہلے طے کیا گیا ہے؟

Mr. Chairman: Honourable Minister for Parliamentary Affairs.

میاں خورشید محمود قصوری۔ جناب گورنمنٹ کی پالیسی واضح ہے اور گورنمنٹ کی اس میں جو commitment ہے وہ دو یول پہ ہے۔ ایک تو ہے رابطہ عالم اسلامی کے ساتھ اور پھر جو بھگ دیش کی وزیر اعظم آتی تھیں ان سے بھی کمٹمنٹ ہے اور لیکن جیسے کہ ان کو پتہ ہے کہ ڈھانی سو طین روپے گورنمنٹ آف پاکستان کی کمٹمنٹ تھی سوچاس طین روپے رابطہ عالم اسلامی کی طرف سے تھے اور تین سو طین کی یہ نوٹل جو amount ہمیں درکار ہے وہ چھ ہزار ایک سو نوے طین روپے ہے۔ باوجود اس کے گورنمنٹ پوری تگوشش کر رہی ہے۔ کمٹمنٹ یہ تھی ایک ہزار جب وہ وزیر اعظم بھگ دیش تشریف لائی تھیں کہ کوشش کی جائے گی کہ expedite کیا جائے۔ اس کے لئے تین ہزار فیملیاں جو ہیں ان کے لئے ہاؤسنگ یونٹس درکار تھے بنانے کے لئے ان تین ہزار کے لئے پیسہ allocate کر دیا گیا ہے۔ پائمنٹ پروجیکٹ جو تھا ایک ہزار یونٹس کے لئے میں جنوں میں بن رہا ہے جولائی تک وہ مکمل ہو جائے گا۔ گورنمنٹ کی کوئی اس میں ایسی پالیسی یا کوئی ایسا ارادہ نہیں کہ پالیسی کو بدلے۔

as Pakistanis.

میاں خورشید محمود قصوری - لیکن اگر مجھے اجازت ہو جناب چیئر مین ، تو کچھ خدشات ہیں میں وہ کلینر کرنا چاہوں گا آپ کی وساطت سے اور وہ یہ خاص طور پر سندھ کے سلسلے میں ہیں کہ جناب جو وہاں لوگ سارے پٹے جائیں گے ، ابھی تک حکومت نے پوری کوشش کی ہے کہ وہ وہاں نہ جائیں - اور اس سلسلے میں دو اقدامات کئے گئے ہیں - ایک تو یہ کہ جو مکانات ہیں وہ ان کے نام ٹرانسفر نہیں ہوں گے اور دوسری یہ بات ہے کہ کوشش یہ کی جا رہی ہے کہ پنجاب کے جو 32 ڈسٹرکٹس ہیں بڑے بڑے شہروں کے نزدیک ان کو آباد کیا جانے تاکہ ذرائع روزگار ان جو ہیں وہ وہاں ان کو میسر ہو سکیں۔

جناب چیئر مین - شکریہ - سید عبداللہ شاہ -

Syed Abdullah Shah: Mr Chairman Sir, my point is that the break-up of Pakistan these persons said that we are Pakistanis, we want to go back to Pakistan. If the government prepared to even accept those Bangali speaking people who say and who supported the Pakistanis then if they say we want to come back to Pakistan. They will also be allowed to come back to Pakistan as Pakistanis because they were all Pakistanis before the break-up?

جناب چیئر مین - آرمیل منسٹر فار پارلیمنٹری آفئیرز -

میاں خورشید محمود قصوری - جناب اس سلسلے میں ، میں یہ عرض کروں گا کہ جہاں تک سیٹر موصوف نے سوال کیا ہے ان کی پالیسی پہلے سے واضح ہے - جو پہلے پالیسی اس سلسلے میں یہ تھی کہ 173 ہزار یا 170 ہزار پاکستانیوں کو پہلے لے لیا گیا تھا اور ان میں وہ بھی 173 ہزار ہزار ڈپ کیسز شامل تھے جنہوں نے افواج پاکستان کے ساتھ مل کر لڑائی کی تھی اور وہ ان کا نمبر بھی 173 ہزار ہے۔ اس سے زیادہ ہمارے علم میں نہیں ہے -

جناب چیئر مین - بہر حال اگلا سوال اقبال حیدر صاحب نمبر 57 -

57. *Syed Iqbal Haider: Will the Minister for Finance and Economic

Affairs be pleased to state the amount and percentage of systematic devaluation of rupee as against dollar taken place from September, 1990 till 30th June, 1992, and from 1st July, 1992 till to-date, indicating also the reasons of devaluation?

Sardar Farooq Ahmed Khan Leghari: The movement in the value of the rupee i.e. appr./depr. of Pak. rupee in terms of US\$ during the period September 1990 to end June, 1992 was as shown below:-

Period	Rupee US Dollar	Percentage Appr./Depr.
1st Sep. 90	21.74	-----
End-Sep. 90	21.74	-- 0.50
End-Oct. 90	21.85	-- 0.50
End-Nov. 90	21.85	0.00
End-Dec. 90	21.90	-- 0.23
End-Jan. 91	22.15	-- 1.13
End-Feb. 91	22.15	0.00
End-Mar. 91	22.95	-- 3.49
End-Apr. 91	23.50	-- 2.34
End-May. 91	23.80	-- 1.26
End-Jun. 91	24.30	-- 2.06
End-Jul. 91	24.65	-- 1.42
End-Aug. 91	24.70	-- 0.20
End-Sep. 91	24.60	+ 0.41
End-Oct. 91	24.68	-- 0.32
End-Nov. 91	24.72	-- 0.16
End-Dec. 91	24.72	0.00

End-Jan. 92	24.65	+ 0.28
End-Feb. 92	24.70	-- 0.20
End-Mar. 92	24.98	-- 1.12
End-April. 92	25.05	-- 0.28
End-May 92	25.10	-- 0.20
End-Jun. 92	25.13	-- 0.12

From July, 1992 to April 25, 1993 the appr./depr. of the Pak rupee against U.S. Dollar was as shown below:-

Period	Rupee US Dollar	Percentage Apr./Depr.
1st July, 1993	25.13	0.00
End-July, 1992	25.13	0.00
End-Aug. 1992	25.08	+ 0.20
End-Sept. 1992	25.08	0.00
End-Oct. 1992	25.25	--0.67
End-Nov. 1992	25.57	--1.25
End-Dec. 1992	25.70	--0.51
End-Jan. 1993	26.00	--1.15
End-Feb. 1993	26.25	--0.95
End-Mar. 1993	26.65	--4.50
April 25, 1993	26.70	--0.19

Depreciation from 1st Sept. 90 till 30-6-1992 was -- 13.49.

Depreciation form 1st July, 92 to 25-4-1993 was -- 5.88.

The value of the Pak. rupee relative to other currencies fluctuates from time to time. This is a result of external as well as internal factors, in Paksitan as

well as in countries which happen to be our trading partners or competitors.

Syed Iqbal Haider: No 57. My supplementary question is that during the period from December, 88 to August, 1990 the depreciation in the value of Pak. rupee vis-a-vis dollar was less than one rupee. It was around 93 paisas. What are the reasons? Will the Honourable Minister be pleased to explain the reasons and justification for depreciation or devaluation of rupee by almost 6 rupee during the period from November, 1990 till todate more than 6 rupees devaluation of Pak. rupee and particularly two rupee from January this year?

Mr. Chairman: Minister for Finance.

Sardar Farooq Ahmed Khan Leghari: Sir, I will certainly like to explain that. As members of this august House know the reasons why the value of the rupee goes down vis-a-vis a basket of currency because we are on a managed float exchange system and the main reason is the difficulties and economic management of the country. If the micro-economic management of the country is poor, if consideration of budget deficit etc. are relegated to the background, if the budget is allowed to go haywire, if the budget deficit becomes very large and if people loose confidence also then the currency depreciates strongly. It is also concerned with and connected to the relative inflation rates in Pakistan and in those countries with whom we are linking or with whom we have a basket weighted exchange system. Now, in the present case during this period from 1988 to 1990 June or August the micro-economic was managed very effectively and wisely. Therefore, the depreciation was contained to manageable and livable limits. Unfortunately after that there was no control in expenditure. We got into the era of Mughal princes of free expenditures and very little consequent resource

mobilization and the result of that was that our currency has depreciated and this trend is continued. We are alarmed at this and INSHALLAH we will take all possible measures to control the situation so that our budget deficit is contained and consequently our exchange rate is also properly managed.

Mr. Chairman : Thank you, Mr. Sartaj Aziz Sahib.

Mr. Sartaj Aziz : (inaudible) 1st December, 1988 and 1st December, 1990?

Sardar Farooq Ahmed Leghari: The detail is also printed in the answer. Sir, I am sorry I don't have the figures at this moment before me but I can certainly provide that to you. The depreciation from 1988 December to 19th August can be worked out I can bring back to you but it is much less than the figures for the subsequent period.

Mr. Sartaj Aziz: I am sure when the Minister looks at the figures he will find that is not much less compared to the same, if you take the 20 month period, not total and also would he also like to look at the appreciation in the U.S. dollar over this period vis-a-vis SDR which is the main reason for the change vis-a-vis Sterling and Italian Lira in one or two other currencies. In fact the currency has appreciated in this period. I mean the depreciation is much less because in the last few months it was the strengthening of the dollar which brought about this change. So, instead of attributing various other factors he should look at the actual analysis and then get the correct analysis.

Sardar Farooq Ahmed Khan Leghari: I am grateful to Mr. Sartaj Aziz. It is certainly true that Pakistani rupee has appreciated vis-a-vis the Italian Lira and that we know the problem in Italy. It is also appreciated vis-a-vis

the Belgium frank or whatever their currency is and Denmark and against vis-a-vis France and even vis-a-vis the U.K. but at the same time I would like to repeat, Sir, that the management of the micro-economy is a vital factor in this whole exercise or in considering the reasons for it. And unfortunately the budget deficit have grown larger and larger during this period. During the period from December 1988 to August 1990, budget deficits were reduced sharply. It was only after that things went hereby and it brought Pakistan to a very unfortunate and critical situation today. But I don't like to and going to an argument answering to a question of big policy issue.

جناب چیئرمین-یہ سوال نمبر 56 رہ گیا تھا۔ بہرہ ور رسید صاحب کا سوال تھا نمبر 56۔

جناب محمد ابراہیم خان - پوائنٹ آف آرڈر -

جناب چیئرمین-جی پوائنٹ آف آرڈر -

جناب محمد ابراہیم خان - میں بھی اس کے متعلق پوچھنا چاہتا ہوں کہ وہ 46 کے ساتھ identical ہونے کی وجہ سے وہ رہ گیا ہے۔

جناب چیئرمین- یہ ان کا سوال ہے 'پہلے ان کو پوچھنے دیں۔ جی بہرہ ور رسید صاحب 56 آپ کا سوال ہے۔

56. *Akhunzada Behrawar Saeed: Will the Minister Incharge of the Cabinet Division be pleased to state the procedure for allotment of agricultural plots by CDA, in Islamabad?

Mian Khurshid Mahmood Kasuri: The procedure for allotment of agriculture plots laid down in the Land Disposal in Islamabad Regulation, 1988 is given below:-

- (a) 45 per cent allotted through open auction.

(7)

(b) 50 per cent to affectees as individuals or as a group, who have individually or jointly lost in acquisition a minimum of 100 Kanals cultivable land. Priority is given to affectees, who were original land owners. Consideration would be on submission and acceptance of feasibility report.

(c) 5 per cent discretionary quota of the Authority, (since stopped).

Mr. Chairman: Supplementary question ?

Akhundzada Behrawar Saeed: No supplementary.

جناب چیئرمین۔ جی آپ فرمائیں ابراہیم صاحب۔

جناب محمد ابراہیم خان۔ میرا سوال یہ ہے کہ وہ 45 فیصد تو انہوں نے بتا دیا ہے کہ وہ اوپن آکشن سے چلے جاتے ہیں۔ اور 50 فیصد کا انہوں نے بتا دیا کہ وہ affectees کو چلے جاتے ہیں۔ یہ 5 فیصد جو discretionary کوئی تھا یہ کہاں چلا جاتا ہے۔

جناب چیئرمین۔ لکھا ہوا ہے کہ۔۔۔۔۔

جناب محمد ابراہیم خان۔ اس کا تعین ہے وہ 5 فیصد وجود رکھتا ہے۔ نہیں الٹ ہوتا۔ مگر اس کا وجود ہے۔

Mr. Chairman: Minister For Parliamentary Affairs.

میاں خورشید محمود قصوری۔ صحیح فرما رہے ہیں کہ وجود تو اس کا ہے لیکن جو پالیسی تھی اس میں تو بہت زیادہ تبدیلی ہے۔ اس میں favouritism کے chances بالکل کم ہو گئے ہیں۔ وہ ہے اس کا وجود اس کے بارے میں جو پالیسی ہے وہ میں آپ کی خدمت میں عرض کردوں گا مزید details جب مجھے فراہم کردی جائیں گی۔

جناب چیئرمین۔ راجہ محمد افضل صاحب۔

راجہ محمد افضل خان۔ میرا ضمنی وزیر صاحب سے یہ ہے کہ جواب آیا کہ 5 فیصد

صوابدیدی کوئہ جو ہے وہ بند ہے ، نہیں دیا گیا ۔ اب چونکہ اس تبدیلی کے بعد کثیر نیکہ گورنٹ آئی ہے ۔ آیا اس گورنٹ کی پالیسی میں یہ ہے کہ صوابدیدی استعمال کرتے ہونے لوگوں کو یہ دیا جائے گا ؟

جناب چیئرمین ۔ جی جناب منسٹر صاحب ۔

میں خورشید محمود قصوری ۔ جناب ہماری ایسی کوئی پالیسی نہیں ہے اور جو لوگ زیادہ اس سائیڈ پر بیٹھے ہیں وہ وہ لوگ ہیں جنہوں نے پلاٹ نہیں لئے ، جیلوں میں زیادہ گئے ہیں ۔

جناب چیئرمین ۔ یہ alternative چیز ہے یا پلاٹ لو یا جیل جائیں ، جی پروفیسر خورشید

احمد صاحب ۔

میں خورشید محمود قصوری ۔ ہماری قسمت میں جیل جانا لکھا ہے ۔

Mr. Chairman: He has no third way.

یعنی یا ایک یا دوسرا جی جناب پروفیسر صاحب ۔

پروفیسر خورشید احمد ۔ یہ 5 فیصد صوابدیدی کوئہ جو ہے اسے یا تو merge کر دینا چاہیے ان دونوں میں سے کسی ایک میں ، جو اس وقت آپ کا 45 فیصد آکشن ہے اور 50 فیصد affectees کو ہے ۔ اس 5 فیصد کی کیلکولی کو ہی ختم کر دینا چاہیے ۔ یہ مشورہ میں آپ کو دے رہا ہوں ۔

جناب چیئرمین ۔ جی منسٹر صاحب ۔

میں خورشید محمود قصوری ۔ ذاتی طور پر پروفیسر صاحب نے بہت صحیح بات کی ہے ۔ میری یہی سٹارش ہوگی اور میں سمجھتا ہوں کہ کسی قسم کا کوئی کوئہ نہیں ہونا چاہیے ۔ صوابدیدی کوئہ بند ہونے چاہئیں ۔

Mr. Chairman: Next question No.58. Iqbal Haider Sahib.

58. *Syed Iqbal Haider: Will the Minister for Finance and Economic Affairs be pleased to state whether it is a fact that sale of bearer certificates by NDFC, PICIC, IDBP and DFIs has been prohibited, if so, its reasons?

Sardar Farooq Ahmed Khan Leghari: Yes.

Bearer instruments were allowed to mobilize un-tapped savings outside the tax net so that they could be put to productive use. However, there was a mushroom growth of bearer instruments in the last few years affecting the other deposit mobilization schemes negatively. They gradually led to the erosion of tax base with negative implications for Government revenue. Issuance of bearer instruments by the financial institutions was also a disincentive for mobilization of resources by the public sector corporations.

Syed Iqbal Haider: My supplementary is that will the honourable Minister be pleased to state that if the foreign exchange bearer certificates can be issued, which are issued by the government only, then what is wrong with the Pak. Rupee bearer certificate deposit or saving schemes which are also issued by the DFIs alone and not by any private sector. Then second, the bearer certificates of Pak Rupees were subject to advance taxation as imposed. So, where is the question of the dividend. So where is the question of tax evasion? Why this plea has been taken and Zakat is also deducted from the bearer certificate of Pak Rupees and the advance tax is also deducted at a fix rate?

Mr. Chairman: Yes, Minister for Finance.

Sardar Farooq Ahmed Khan Leghari: Sir, actually on this it was in just the particular bond that he was talking about. There were a variety of bonds in the market. Most of the DFIs, WAPDA, BI, etc. they were all floating bonds with varying rates of course in accordance with their own capacity, their own earnings or their own programmes. But they were competing between themselves and with the foreign exchange bearer certificates etc. as far as getting

funds from the parallel economies concerned and it was creating problems and anomalies and for that reason the previous government where Mr. Sartaj Aziz was the finance Minister I think that is a good thing by prohibiting these bearer certificates and I feel that it is something that has rationalized the system. Now, all these organizations in the bond market are competing each other on a different basis and we feel that there has definitely been an improvement, rationalization, there is less segmentation and it is only because of that that this step was taken and we feel that this has made matters better

Mr. Chairman: Thank you. Next question No. 59. Syed Abdullah Shah Sahib.

59. ***Syed Abdullah Shah:** Will the Minister for Finance and Economic Affairs be pleased to state whether it is a fact that the World Bank and IMF have pointed out the massive leakages in collection of custom duties both on account of imports and exports, if so, the steps taken by the Government to stop this loss?

Sardar Farooq Ahmed Khan Leghari: The World Bank and IMF have not pointed out leakages in collection of customs duties. They have emphasized the need to improve tax administration. Following measures have been taken to maximize revenue collection -

(1) An international classification of goods called Harmonized System has been implemented by Pakistan Customs since 1989. It has standardized the descriptions/classifications of 60,000 items of trade (earlier 5,000 items only). This has ensured transparency of the description of the imports and exports items and has facilitated the application and levy of customs duties and

taxes

(2) A valuation Manual containing import trade prices (ITPs) of 14,000 items has been notified. It is up-dated after every 3 months and is being published since June, 1991. It provides for uniform application of value all over the country and has improved revenue collection by preventing mis-declaration of value.

(3) The data base (value and classification) of imported goods has been computerized. Reliable data has helped to reduce discretion of the customs officials.

(4) Training of officers and staff has been intensified so that supervision and collection of revenue is efficient.

Mr. Chairman: Any supplementary?

Syed Abdullah Shah: Sir, I want to put one supplementary. Is it not a fact that smuggled goods are being sold openly throughout Pakistan and even big items like air-conditioners, refrigerators are sold throughout Pakistan openly. There are 'Baras' throughout Pakistan and whether this does not amount to tax evasion or leakages in the custom duty.

Mr. Chairman: Yes Minister for Finance

Sardar Farooq Ahmed Khan Leghari: It does. It is a very unfortunate situation which we have been inherited from the past. A number of factors are involved in this. Our open borders with Afghanistan, the Afghan struggle 'the Jihad', the free passage and movement of people and goods. Then, the transit trade and the facilities allowed to Afghanistan for taking their goods through Pakistan and also the fact that the borders are not policed very

affectively. A number of things go into the general difficulties in preventing smuggling of high value goods and there is a market in Pakistan. There is a lot of money floating around. Unfortunately conspicuous consumption is there. Our culture has become tuned to that sort of thing which is bad for the country but the fact remained that there is massive and large scale smuggling going on and we would like to do as much as possible within this short period of the interim government to check this. But, I am afraid, we have a problem, it has been very difficult to deal with it effectively.

Mr. Chairman: Thank you.

Syed Abdullah Shah: Sir, I have learned that in Balochistan even now petrol is coming by smuggling from Iran and petrol in Balochistan is certainly very cheap.

جناب چیئرمین - سستا ہو گیا ہے۔

سید عبداللہ شاہ - ہاں جی بہت ہی - وہ ڈیزل کی price پر پل رہا ہے۔

جناب چیئرمین - اچھا پھر تو ابھی بات ہو گئی ہے۔

Syed Abdulah Shah: No Sir, saying that we have inherited from the past does not solve the problem. I think the honourable Minister for whatever period he is there as caretaker, should take positive steps in the matter and just not make a statement that we inherited from the past.

جناب چیئرمین - مطلب ہے آپ کہہ رہے ہیں کہ پٹرول کو مہنگا کیا

جائے۔

Sardar Farooq Ahmed Khan Leghari: I have already stated that whatever is possible within our means we will do to reduce smuggling and of

course it is a fact that a number of items are being smuggled into Pakistan into the Balochistan area from Iran and one of the reasons could be the high differentials between the exchange rates of these currencies on the black-market. But this is something we have to live with but I agree with him that we should do all that is in our power to stop it. We have in addition to the normal checks through the customs and through other organizations. We have the frontier Corps policing that boarder because apart from petrol there is big problem in smuggling of narcotics. So, the frontier Corps is also active. We will ask them to become even more vigilant. Thank you.

جناب چیئر مین۔ شکریہ کہندے ختم ہو گیا ہے کہ نہیں۔

(Pause)

جناب چیئر مین۔ پلو جی۔ لوگ کہتے ہیں تین منٹ رستے ہیں۔

Next is 60 Mir Abdul Jabbar.

60. *Mir Abdul Jabbar : Will the Minister for finance and Economic Affairs be pleased to state:

(a) whether it is a fact that the employees of the Government are given house rent at the rate of 45% of their initial scales while deduction of the house rent is made at the rate of 50% of their running scales, if so, the reasons thereof; and

(b) whether it is also a fact that 5% house rent deduction is also made on the personal allowance of the employees, if so, the justification thereof?

Sardar Farooq Ahmed Khan Leghari: (a) Those Government employees who are not provided with Government accommodation are paid house

rent allowance at 45% of minimum of the pay scale at specified stations and 30% of minimum of the pay scale at non-specified stations.

The rationale for paying allowance at minimum of the scale is to maintain a uniform level of the allowance for the employees on each pay scale.

Recovery of rent from those provided with the Government accommodation is made at 5% of emoluments. Government incurs substantial cost on maintenance of accommodation provided to its employees. It is, therefore, appropriate to recover higher rent from employees whose ability to pay increases with increase in their emoluments.

(b) House rent is recovered from employees provided with Government accommodation at the rate of 5% of emoluments. Personal allowance (Secretariat Allowance) being part of monthly emoluments reckons for calculation of 5% house rent deductible from salaries of employees allotted Government accommodation.

Mr. Chairman: Any supplementary question?

Mir Abdul Jabbar: Yes Sir, I have supplementary. Of course the reply given by the honourable Minister is very exhaustive and elaborate, yet I have to submit something, Sir.

میرے پاس نیشنل پے سکیل ہیں گورنمنٹ اسپتالیز کے گریڈ ایک سے لے کر بائیس تک۔ ان کی initial پے سکیل پر 45 فیصد کی شرح سے کرایہ مکان دیا جاتا ہے۔ اگر دیکھا جائے تو پے سکیل نمبر 1 کے ملازم کو 920/- روپے ملتے ہیں۔ جس پر اس کو 414/- کرایے کا ملتا ہے۔ سر اس طرح پے سکیل 22 کو 3075/- روپے ملتے ہیں۔ اس کا ابتدائی سکیل جو ہے اور اس مکان کے کرانے کے ملتے ہیں مبلغ 3600/- روپے تو کیا اسلام آباد میں کسی بھی سکیل والے ملازم کو مکان کا ملنا دشوار نہیں؟ یہاں کیا اس شرح پر مکان کرانے پر مل سکتے ہیں؟

Mr. Chairman: Minister for Finance.

سردار فاروق احمد خان لغاری - جناب یہ یقیناً دشوار ہے - اور مارکیٹ میں یہ ریٹ نہیں ہیں - اور جیسا کہ آپ کو پتہ ہے کہ پاکستان میں تقریباً تمام ملک میں ہاؤسنگ کی shortage ہے اور یہاں اسلام آباد میں بھی ہاؤسنگ کی shortage ہے - اور جو مارکیٹ factors ہیں - related demand of supply کے فرق کی وجہ سے وہی ultimately determine کرتے ہیں کہ کتنے یہاں open مارکیٹس میں رہیں ہیں - اور اس لئے سب سے زیادہ اس کا جو بوجھ اور اثر پڑتا ہے وہ یقیناً جو گورنمنٹ ملازمین ہیں - سب سے زیادہ تو پڑتا ہے جو low paid employees ہیں اس کے بعد جو اس سے اوپر کے سکیل میں ان پر بھی پڑتا ہے - لیکن یہ ایک situation ہے جس کا حل فوری طور پر نہیں ہے - it will take some time before the shortages are removed اور جب تک یہ ہے یہ دشواری اور مشکل رہے گی -

جناب چیئرمین - نمبر 61 جی بشیر احمد صاحب اب بہت ہی وقت تھوڑا رہ گیا ہے -

Mir Abdul Jabbar: One question. Only one question Sir.

Mr. Chairman: One question, 'ok ok.

Mir Abdul Jabbar: Thank you very much.

جناب چیئرمین - کرلیں جی - سوال کرلیں -

میر عبدالجبار - دوسرے سر میں اپنے علم اور education کے لئے پوچھنا چاہوں گا وزیر موصوف سے کہ میں بیوی دونوں سرکاری ملازم ہوتے ہیں - مگر مکان کا کرایہ صرف ایک کو ملتا ہے - دوسرے کو کیوں نہیں ملتا ' کیا وجہ ہے ؛ حالانکہ دونوں سرکاری ملازم ہیں - جناب چیئرمین - تاکہ وہ اگلے رہیں ' علیحدہ --- جی منسٹر فنانس -

Sardar Farooq Ahmed Khan Leghari: It is very good answer

Sir. I got approved that.

Mr. Chairman: Next question No. 61, Mr. Bashir Ahmed Matta.

61. *Mr. Basheer Ahmed Matta: Will the Minister for Finance and Economic Affairs be pleased to state:

- (a) whether there is any proposal under consideration of the Government to withdraw the cases of near-sick industrial units from the courts in consultations with the special committee for the revival of sick industrial unit in NWFP; and
- (b) the composition of the said committee?

Sardar Farooq Ahmed Khan Leghari: (a) No such proposal is under consideration of the Government. Such decisions rest with the financial institutions.

(b) The composition of the committee for sick industrial units in NWFP is as follows:-

- | | | |
|-------|---|------------------------------|
| (i) | Additional Finance Secretary (I) | Chairman |
| (ii) | Secretary Industries NWFP | Member |
| (iii) | Joint Secretary M/o Industries | Member |
| (iv) | Member, Pakistan Banking Council | Member |
| (v) | Representatives of concerned Banks/DFIs | (By invitation as required) |

Mr. Chairman: Any Supplementary?

Mr. Basheer Ahmed Matta: The only supplementary is, Sir, that the composition of this committee, since it pertains to the Frontier province, I would suggest that more members from the province should be added to this committee. Because here we have the Additional Finance Secretary, he is from the Centre, then the Joint Secretary, Ministry of Industry, and Member, Pakistan Banking Council, and so on. Now only one person is there from the frontier

province. I would suggest that more members from the Frontier province should be added because they will be more familiar with the local problems. And preferably a member from the industries, the sick industries, which are concerned, which primarily are the subject of this committee. So, this is my suggestion.

Mr. Chairman: Yes, Minister for Finance.

Sardar Farooq Ahmed Khan Leghari: Sir, the composition of this committee has been determined keeping in view its functionality. The Additional Secretary, Finance, incharge of investments, is there because is the one who can coordinate between DFIs and the banks and it is an order to make it more functional, more meaningful that this composition has have been made of course there is a representative of the NWFP I don't know, I don't see how another member from NWFP is going to make things better for the sick industries. But I have no objection in principle. If they want they can do it but they can't have somebody from this sick industries sitting in on this. We can certainly get somebody from the Chamber of Commerce or Industry or from other, some other private sector institutional organization. We can certainly look at that and we will be very happy to have them. The whole idea is to make it effective and adding another member from amongst sick units organizations. If there is such and I am not aware of any such organization. It will not really help.

Mr. Basheer Ahmed Matta: Sir, the idea is to help the sick industry. It is not to be hostile towards the sick industry and I think a member from the sick industry will introduce a modicum of sympathy in this committee for the sick industries. Why should be hostile towards the sick industries, we should be rather sympathetic towards them. If we want to revive them. If you want to scatter

them and crush them that is a different thing . I think that is not a policy-----

جناب چیئرمین۔ بہر حال اس پر غور کر لیں گے۔

Sardar Farooq Ahmed Khan Leghari: Sir , my honourable predecessor tells me that this has completed its work . I thought there was a little still left but we will certainly look into it. If there is some more work left we can get another person from one of the institutional private sector bodies.

جناب چیئرمین۔ جی وقت ختم ہو گیا بہر کیف ایک سوال نمبر 62 بشیر احمد صاحب ۔

Question No. 62. Answer taken as read. Any supplementary question?

62. *Mr. Basheer Ahmed Matta: Will the Minister for Finance and Economic Affairs be pleased to state the details of amount invested by DFIs and commercial banks in the industrial sector in the country during the past three years , indicating also the actual figures in percentage with province-wise break-up?

Sardar Farooq Ahmed Khan Leghari: During the period from July, 1989 to June, 1992 NCBs and DFIs provided an amount of Rs. 44008.10 million fixed investment for industrial sector projects. A statement containing year-wise/province-wise details with percentage share is annexed.

YEAR-WISE PROVINCE-WISE POSITION OF INDUSTRIAL
INVESTMENT BY NCBs/DFIs DURING THE LAST THREE YEARS

Name of Province		1989-90	1990-91	1991-92
Punjab	(Amount)	7085.80	6383.90	12686.30
	(%)	61.84	52.16	62.46
Sindh	(Amount)	3235.30	3825.50	4619.70
	(%)	28.23	31.26	22.74
NWFP	(Amount)	729.10	1364.90	2540.50
	(%)	6.36	11.15	12.51
Baluchistan	(Amount)	408.80	663.70	464.60
	(%)	3.57	5.42	2.29
Total:		11459.00	12238.00	20311.10

Mr. Sartaj Aziz: Note that the increase in 1991-92 in total investment was 70 percent by the NCBs/DFIs and in the face of all the things that no major investment or impact of reform has taken place. These figures are worth noting by the House.

Sardar Farooq Ahmed Khan Leghari: I would also like to inform the honourable Minister for Finance (ex honourable Minister for Finance) and this House that there is a sharp deterioration in investment in Pakistan during the current year which was the peak period, what they had the year before that was a carry over from the past.

"UNSTARRED QUESTIONS AND THEIR REPLIES."

9. Syed Abdullah Shah: Will the Minister Incharge of the Cabinet Division be pleased to state:

(a) the number of agro-farming plots (other than P&V Farms) viz: Orchard farms sheep farms, dairy farms etc. were allotted to general public in Islamabad during 1975 to 1990, indicating also the names and addresses of such allottees, date of application, date of allotment and the criteria for such allotments;

(b) the number of agro-farming Schemes(other than P&V Farms) floated in Islamabad so far for the general public indicating also the number of such plots available for allotment in these schemes; and

(c) names and addresses of affectee claimants of agro-farms and P&V Farms who filed suits in civil courts or petitions before the Ombudsman against C.D.A. during 1983 to 1989 indicating also the date and registration number of such complaints?

Mian Khurshid Mahmood Kasuri: (a) Nine as per detail given in Annexure-'A'.

(b) Three schemes were floated as per details given below:-

Scheme and plot available for allotment.

- | | | |
|-----|---|-----|
| 1. | Orchard Scheme at Sector H-9, Islamabad----- | 4 |
| 2. | Orchard Scheme at Murree Road----- | 9 |
| 3. | Private Nursery Scheme at National Park Area----- | Nil |
| (c) | As per detail given in Annexure-B | |

LIST SHOWING NAMES AND ADDRESS OF ALLOTTEES WITH DATE
OF ALLOTMENT, DATE OF APPLICATION AND CRITERIA
FROM 1975 TO 1990

ORCHARD SCHEME AT SECTOR H/9, ISLAMABAD

S. No.	Name & Address of the Allottees	Plot No.	Size	Date of Application	Date of Allotment	Criteria
1.	M/s. Zahid Hussain etc. 16, Saddar Road, G-6/1-3, Islamabad.	4-B	12 acres	—	20-1-80	1. General interest. 2. Financial resources. 3. Expertise. 4. Technical know-how in the related field. 5. Agricultural back- ground. 6. Feasibility Study. 7. Machinery etc.
2.	Malik Ghulam Abbas, 6, Civil Lines, Sheikhupura.	8	18.2 acres	Nil	1-9-76	— do —

SHEEP BREEDING/DAIRY FARMING SCHEME
NATIONAL PARK AREA (ALIPUR FRASHI)

3.	Mr. Shafi Ullah Khan House No. 2, St. 21, F-7/2, Islamabad.	Nil	30.8 acres	29-5-80	27-9-81	— do —
4.	Ch. Rehmat Ali 1305-B, Satellite Town, Rawalpindi.	Nil	100 acres	18-12-80	22-11-81	— do —

Note. However,
Allotment was cancelled.

PRIVATE NURSERY NATIONAL PARK AREA ISLAMABAD

5.	Mohammad Riaz House No. 49, I-9/4, Islamabad.	5	2 acres	2-7-75	6-6-76	— do —
6.	Mr. Shahzad Ahmed St. Pauls Charch Stadium Chowk Rawalpindi.	6	2 acres	24-6-89	24-8-89	— do —
7.	Mr. Anwar Aziz 43-F.C.C. Colony Lahore.	15	2 acres	30-7-76	11-8-76	— do —
8.	Ch. Khurshid Mohammad 26-S, Al-firdous Main Road, Sanamabad Lahore.	21	5 acres	12-5-82	2-6-82	— do —
9.	Mrs. Surriya Akhtar W/o M. Afzal Hussain H. 15-A, St. No. 17, F-7/2, Islamabad.	22	5 acres	6-8-84	20-1-85	— do —

Annex-B

LIST SHOWING DETAILS OF COURT CASES OF THE AFFECTEES FROM 1983 TO 1989

S. No.	Name of Complainant	Date of suit
--------	---------------------	--------------

COURT CASES 1983 TO 1989

- | | | |
|----|---|-----------|
| 1. | Mr. Sultan S/o Mohammad Zaman,
Plot No. 25-B, P&V Scheme No. 2,
Sehana Extension, Islamabad. | 3-10-1984 |
| 2. | Mr. Abdul Ghafar
C/o Syed Mushtaq Ahmad,
P-1550, Asghar Mall Scheme,
Rawalpindi. | 11-5-1988 |
| 3. | Mrs. Shama Begum W/o
Mr. Abdul Ghaffar, C/o
Syed Mushtaq Ahmad,
P-1550, Asghar Mall Scheme,
Rawalpindi. | 22-5-1988 |

LIST SHOWING DETAILS OF WAFAQI MOHTASIB CASES
OF THE AFFECTEES FROM 1983 TO 1989

- | | |
|--|---|
| Mr. Abdul Ghafar,
C/o Syed Mushtaq Ahmad,
P-1550, Asghar Mall Scheme,
Rawalpindi. | Case No. Reg-1/3763/87 dated: 17-3-1987 |
| Mr. Tufail Anwar,
Vill: Ojri Clan,
Murree Road, Islamabad. | Case No. Reg-1/1166/88 dated: 30-3-1988 |
| Mr. Mehtab Abbasi,
Popular Cloth Store,
Aabpara Market, Islamabad. | Case No. Reg-1/8660/85 dated: 3-10-1985 |

10. Syed Abdullah Shah: Will the Minister for Finance and Economic Affairs be pleased to state whether there is any proposal under consideration of the Government to make law for revenue auditing; if so when?

Sardar Farooq Ahmed Khan Leghari: The Auditor General of Pakistan already conducts statutory audit, through Director General Revenue Audit. In addition, the respective Revenue Departments under Central Board of Revenue have arrangements for internal audit. Hence, there is no need for any fresh legislation.

11. Syed Abdullah Shah: Will the Minister for Finance and Economic Affairs be pleased to state whether it is a fact that in the some other countries including USA the Auditors have access to the Tax-payer records but in Pakistan they are not allowed to see the tax-payer records, if so, its reasons?

Sardar Farooq Ahmed Khan Leghari: The audit teams of the Auditor General of Pakistan have access to the tax payers' record which is maintained in the tax offices (viz Income Tax, Customs, Central Excise and Sales Tax Departments). However, the audit teams have no statutory powers to examine the record which is maintained by tax payers at their own premises.

12. Syed Abdullah Shah: Will the Minister Incharge of the Prime Minister's Secretariat be pleased to refer to his statement made on the floor of the Senate on 28th February, 1993 and state;

- (a) the date on which the Chief Executive of Mercedes Benz visited the Pakistan; and
- (b) the steps the government has taken for the establishment of the Mercedes Benz plant in Pakistan?

Mian Khurshid Mahmood Kasuri: (a) Chief Executive of Mercedes Benz visited Pakistan on 13-14th February, 1993.

(b) government of Pakistan have not taken any steps for establishment of the Mercedes Benz Plant in Pakistan.

LEAVE OF ABSENCE

جناب چیئرمین۔ بھٹی کی درخواستیں۔ کوئی ممبران کی جانب سے نہیں ہیں۔ لیکن دو وزراء صاحبان نے اطلاع دی ہے ظفر علی خان لغاری صاحب، آفاق احمد صاحب نے کہ وہ ایوان میں حاضر نہیں ہو سکیں گے کچھ ناگزیر وجوہات ہیں۔ جی جناب سرتاج عزیز صاحب آن پوائنٹ آف آرڈر۔

Mr. Sartaj Aziz: Mr. Chairman, as you may have seen from the newspapers today there was a bomb blast in I-8 and two people were killed and seven were injured. As a Senator from Islamabad I like to request the Government that since this accident was caused by one of the projectiles from the Ojhri Camp, these affectees deserve the same compensation as was given to the Ojhri Camp affectees, and will the Government look into this?

Further discussion on the privilege motion;

Re: dissolution of National Assembly

Mr. Chairman: Next we proceed with the discussion on the privilege motion.

سب سے پہلے ہیں جناب بھٹی اختیار صاحب۔۔۔ جی فرمائیے۔

Syed Iqbal Haider: Sir, on point of order. May I request that

before the discussion on the dissolution of the National Assembly be taken as the main point on the agenda. It should come on the order of the day. Secondly the adjournment motions may be allowed to be discussed because otherwise all the adjournment motions will be killed throughout the session. Sir, the Honourable Minister for Parliamentary Affairs and other friends because it's not my-----

جناب چیئرمین۔ جی پوچھ لیتے ہیں ہاؤس کی کیا رائے ہے؟ ایڈرف آف دی ہاؤس
کہہ رہے ہیں؟ پوچھ لیتے ہیں کیوں جی آپ کی کیا رائے ہے ایڈجرمنٹ موشن کو لے لیا جائے۔
جناب محمد طارق چوہدری۔ دیکھیں جی پری وینج موشن جو ہے۔ اس کو لازمی طور
پر پہلے لیا جاتا ہے اور اس پر بحث جب ختم ہو جائے تو بے شک ہاؤس بعد میں آپ اگر
مزید چلانا چاہیں۔ کیونکہ جو ایک قصہ شروع ہے اس کو اپنے اختتام پر چلایا جائے۔

Mr. Chairman: Muhammad Ali Khan Sahib.

Muhammad Ali Khan: This session is being hold specifically to discuss this privilege motion. When this is finished then adjournment motions could be taken. We had a meeting in the office.

Mr. Chairman: The other request I would like to make is, since we have no organized parties

تو آپ آرگنائز کر لیں کہ کون کون سے اصحاب بولیں گے تاکہ

We can cut short on that also. Repeating arguments of your own party would not serve any purpose. So, if you kindly within your own parties, decide who is going to speak on behalf of each party which simplifies the matter.

Mr. Basheer Ahmed Matta: You are putting restrictions on the members.

Mr. Chairman: No, I am not putting restriction. I am asking the

party-if they would like to do it.

Mr. Basheer Ahmed Matta: No, Sir we want to repeat the same thing again and again to tell the nation that we support or oppose a certain matter.

جناب چیئر مین۔ جناب بکھی بختیار صاحب۔

Mr. Yahya Bkhtiar: Thank you Mr. Chairman. Before I go into the question of dissolution of National Assembly under the 8th Amendment, I would like to make one or two submissions about some misconceptions. Misconception is in the sense that some gentlemen yesterday said the President gave a clean chit to the previous administration and that now he has gone back on that. No, Mr. Chairman, if you want to confront a witness in the witness box with the previous statement, for that purposes it is O.K. But I would submit that there is a misconception in the parliamentary system. The speech which the President makes, and you are well aware of that is similar to the speech which a queen makes from the throne. In other words, the speech is prepared by the Government. The speech contains the performance of the Government in the previous year and it lays down the policy of legislation and programme of the government for the future. The President has no business, no authority, no requirement to sit on judgement of what the Government does or what the Government has done and what the Government should do. So that is why I submit it is wrong to say that he gave a clean chit, he has no business to give a chit. The chit is given by the Parliament to the Government not by the President. He is not a headmaster to tell what to do or what not to do.

Secondly Sir, it is unfortunate but it happened. The speeches of the

President are prepared by the Ministry. But the honourable President has been ignoring them. He may have got some facts from here and there to incorporate but he made his own speech as if he is the one to whom the Parliament and the Government is answerable. This is wrong. So, I request the honourable members, please don't talk about his chit and don't expect him to give a clean chit. The Prime Minister and his Government, they expect they are liable and answerable to the Parliament and Parliament alone and to the people and not to that man we call President.

Now, Sir, I will go into the question of dissolution. I will mainly confine myself to constitutional and legal points. May be, little bit of politics here and there. Sir, we know this 8th Amendment, we know that military that it has brought. What happened was that there was Martial Law for eight years. After that Gen. Zia-ul-Haq thought or considered or was forced to, I don't know whatever may be the position, to give up, to put an end to Martial Law, to be no longer a Chief Martial Law Administrator. So, he passed what was called the revival of the 1973 Constitution Order which is called President's Order No. 14. In that he wanted that even after he has given up his position as Chief Martial Law Administrator, he should continue to have similar powers and for that purpose President's order No. 14 was promulgated.

Sir, a partyless election took place on non-party basis, a House was brought about of non-party members, no party could hold out himself by the lead as the member of a Political Party. And at that time, Sir, I had the privilege to go to the Supreme Court on behalf of my party, because there was requirement that no party can participate in the elections unless this party is registered. The Supreme Court was pleased to declare that registration was not necessary. Then,

the general order that elections will be on non-party basis even if they are party on non-party basis. Again I had the privilege to go to the Supreme Court to get this order set aside. Every party is allowed to participate in the elections. But in the mean time elections had taken place for 5 Assemblies and not on non-party basis. So, in that, Sir, a government was formed and honourable late Mr. Junejo was made a Prime Minister. He was appointed and he was being a nice man, others supported him and he became a Prime Minister. Mr. Junejo, I understand had to, perhaps Sir, you were also there and you know what 8th Amendment is and how it was brought about. But it was, I understand under blackmail. "If you accept the position, if you incorporate my order No. 14 of 1985 in the Constitution in the form of 8th Amendment then I will lift martial Law, otherwise I am not going to lift Martial Law". That was the approach of the General and I give compliments to late Mr. Junejo, that inspite of that he tried to make some modifications here and there wherever he could improve on that order of General Zia. Now Sir, having said this, I will very briefly submit as to what this 8th Amendment is speaking legally and Constitutionally. Sir, it has many beautiful aspects in the sense of contradiction, inconsistency, bad drafting. I will just point out to one aspect. Under this Amendment previously, Sir, the control and command of the Armed Forces were with the Federal Government and that is also proper because a Federal Government is responsible to the House, to the Assembly, to the people and it will have control and command of the Armed Forces that has continued. Thank God, that the control and command of the Armed Forces is with the Federal Government but the change they have brought about is that the leaders of the Armed Forces could be appointed by the President in his discretion. So, there cannot be coordination, may be fortunately we have the coordination, one body will control

the command of the Armed Forces but the leaders of the Armed Forces were appointed by someone who may be hostile to the government. Similarly, Sir, there are other aspects. Now, under Article 48 of our constitution, if a general power given, general principle laid down that in certain cases where the President has been given discretion under the 8th Amendment in all cases, the President shall act on the advice of the Cabinet, of the Prime Minister. Having said that, I was reading an article about the appointments of Ministers, they say, "subject to clause(7) and (8) of Article 91; the President shall appoint Federal Minister and Minister of State from amongst the members of Majlis-e-Shoora,(Parliament), on the advice of the Prime Minister." now having said that everything is done on the advice of the Prime Minister, why have you said specifically here, on the advice of the Prime Minister, that creates a confusion that in either places which is not mentioned it is not on the advice of the Prime Minister,-----bad drafting-----nothing more than that.

Sir, coming to the 8th Amendment and the power to dissolve the House, the National Assembly, it is Article 58 (2)(b); which says; notwithstanding anything contained in clause (2) of Article 48, the President may dissolve the National Assembly in his discretion, where in his opinion,----first his opinion come in clause (a) where the Prime Minister loses the confidence of the House and no one else is in a position to form the government and gain the confidence of the House but that is fair enough, he deserves that. Secondly, which is objectionable is and that is the point before the House and it says that the situation has arisen in which the government of the Federation cannot be carried on in accordance with the provisions of the Constitution and an appeal to the electorate is necessary. This is what the President has done. This the power which he has exercised call

something. In his opinion a situation has arisen in which a government of the Federation cannot be carried on in accordance with the provisions of the Constitution and an appeal to the Electorate is necessary. Innovative interpretation of the clauses of the Constitution, you have read it, and the Henry VIII Clause and the 8th one, a king who killed six wives and went on marrying so, this is the clause which has almost killed three assemblies, three Prime Ministers, three governments, so I call it the Henry VIII Clause or you may call it the Guy Fox of Pakistan. The Guy Fox was Sir, a well known character in England who had very practical ideas about Parliament. He did not like the Parliament so he had brought a lot of gun powder to blow up the House. He was arrested. So, we had Guy Fox, Ghulam Muhammad, Sikander Mirza, Zia-ul-Haq and now Ghulam Ishaq Khan, one after another. They want to blow up the chosen representatives, House with gun powder. Now, Sir, it is really a very very pathetic case that a man indirectly elected, unrepresentative should be in a position and should be empowered to dismiss the chosen representatives of the people, their government, their Prime Minister in his discretion without consulting anybody, without being obliged to take any advice. This, Sir, 200 or over 200 chosen representatives of the people are dismissed by the man in his discretion. This, Sir, I will ask the honourable members, is this democracy? Is this consistent with the principles of Parliamentary set-up of government? Is this consistent with the principles of Islamic Jurisprudence that a man who is elected indirectly, (I am emphasising this) indirectly-----because we are also elected indirectly, this House is also elected indirectly, but there is some difference between those who are elected directly and indirectly. Indirectly elected people don't have that power which is given to the directly elected. We admit, we should recognize that. I am reminded of what Pandit Jawaharlal Nehru said before

the Constitution-making body of India; He said " we are electing our President indirectly because we do not intend to give him any powers, it will be anomalous to elect the President directly and not giving any powers. On the same point, Dr. Ambedkar, who was the Chairman of the drafting committee, he put it very simply. He said: " under our constitution, the President represents the nation, the Prime Minister represents the national will". The distinction is very clear. Here a man, indirectly elected, he through his fate to his power under 58(2), nullifies the national will, sets at naught the mandate given by the people to the Parliament. This is something which is unheard of intolerable.

As I said, Sir, in five years time three Prime Ministers, three Parliaments, three governments have been sacked in the discretion of an individual.

Now Sir, let us analyse a bit this provision of Article 58;

"-- a situation has arisen in which the Government of the federation cannot be carried on in accordance with the provisions of the Constitution and an appeal to the electorate is necessary."

Sir, what happened on the 18th when the President was pleased to pass this order. Did the Government machinery breakdown? Were the clerks on strike-pen-down strike? Did the officers refuse to work? Did the Railway come to a stand-still? Did PIA did not work? I will ask, did the shopkeepers go on "Hartal"? Were the Labour Unions not working? Were they gone on strike? Then, why does he say, a situation has arisen in which the Government of the Federation cannot be carried on in accordance with the Provisions of the Constitution. The provision is, Sir, that it is his opinion, if he is of the opinion, it may not be a fact, he may imagine, he may suffer from some hallucination that the government of the country cannot be carried on in accordance with the provisions of the Constitution. The President

has formed the opinion, Sir, that it cannot be carried on in accordance with the provisions of the Constitution, then, you have to see, Sir, as I am analysing who is carrying on the Government of the Federation. Let us see, what is the government, under added definition of the government in any textbook or constitutional law- is the executive, the legislature and the judiciary taken together form the government? Did you, Sir, as Chairman of the Senate or the executive, the judiciary or the Speaker of the National Assembly inform the President? I cannot carry on this House, we cannot function, we have come to a standstill, "No". The Speaker had called the Assembly on the next day, it was to meet there. Again Sir, did the Prime Minister inform him that the government cannot be carried on, somehow my officers are not working? The President says, oh, two, three, four, five Ministers resigned only-----my sons-in-law, my Advisor Roedad Khan resigned, the government has come to a standstill. There are fifty Ministers,---forty Minister, does it make any sense?

Again Sir, as far the judiciary is concerned, the smallest courts to the highest courts in the land were functioning- the Supreme Court, the High Courts, the district courts, the lowest courts, the judiciary did not complain, they did not inform. How President, with all respect to him, came to the conclusion that the Government of the Federation can not be carried on in accordance with the provisions of the Constitution. No, Sir, there was no ground, whatsoever. Nobody informed, nobody told him who were actually carrying on the Government of the Federation. It was the Cabinet, it was the Prime Minister, it was the Speaker, it was the Chairman of the Senate, Speaker of the National Assembly and the Chief Justice of Pakistan. They could have informed him, we cannot carry on, we are sorry, every thing has come to a standstill. That means that the government cannot

be carried on in accordance with the provisions of the Constitution. But that was not a fact. What the President has said, is not correct. But when we look at Article 58(2)(b), it says, it is all irrelevant, nothing may have happened, does not matter, it is the President's imagination and his opinion that counts because it is discretionary power and that discretionary power is exercised, cannot be questioned on any ground whatsoever. So, in other words, if the President wants at any time and he has done it to become the sole, absolute ruler, the Leviathan of this country, he can sack the Assembly in his discretion, he can dismiss the government and then he can assume all powers in his discretion under Article 58, irrespective of what the Supreme Court says because I am not going into that question whether what is justicable and what is not justicable, what should be the objective opinion, I am just concerned here, Sir, is a Parliament and this house and the wording the President says, 'I am not required to seek anybody's advice before I form my opinion or consult anybody'. He makes himself ground, he makes himself reasons, he may not, he is not obliged, having found that opinion and having dismissed the National Assembly. Then Sir, what happened, what happened after that? Let us see that. The President for at least ninety days becomes the absolute ruler of twelve hundred million people of this country. In his discretion, he governs them, he may pick up few Ministers from here and there. I am not casting aspersion on the gentlemen who have been selected. Some of them are nice men, good men, honest men, others not so good, not so honest, not so nice but I am not concerned with that, they are all men of straw, in the literal sense, in the legal sense. Because they are not representing anybody but themselves and they are not answerable to anybody but the President. They have no mandate. I heard Sardar Farooq Leghari, I must say, his performance was very good. I wish

he was elected Minister, he was ready for all the answers and he was telling what, plan they are going to make, what else they are ready to do but I only tell him, Sardar Sahib.

آیا ہے تو جہاں میں مثال شرار دیکھ
دم دے نہ جانے ہستی ناپائیدار دیکھ

He may be there only for two weeks, the judgement may come from *Supreme Court and thank you all, do not make so many plans, do not make so many designs.

Sir, what they tell us, these honourable Ministers, so-called Ministers, the hand-picked Ministers that there is going to be no change in foreign policy, there is going to be no change in currency policy, there is going to be no change in finance policy, there is going to be no change in defence matter, there is going to be no change in privatization, then what the hell are they doing here. Who called you? What is the need for you? Why this change? Why dismissed the Cabinet which is elected and replaced by unelected people. No change, no change, no change.

تتواہ لیں سے، نوکری کریں سے۔

This I do not understand. Sir, and not to be left behind or lag behind, they also have a kitchen Cabinet like they had before this but there is no Minister in that. There are four bureaucrats. The other day Nawa-i-Waqt wrote a very good Article, I think Majeed Nizami wrote it, that they are the real rulers the four retired bureaucrats, Ghulam Ishaq Khan, Roedad Khan, Ijlal Haider Zaidi and Fazal-ur-Rehman Khan. Unfortunately, Sir, people, unfair, unkind people called them a gang of four but the point is, Sir, you call this carrying on the Government of the Federation in accordance with the provisions of the

Constitution.

یہ تو آسمان سے گر کر کے بھی کجور میں نہیں اٹکے یہ تو frying pan میں ہیں -

Sir, I will not go into the detail. My whole submission is that the Eighth Amendment, with all its provisions that I have been pointing out, is not only an obnoxious piece of legislation but it is undemocratic, unconstitutional and un-Islamic. The simple thing is Sir, that I will not go into detail, I am not before a court of law, that it is not possible under our system of government that one man should be the ruler of the country. I go first to our own constitution which lays down the scheme of our Constitution as an Islamic Republic of Pakistan, Islamic Republic of Pakistan has got some basic structure of the Constitution which is given in Article 2-

"That Islam shall be State religion."

Article 2 (a) which is Objective Resolution.

Now, Sir, in the Objective Resolution----

(pause)

Sir, the main thing is that whereas sovereignty belongs to Almighty Allah alone and the authority to be exercised by the people of Pakistan within the limits prescribed by Him is a sacred trust. First of all, sovereignty belongs to Allah. It is delegated to the people as a sacred trust. Secondly, whereas it will be the will of the people of Pakistan to establish an order, where in the State shall exercise that power, an authority, through the chosen representatives of the people. The authority, Sir, the sovereign power belongs to Allah. It is delegated to the people of Pakistan. The people of Pakistan have their chosen representatives, not one representative, they will exercise the sovereign power. But the President says, No, I am the only representative. I sack all of them, I would rule. So, this is indirect conflict with the

Constitution of Pakistan that one man, however, could he may be, however, important he may be, he cannot be the ruler of Pakistan and he cannot lay down the law. So, this is unconstitutional to begin with, and this is also Sir, against the Islamic principle.

Sir, I had the honour of meeting the President many years ago and, at that time, he had passed many orders as President before Mohtarma Benazir Bhutto became the Prime Minister, appointment of Secretaries, Ambassadors, Judges and I told him Sir, you have not been appointed as Prime Minister, you cannot act like that. You have to act on the advice of the Prime Minister. You cannot even nominate one. Oh! "It was not necessary, General Zia-ul-Haq did not do it." I said, the constitution requires it. You have to act on the advice of the Cabinet or the Prime Minister. Anyway, after Benazir Bhutto became Prime Minister. They gave a judgement in the Supreme court that the Prime Minister was necessary. So, I took the Government have sent three Ordinances to regularise the services, to regularise the appointments of Judges, of Ambassadors and other important persons which were necessary to be appointed on the advice of the Prime Minister, he can regularise them. They were pending there for many days before the President but the President did not sign them. I went to him I said, Sir, three Ordinances are there, you may sign them. He said, I am not going to sign them. I said, Sir, you are violating the Constitution. They can impeach me, as such this is not done. You know very well that we don't have the majority to impeach you but even if we had the majority this is not proper thing to get hold of the President, drag him into the House and impeach him.

Now, Sir, what I am trying to explain is that today, at that time, he could say the President could also be impeached. He is also answerable, he is also

reponsible. Today, he has finished that also because he has put an end to the National Assembly and he cannot be even impeached. He can not be impeached, he cannot be questioned, he is not answerable to anybody. Honestly, a real '*Qabza Group*' has come to control all the government. They call it as '*Qabza Group*' all over the country, but the whole country has been taken in Qabza by one small group.

Sir, before I go into detail I find I have taken enough time but I will be very brief. My reason is that this is unconstitutional because under the Constitution one man cannot be the ruler. Under the Constitution the basic structure of the Constitution which I read out in other parts that it had to be a democratic State. Sir, it is not a fashion these days to quote from Quaid-i-Azam, it is out of fashion but I would like to remind the House what the Quaid Said on this question? I am reading it from his speech when he was addressing a broadcast statement to the people of the United State. The Quaid said, "the Constitution of Pakistan has yet to be framed by the Pakistan Constituent Assembly. I do not know what the ultimate shape of this Constitution is going to be but I am sure that it will be of a democratic type embodying the essential principles of Islam. Today, they are as applicable in actual life as they were 1300 years ago. Islam and its ideals have taught us democracy. It has taught us the quality of men and justice for fair play to everyone who are inheritors of these glorious traditions and are fully alive to our responsibility and obligation as framer of the future Constitution of Pakistan. In any case, Pakistan is not going to be a theocratic State." Sir, these are very clear words and this Eighth Amendment is even violation of every word what the Quaid said every word what the Quaid said." It is not democratic, it is not Islamic, it is one-man rule".

Again, Sir, I will read what the Quaid told to a Sibbi Jirga in 1948. He proposed the scheme that their people should be represented, even Balochistan had no representative assembly. He wanted to form some assembly and advisory council and he proposed that scheme and he said in proposing the scheme I have had one underlying principle in mind, the principle of Muslim democracy." It is my belief that our salvation lies in following the golden rules of conduct set for us by our great law-giver, the Prophet of Islam (PBUH). Let us lay down the foundation of our democracy on the basis of truly Islamic ideals and principles." Here Sir, I want to point out, he said, our Almighty has taught us that our decision in the affairs of the State shall be guided by discussion, in consultation. Discussion and consultation can only take place in a Parliament, not by one man sitting there. So, Sir, this is so unconstitutional, it is so un-Islamic, Islam is based on the concept of Shoorah, you must consult each other. No individual even the Prophet (PBUH) allowed himself to be over-ruled by others by an individual judgement. So, here this man, with all respect to him, Mr. President, is ruling the country under the Eighth Amendment. As the other day the Chairman was telling to someone that after all the Parliament has, by 2/3rd majority, passed this Act. Here is a point which may be noted that Parliament in England is supreme, they call a supremacy of the Parliament because it can make any law. But Parliament in Pakistan is not supreme, please remember this. A concept of sovereignty in Islam is very different. Sovereign is Allah, Parliament is not sovereign and it has to make laws within the limits prescribed by Him. So, our sovereignty and concept of sovereignty is limited. No ruler in Islam whether he was a dictator, autocrat, king, tyrant, ever claimed that I am the supreme ruler leviathan Charles I who was beheaded by believing divine right of the king, no ruler could ever claim. In Islam the Parliament

is not supreme but the law is supreme, the law is already there, the law is divine and under that law the Parliament must function and that law says, 'you have to act within the limits prescribed by Allah.' This law is unconstitutional, it goes beyond those limits.

{At this stage the Chairman vacated the Chair which was occupied by the Presiding Officer (Malik Muhammad Hayat)}

Mr. Presiding Officer: Please wind up now within five minutes.

Mr. Yahya Bakhtiar: Thank you, Sir, I will take only two minutes.

Sir, the author of this obnoxious document was well aware that he is going beyond the limit prescribed by Allah. So, what he did was, and you may kindly note this Sir, that in the Constitution amended clause-Article 239, -Article 239, Sir, deals with the amending of the Constitution, -was all replaced and then on the Eighth Amendment and in that Sir, "No amendment of the Constitution shall be called in question in any court on any ground whatsoever," clause(5). And(6):

"For the removal of doubt, it is hereby declared that there shall be no limitation whatsoever on the power of the Majlis-e-Shoora (Parliament) to amend any provisions of the Constitution."

Sir, this is a very serious matter. Indeed very very serious matter that no limitation whatsoever on the Parliament to repeal any provision of the Constitution. We now say if this is no longer an Islamic Republic of Pakistan. Objectives Resolution has been nullified. That is the idea. So, nobody can question that they wanted beyond the limits prescribed by Allah, beyond the objectives Resolution they have made this Eighth Amendment, this is not possible, this is by itself is illegal, unconstitutional, they know very well.

Sir, I won't take more time of yours, thank you very much.

Mr. Presiding Officer: Thank you. Senator Abdullah Shah Sahib.

Syed Abdullah Shah: Thank you Mr. Chairman. Sir, in the very beginning of the discussion I had risen to make a submission that this issue of dissolution cannot be discussed as a breach of the privilege of the Parliament or the Senate. That's my preliminary objection. We can discuss it under Rule 194 as a motion but again there is a bar that the matter is subjudice. I will first touch these two points.

Sir, as far as the privilege is concerned, privileges of Parliament are mentioned in Article 66 of the Constitution and if you kindly read with me they are very limited:

"Subject to the Constitution and to the rules of procedure of Majlis-e-Shoora (Parliament), there shall be freedom of speech in Majlis-e-Shoora (Parliament) and no member shall be liable to any proceedings in any court in respect of anything said or any vote given by him in Majlis-e-Shoora (Parliament), and no person shall be so liable in respect of the publication by or under the authority of Majlis-e-Shoora (Parliament) of any report paper, votes or proceedings.

(2) In other respects, the powers, immunities and privileges of Majlis-e-Shoora (Parliament), and the immunities and privileges of the members of Majlis-e-Shoora (Parliament), shall be such as may from time to time be defined by law and, until so defined, shall be such as were, immediately before the commencing day, enjoyed by the National Assembly of Pakistan and the committees thereof and its members."

Sir, unfortunately we have so far failed to make any law defining the privileges of the Parliament and its Members. Only these privileges are mentioned in the Constitution i.e., freedom of speech, we cannot be taken to task for whatever we are saying in this House not beyond that and in absence of any law on this ground there is no question of breach of privilege.

No. 2, Sir, the Senate came into being after the passing of the 1973 Constitution. So, only those privileges were available which were with us before 73 or at that time, there was no addition that if you would do something that also constitute breach of the Parliament. Then, Sir, my next suggestion will be that in the presence of a constitutional provision that the President can dissolve the Parliament, Sir, I am against the Eighth Amendment. Let me be very clear. I will also come to that. We have been always opposing it. We never supported it but as long as this thing remains in the Constitution you have to take notice of this Amendment. Then, there is a provision in the Constitution itself that he can under certain circumstance which now, previously it was thought that it is purely his discretion but the courts have found that no his discretion can be questioned by way of petition in the Supreme Court or the High Court. So it is not uncontrolled. Under certain circumstance the power has been given to the President to dissolve the National Assembly and if he does it according to the Constitution I have failed to understand how can we treat this as a breach of privilege of the Parliament. He is simply acting under a provision of the constitution which willy nilly is there and in that way Sir, this is no breach of privilege according to my submission.

Next Sir, it was stated that although the matter may be pending in a court, only an adjournment cannot be discussed, if the matter is subjudice, but the

privilege motion can be, one honourable Senator made this statement before this House. I will bring to your kind notice that there is also Rule 200 which is to be read alongwith the rule relating to privileges which debars us from discussing something which is pending in a court. Sir, although this rule that we have framed putting a bar on ourselves to discuss a matter (pending) in a court, I think, is not proper. The Constitution gives me right to discuss everything in this House but not the conduct of any Judge. We have imposed on ourselves this embargo that anything that is pending in any court cannot be discussed. I am against this rule as well but again Sir, my submission is that in the presence of that rule and in the presence of the Constitutional provisions we have to go according to them. Either you change the constitutional provisions and the laws and the rules or you follow them, you can not have both.

Thirdly, Sir, there is already a ruling of this Chair. This sort of dissolution when it took place in 1988 was agitated in this very House by way of privilege motion and finally the then Chairman found, I have got a ruling with me which I can produce to you, that there has been no breach of privilege if the President has dissolved the National Assembly. So, either this Chair can revise that ruling and say no because you have the power to disagree with your former Chairman or you can follow his ruling. So, this is my first submission that this discussion should have been allowed under Rule 194 of our Rules of Procedure and not as a breach of privilege of this House. Sir, when this motion was being discussed in this House, I think in 1988 one honourable Senator, unfortunately he is not here for whom I have the greatest respect Prof. Khurshid, had even said that this is not a breach of privilege of the Parliament and I will read what he had said then in this august House. But now he has changed his views. Yes, Sir, I read it. Professor Sahib said

in that speech he made in this very House on 29th of August, 1990.

اور اگر ایسا کیا جائے کہ انتخاب کی تاریخ مقرر کئے بغیر اسمبلی توڑی جائے تو فی الحقیقت سینٹ معطل ہو جاتا ہے۔ اس لئے کہ سینٹ کوئی قانون سازی نہیں کر سکتا، جو اس کا ایک فرض منصبی ہے، جب تک دوسرا ہاؤس بھی موجود نہ ہو۔ لیکن کسی دستور میں جس میں کہ یہ نظام دیا گیا ہے کہ یہ بات بھی موجود ہے۔ کہ سینٹ کبھی dissolve نہیں ہوگا، لیکن اسمبلی ہوگی البتہ عام حالات میں dissolution کی مدت نوے دن سے زیادہ نہ ہوگی۔ نوے دن کے اندر اندر کوئی privilege مجروح نہیں ہوگا۔ یہ part of the process ہے۔ لیکن ہاں اگر کبھی ایسی صورت پیدا ہو جائے کہ صرف سینٹ رہے اور قومی اسمبلی نہ ہو۔ تب پھر وہ ضرور privilege پیدا ہوگا

What I am trying to say is that if elections are not held according to the Constitution within 90 days then there could be a breach of privilege of the Senate but if the elections have already been announced, that they will be held within 90 days there is no question of breach of privilege. Also Sir, I put it in a different way. Supposing the House was dissolved on the advice of the Prime Minister, even then you will say the privilege of the Senate has been breached because the Prime Minister advised the President to dissolve the Assembly. Sir, this is a normal thing under the Constitution and I don't think this amounts and constitutes a breach of privilege of this House.

Now, Sir, I come to dissolution itself. Sir, my party after the 90's elections have been repeatedly saying that these are rigged assemblies. Elections have been rigged and they have not come to the Houses in a proper manner. therefore, these assemblies should be dissolved. Rigging, Sir, was not only alleged by us but even those who were in the Government, under whom elections were conducted. Even they admitted that rigging has taken place and therefore the assemblies are not properly elected. Now this demand that we were making and we are still making today about provincial assemblies. If the President has taken action in view of the

pressure or in view of the demand made by the people after the previous government's performance, which I don't want to repeat because that will be not fair. So much has already been said in press, in this House; we have been saying that I don't think that he has exceeded his authority to get rid of this kind of government or an assembly which was rigged and. Sir, we are again making a demand that along with the National Assembly, the provincial assemblies also must go. Sir, I read the statements of Prof. Khurshid, which he said before that assembly can be dissolved on the demand of the people. He has said it in his speeches. So far the provincial assemblies are concerned now even Mr. Nawaz Sharif and I think he has now been elected as President of the Muslim League. Even he has made a demand that the provincial assemblies also should go. They will also be going, Sir, under the same provision. Sir, you cannot say that the dissolution of National Assembly was wrong but the provincial assemblies can be rightly dissolved. You can't blow both hot and cold at the same time. So, now there is a unanimous demand from the President to dissolve the provincial assemblies from all political parties in Pakistan. Therefore, I think, this is an ample justification to get rid of the provincial assemblies also. Sir, by the way, I refer to the Government of Sindh where election took place only yesterday. In place of this type of government you cannot even imagine free election or fair election. In Tando Bhago, that is in Badin district, I was informed that on 50 polling stations the turn-out was only 30 per cent. But on 10 polling station the turn-out was 90 per cent. And that is how our candidate was defeated. Sir, the Federal Ministers were attacked there. Their cars were damaged and that is how they have held this election only yesterday and day before. So in the presence of these provincial governments and these assemblies in the provinces we can hardly think and

imagine of conducting elections in a fair manner. So that again is a ground that these provincial assemblies must go. Sir, the honourable Senator Prof. Khurshid was a very vocal. He comes so well prepared. I can't match him but only I have the chance of reading what he said when our government was dissolved by the same President in 1990.

پروفیسر صاحب فرماتے ہیں جناب والا سب سے پہلی چیز تو یہ ہے کہ یہاں کچھ یہ تاثر دیا گیا ہے اور یہی تاثر ملک میں دیا جا رہا ہے اور بیرون ملک دیا جا رہا ہے۔ گویا کہ ملک میں جمہوریت کی بساط لپیٹ دی گئی ہے اور جمہوری حکومت کو بٹا دیا گیا ہے۔ میں پورے ادب کے ساتھ یہ بات کہنا چاہتا ہوں کہ جو افراد یہ انداز گفتگو اختیار کر رہے ہیں اور اس کے لئے press اور Media میں ایک مہم چلا رہے ہیں وہ نہ ملک کے ساتھ انصاف کر رہے ہیں اور نہ جمہوریت کے ساتھ۔ میرے کچھ ساتھیوں نے یہ بھی بات کہی ہے کہ ہمیں ایک democratically elected Prime Minister کی demise پر بڑا دکھ ہے افسوس ہے۔ میں چاہتا ہوں کہ اس مسئلے کے اوپر بالکل غیر جذباتی انداز میں گفتگو کریں اور جو حقائق ہیں ان کو سامنے رکھ کر اس ملک کو جمہوریت کے راستوں پر دستور کے مطابق چلانے کی کوشش کریں۔

Sir, the longest statement and he has given the instances from the British Parliament. He had gone through the dissolution of the House of Commons for a number of years and stated that no Parliament even in England ever completed its term. Therefore dissolution is justified, part of the political process. I will only submit, Sir, why the something was very good when it was used against us and now it has turned out to be a bad thing, depictable, hateful because somebody else has become the victim of the same amendment. So, we should not say one thing at one time and another at a time which suits us. Particularly, Sir, in this House and Parliament these things are on record where I can be contradicted what I say today and tomorrow. I say something else somebody will come and say that you said something different last time. So, Professor Sahib has made his speech, fully

supporting the dissolution of the Parliament then and now he says that it is not justified. Similarly, Sir, my honourable Senator, I have highest respect for him, yesterday he also became little emotional. Let me tell him, Sir, that as far as integrity, security well being of Pakistan is concerned we are no less patriotic. You are, Sir, facing a man whose father was murdered during the elections in 1946 because we were the Muslim League supporters. So our part also is there in the formation and making of Pakistan. It is not less dear to us in any manner whatsoever, not to my party. But even, Sir, he then in another speech on the dissolution in 90 said and I read it, with your permission, Sir, " Though rather late yet I am sure it will go down in the history as one of the golden deed of the present President." This is what my learned colleague had said then on that resolution. And then, Sir, he has spoke so much against the 8th Amendment yesterday, but in that speech I find, " it was said that had this not been passed then it would not have been possible for a single individual to dissolve the Assembly or dismiss an elected government. But I must say that people have now realized the importance of the 8th Amendment. Had it not been there, had it not been for the 8th Amendment, you would still have been under that government. So, the blessings of this 8th Amendment are apparent and God Almighty saved this country from the most inefficient, most corrupt government that we will have in our history." So, these are the blessings of the 8th Amendment when it was used against Pakistan Peoples' Party. But now when Mr. Nawaz Sharif has gone, it is a bad piece of legislation.

Now Sir, besides that, Sir, I have got press cuttings and statements of again the former Leader of the House and today Leader of Opposition hailing the dissolution of the Parliament by President. He said that Mr. Nawaz Sharif and the Muslim League were all jubilant, that the President has done a very pious and a

good deed for sending us home. But they are not happy when the same treatment has been bestowed upon them. Sir, I agree with the contentions made by my learned colleague my 'Buzurg' Mr. Yahya Bakhtiar, that this provision of law is un-Islamic. But unfortunately, this can only be amended by the Parliament. Mr. Nawaz Sharif had two third majority in the National Assembly and a very big majority in this House also. He said that "I am going to amend the 8th Amendment to reduce the powers of the President, therefore, he was dismissed. May I ask, Mr. Chairman, what he was doing for the last two and a half year-even three years-when he was able to pass that despicable amendment within minutes, bulldoze it through the Houses. He could do it. But he could not get rid of this piece of legislation when he was in position. Sir, our party did not have majority, two third majority, in the House. We were one or two persons in the Senate and simple majority in the National Assembly. It was also stated that for removal of the government there should be vote of no confidence. Why didn't the President used this? A chance should have been given to Mr. Nawaz Sharif to seek vote of confidence from the Parliament. Sir, we had got vote of confidence in 18 months five times in the National Assembly. We proved our majority in the National Assembly for five times. Even that did not stop the President to send us home. So, why they are objecting the dissolution of the present National Assembly. And it will be seen, Sir, we have been saying in this very upper House even by those colleagues who are against dissolution what they have said in what manner the government was being run-about its corruption, about its horse trading. So, what happened? We are against the horse trading even when this happened in Provincial Assembly of Punjab we objected to it. We are against it. So, let me say when horse trading was done against us, when a man was imposed on us in Sindh

who still continues to rule us. One is gone other fellow is there. No body objected because he was supporting them. And now if some one does not support them has come as a result of horse trading and he should go. Sir, principle is principle. Let us stick to the principles in politics also. Yes, we have to play politics as game of possibles but not be totally un-principled and, we say, one thing for one party and other for the other party.

Mr. Presiding Officer: Horse trading is bad.

Syed Abdullah Shah: Sir it is hateful. Sir, it is stated that the President dissolved this last National Assembly in order to get himself elected. Again I think it is not a correct statement because Mr. Nawaz Sharif is on the record, had gone to the President to tell him that "you are my candidate for next election, I am prepared to support you." It is stated that Mr. Nawaz Sharif should have been supported by our party when he was going to do away with the 8th Amendment. I submit, Sir, that he was not sincere in that. As soon as he got a hint that this thing is not liked by the people who matter he backed out from there also. So, permit me to say that a man may be making a very fiery speech on television but he has no guts. He could not face it. He went down to offer him to become their next President and also said that "I am not going to repeal the 8th Amendment". You wanted to see whom? So, we knew about his sincerity, therefore, we just kept quiet. I again say, Sir, we are against the entire 8th Amendment which does not only includes the powers of the President, it includes the Shariat Courts, includes the discretionary powers of the President, it includes the separate electorates. We are against it and as and when time comes, if my party gets that mandate from the people we are going to do everything. But these

people had the majority, had the power and did not do anything about it. Now it does not lie in their mouth to say that injustice has been done to us.

Mr. Chairman, Sir, Again certain honourable Seantors made a statement which they should not have. They were trying to influence the court that we expect that the court will be doing this and that way. Sir, in this way we are usurping some other intitution's authority. We cannot say that the court should decide one way or the other. Sir, the one privilege motion after dissolution of 1988 and other in which we discussed are in 1990 it was done when the case had not gone to the court. This matter is pending in the Supreme Court and we are discussing it here. Well, it has been done by the honourable Chairman although on the very first day. I had risen to make a statement that this may not be done. Please wait till either the court gives decision or do something else or change the rules as I said before that in presence of Rule 200 sub rule(2)(a) we cannot discuss because the matter is subjudice but the House has authority to change its own rules and then we could have discussed the dissolution of this National Assembly. So, Sir, these are few submissions because the matter is subjudice, I will not go to the marits and demerits of the case as a lawyer, I have respect for judiciary. Let the judges decide the case in their own manner as they deem proper, but I was only trying to point out to my learned colleagues that they should stand by what they say at least on the floor of the House. Thank you very much.

Mr. Presiding Officer: Mr. Basheer Ahmed Matta.

Mr. Basheer Ahmed Matta: Thank you very much, Mr. Chairman, for allowing me to speak on this occasion which regretfully is one of the gravest in the constitutional and political history of this country, which, as you know, Sir, has

already passed through many crises in its short existence. It is no pleasure for me to rise and express my opinion with regard to the matter pending before this House, but it is my obligation as a representative of the people, and it is doubly my obligation because now in this state of Pakistan, in this Islamic Republic of Pakistan, only one representative House exists and that is Senate. When I rise today, Sir, I rise with the full realization and consciousness of my responsibility and what I speak will in some of its aspects be harsh, but if it would be harsh then it would be the product of the circumstances we are passing through.

So, first of all, although I didn't have this in my mind before, I would refer to the points made by my honourable colleague here. He has drawn parallels between the dissolution of the Assembly now and the dissolution of the Assembly previously. Sir, you know that in the courts of law cases are presented every day. In one instance a guilty person comes before the court and is awarded capital punishment, but in another instance, before the same court, under the same sort of laws, an innocent person is presented. Would the lawyers then, Sir, who are so well versed in law, would they rise and say that because the laws are the same and the court is the same, therefore the innocent person should also be given capital punishment. The objective realities, the facts of each case, are different and each case has to be decided on its own merits. His other point, Sir, was about the discussion of subjudice matters and the rules of the Senate. The rules of the Senate, unfortunately, were drafted then by people who had a bureaucratic mind. The Constitution only says that the conduct of a judge in the discharge of his duty will not be discussed, which is very proper. But when the Senators then sat together and they put their minds together, what did they do? They said no matter which is subjudice in the court will be discussed. This is a self-imposed and

uncalled for restriction. I think it was not justified to include it in the first instance, and I would suggest that at the very first opportunity we should dispense with this self-imposed restriction on a House of Parliament which is sovereign and which is supreme. Sir, then even if we go to the matter just for the sake of discussion and answering my honourable colleague, I would say that there are many aspects of a matter, of an occurrence, of an event, when it happens. Suppose, Sir, a man is murdered in broad day light in a street, would the people not go to his funeral? Would people not sympathise with his family? Would they not say that this murder was brutal? Would they not say that a family has been deprived of its means of sustenance? Or would they wait first for a court to pronounce that a murder was committed? The Court will pronounce its decision with regard to the legal matter, to the juridical matter. But in actual life every body will go, will sympathise and will say that this was brutal and unfortunante. If somebody pours oil over a building and sets it on fire, people will say it is a foul act, Sir. Or would we first wait for the case to be first registered in a court of law and then for the decision and only then pronounce our opinions? So, we are fully entitled to discuss and point out so many injurious ramifications of the decision which the President has given this time. This was, Sir, the legal context in which I wanted to place the discussion.

Sir, in Pakistan, as you know democracy has not prospered. It is a plant which is fragile, which is weak, which needs nurturing. And why is it so, Sir? Because from the very beginning when this country was created, power flowed, power accumulated, power, somehow, walked into the hands of the bureaucrats. And if you would remember, Sir, the Constituent Assembly of Pakistan itself, which was the basis of the sovereignty of the State was dissolved. When you dissolve a Constituent Assembly it is tantamount to the dissolution of the

sovereignty of a State. But even that was dissolved by a bureaucrat, by an invalid bureaucrat. And that tradition has been followed very faithfully, with great fidelity, by fellow bureaucrats of the same line. Wherever a crisis in this country is created, it is due to the mechanisation of the bureaucrats. I wanted to draw this parallel because this is very pertinent. Because the man sitting in the tallest building in Islamabad happens to be a bureaucrat. Had he been a politician, had he been statesman, a statesman with a vision, had he been a man risen from the masses, had he been dear to his heart the aspirations, the peace, the prosperity and the well-being of the people of this country, he would not have given such a cruel decision. But he has done so because, he is, in the first instance a prisoner of his training and breeding as a bureaucrat (although he rose from a very low station in bureaucracy) and his very long experience in the bureaucracy has stuck to him and secondly, he has followed the tradition of his illustrious predecessors like Ghulam Muhammad and Skindar Mirza. Had he been a man of the masses, he would have thought fifty times before giving such a decision?

Sir, now I come to the Constitution, I have been reading it very carefully, I want to come to the point, Sir, that his discretion, even under the hateful Eighth Amendment is restricted. The Constitution says.....

Mr. Anwar Saifullah Khan: Point of Order Sir, would the honourable member like to inform the House whether he too was a civil servant or not?

Mr. Basheer Ahmed Matta: Yes, Sir I was a civil servant and my friend also would be informed why I left the civil service. I did not stick to it under all conditions. I did not stick to it for fifty years because it did not agree with my

conscience..... XXXXXXXXXXXX

Mr. Basheer Ahmed Matta: Sir, now I come to the Constitution. This Constitution says that the President may also dissolve the National Assembly in his discretion where in his opinion now, if it has said in his opinion the Government of the Federation cannot be carried on in accordance with the provisions of the Constitution and appeal to the electorate is necessary, it would have been somewhat fair for him to do what he has done but it says, where a "situation" has arisen. Now, for instance, you say, you will go on along a path unless a block comes in your way a material thing, a thing which is in existence, you see here the "situation" has been included in this clause purposely. Because there must be some ground, there must be some facts, there must be some realities which will necessitate such an action. If it had been merely a question of his opinion then he would be free to do whatever he liked. It would then be the age of despots and tyrants. But here it says when a "situation" arises. Now, where is the situation. A situation can arise either in fact or in fancy, dreams and imagination. So, the "situation" this time, when he says that the country would not be run according to the provisions of the Constitution, was only a figment of his own imagination. And if there was any reality in it, if there was any reality in the creation of this situation, then that reality was created by the President himself. Sir, you know that the Constitution any Head of State is the final custodian and arbiter of the interests of the country which includes the sanctity and observance of the Constitution. He is an umpire. He is not a player who goes and plays on the ground. There are two teams in the field, one is the Government the other is the Opposition. It is the privilege, the right and the duty of the opposition to point out

xxxx.... expunged by the order of the Presiding Officer.

whatever is wrong in the policies of the government. It is also its privilege to bring a vote of no confidence against the sitting government. The President has nothing to do with the day-to-day politics of the country. He has no right and no business there. This is not the intention of the Constitution that the President should become a party in the Parliament opposing the government. If the resignations were to be collected, if Members of the Parliament were to be marshalled against the sitting government it was precisely the duty of the leader of the Opposition. It was the duty of Mohtarma Benazir Bhutto. Because the President is supposed to be an umpire between the two playing teams. This time what happened was that he made the Presidency into the meeting room of those people who were opposed to the sitting government. Now, tell me where in the Constitution, Sir, is it written that the President will play such a role? If that situation had arisen out of itself, out of the circumstances without the intervention of the President, then the President would have had some little reason on his side. But the situation was his own creation. You and I and all of us know, Sir, that he invited people to the Presidency. They came out and they attributed ideas and statements to him which he did not deny. He created a state of uncertainty in the country-uncertainty was engineered, I would not take his name because you will expunge it again but the other three sittings, there were those bureaucrats who have retired, who have no other business to do except to make conspiracies against the people of this country. He gathered them there, three top bureaucrats, one of whom was dismissed from service because he took bribe in the Lahore Airport construction. He was called there. The other expert from our province, he was called, and one was his own Secretary, and on their advice and with their aid and their assistance he acted against the people. He supervised the building of that conspiracy. I can't say that

he was a party to it because you will again expunge that. But he oversaw, he took stock of everything, and under his very watchful and guiding eye this whole conspiracy was hatched and implemented. And then they called the ministers who two days before that or three days or a week before that said that they had full confidence in the Prime Minister. They were called and only after one night they said they had no confidence in the Prime Minister because he did not meet them. Now, he had been a Prime Minister for two and half years, if he didn't meet them and if they had any grievance, it would have been proper for them to raise that grievance previously. But after the President patted them on their backs, after he gave them many inducements and encouraged them to take such a step, they tendered their resignations. When they tendered their resignations, there was a semblance of uncertainty in the country. People did not take it well. They were offended by it. But the Prime Minister Nawaz Sharif took a bold step. He said, "a question has arisen where my majority in the House has become questionable in the eyes of some people, what is the remedy against that? The remedy against that is to go before the National Assembly, and tell the people whether I enjoy the majority or not." So immediately, he didn't lose time, and the Speaker on his own initiative and on a requisition, summoned the National Assembly. The fairest thing for democracy in this country would have been to let him go before the Assembly. And if the Assembly had said that it had no confidence in him then he would no more have been the Prime Minister. But if the Assembly had said, in spite of whatever the bureaucrats said against him, if it had said, it had confidence in him, then the President had no authority, no business, no constitutional powers to dismiss his government. But that was denied to him, not in broad day light, as one of my friends here said, but in the darkness of the night- in the darkness of the

night, on the border-line of one day and another, the President, the honourable President, was so reluctant that he couldn't make his announcement on time. You must have been watching on the Television, and I was sitting before the TV, Sir. The announcer gave no time, she only said the President would be making a statement soon time later. This was so because the whole thing was hatched in a conspiracy, because, inwardly, he was feeling that he was doing something which was wrong, drastic and against the interest of the country and the aspirations of the people. Therefore, the honourable President, when he came before the Television, he could not face the people, the people of this country, and he could not put force into his arguments. It was a crest-fallen and pell-mell speech which has fallen on deaf ears, I would say on deaf ears, because, Sir, if you see the condition of this country before the dissolution of the Assembly and after the dissolution of the Assembly, the contrast is very clear. The whole country knows it, Sir. The people today are despondent, because they see that they their representatives to these Houses, to these august Houses, to give peace and prosperity to this country, but they are sent packing by one man because of his desire for power or because of his dislike for a certain individual. Sir, it is the mandate of the people, it is the will of the people; if they want to make a person Prime Minister, it is upto them. Tomorrow, a President might come and he might tell his Prime Minister, "Mr. Prime Minister I don't like the colour of your face, so I dismiss you," would it be proper, Sir? A similar thing has happened here. The President has made his personal ire against the Prime Minister into, you see, he has tried to make it into, a justification under the Constitution, which all is very transparent, which nobody has taken to his heart, and every body thinks that the President has done a very cruel thing to the country, both to its people and the

institutions of democracy as well as to the law and constitution of this country. That is very obvious. The deposed Prime Minister, who has been accused of so many misdemeanours and misdeeds, why do people flock to him everywhere, wherever he goes. I have seen his procession in Peshawar. Hundreds of thousands of people came to receive him. And then he flew to Quetta, and there people of all shades came and received him with a warm heart. And he went to Punjab and to Karachi, and, Sir, these are no secret things; these are before everybody. If he had been a guilty person, why would the people of this country well up and receive him with open arms. The real, stark, basic, truth is that the President has committed a drastic deed because of his ill-will, because of his personal desire to prolong either his tenure in the Presidency or just to tell everybody that "I am the almighty man here, I am the most powerful man here! Be warned all the future Prime Ministers of this country that who ever comes through the elected assemblies will serve me like my personal servant, otherwise he will have no place in Islamabad".

Sir, there are many things to say and before I say one thing another comes to my mind. You would know, Sir, that human history, the human race, has passed through many phases. There was a time of kings, of Pharaoh, of Great Mughals and despots. But then the masses, the dwellers of the earth, through long experience and long sufferings decided that that age must pass, that they must put an end to it. And, therefore, all the civilized people of the world, gathered in the United Nations and scattered on the face of the globe, have agreed that the best form of rulership, the best form of government, is democracy, where in the will of the people is superior to and supreme over other wills, individual wills, Sir.

There are differences of opinion, Sir, on theoretical grounds. I must

mention that. There are people who think that the general people are contemptable; they cannot have any opinion. They think they themselves are all-wise and all-holly. They think that whatever they say is correct and whatever the common people say is wrong. But this concept has been rejected by the 20th century; and we on the threshold of the 21st, which we keep on repeating all the time. Here now the aspirations of a whole people have been stifled, they have been killed, they have been doused. The people have no desire left in their hearts for politics, because they know that whatever their aspirations are, whatever their desires are, one single man will just with a blunt knife, kill them all at one stroke of then. That is what the President, the worthy President, has done to this country. He has served this country as a bureaucrat for fifty years. But I would say the minimum that he has pulled us back from the 21st century is by fifty years at least. He has put the clock back on the development of this country on the political development of this country, on the economic development of this country and also on the moral development of this country. He has pulled the nation back by fifty years as if pulling it back by magic. And still in this elected House there are honourable members who would support such a deed through a rigmarole of petty points dug out from law and the Constitution.

As I told you before, Sir, the Constitution is very clear. Even the 8th Amendment does not permits him to act in such an irresponsible way, to become a player in a game in which he is supposed to be an umpire. But say even if the 8th Amendment gave him the power which he has misused, which he has abused, still he could have had a moral rein on him, a moral hold on him, and was a sober, an old man and experienced man, he should have thought that before doing such a drastic deed, if he did not like the Prime Minister, the best thing for him would be

to resign and leave his office. If all the people of the country, a majority of the people of the country, want a certain man to sit and formulate policies for their prosperity and the President cannot get along with him then the best course for the President, a more honourable course for him, would be to resign and leave the country to pursue a positive course. Sir, the only choice left before the country now is that it would have to do away with the 8th Amendment. That is a must for the parliamentary institutions to flourish in future in this country and pursue a more workable and more desirable course. It would also be most proper to do away with all the first seven amendments, which, again, were the creation of autocratic minds, despotic minds, of people who wanted to concentrate power in their own hands. So, the 7 amendments before the 8th Amendment and all of the eight amendments, these have to go.

Another very important and serious point, Sir, which I want to make, with all solemnity and with all seriousness, before my colleagues and before the country is that another aspect of the Constitution also needs to be looked into. I am saying it with full responsibility, Sir, that unless in this Constitution the quantum of autonomy available to the federating units of the State is increased, is brought to a level which is to the satisfaction of the people of this country is brought to a level where in all the provinces of this country can exist together in mutual equality, in mutual peace and trust there will still be serious problems. If we do not do that, we will be leaving a way open for other crises to arise in future. I am saying this because, Sir, (I do not need to repeat the history all the time) on the basis of the insufficiency of the quantum of Provincial autonomy also the State of Pakistan has foundered once. We have seen, we have gone through, the tragedy of the separation of East Pakistan from this country. There were many visible other

circumstances, but at the root of it was the dis-satisfaction of the people of East Pakistan. They were feeling that they were being deprived of the quantum of Provincial autonomy which was there legitimate due. So, I would request that when we under-take a large scale operation of the Constitution (and I think it our duty, if we remain here), it will be our duty to enquire into all the articles of the Constitution and bring it in conformity with the aspirations of all the people of this country and also in conformity with the requirements of the late 20th century. While we look to the 21st century, we must first be equipped with the implements of the 21st century. There are many more things, Sir, which I want to submit but you will not permit me to speak more, I thank you very much.

Mr. Presiding Officer: Dr. Basharat Ilahi.

Dr. Basharat Ilahi: It appears that the honourable members of the Senate say that they want to retire and I should speak tomorrow.

Mr. Presiding Officer: It is up to the House.

(interruption)

Mr. Presiding Officer: Well then we adjourn until 10.00 am on Sunday or would you prefer afternoon.. 5 o'clock afternoon.

(interruption)

Mr. Presiding Officer: The House is adjourned until Sunday, 5.00 pm afternoon.

[The House then adjourned to meet again at 5 o'clock in the evening on Sunday,

May 9, 1993]
