



THE SENATE OF PAKISTAN DEBATES

OFFICIAL REPORT

Monday, August 12, 1974

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PRINTED BY THE MANAGER, SHAMIM PUBLICATIONS LIMITED, LAHORE.
PUBLISHED BY THE MANAGER OF PUBLICATIONS, KARACHI.

Price : Ps. 50

SENATE DEBATES

SENATE OF PAKISTAN

Monday, August 12, 1974

The Senate of Pakistan met in the Senate Chamber, (State Bank Building), Islamabad, at ten of the clock in the Morning, Presiding Officer (Mr. Ihsanul Haq) in the Chair.

(Recitation from the Holy Qūran).

Mr. Presiding Officer (Mr. Ihsan-ul-Haq) : Questions.

POINT OF ORDER

جناب زمرہ حسین : پوائنٹ آف آرڈر جناب - رول 22 کے تحت آج سرکاری Business نہیں ہو سکتا اور آج Private Members day ہونا چاہیئے تھا اس لئے رول 22 کے تحت Question شروع کرنے کا سوال ہی پیدا نہیں ہوتا -

خواجہ محمد صفدر : میرا خیال ہے کہ یہ پوائنٹ آف آرڈر اس وقت نہیں بلکہ وقفہ سوالات کے بعد اٹھایا جائے یا اٹھایا جانا چاہیئے -

جناب زمرہ حسین : پرائیویٹ ممبر ڈے میں Questions نہیں ہوں گے -

خواجہ محمد صفدر : سوالات کے متعلق قواعد کا باب آپ دیکھیں اس میں لکھا ہے کہ ہر روز ایوان کی کارروائی سوالات سے شروع ہوگی ماسوائے جمعہ کے روز کے -

Let me quote the rule. My friends can differ with me, but this is my interpretation.

Rule 36.

“Except as otherwise provided in these rules, the first hour of every sitting, after the recitation from the Holy Quran, and the making of oath by members, if any, shall be available for the asking and answering of questions :

“Provided that there shall be no question hour on Fridays”.

Therefore, at this stage, under this rule, the point of order cannot be raised.

جناب زمرہ حسین : جناب والا ! چونکہ جمعہ کے لئے ہم acceptance دے چکے ہیں کہ اس دن سوالات نہیں ہوں گے تو اس کا واضح مطلب یہ ہے کہ اس دن Private Members day ہوگا۔ تو اس لئے یہ کہنا کہ چونکہ اس میں صرف جمعہ کا ذکر ہے۔ اس لئے سوالات ہو سکتے ہیں، میرے خیال میں یہ درست نہیں ہے۔ اس لئے کہ جمعے کی جو ہم پابندی لگا رہے ہیں وہ اس بنا پر لگا رہے ہیں کہ وہ دن جو ہے Private Members day ہے۔ تو میرا پوائنٹ آف آرڈر یہ ہے کہ آج رول 22 کے تحت سرکاری بزنس ہو ہی نہیں سکتا۔ اس لئے کہ اگر جمعے کے دن چھٹی ہو تو دوسرا جو یوم کار ہوگا وہ Private Members day ہوگا اور جب Private Members day ہوگا تو سوال ہی پیدا نہیں ہوتا کہ اس میں سوال اٹھائے جائیں۔

راؤ عبدالستار : پوائنٹ آف آرڈر۔ جناب والا !

جو اعتراض میرے دوست نے اٹھایا ہے وہ یہ ہے کہ آج کے بزنس کو adjourn کر کے پرائیویٹ ممبر ڈے میٹنگ ہونی چاہیئے۔ اس کے لئے رول 22 clear ہے۔

Rule 22.

“On Fridays private members’ business shall have precedence, and on all other days no business other than Government business shall be transacted except with the consent of the Leader of the House” :

There is no provision. I don’t think that today there is a Private Members’ day.

(مداخلت)

Khawaja Mohammad Safdar : I beg to support Sir.

جہاں تک اس پوائنٹ آف آرڈر کا تعلق ہے۔ یہ لازمی ہے۔ اور اس قاعدہ میٹنگ کو اس لئے رکھا گیا ہے کہ پرائیویٹ ممبر ڈے کے لئے جو ریزولیشنز

اور بل پیش کئے ہوں ان کے لئے معقول وقت ملے۔ اس وقت میری پہلی گزارش کا مطلب یہ تھا کہ سوالات کے اوقات کے بعد یہ سوال اٹھایا جائے۔ سوالات کے اوقات کے لئے علیحدہ رولز ہیں۔ صرف جمعہ کے روز سوالات کا وقفہ نہیں ہو گا اس کے علاوہ تمام دنوں میں سوالات کا وقفہ ہو گا۔ اس لئے میرے خیال میں اس وقت اس معاملے کو ملتوی کر دیا جائے تو بہتر ہو گا۔ صرف جمعہ کو سوالات نہیں پوچھے جا سکتے رول ۲۲ کے تحت اس دن جمعہ کو وقفہ سوالات کا سوال ہی پیدا نہیں ہوتا۔ جمعہ کو چھٹی ہو تو پھر پرائیویٹ ممبر بزنس اگلے دن ہو گا۔

“Provided that if any Friday is a holiday, private members’ business shall have precedence on the next working day.

رول ۳۶ دیکھیں۔ — Mr. Presiding Officer. Rule 36 says :—

“Except as otherwise provided in the these rules the first-hour of every sitting, after the recitation from the Holy Quran, and the making of oath by members, if any, shall be available for asking and answering of questions”.

“Provided that there shall be no question hour on Fridays”.

The rule is very clear on this, so I allow Khawaja Sahib to proceed with the questions and this point of order stand ruled out. Yes, Question No. 71.

STARRED QUESTIONS AND ANSWERS DEMONETIZED CURRENCY NOTES

71. Khawaja Mohammad Safdar : Will the Minister for Communications be pleased to state :

- (a) Whether it is a fact that the Post Office authorities in the Punjab failed to get all the currency with the post offices in the Punjab exchanged at the time of demonetization ; if so, the total amount of currency which was not exchanged ;
- (b) whether it is a fact that the Post Master General communicated the orders of the Government in this respect to the unit officers three days after the receipt of the Government orders ; and
- (c) whether the Government carried out a probe to find out as to who was responsible for this loss to the Government ; if so, what was the result of the inquiry ? If not, the reasons thereof ?

Mr. Khurshid Hasan Meer : (a) Yes. Demonetized currency notes of the value of Rs. 2,82,500 could not be exchanged by Post Offices in the Punjab.

(b) No.

(c) Yes, the matter was subjected to a thorough probe and officials found responsible for delay, which could possibly have been avoided, were proceeded against departmentally.

Mr. Chairman : I would like to add that there were many difficulties in the way. Many post offices which were in far flung areas had to make lists of these notes and they did a creditable job but at some places all the notes could not be exchanged especially at certain stations in Gujrat. For instance, in Gujrat currency notes valuing Rs. 2,10,500 were not exchanged and a disciplinary action against the concerned officials was initiated. I would like to add further for the information of the House that although the non-exchange of these demonetized currency notes didn't cause the financial loss to the Government at all, it is only that the post office department account was affected. It affected the profit and loss position of the Post Office Department, but to the Government there was no loss.

خواجہ محمد صفدر : سپلیمنٹری جناب والا ! میں محترم وزیر صاحب کی خدمت میں یہ عرض کروں گا کہ از راہ کرم وہ یہ بتائیں کہ کس دن گورنمنٹ کی جانب سے پوسٹ ماسٹر جنرل کو اطلاع دی گئی تھی کہ نوٹ واپس لینا یا تبدیل کرنا ہے۔ اور اس نے کس دن اپنے ماتحت افسران کو یہ اطلاع پہنچائی تھی۔

Mr. Khurshid Hasan Meer : Sir, the Martial Law Regulation No. 81 was issued on the 7th June, 1971, and published by mass information media. The Postmaster General issued telegraphic order to all post offices under his jurisdiction in the evening of 8th June, 1971.

Mr. Presiding Officer. Question No. 72.

WIDOW PENSIONS AND CHILD ALLOWANCES

72. **Khawaja Mohammad Safdar :** Will the Minister for Defence be pleased to state :

- (a) whether it is a fact that the widows and minor children of retired officers and JCOs of the Defence Forces are awarded pensions after the death of retired officers ;
- (b) whether it is also a fact that the widows and minor children of retired NCOs and other ranks do not get any pension after the death of retired NCOs or other ranks ; and
- (c) whether the Government is prepared to revise these rules which bar the widows and minor children from getting any pension after the death of NCOs or sepoy's ?

Mr. Aziz Ahmed : Family pension and children allowance are admissible to widows and minor children of retired officers, JCOs and ORs in the three services on their death after retirement, if in receipt

of disability pension and the death is attributable to the cause of disability. As regards the widows and minor children of retired officers, JCOs and ORs in receipt of ordinary pension, the position is as under :—

- (a) Yes, in so far as widows/children of retired officers are concerned. No, in respect of widow/children of retired JCOs and equivalent in the three services.
- (b) Yes, widows and minor children of retired NCOs and Other Ranks do not get any pension at present.
- (c) Yes, the Government is considering to introduce family pension for the widows of retired JCOs/ORs and equivalent.

Khawaja Mohammad Safdar : May I hope that this decision will be taken up in the near future ?

Mr. Aziz Ahmed : Sir, the matter is already under consideration with the Ministry of Finance, and we hope that decision may be taken in three months' time.

Mr. Presiding Officer : Question No. 73.

POSTMASTER GENERAL PUNJAB

73. Khawaja Mohammad Safdar : Will the Minister of Communications be pleased to state :

- (a) whether it is a fact that the present Postmaster General, Punjab, has added new rooms to his existing office :
- (b) if answer to (a) above be in the affirmative, whether it is a fact that he had neither the financial competence, nor did he get the prior financial approval of competent authorities for building these rooms ; and
- (c) whether it is a fact that the present Postmaster General, Punjab, remodelled his official residence without prior approval of the Government ?

Mr. Khurshid Hasan Meer : (a) Yes, addition of two rooms was made in 1971.

(b) It is not a fact. The construction was duly sanctioned by the Director General as a minor work at a cost of Rs. 19,600.

(c) It is not a fact.

خواجہ محمد صفدر : سپلیمنٹری جناب ! میں جناب محترم وزیر صاحب کی توجہ ان کے جواب کے حصہ (ج) کی طرف دلاتا ہوں اس میں دو باتیں تھیں - میرا سوال یہ ہے -

Whether it is a fact that the present Postmaster General, Punjab, remodelled his official residence without prior approval of the Government ?

دوسری بات یہ تھی -

The second thing which I have asked is "without prior approval of the Government".

تو کیا اس نے گورنمنٹ کو بتایا تھا اور تعمیر سے پہلے اس کی منظوری حاصل کی تھی -

جناب خورشید حسن میر : (بی) میں پڑھ لیں -

خواجہ محمد صفدر : (بی) بھی پڑھ لیا ہے -

جناب خورشید حسن میر : دو کمروں کا اضافہ کیا گیا ہے - ڈائریکٹر جنرل کی اجازت ہوئی ہے -

خواجہ محمد صفدر : کیا یہ درست ہے کہ کمرے بن جانے کے بعد اجازت حاصل کی گئی تھی ؟

Mr. Khurshid Hasan Meer : Sir, the information that I have is :

"The need for the two additional rooms in the office of the Postmaster General, Lahore was felt in 1971 consequent upon the creation of a new post of Assistant Postmaster General (Grade 17) and some staff in connection with the pressure of administrative work relating to collecting of Provincial repetitive fees, as such the Postmaster General accommodated this additional officer and staff in the rooms meant for his Stenographer which were contiguous to the main office. So, it is in the office.

خواجہ محمد صفدر : یہ جو آپ نے کہا ہے یہ ان کے بنگلے میں دو کمروں کا اضافہ کیا گیا ہے ؟

جناب خورشید حسن میر : آپ اپنا سوال دیکھیں -

"Whether it is a fact that the present Postmaster General, Punjab, remodelled his official residence....."

میرے پاس موجودہ آفس لکھا ہوا ہے -

Question may be redrafted.

خواجہ محمد صفدر : ”اے“ میں الفاظ ”existing office“ ہیں اور ”سی“ میں

”.....official residence without prior approval of the Government,” ہے -

Mr. Khurshid Hasan Meer : Mr. Chairman, there is some discrepancy.

آپ دو الگ سوالات کرتے تو بہتر تھا -

میں تو یہ سمجھا تھا - کہ غلطی سے یہاں residence لکھا ہوا ہے - اگر آپ نے residence کے بارے میں پوچھنا ہے تو اس کے لئے علیحدہ question کریں کیونکہ یہ سارا question تو آفس کے بارے میں ہے - آپ Residence کے بارے میں الگ سوال کریں - کہ sanction کس نے دی - کتنا پیسہ خرچ ہوا - اس لئے ”C“ کو defer کر دیں -

Mr. Presiding Officer : Next question.

GOODS TRAINS IN BALUCHISTAN

74. *Mir Nabi Bukhsh Zehri : Will the Minister for Communications be pleased to state :

- (a) the number of empty wagons for loading allocated to each Province during the six months ending 30th June, 1974 ;
- (b) whether it is a fact that in Baluchistan area up to Sibi, Goods Trains are run only 5 to 6 hours daily ; and
- (c) whether it is a fact that no representation has been given to Baluchistan on the Board constituted for advice to the Railway ?

Mr. Khurshid Hasan Meer : (a) No province-wise allocation of wagons has been made as the Railway functions on all Pakistan basis. Wagons are supplied for loading according to the demand at various stations on the Railway system.

(b) It is not a fact that goods trains run only for five to six hours daily upto Sibi in Baluchistan area.

(c) No. Baluchistan has been given due representation on P. R. Local Advisory Committee, Karachi.

حاجی سید حسین شاہ : ضمنی سوال - کیا وزیر موصوف یہ بیان کرنے کی زحمت گوارا فرمائیں گے کہ بولان سے بھی رات کو مال گاڑیاں چلتی ہیں ؟

جناب خورشید حسن میر : یہ question بولان کے بارے میں نہیں ہے ۔

Mr. Presiding Officer : It is absolutely a separate question. You can ask this as a separate question. It is not related to this.

Haji Syed Hussain Shah : It is related to part (b), Sir, which reads :

(b) "whether it is a fact that in Baluchistan area up to Sibi, Goods Trains are run only 5 to 6 hours daily" ;

Mr. Presiding Officer : "Upto Sibi in Baluchistan".

Haji Syed Hussain Shah : They run in day time. No movement of trains is being done at night.

جناب صدارت کنندہ آفیسر : آپ اس کے لئے ایک اور سوال پوچھ لیں ۔ یہ جو بات کہہ رہے ہیں ۔ اس میں سے سپلیمنٹری question نہیں بنتا ہے ۔

Next question.

BRIDGE AT LEVEL CROSSING

75. ***Haji Syed Hussain Shah :** Will the Minister for Communications be pleased to state whether the Federal Government is prepared to construct an overhead bridge or an underground bridge at the Railway level crossing between Quetta City and the Sariab Road to save the public from the inconvenience ? If so, when ?

Mr. Khurshid Hasan Meer : A proposal for an over-bridge is under examination jointly with the Civil authorities for replacing the existing level crossing by a road-over bridge. The construction would be taken in hand when this proposal is finalised.

حاجی سید حسین شاہ : کیا ہمارے وزیر موصوف یہ بتا سکیں گے کہ یہ کام کب تک شروع کیا جائے گا ۔

Mr. Khurshid Hasan Meer : The present position is that the demand for a road-over bridge was made by the Government of Baluchistan. Accordingly, site-survey is being carried out jointly by the Railways and the communications and works department, Government of Baluchistan to determine a suitable site. A detailed proposal for the road-over bridge will be prepared after the investigation has been completed. It is only at the initial stage. It is too early to say when it is to be completed. The question will arise when it is started. Unless the plans are prepared, it is difficult to state when it would be completed.

POINT OF ORDER

جناب زمرہ حسین : پوائنٹ آف آرڈر ۔

جناب والا : میں اپنا پوائنٹ آف آرڈر دوبارہ آپ کے نوٹس میں لانا چاہتا ہوں ۔ رول 22 کے تحت آج سرکاری بزنس نہیں ہو سکتا ۔ کیونکہ جمعے کو چھٹی تھی اور آج دوسرا یوم کار ہے ۔ اس لئے آج پرائیویٹ ڈے کا کام کیا جائے اور سرکاری بزنس کو روک دیا جائے اور دوسرا کام شروع کیا جائے ۔

Mr. Presiding Officer : Rule 22 is :

“On Friday private members' business shall have precedence, and on all other days no business other than Government business shall be transacted except with the consent of the Leader of the House ;”

Number one thing is the consent of the Leader of the House. Then comes the proviso which reads :

“Provided that if any Friday is holiday, private members' business shall have precedence on the next working day.

Now, the Friday was not a holiday.

Khawaja Mohammad Safdar : I beg to differ, Sir. Kindly listen to our views.

Mr. Presiding Officer : Yes.

خواجہ محمد صفدر : جناب والا ! جہاں تک اس بات کا تعلق ہے کہ قائد ایوان سے پوچھنا چاہیئے کہ کونسا بزنس کس دن کے لئے مقرر کرنا چاہیئے اور اگر بزنس میں کوئی تبدیلی کرنی ہو تو قائد ایوان کی منظوری لازمی ہے ۔ یہ تو بڑی واضح بات ہے اور یہ رول 22 کے پہلے حصہ میں درج ہے ۔ لیکن جہاں تک قائد ایوان کی منظوری کا تعلق ہے ، وہ صرف گورنمنٹ بزنس سے تعلق رکھتی ہے ۔ پرائیویٹ ممبر ڈے سے اس کا کوئی تعلق نہیں ہے ۔ محترم قائد ایوان کا پرائیویٹ ممبر ڈے کے کاروبار سے کوئی تعلق نہیں ہے اور میں یہ سمجھتا ہوں کہ رول نمبر 22 ایک comprehensive رول ہے ۔ ایک مکمل رول ہے ۔ وہ صرف گورنمنٹ کے کاروبار سے متعلق ہے کہ لیڈر آف دی ہاؤس یہ فیصلہ کرینگے کہ کونسا کاروبار کس وقت ایوان میں زیر بحث آئے ۔ لیکن اس کے ساتھ ایک شرط ہے اور وہ شرط یہ ہے کہ اگر کسی روز یہ ایوان چھٹی پر ہو ، مگر چھٹی سے قطعاً یہ مراد نہیں ہے کہ

Gazetted holiday ہو یا دفاتر بند ہوں ، حکومت پاکستان یا صوبائی گورنمنٹ چھٹی کرے ۔ یہاں چھٹی سے یہ مراد ہے کہ یہ ایوان چھٹی پر ہو ، اس ایوان میں کوئی کاروبار نہ ہو ۔ جمعے کے روز ہفتے کے روز اور اتوار کے روز تین دن کے لئے جناب چیئر مین صاحب نے یہ اعلان فرمایا کہ یہ ایوان رخصت پر ہوگا اور کوئی کاروبار نہیں ہوگا اور سوموار کو فلاں وقت یہ اجلاس منعقد ہوگا ۔ حضور والا ! میں اس سلسلے میں یہ گزارش کرونگا کہ 25 تاریخ سے سینٹ کا اجلاس ہو رہا ہے اور ہفتے میں ایک دن قواعد کے اعتبار سے — نہ صرف ہمارے قواعد کے اعتبار سے بلکہ دنیا میں کم و بیش جہاں کہیں پارلیمانی نظام حکومت رائج ہے ، وہاں ہفتے میں ایک دن اس بات کے لئے مختص کیا جاتا ہے کہ اس دن پرائیویٹ ممبر اگر کوئی بل ، ریزولیشن یا کوئی تحریک پیش کرنا چاہیں ، تو اسی دن کر سکتے ہیں ۔ انہی روایات کے مطابق ہمارے قواعد میں بھی ایک دن مختص کیا گیا ہے ۔ اب صورت یہ ہے کہ 25 تاریخ سے لیکر آج تک تین جمعے گزر چکے ہیں ۔ اس میں سے دو جمعے چھٹی رہی اور صرف ایک جمعے کو پرائیویٹ ممبرز business ہوا ۔ اور پرائیویٹ ممبر نے جو موشن دئے تھے ۔ وہ پیش ہوئے ۔

(At this stage the chair was vacated by the Presiding Officer and occupied by Mr. Chairman).

خواجہ محمد صفدر : جناب والا ! کیونکہ آپ ابھی ابھی تشریف لائے ہیں ۔ اس لئے میں چاہتا ہوں کہ جس مسئلے پر اس وقت بحث ہو رہی ہے ، وہ مختصر کر کے آپ کے گوش گزار کروں ۔ میرے محترم ساتھی اور دوست جناب زمر حسین صاحب نے اس ایوان میں ایک پوائنٹ آف آرڈر اٹھایا ہے ۔ وہ پوائنٹ آف آرڈر یہ ہے جناب والا ! آپ قاعدہ نمبر 22 ملاحظہ فرمائیں ۔ میں قاعدہ 22 پڑھے دیتا ہوں ۔

“On Friday private members’ business shall have precedence, and on all other days no business other than Government business shall be transacted except with the consent of the leader of the House :

Provided that if any Friday is a holiday, private members’ business shall have precedence on the next working day”.

محترم زمر حسین صاحب کا پوائنٹ آف آرڈر یہ ہے کہ جمعہ کے روز چھٹی تھی اور آج پہلے دن ہم یہاں اکٹھے ہوئے ہیں اس لئے جو کاروبار جمعہ کے روز ہونا تھا ، اس کو آج زیر بحث لایا جائے اور آج کسی قسم کا گورنمنٹ بزنس زیر بحث نہیں آسکتا۔

جناب والا! میں ان کی تائید میں کھڑا ہوا ہوں اور ان کی تائید میں یہ عرض کر رہا تھا کہ دنیا بھر کے ممالک میں جہاں کہ پارلیمانی نظام حکومت ہے، وہاں یہ ایک روایت چلی آتی ہے کہ ممبران صاحبان کو ہفتہ میں ایک دن یہ موقع ملنا چاہیئے۔ کہ وہ کوئی ہل، کوئی ریزولیشن یا کوئی اور تحریک اگر اس ایوان میں زیر بحث لانا چاہیں تو وہ نوٹس دیکر زیر بحث لا سکتے ہیں اور ہمارے قواعد میں بھی یہ لکھا ہے کہ جمعہ کے روز پرائیویٹ ممبرز business زیر بحث آئیگا۔ ہمارے ہاں صورت حال یہ ہے کہ 25 تاریخ سے آج تک تین جمعے گزر چکے ہیں اور صرف ایک جمعہ کو Private Members Business زیر بحث آ سکا۔ جناب والا! آپ اس ایوان کے حقوق اور اس ایوان کے معزز ممبران کے حقوق کے custodian ہیں اور یہ ہمارا حق ہے کہ ہم جس مسئلے کو یہاں زیر بحث لانا چاہیں اس کو قواعد کے مطابق اس ایوان میں پیش کر سکیں اور وہ صرف Private Members Day پر ہو سکتا ہے۔ ہمارے ان حقوق کے تحفظ کے لئے قاعدہ میں یہ درج ہے کہ اگر جمعہ کے روز چھٹی ہو تو پھر اگلے روز جب ایوان کا اجلاس ہو تو وہ کاروبار جو کہ جمعہ کو ہونا تھا وہ اس روز زیر بحث لایا جائے۔ جناب والا! میں سمجھتا ہوں کہ اس ایوان کے حقوق کے تحفظ کے لئے یہ ضروری ہے کہ قواعد کی پوری پوری پابندی کی جائے اور جن دو جمعوں کو چھٹی رہی ہے، ان دونوں دنوں کے کاروبار کو زیر بحث لانے کے لئے آج اور کل کا دن مقرر کیا جائے۔ میں یہ درخواست کروں گا کہ قاعدہ نہایت واضح ہے اور اس میں کوئی ابہام نہیں ہے اس لئے آج گورنمنٹ کا business نہیں ہو سکتا۔ لہذا آج اس پرائیویٹ ممبرز business کو جو کہ جمعہ کے لئے مقرر تھا، زیر بحث لایا جائے۔

راؤ عبدالستار: جناب والا! ابھی میرے دوست نے جو اعتراض کیا ہے میں آپ کی وساطت سے اس کے متعلق قاعدہ نمبر 22 پڑھتا ہوں۔ اس میں یہ واضح طور پر یہ لکھا گیا ہے کہ Friday کے علاوہ اور کس روز پرائیویٹ ممبرز business نہیں ہو سکتا اگر جمعہ کے روز چھٹی ہو تو اگلے روز پرائیویٹ ممبرز business ہو سکتا ہے لیکن وہ with the consent of the Leader of the House Precedence بھی ہو سکتا ہے لیکن میرے ساتھ بالکل کوئی مشورہ نہیں کیا گیا۔ جناب والا! میرے دوستوں نے محض مسئلہ کو الجھانے کی کوشش کی ہے۔ آج Private members business نہیں ہو سکتا۔ چیئرمین آپس میں صلاح مشورہ کر کے دو دن مقرر کر لیں گے اس کے مطابق کوئی ایجنڈا تیار کر لیں گے اور پھر اس کے مطابق discuss کر لیں گے۔۔۔۔۔

جناب خورشید حسن میر : جناب والا ! آپ کو میرے خیال میں ایسے رولز ضرور مل جائیں گے --- holiday سے کیا مراد ہے - جناب والا ! آج جس طرح یہ ارشاد فرما رہے ہیں اس کا مطلب تو پھر یہ ہوا کہ جب کبھی بھی House meet ہو گا تو سب سے پہلے پرائیویٹ ممبرز business ہو گا - اگر اس کے متعلق پہلے کوئی اس طرح کا Procedure نہیں ہے تو پھر سوچ سمجھ کر کوئی فیصلہ دیں -

Mr. Chairman : Now, as far as the rule is concerned it is quite clear to put it in a nutshell. It means that on Friday private member's work will have precedence over all other work and on other days official business will have precedence over every other business unless the Leader of the House agrees otherwise. But if the Friday is holiday then in that case you are entitled to next day. Unfortunately, this Friday was not availed of by the private members not for this reason because it was holiday but for some other reasons. Well, there is a ruling. This is 1933 ruling of India.

Khawaja Mohammad Safdar : If you permit me, Sir.....

Mr. Chairman : I am not going to give my ruling one way or the other. Don't fear anything unfavourable to you. What I feel is that this is not a case in which we should involve ourselves in such a procedural discussion and technicalities. I think we should look on this question from the point of view of give and take. What actually happened was this, I remember, that Private members were ready for work on Friday last. But somehow or the other, that would not be quite relevant for the purpose of our decision why we did not sit for that. That is not connected directly with today's work. Anyhow, we could not meet on Friday not because it was holiday but for some other reasons. So, some of the members from two sides, Government side as well as the Opposition, they felt very embarrassed and disappointed when they heard that we were not meeting on Friday. So both sides approached me and said that since there was only one Friday for non-official or private members' work and they have been robbed of that, you see, they should be given some other day instead of that day and it was tentatively agreed between those who had approached me, I say Government members from the Government side as well as from the other side, that it would be better if some other day preferably Tuesday should be remarked for non-official or private members' day.

This was not totally agreed, this was not completely agreed and this was not firmly agreed but this was the understanding between the two sides. I said I will have no objection if the Government side as well as the other side agreed that we should meet on Tuesday and transact only non-official business. I know all of you met, on this side, to have Tuesday reserved for private members' work but, I think, there are gentlemen on that side also who had told me in clear terms that they

would like to meet on Tuesday for non-official business. I must be frank and say that I don't remember their names. The Leader of House.....

Rao Abdus Sattar : I was not present.

خواجہ محمد صفدر : ان کو آپ نے بلا بھیجا تھا یہ تشریف لے گئے تھے ۔

(مداخلت)

Mr. Chairman : When some gentlemen from your Party approached me, I sent my messenger to you but you had left. So, this is the long and short of the whole thing and instead of giving any ruling on the technical aspect of this point, I would better put it to the House and take sense of the members of both sides. If there is any gentleman from the other side who wants to contribute to the discussion he can come forward and give his opinion. I don't remember whether anybody from the Treasury Benches also participated in this discussion because I came late. However, I want to know the reaction of the Treasury Benches.

آغا غلام نبی خاں : میں عرض کروں کہ قربان علی شاہ صاحب اور جناب قمرالزمان صاحب آج اس وجہ سے غیرحاضر ہیں کہ پرائیویٹ ممبر ڈے ہوگا مجھے ان لوگوں نے کہا تھا کہ ہفتے کو پرائیویٹ ممبر ڈے ہوگا اور ڈسکشن ہوگی اور آج غیرحاضر ہیں اس لئے کہ آج پرائیویٹ ممبر ڈے ہے ۔

Mr. Chairman : Syed Qurban Ali Shah and Mr. Qamaruz Zaman Shah are not here, and it is only a coincidence that those are the gentlemen who approached me, and both of them are not present.

Mr. Mohammad Hashim Ghilzai : I want to say something. I was there and this was the decision.....

Mr. Chairman : This is not denied. Mr. Qamaruz Zaman Shah and Syed Qurban Ali Shah approached me, and I tried to contact the Leader of the House but he was not available at that time.

Mr. Aziz Ahmed : There is very important point of interpretation involved. With due deference to you, I say that you are quite right in saying that this matter may be decided in a give and take spirit. It is very important that the private members have a day for non-official work but the question is what day? According to the provisions of the rules, I beg to differ with the Leader of the House.

The rule is very clear, it says :

“On Friday private members' business shall have precedence, and on all other days no business other than Government business shall be transacted.....”

It is not a question of just precedence. All other days will be devoted to Government business. It is not that "government business" will have precedence with the "consent of the Leader of the House". The proviso that follows governs the entire preceding clause. I do not agree with the words "except with the consent of the Leader of the House" because it is conditioned by the proviso.

The proviso itself says :-

"Provided that if any Friday is a holiday, private members' business shall have precedence on the next working day".

For that the consent of the Leader of the House is not needed. The fact is that the question raised by my honourable friend, Mr. Khurshid Hasan Meer, is really the crux of the matter. The question is whether Friday was a holiday within the meaning of this rule? If the idea was that if by any chance the Senate does not meet on Friday and that Friday will have precedence on the next working day when it falls then, I think, the rules would have said so. In that case the rule would not have used the word "holiday". I support Mr. Khurshid Hasan Meer that what is intended by the word "holiday" is a public holiday, i.e., when the Senate was prevented from meeting. In this case, it was not prevented from meeting, it just decided for not meeting on Friday. It, therefore, does not mean that every following day must be reserved for private members' business. My view is "No". It is important that you should give a decision whether Friday was a holiday within the meaning of this rule. In my opinion it was not a holiday.

Mr. Chairman: I am not inclined to disagree with you on this point because there is a ruling in support of what you have contended that holiday is not a holiday which, by chance, happens to be a day on which for some other reasons work could not be transacted. It is a ruling from the Decisions of the Chair, Legislative Assembly (Central) 1921 to 1940.

"On 15th December 1933, the President announced :

"Only such holidays will be observed in the Assembly as have been notified by the Local Government in whose area the session of the Assembly is held for the time being."

Therefore, unless a day is notified to be a holiday, it cannot be called a holiday. The last Friday was not a holiday because it was not notified to be a holiday by the Central Government or the Provincial Governments. I, at the very outset, indicated to you that I was not going to press the point for division on technical grounds or on a rigid interpretation of the rule. I said it was a question of give and take, and I am considering this question from that point of view because the Government Party members had approached me and made a request. This fact cannot be denied that Syed Qurban Ali Shah and Mr. Qamaruz Zaman Shah were very very anxious to sit on any other

day preferably on Tuesday. I am going to put it to the House but what I am afraid of is supposing it is the sense of the House that we should sit on any other day or on Tuesday tomorrow and the Leader of the House does not agree to that then what will happen? If the Leader of the House agrees then there is no difficulty at all and we will be following the spirit of the law and rules if we transact non-official business tomorrow but the difficulty will arise if the sense of the House is that we should sit tomorrow and transact non-official business and the Leader of the House does not agree to it. In that case I do not understand what should we do. I hope, Meer Sahib, you will be able to remove those obstacles from my way.

Mr. Khurshid Hasan Meer : I think, I also remember that there was some discussion about fixing Tuesday as private members' day. There is no doubt that the Chair's recollection of the matter is quite correct. However, today is Monday and tomorrow is Tuesday, and the two Senators who were very keen for that day being fixed for non-official business are not present today.

Khawaja Mohammad Safdar : They are coming.

Mr. Khurshid Hasan Meer : We do not know. Now, the point is that we have to follow the rules. Unless there is a motion before the House to have the rule suspended, the rule has to be followed and the rule, as the Chair has very rightly and very correctly read out, is that the non-official business can be taken up on a day reserved for official business only with the consent of the Leader of the House. Now, the point is that whether it is Tuesday and Friday what is the difference in Tuesday, Wednesday, Thursday or two days later? So why can't we have our normal private members' day on Friday and if they, the Honourable Members arrive tomorrow they get ready within two days.

Mr. Chairman : Utilize next Friday.

Mr. Khurshid Hasan Meer : But Sir, they want other day. If the private members' day business on the next Friday is not finished and there is important private members' business left over then we will take up this matter. What is the difference there?

Mr. Chairman : Their point of view is that the work which has to transacted on the other day if not taken up, or if not completed it will be considered. They can go to the other day. What I understand is, from their contention, that the work due for transaction on the last Friday, that is certain resolutions or certain motions or some non-official business which had been set down for last Friday that has been left over.

Mr. Khurshid Hasan Meer : That is true. But they will come up on the next Friday. Let us take the example. Sir, now this Bill which was set up to be taken up on official business day and it was not taken up

because there was recess. it has been taken up on the next day. The same principle applies on the next Friday. Whatever was set down for the business.....

Mr. Chairman : As you know they were entitled to two non-official members' days, so you give the last Friday and the coming Friday. There are two days.

Mr. Khurshid Hasan Meer : They were also entitled to have.....

(Interruption)

It was mutually agreed. We are not blaming you.

Mr. Chairman : Please no personal talk.

Mr. Khurshid Hasan Meer : We are not blaming you or any one else. The point is that they are also entitled to have this to be discussed on Saturday. It was not taken up because there was recess and it was mutually agreed. I think, Sir, if the Honourable Members, who were keen to discuss the business which was set down on the agenda of the House for the last Friday, they can come tomorrow, there will be two days to get ready for discussion on the next Friday. We shall take up that business.....Let us proceed with the work today. Tomorrow when they will come we can again discuss this matter.

Mr. Mohammad Hashim Gilzai : On that days those Members were present.

Mr. Chairman : It was decided by two Members and not by all, you see. I think, if they are.....

Mr. Mohammad Hashim Gilzai : Sir, I would ask the Leader of the House and he would agree.....

Mr. Chairman : I am not going to give a decision on this. I would not call it a ruling or a decision. Let us take up this matter again tomorrow. If it is not Tuesday, you are only interested in having two days, it may be Tuesday, it may be Thursday, or it may be any other day. You want substitute for the Friday which we have lost. Well, we will consider it by tomorrow. So, any decision over this point is reserved. We will reconsider it by tomorrow and will try to see that the two gentlemen, who had raised this point, are present before me, and in their presence, you see, we will take up this matter. Just possible by that time those two Members may also be able to soften you.

راؤ عبدالستار : اگر جمعہ کو کام ختم نہ ہوا تو ہم ہفتہ بھی رکھ لیں گے -
بہ کونسی بات ہے - ہم دو دن رکھ لیں گے -

Mr. Khurshid Hasan Meer : Before next item is taken up.....

Mr. Chairman : This is kept pending. No decision.

DEFERRED STARRED QUESTION AND ANSWER

Mr. Khurshid Hasan Meer : Before next item is taken up, Sir, I would like to give an answer to part 'c' of Question No. 73.

Mr. Chairman : Are you still on questions ? We have finished the question hour.

Mr. Khurshid Hasan Meer : But, Sir, part 'c' of Question No. 73 was deferred because the Honourable Senator Khawaja Mohammad Safdar wanted an emphatic answer.

Mr. Chairman : Last time ?

Mr. Khurshid Hasan Meer . No, Sir, just now. May I have your permission ?

Mr. Chairman : Yes.

Mr. Khurshid Hasan Meer : Sir, with your permission I would like to dispose of the complete question today instead of deferring it. Sir, the answer to part 'c' already given is.....

Mr. Chairman : Is it something about Postmaster General's residence ?

Mr. Khurshid Hasan Meer : Sir, the Honourable Member wanted to know.

Mr. Chairman : Let me have the question before me first. Oh yes, I have it.

Mr. Khurshid Hasan Meer : Sir, there were two parts related to the office. Now, the Honourable Member wanted me to be more emphatic whether any remodelling was undertaken. The answer is that no remodelling has been taken up of his residence. However, annually like all other buildings, it is only repaired and white washed.

Mr. Chairman : Now, the question hour is over. This was the last thing with regard to the questions. Now, we take up adjournment motion No. 19 by Mr. Zamarud Hussain.

**ADJOURNMENT MOTION *Re* : BOMB BLAST OUTSIDE THE
PLACE WHERE PRIME MINISTER WAS ADDRESSING
A MEETING IN QUETTA**

Mr. Zamarrud Hussain : Sir, I beg leave of the House to move a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance and of recent occurrence, namely, the bomb blast just outside the meeting place which was being addressed by the Prime Minister in Quetta on the 2nd August, 1974. The bomb blast resulted in the death of a young man named Abdul Majid and serious injuries to at least two constables. This public meeting took place in a walled place in Quetta. This event has caused great concern and resentment in the public.

Mr. Chairman : Is there any objection ?

Khan Abdul Qaiyum Khan : Yes, I have.

Mr. Chairman : Yes, you can say.

Khan Abdul Qaiyum Khan : Sir, my first technical objection is that this motion raises a question of law and order. It has been repeatedly stated on the floor of the House and, I think, the Honourable Senator is well aware that the law and order is a provincial subject, and there is another forum for agitating it, namely, the Provincial Assembly rather to agitate all these incidents here. I would respectfully urge with all respect and emphasis at my command that this is not a Provincial forum where matter which have no relevancy with the Federal Government are submitted for discussion. Such motions should be ruled out in the Chamber. That is a submission which I am making for the consideration of the Chairman. Now, that is my first objection which goes to the root of the matter. Now, on the facts also there are certain mis-statements. A student belonging to Pro NAP Baluch Students Organization, a student of the Third Year Polytechnic, Abdul Majid, was carrying a hand grenade tied to his waist to the venue of the meeting. He got himself killed when the hand grenade exploded. It is not correct to say that the bomb blast occurred outside the meeting place. It is also incorrect that it caused the injury to two constables. So, on facts the bomb blast didn't take place in the meeting or near it. No policeman was injured. On the technical side it is a provincial subject. It is law and order question which is the concern primarily of the Provincial Government, therefore, it may be ruled out of order.

Mr. Mohammad Hashim Gilzai : Sir, I would like to invite your attention to Article 149, sub-section (4) :

Article 149. (4) "The executive authority of the Federation shall also extend to the giving of the directions to a Province as to the manner in which the executive authority thereof is to be exercised for the purpose of preventing any grave menace to the peace or tranquility or economic life of Pakistan or any part thereof."

جناب محمد ہاشم غلزئی : یہ جو کہتے ہیں کہ Provincial subject ہے اور مرکز اس میں کچھ نہیں کر سکتا میرے خیال میں یہ اس دفعہ کے خلاف ہے۔ اس میں واضح طور پر کہا گیا ہے کہ مرکزی حکومت ان معاملات میں صوبائی حکومت کو، Executive authority کو ہدایات جاری کر سکتی ہے۔ ہم گزشتہ کئی دنوں سے یہ بات دہراتے رہے ہیں کہ وہاں کی جو حکومت ہے Executive authority ہے وہ ناکام ہو چکی ہے اور وہ غلط اقدامات کر کے وہاں پر Law and order situation پیدا کر رہی ہے اور اس میں ناکام ہو رہی ہے اسے لوگ پسند نہیں کرتے۔ وہ اپنے آپ کو بچانے کی خاطر لوگوں کو گرفتار کر رہی ہے۔ اور اس قسم کے معاملات میں فیڈرل گورنمنٹ اس کو یعنی صوبائی حکومت کو ہدایات جاری کر سکتی ہے۔

Mr. Abdul Qaiyum Khan : This point is beyond the scope. The scope is that a boy, carrying a bomb, lost his life. Now, where is the law and order situation.

جناب چیئر مین : غلزئی صاحب آپ کا مقصد ہے وزیر داخلہ صاحب نے۔

جناب محمد ہاشم غلزئی : میں یہ چاہتا ہوں۔۔۔۔۔

جناب چیئر مین : دیکھئے ناں 4 clause دیکھئے۔

جناب محمد ہاشم غلزئی : ان کا کہنا ہے کہ Provincial subject ہے Provincial Government اس میں مداخلت کر سکتی ہے وہاں پر discuss ہو سکتا ہے۔ اور میں کہتا ہوں کہ نہیں یہاں پر discuss ہو سکتا ہے۔ کیونکہ سنٹرل گورنمنٹ کو مداخلت کرنے کا اختیار ہے۔ وہ ہدایات جاری کر سکتی ہے۔

جناب چیئر مین : یہ matter یقیناً یہاں discuss ہو سکتا ہے۔ اگر وزیر داخلہ نے اس کو یہ ہدایت دی ہو کہ وہاں جا کر بم پھینکو۔ پھر تو ہم اس معاملے کو یقیناً یہاں discuss کر سکتے ہیں۔ اور پھر آپ بھی یہ کہہ سکتے ہیں کہ جو کچھ ہو رہا ہے۔ ان کی ہدایت پر ہو رہا ہے۔ وہ کہتے ہیں کہ نیپ والے کم رہے ہیں۔

جناب محمد ہاشم غلزئی : ruling party کر رہی ہے نیپ والے نہیں کر رہے ہیں۔

Mr. Chairman : This will be going beyond the purview of your own adjournment motion. You have not even indirectly or bleakly said this. You have not hinted that all this is being done at the instance of the Federal Government. You have said nothing. You cannot reconstruct your adjournment motion. Mr. Ghilzai, you are quite wise and intelligent enough to understand this thing. If all this has been going on there under the directions of the Federal Government, then you would have been all right to say that these directions are being given under clause 4 of Article 149 of the Constitution, therefore, it is a Federal Subject. The Minister says this is wrong. He has refuted your allegation. He said that the bomb blast was not anywhere near the meeting place.

Mr. Mohammad Hashim Ghilzai : My point is only that it is within the purview of the Federal Government.

Mr. Chairman : To issue directions ?

Mr. Mohammad Hashim Ghilzai : Sir, I say that this is not a Provincial subject. It can be discussed here.

Mr. Chairman : If you stretch your argument that far, it would mean that if there is any bomb blast anywhere, the Central Government is responsible. If there is any shooting, the Federal Government is responsible.

Mr. Mohammad Hashim Ghilzai : Sir, I only say it can be discussed here.

Mr. Chairman : Supposing 'A' shoots 'B'. This is a question of law and order. Suppose there is a private quarrel. Suppose 'A' robs 'B'. There are so many things which involve law and order situation. If you bring all these things in the Senate, it means that the Provincial Assembly is absolutely helpless and they cannot interfere. Then you are dragging the whole jurisdiction of the Provincial Assembly with regard to law and order into the Senate.

Mr. Khurshid Hasan Meer : With your permission Sir. The Honourable Member has made a point that the Federal Government is constitutionally entitled to issue directions to the Provincial Government. Now, if the adjournment motion in question was specific regarding the issuance or non-issuance of any instruction by the Federal Government to a certain Province, then it would have been a matter within the jurisdiction of the Parliament. The manner in which the adjournment motion has been framed, it is a clear transgression of the limits of Provincial Autonomy laid down in the Constitution. We on our side of the House have been very very particular to protect the Provincial Autonomy granted in the Constitution, and I will say let any member from the Opposition tell us a single example of the period when the N. A. P. Governments were in office in Baluchistan or Frontier that we or any Member of the Government at any time attempted to have their conduct discussed in the National Assembly or in the Parliament by such adjournment motions. We did not do that. At that time we honoured

and protected the Provincial Autonomy granted to the Provinces. So, I would say that this would be a thin edge of wedge if we start discussing the conduct of the Provincial Governments in this manner. Then there will be no Provincial Autonomy. Today or tomorrow, we have to set precedents.

Mr. Chairman : Yes, Mr. Zahurul Haq.

Mr. M. Zahurul Haq : Sir, I believe the discussion has taken a completely different turn. The technical objection raised by the Honourable Minister of Interior loses its significance in the context of the circumstances of the case. Here, the adjournment motion is being moved for the reason that a tragedy has occurred, a bad incident has occurred on a day when the Prime Minister of the country was to address the country. It is not anybody X, Y, Z. Therefore, on the technicality or to exalt the sanctity of autonomy on this proposition is off the mark. The adjournment motion of Mr. Shahzad Gul is quite in order. It is a different thing that the Minister for Interiors is not willing to disclose the facts whether this tragedy did or did not take place. Why should we confuse that with the question of Provincial Autonomy.

Mr. Chairman : If we accept your argument then it should mean that today if the Prime Minister is in Pindi and, if there is any incident, then it becomes a Federal Government subject, because of co-incident. Likewise, if the Prime Minister is in Sind or Baluchistan and an incident takes place; supposing somebody kills some one as a result of Private quarrel anywhere where the Prime Minister happens to be present then it means it would become a subject of Federal Government. That argument obviously, you feel in your heart of hearts, is not acceptable. The presence of Prime Minister in any city or town simply cannot mean that nothing will happen there. There may be head on collusion between trucks and you will drag it here because the Prime Minister happened to be there, and therefore it becomes a Federal subject.

It is ruled out.

جناب زمرہ حسین : جناب مجھے بحیثیت mover کے اس تحریک التوائے کار کے بارے میں کچھ کہنے کا موقع دیا جائے۔ میں نے تین چار دفعہ بولنے کی کوشش کی ہے مگر -----

Mr. Chairman : I tell you that there is no right of reply with regard to an adjournment motion unless it is upheld, and there is no deprivation of right of reply with regard to this adjournment motion.

Khawaja Sahib, you come in the field and start your fight.

ADJOURNMENT MOTION *RE* : PAKISTANIS STRANDED IN NEPAL

Khawaja Mohammad Safdar : Sir, I beg leave of the House to move a motion for the adjournment of the business of the Senate to discuss a

definite matter of urgent public importance and the recent occurrence, namely, the statement of the Honourable Minister, Mr. Khurshid Hasan Meer, in the Senate that only 234 Pakistanis stranded in Kathmandu (Nepal) are considered eligible for repatriation by the Pakistan Government and the rest of the 2000 Pakistanis are not covered by any of the agreed categories, was broadcast by Radio Pakistan in its news bulletin in the evening of 27th July, 1974. This radio news so much disappointed and frustrated the stranded Pakistanis in Kathmandu, that almost all of them rushed to Pakistan Embassy to protest, a young Pakistani in desperation born out of massive frustration tried to burn himself, but was fortunately saved by those present. This information was conveyed to me through a telegram as well as a registered letter received by me at about 6-30 p.m. on the 5th August, 1974. Telegram enclosed.

This extremely sad plight of the stranded Pakistanis in Nepal is a cause of grave concern to every Pakistani here in Pakistan.

Mr. Khurshid Hasan Meer : *Sir, I should like to make a statement on this matter. Reuter reported from Kathmandu on July 28th that a refugee from Bangladesh had tried to burn himself in Kathmandu. Now, it is very, what shall I say, strange that the honourable Member says that it was in consequence of a statement made by me in Parliament. But the point is, it is the duty of every Minister to whom the question is put in the House to reply to that question correctly. It is not expected and I don't think that any Member of the Opposition will expect a Minister to get up and just in order to please somebody in the House or in order to please a section of the public opinion make a wrong statement with regard to the Government policy. That would be wholly irresponsible. It is our duty to give correct answers and to educate the public correctly. That is what we have been doing from the beginning in the matter of Bangladesh. Now, every attempt on the part of the Government to settle this matter amicably and reasonably to find a practical solution has been hampered and every attempt has been made to frustrate the efforts of the Government by the Opposition Parties. I regret to say this. For instance, let us look on this question of repatriation of some persons from Bangladesh. The Indian Government took a stand, the Bangladesh Government took a stand and immediately the Members of the Opposition Parties from Pakistan reciprocated and fully supported that stand at a time when the question of the release of our prisoners of war was hanging in the balance. The Bangladesh Government was trying to tie up the two questions and said that you have to take away all those whom they considered non-Bengalis-Biharis-from Bangladesh to Pakistan. Under what principle? This would be a facist principle to set up a racialist State and to say that we, after becoming independent, through secession or through rebellion or through foreign intervention, have set up an independent State and from this independent State everyone who does not speak Bengali shall be expelled and Pakistan shall be bound to take away all those. Today, they say Biharis should leave Bangladesh. Tomorrow they may say Chittagong Hill Tribes should leave Bangladesh and the next day they may say that all those who had migrated from Calcutta to Bangladesh and did not speak Bengali fluently should leave the country.

*Speech not corrected by the Honourable Minister.

The next day they may say that all those who are Assamies and do not fully speak Bengali should leave. Then will Members from Opposition Parties of Pakistan get up and say that these are patriotic Pakistanis and you are bound to take them ? Where are we going ? What are we doing ? Now, the point is, must we do things to support the wrong stand taken by the Bangladesh Government ? But on our side the Government was fully alive of certain situations. Firstly, on the humanitarian ground the matter of divided families and we accepted that all the divided families who want to come to Pakistan, they are welcome. Secondly, we said persons from West Pakistan domicile residing in Bangladesh must come and we will arrange for them. Thirdly, we went a step further. We said hardship cases should also be included. The Minister of State for Foreign Affairs is present and I will request him to supplement on this issue. The point is we even went further and said hardship cases we will take and we even agreed to take certain people, who were being politically victimised there, even though under no other consideration Bangladesh Government would have been entitled to push them out of the country. An agreement was arrived at and the two questions were separated with great difficulty. The correct policy of the Peoples' Government laid by Mr. Zulfikar Ali Bhutto and I compliment the Minister of State for Foreign Affairs on his conduct of the negotiations that we were successful in separating the two questions, the question of the release of the prisoners of war and this issue. But every attempt was made by the Indian Government and the Bangladesh Government and was fully supported by the Members of the Opposition Parties here to mix the two questions. Now all that is over. We have settled and written as to what categories of people we will take. It is an agreement arrived at amongst Government of Pakistan, Government of India and Government of Bangladesh.

Now, we hear that some irresponsible persons from Bangladesh want to reopen that question and they are supported by the Opposition Parties. They want to reopen the question of those categories on which we were able to arrive at an agreement with great difficulty. Now, you want the agreement to be changed to the disadvantage of Pakistan. Now, in this particular matter what has happened. Sir, many peoples were trekking from Bangladesh to Nepal through India because the borders of Nepal with India are not guarded and there is free movement. They collected in Kathmandu and our Government was paying subsistence allowance there and looking after them whoever arrived there and wanted to come over. How were we able to bring them over here ? So we arranged with the United Nations High Commissioner for refugees to arrange mercy air-lifts and those mercy air-lifts continued upto 24th of March, 1974 after which whatever number was completed there, those aeroplanes were diverted to Dacca for the repatriation of other persons who were to be brought from Bangladesh itself to Pakistan. Sir, 11701 persons were thus brought to Pakistan from Nepal under the aegis of the United Nations High Commissioner for refugees. The last of the mercy flights arrived on 24th March 1974. The flights were abandoned thereafter as the planes were needed for transporting Pakistanis from Bangladesh to Pakistan. All those falling in the three approved categories who were present in Nepal in March, 1974 were thus repatriated to Pakistan. The Government of Nepal was requested to take measures to prevent entry of fresh non-Bengalis from Bangladesh, into Nepal. Broadcasts

beamed to Bangladesh through Radio Pakistan urging the non-Bengalis not to leave Bangladesh as those who were eligible for repatriation under the Delhi Agreement would be repatriated directly from Dacca. They were warned that those who reach Nepal after that would not be considered for transfer to Pakistan. But the efforts of the Government of Nepal to stem their influx proved to be ineffective on account of its having open borders with India and so were the warnings issued by the Government of Pakistan. It has been reported by our Ambassador that 2,446 persons have since reached Nepal. Out of them, 234 persons only qualify for repatriation to Pakistan under the three approved categories. The rest have reached Nepal on their own and do not qualify for repatriation. The Government of Pakistan cannot assume responsibility for all those who continue to enter into Nepal in spite of the announcements made by it and we have no means of transporting them from there, Sir. Our Ambassador in Kathmandu reported that at July 29th 1974, a large deputation called on him and expressed disappointment and concern over their non-repatriation of Pakistan.

Later on, one of them tried to burn himself by sprinkling petrol. However, he was dissuaded to do so. He is already being provided subsistence allowance of Rs. 280 per month by the Embassy. Others, who do not qualify for repatriation, are also getting the subsistence allowance. Now, Sir, what more can we do about this? They have arrived here despite the fact that they knew they were not entitled, despite the fact that they knew we had no means of transporting them because the mercy flights that we had arranged with the United Nations High Commissioner for Refugees have stopped and now we are bringing them directly from Dacca. We made the announcements on the Radio Pakistan out of humanitarian considerations. Because we do have considerations of sympathy and kinship for them, we are paying these subsistence allowances even to those people who have arrived afterwards.

Mr. Aziz Ahmed : Sir, just a few words to supplement what the learned Minister has said because this is a subject which concerns my Ministry and, unfortunately, I was not present on the last occasion when this matter was raised. We had some difficulty in this matter when we decided in August, last year, that we will take the three above categories plus 25,000 others who do not fall under those categories and we created a fourth category for them and called it "hardship cases" because, when we decided that, we were afraid that the Bangladesh Government appeared to be bent upon pushing out all non-Bengalis who, for some reason or the other, were not acceptable to them. Now, it is all right if they want to throw out some of their citizens and they can do it but they can't demand that we should accept them. They can send them to India or they can send them to Burma if those Government will accept them but here not only do they want them to come to us but also demand that we accept them. Now, we could not accept that. We said, all right, we recognise that there is a hardship situation, we will take 25,000 and we also provided in that agreement that, over and above, those, when the Prime Minister of Pakistan and the Prime Minister of Bangladesh met, it will be open to them to agree to take an additional number of citizens of Bangladesh who want to migrate to Pakistan and who may be permitted to do so. Therefore, we left another opening for Bangladesh and for

ourselves. For them to send an additional number of non-Bengalis, who did not fall under the third category, and for us to accept them under the hardship category, and it was actually left with the two Prime Ministers. When the Prime Minister went to Dacca, this matter was further discussed between the two Prime Ministers. Although that agreement had been reached in Delhi with the consent of the Bangladesh Government we fear that the Government or a number of other persons in Bangladesh, who take law into their own hands, might push those people into Nepal and thereby force us to take them eventually because, after all, once they go into Nepal it will become a matter between the Nepalese Government and ourselves. We cannot expect the Nepalese Government to go on looking after them. At the same time, when we are looking after them, we cannot go on doing so till eternity. Some solution would have to be found and we thought that our hands might be forced because there was quite a sizeable trek of these people towards Nepal going of their own volition while others were being just pushed out and they were told that this was the only way that they could get out otherwise their lives and properties were not safe there. So, we were faced with another dilemma. Therefore, we announced on the Radio that we would not be responsible for taking any people who did not fall within the three categories and the fourth category, that of hardship cases, being limited to only 25,000 people, we will not take them even if they came via Nepal. In spite of that, as the honourable Minister has stated, over 13,000 people went there. Over 11,000 have already been repatriated from Nepal to Pakistan and another 2,000 are still there. Out of that, barring 200, the rest do not fall under the agreed categories. We have been maintaining them although we have really no obligation to maintain them. We could have asked the Nepalese Government that we were not responsible, it is for them to see that their borders are closed and if they cannot close their borders and people come in whether they are Bangladeshis or Indians, you cannot hold the Government concerned responsible. You can settle this matter with Bangladesh if you like but where do we come in? We could take that line of reasoning but we did not and we said that we were considering the question of what to do with this number. Obviously, it is going to be a very expensive operation to bring them if we decide to bring them here and to fly them out. It is an unfortunate case, because whatever the reasons it is a tragedy, that so many people should be in Nepal wanting to come to Pakistan. The fact that they have been forced out is really not very material but the point is that they are there. They cannot or do not want to go back to Bangladesh and they obviously cannot stay in Nepal indefinitely. So, while considering this matter, we have been maintaining them but whatever the decision may be, it will eventually be a humanitarian decision. We will be able to persuade Bangladesh to get them back but if that is not possible we will have to find some other solution to this problem. I may, however, mention that we are fully aware of the humanitarian aspect of this case.

خواجہ محمد صفدر : جناب چیرمین ! میں نے دونوں معزز وزراء صاحبان کی تقریریں اس موضوع پر نہایت توجہ سے سنی ہیں مجھے محترم خورشید حسن میر صاحب سے تو شدید اختلاف ہے اور میں یہ سمجھتا ہوں کہ جو کچھ انہوں نے کہا ہے اور جس قسم کے الزامات اپوزیشن پر لگانے کی کوشش کی ہے ، میں دوسروں کے متعلق

تو نہیں کہتا لیکن اپنی ذات کے متعلق کہتا ہوں۔ اگر کوئی پاکستانی جس کا گھر مشرق پاکستان میں تھا اور اگر وہ مغربی پاکستان میں آکر بسنا چاہتا ہے تو اس کو یہاں آکر رہنے کا اتنا ہی حق ہے۔ جتنا خورشید حسن میر صاحب اور محمد صفدر کو ہے۔ یہ میرا ایمان ہے۔ میں۔۔۔۔

(مداخلت)

خواجہ محمد صفدر : میں نے آپ کی بات بڑے آرام سے سنی ہے۔ وہ آپ کا خیال تھا۔ اب مجھے اپنے خیال کا اظہار کرنے دیجئے۔ انہوں نے یہ نہیں کہا تھا کہ بنگلہ دیش کو بنگلہ دیش کے طور پر تسلیم کرو۔ اگر آپ نے ایسا کیا ہے تو ہماری گورنمنٹ اس کی ذمہ دار ہے۔ وہ ہماری یا وہ بنگالی جو اس وقت جیلوں میں پڑے ہیں، وہ اس کے ذمہ دار نہیں ہیں۔ میں اس پر زیادہ بات نہیں کرنا چاہتا، کیونکہ اس طرح ہم موضوع سے دور چلے جائیں گے۔ اگرچہ میر صاحب نے اور بہت سی باتیں کہیں ہیں۔ پہلے تو انہوں نے یہ ثابت کرنے کی کوشش کی کہ ایسا کوئی واقعہ نہیں ہوا۔ پھر انہوں نے اپنے بریف میں دیکھا کہ ایسے واقعے کی کوشش۔۔۔۔

Mr. Khurshid Hasan Meer : I protest. I never first denied and then accepted.

Mr. Chairman : He further clarified.....

Mr. Khurshid Hasan Meer : I never said that this incident did not occur. I said that it occurred in such and such manner. The record may be read out.

(Interruptions)

خواجہ محمد صفدر : میں یہ عرض کر رہا تھا کہ یہ تو خوش قسمتی تھی کہ اس مجھے کو اس بات پر راضی کر لیا گیا کہ وہ کچھ دن صبر کرے، لیکن افسوس سے کہنا پڑتا ہے اور مجھے شدید رنج ہوتا۔ اگر وزیر مملکت برائے امور خارجہ محترم وزیر صاحب کے ارشادات میں کچھ ترمیم نہ کرتے۔ اگرچہ میں انہیں کافی نہیں سمجھتا۔

انہوں نے یہ ارشاد فرمایا ہے کہ انسانی ہمدردی کے اصول کے پیش نظر اس مسئلہ کو طے کرنے کی کوشش کی جائے گی، اگر بنگلہ دیش گورنمنٹ نے انہیں واپس لینے سے انکار کر دیا تو پھر انسانی ہمدردی کے اصولوں کے تحت کوئی اور سیل نکالی جائیگی۔ جناب والا! جیسا کہ انہوں نے خود فرمایا ہے کہ نیپال گورنمنٹ کو کہا جائے کہ وہ ان کا انتظام قبول کریں اگر وہ نہ کریں تو پھر جیسا کہ محترم میر خورشید حسن صاحب نے ارشاد فرمایا ہے کہ بنگلہ دیش کی گورنمنٹ ان

لوگوں کو واپس لے۔ مجھے گورنمنٹ پر تنقید کرنا مقصود نہ تھی، میں نے محض انسانی ہمدردی کے تحت اور ایک پاکستانی کی حیثیت سے ایک ایسے انسان نے جو کہ اپنے آپ کو جلانے پر مجبور ہو رہا ہے اس سے ہمدردی کے اظہار کے طور پر یہ عرض کیا ہے۔ جیسا کہ جناب عزیز احمد صاحب نے ارشاد فرمایا ہے کہ وہ انسانی ہمدردی کے اصولوں کے مطابق اس مسئلہ کا جلد حل تلاش کریں گے۔

Mr. Chairman : So you are not pressing it.

Khawaja Muhammad Safdar : Yes, Sir.

Mr. Chairman : All right. More than half an hour is over. Now, we take up legislative business.

THE ABANDONED PROPERTIES (TAKING OVER AND MANAGEMENT) BILL, 1974

Mr. Chairman : Meer Sahib, I think, the motion of consideration was adopted the other day.....

Mr. Khurshid Hasan Meer :Clause by Clause.....

Mr. Chairman : Now, we take up second reading clause by clause. We start with Clause 2. If there is any amendment to Clause 2.

Khawaja Mohammad Safdar : There are two amendments, Sir.

Mr. Chairman : Then you please move your amendment.

Khawaja Mohammad Safdar : Sir, I beg to move :

“That in para (a) of clause 2, after the semi-colon, the following be substituted, namely :

“but does not include any ornaments or wearing apparel or any cooking vessels or other household effects in the immediate possession of a specified person”.

Mr. Khurshid Hasan Meer : Sir, I have discussed it with the Honourable Senator that in this amendment at the end the following words further be added that :

“not exceeding in value to total of Rs. 1,000”.

Mr. Chairman : Then, I think, you will accept this amendment to your amendment.

Khawaja Mohammad Safdar : I accept this amendment to my amendment.

Mr. Khurshid Hasan Meer : I would like and seek your permission, that being Minister Incharge of this Bill, I can't move this amendment, let some other Honourable Senator move this amendment.

Khawaja Mohammad Safdar : Sir, I beg to add the following words to my amendment, Sir,

“not exceeding in value to total of Rs. 1,000”

Mr. Chairman : Your amendment will now read :

“That

Mr. Khurshid Hasan Meer : Sir, with your permission and the permission of House, I would like to say, for the first oral amendment shall have to be taken up.

Mr. Chairman : Mr. Khurshid Hasan Meer has sought the permission of the House to move his amendment with the additional words which he has just read out to the House. Had it your permission.

(Leave was granted)

Mr. Chairman : His amendment now reads :

“That in para (a) of clause 2, after the semicolon the following be substituted, namely:—

“but does not include any ornaments or wearing apparel or any cooking vessels or other household effects in the immediate possession of a specified person not exceeding in value to total of Rs. 1,000.”

Mr. Khurshid Hasan Meer : Sir, I accept this amendment.

Mr. Chairman : Now, the question before the House is :

“That clause 2 as amended form part of the Bill”

(The motion was adopted)

Mr. Chairman : Clause 2 as amended form part of the Bill. Now what is about the main amendment.

Khawaja Mohammad Safdar : That is very necessary.

Mr. Chairman : Please move it.

Khawaja Mohammad Safdar : Sir, I beg to move :

“That para (f) of clause 2 of the Bill be substituted by the following, namely :—

- (f) "Specified person" means a citizen of Pakistan domiciled in the territories which immediately before the sixteenth day of December, 1971, constituted the Province of East Pakistan—
- (i) who has left or leaves or has expressed his desire to be taken out of, or to be allowed to leave the territories of Pakistan, or
- (ii) whose business or undertaking in Pakistan in the case of corporation has ceased to function wholly or partially or is being carried on by persons (whether duly empowered by the corporation or its management or otherwise), whose authority to do so after the 16th day of December, 1971, has not been accepted or approved by the Administrator."

Mr. Chairman : The amendment moved is :

"That para (f) of clause 2 of the Bill be substituted by the following, namely :—

- (f) "Specified person" means a citizen of Pakistan domiciled in the territories which immediately before the sixteenth day of December, 1971, constituted the Province of East Pakistan—
- (i) who has left or leaves or has expressed his desire to be taken out of, or to be allowed to leave the territories of Pakistan, or
- (ii) whose business or undertaking in Pakistan in the case of corporation has ceased to function wholly or partially or is being carried on by persons (whether duly empowered by the corporation or its management or otherwise), whose authority to do so after the 16th Day of December, 1971, has not been accepted or approved by the Administrator".

Mr. Khurshid Hasan Meer : Sir, this point was made by the Honourable Senator Shehzad Gul, if I am not wrong in saying during the first reading of the Bill and that point was followed in consultation with the Law Division and, I think, that we should incorporate this suggestion made by the Honourable Senator and a draft for the amendment I have got prepared from the Law Division, so, I think, the Honourable Senator will, if he agrees with me, withdraw his own amendment and substitute this one. It will facilitate our work.

Khawaja Mohammad Safdar : Sir, I beg leave of the House to withdraw my amendment.

Mr. Chairman : Has Mr. Safdar leave of the House ?

(Leave was granted)

Mr. Chairman : The leave is granted and the amendment stands withdrawn.

Mr. M. Zahur-ul-Haq : Sir, I seek special permission of the House to make an oral amendment.

Mr. Chairman : Has Mr. M. Zahur-ul-Haq special permission of the House ?

(Leave was granted)

Mr. Chairman : The permission is granted. Mr. M. Zahurul Haq to move his oral amendment.

Mr. M. Zahurul Haq : Sir, I beg to move :

“That in Clause 2(f) after the word “Pakistan” at the end, the following be added, namely :

“and includes a company registered in the said territories the registered office of which has not been shifted in pursuance of the Companies (Shifted of Registered Office) Ordinance, 1972 (V of 1972)”

Mr. Chairman : The amendment moved is :

“That in Clause 2(f) after the word “Pakistan” at the end, the following be added, namely :

“and includes a company registered in the said territories the registered office of which has not been shifted in pursuance of the Companies (Shifting of Registered Office) Ordinance, 1972 (V of 1972)”.

Mr. Khurshid Hasan Meer : I accept the amendment.

Mr. Chairman : No other amendment.

Khawaja Mohammad Safdar : Yes, Sir.

Mr. Chairman : Now, I put the question. The question before the House is :

“That in Clause 2(f) after the word “Pakistan” at the end, the following be added, namely :

“and includes a company registered in the said territories the registered office of which has not been shifted in pursuance of the Companies (Shifting of Registered Office) Ordinance, 1972 (V of 1972)”.

(The motion was adopted)

Mr. Chairman : Now, I will put the clause as amended. The question before the House is :

“That Clause 2 as amended, forms part of the Bill”.

(The motion was adopted)

Mr. Chairman : Clause 2 as amended forms part of the Bill.

Now we take up Clause 3. No amendment. The question before the House is :

“That Clause 3 forms part of the Bill”.

(The motion was adopted)

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

Clause 4 is taken up. There is no amendment to this also. So I put the question. The question before the House is :

“That Clause 4 forms part of the Bill”.

(The motion was adopted)

Mr. Chairman : Now comes Clause 5. There is an amendment by Khawaja Mohammad Safdar. He should please move his amendment.

Khawaja Mohammad Safdar : Sir, I beg to move :

That in clause 5, the following new-sub-clause be added after sub-clause (2), namely :

“(3) The Administrator shall be a person who has held the office of a District and Session Judge for at least three years, and the Deputy Administrator shall be a person who has held the office of a Civil Judge for at least five years”.

Mr. Chairman : The amendment moved is :

That in clause 5, the following new-sub-clause be added after sub-clause (2), namely :

“(3) The Administrator shall be a person who has held the office of a District and Session Judge for at least three years, and the Deputy Administrator shall be a person who has held the office of a Civil Judge for at least five years”.

Mr. Khurshid Hasan Meer : I oppose it, Sir.

خواجہ محمد صفدر : جناب والا ! میرے خیال میں قانون بناتے وقت ہمیں قانون کے وہ تمام سوراخ بند کر دینے چاہیے ، جن کی موجودگی سے کسی وقت بھی یہ احتمال ہو سکتا ہو کہ قانون کا استعمال غلط ہوگا۔ کوئی ایسا راستہ نہیں کھلا رہنا چاہیئے جس سے دیانت کے خلاف کوئی عمل کیا جا سکے۔ جس صورت میں اس وقت کا لڑہ اس مسودہ قانون میں موجود ہے ، اس صورت میں یہ تو نہیں کہتا کہ موجودہ گورنمنٹ ایسا ضرور کرے گی اگرچہ احتمال ہو سکتا ہے اور وہ احتمال یہ ہے کہ حکومت کسی ایسے شخص کو ایڈمنسٹریٹر یا ڈپٹی ایڈمنسٹریٹر مقرر کر دے جو کہ ان تنازعات کو جو عام طور پر دیوانی عدالتوں میں طے ہوتے ہیں ، ان کو طے کرنے کا اہل نہ ہو۔ وہ اتنی قابلیت نہ رکھتا ہو۔ تو یہ ایک سوراخ ہے۔ جس کو میں کوشش کر رہا ہوں کہ اس ترمیم کے ذریعے بند کر دیا جائے۔ جس میں غلط قسم کے آدمیوں کا چناؤ حکومت کے اختیار میں ہو اس لیے میں یہ کہتا ہوں کہ ایڈمنسٹریٹر کا عہدہ نہایت ذمہ دار عہدہ ہوگا اس پر کم از کم ایسے ڈسٹرکٹ ججوں کو مقرر کیا جائے جنہیں بطور ڈسٹرکٹ جج تین سال کا تجربہ ہو اور ڈپٹی ایڈمنسٹریٹر چونکہ ان کا حلقہ اور اختیارات محدود ہونگے اور ان کے پاس جو مقدمات یا درخواستیں جس قسم کی ان کے پاس ہوں گی وہ مالیت کے لحاظ سے ہی کم ہوں گی ، تو اس اعتبار سے میں نے یہ سمجھا تھا کہ سول جج جسے بطور سول جج پانچ سال کا تجربہ ہو اس عہدہ کے لیے اہل ثابت ہوگا۔ اس بنا پر میں نے یہ ترمیم پیش کی تھی اور میرا خیال تھا کہ محترم وزیر صاحب اس پر غور و فکر فرما کر اسے قبول کریں گے تاکہ اس مسودہ قانون کی ہر خامی رفع ہو جائے۔

Mr. M. Zahurul Haq : Sir, thank you very much for giving me an opportunity to express my views.

I would not hesitate to establish a precedent from the Opposition side by opposing the amendment proposed by Khawaja Mohammad Safdar. I believe this amendment to introduce qualifications like that of District and Session Judge and Civil Judge is likely to render the judiciary vulnerable to temptations specially for those who are at the verge of retirement or prepared to retire. I am dead against introducing such qualifications that a person who has served for three years as a District & Session Judge or five years as a Civil Judge, he alone will be qualified. It will be a temptation to the judiciary which will rob them of their independence and will be a victim of executive orders and temptations.

Mr. Khurshid Hasan Meer : Sir, the point is, as I said, that these laws we already have for a long time. The only difference is that we have not created two institutions of Custodian and Chief Settlement Com-

missioner and the reason is that there is a very small property involved and we want to finish it soon and we don't want it to linger on for years and years. Even in those old laws there was no such qualifications for Chief Settlement Commissioner and Custodian. They had disposed of property worth crores of rupees and we have not said that there should have been a District & Session Judge or a High Court Judge. Nothing like that. Besides, I may point out that it is just possible that we may give the post of Administrator to a person holding another post and make this an additional job. Why keep creating separate departments.

So, I would request the honourable Member to withdraw this amendment.

Khawaja Mohammad Safdar : Sir, I don't press. I beg leave of the House to withdraw it.

جناب چیرمین : ویسے تو آپ کو یہاں وکیل نہیں لانا چاہیئے تھا کیونکہ آئین میں بھی ہے کہ جوڈیشری اور اگزیکٹو کو الگ الگ ہونا چاہیئے اور آپ پھر سیشن جج کو لا رہے ہیں کہ وہ یہ کام کریں -

It should have been done by this time. The judiciary should be completely separated from the executive.

That will reverse which is not an ideal thing. So, this can be withdrawn with the permission of the House.

Khawaja Mohammad Safdar : Sir, I have asked for the leave of the House.

Mr. Chairman : Khawaja Mohammad Safdar has asked your leave to withdraw this amendment. Has he your leave.

(Leave was granted)

Mr. Chairman : So the amendment stands withdrawn.

There is no other amendment to clause 5. Now the question before the House is :

“That clause 5 forms part of the Bill”.

(The motion was adopted)

Mr. Chairman : Clause 5 stands part of the Bill.

Now next is clause 6. There is no amendment.

Mr. Khurshid Hasan Meer : Sir, there is no other amendment upto clause 9. They can be put together.

Mr. Chairman : There is no amendment to clauses 6, 7, 8 & 9. I will put them together.

The question before the House is :

“That clauses 5, 7, 8 & 9 form part of the Bill”.

(The motion was adopted)

Mr. Chairman : Clauses 6, 7, 8 & 9 form part of the Bill,

Now, there is clause 10. There is an amendment to it.

Khawaja Mohammad Safdar : Sir, I will only move No. 5. No. 4 is only a deletion and that need not be moved.

I beg to move :

“That in clause 10, in sub-clause (2) of the Bill, between the words “or” and “of” the words “abandoned property” be inserted”.

Mr. Chairman : The motion before the House is :

“That in clause 10, in sub-clause (2) of the Bill, between the words “or” and “of” the words “abandoned property” be inserted”.

Mr. Khurshid Hasan Meer : Sir, I think, there is some mistake.

یہ کونسی کلاز میں ہے -

خواجہ محمد صفدر : وہی تو میں دیکھ رہا ہوں - یہ کسی اور جگہ سے آگئی ہے - یہ دونوں الفاظ اس میں نہیں - میں نے دیکھ لیے ہیں -

Mr. Chairman : Where is this ?

خواجہ محمد صفدر : جناب اس میں کچھ غلطی ہے -

Mr. Chairman : All right. You better withdraw it.

Khawaja Mohammad Safdar : I beg leave of the House to withdraw it.

Mr. Chairman : Khawaja Mohammad Safdar seeks your leave to withdraw his amendment. Has he your leave ?

(The leave was granted)

Mr. Chairman : So, the amendment stands withdrawn.

There, being no other amendment to clause 10 I will put the clause to the House. The question before the House is :

“That clause 10 forms part of the Bill”.

(The motion was adopted)

Mr. Chairman : Clause 10 forms part of the Bill.

Similarly there is no amendment to clause 11. The question before the House is :

“That clause 11 forms part of the Bill”.

(The motion was adopted)

Mr. Chairman : Clause 11 forms part of the Bill.

There is an amendment to clause 12.

خواجہ محمد صفدر : جناب والا ! میں کلاز ۱۲ کی مخالفت کے لیے کھڑا ہوا ہوں ۔

کلاز ۱۲ کے الفاظ یہ ہیں ۔

“The Federal Government may, by notification in the official Gazette, declare that in such area and for such period as may be specified in the notification, the transfer of any property or class of property, or the creation of any right or interest therein or encumbrance thereon, shall be prohibited, and where any such declaration has been made, no such transfer or creation shall be made during that period in that area except with the previous approval in writing of the Administrator”.

خواجہ محمد صفدر : جناب والا ! میری رائے میں یہ کلاز غیر ضروری ہے اس

لئے کہ ہم یہ قانون ان جائدادوں کے متعلق بنا رہے ہیں جو کہ بنگالی یہاں چھوڑ گئے ہیں ۔ اس کے علاوہ جو جائدادیں ہیں ۔ میری اور آپ کی جائداد اور اس ایوان کے معزز ارکان کی جائداد اس میں شامل نہیں ہوئی ۔ لیکن اس کلاز کے تحت حکومت یہ اختیار حاصل کرنا چاہتی ہے کہ کسی خاص علاقے میں یا کسی خاص جائداد کے متعلق مرکزی حکومت نوٹیفکیشن جاری کر دے گی کہ اس علاقے میں اس قسم کی جائداد رہن نہیں ہو سکتی اور اس کا کوئی سودا نہیں ہو سکتا ۔ یا اس خاص قسم کی جائداد کی خرید و فروخت بند ۔ ان دونوں صورتوں میں نہ صرف بنگالیوں کی جائداد پر بلکہ اس کے ساتھ ساتھ پاکستانیوں کی جائداد پر بھی یہ پابندی لگ جائے گی ۔ فرض کیجئے کہ اگر حکومت کا یہ منشا ہو کہ کسی کی جائداد چھین لے تو اس کے

متعلق اور قانون بن سکتا ہے کہ حکومت کسی بھی مقام پر کسی آدمی کی جائداد acquire کر لے یا ویسے ہی لے لے - تو اس کے لئے قانون بن سکتا ہے اور آئین ہمیں اسکی اجازت دیتا ہے - لیکن یہ امکان بھی ہو سکتا ہے کہ ایک غریب آدمی اپنی جائداد بیچ کر اپنی لڑکی کی شادی کرنی چاہتا ہے تو اس قانون کے تحت نہ تو وہ اسے بیچ سکے گا اور نہ رہن رکھ سکے گا - اس پر بھی یہ پابندی لگ جائے گی - تو اس سے جائدادوں کی قیمت کم ہو جائے گی اور جب تک یہ نوٹیفکیشن جاری رہے گا یہ سلسلہ جاری رہے گا - اس لئے میری رائے میں یہ کلاز غیر ضروری ہے اور اس کا فائدہ نہیں - دراصل اس میں چاہئے یہ تھا کہ صرف abandoned property کی further خرید و فروخت نہ ہو -

جناب چیرمین : آپ میر صاحب سے پوچھ لیں کہ اس کا مطلب کیا ہے -

Mr. Chairman : The point is, you see, that if this clause is added to the Bill its effect will be that any property of anybody whether he is of East Pakistan or of West Pakistan, a local or a non-local—any sort of property—even between private parties you cannot change hands. There can be no mortgage, no sale and no gift. Nobody can give his property to the other either as a gift or in sale or as mortgage. Even private persons cannot have their dealing between themselves. This is quite clear from the reading. They say that if this clause is intended to cover the abandoned property of those who have migrated to East Pakistan then the word “abandoned” or “specified persons” or something should be added. That will make it clear otherwise this will cover the property of everybody.

Mr. Khurshid Hasan Meer : Sir, there is a force in this argument. I was trying to locate it. I am sorry, Sir, I did not pilot this Bill in the National Assembly and I think there is a force in this argument. But I was trying to locate that. As it is, Sir, if read in the context of the whole Bill, the word “property” used here would mean the abandoned property as defined.

Khawaja Mohammad Safdar : It would not mean.

Mr. Khurshid Hasan Meer : Naturally, the Bill as a whole has to be read. Just one clause in the Bill does not affect the rights of the property of the whole nationals. It would be read as a whole. But I don't question that the drafting should be improved. I accept it that the drafting should be improved. So, this clause may be left over and we may proceed further.

Mr. Chairmau : All right. This clause 12 is left over. This should be made clear that this clause will be restricted only to the abandoned property so that there may be no possibility of the private dealing being prohibited. So this stands over.

خواجہ محمد صفدر : میں نے کلاز ۱۲ کے بدل میں آئیم نمبر ۷ پر درج شدہ ترمیم پیش کی ہوئی ہے۔ محترم وزیر صاحب اسے سامنے رکھ کر دیکھ لیں ضروری نہیں کہ یہ میری طرف سے پیش ہو، وہ خود پیش کریں۔

Mr. Khurshid Hasan Meer : Sir, I have read the new clause that the Honourable Member has proposed. I do not know. I will have to consult the Law Division.

Mr. Khurshid Hasan Meer : To me it appears that if we replace the present clause with the clause being proposed by the Senator, the whole object of the Bill will be defeated.

Mr. Chairman : I think, let them study. This clause, alongwith your amendment, stands.

Khawaja Mohammad Safdar : All right, Sir.

Chaudhri Mohammad Hanif Khan : I beg to make a submission. I want to know whether my Bills are coming up today.

Mr. Chairman : You can ask the Leader of the House and the Leader of Opposition.

Chaudhri Mohammad Hanif Khan : This Bill, which is being considered, has got 31 clauses. In case my Bills are not going to be taken up, I may be allowed to go.

Mr. Chairman : There is no likelihood of that Bill coming up. Even if it comes up, I will ask the Leader of the House to carry on your behalf.

Chaudhri Mohammad Hanif Khan : I don't think that he can do so except moving the motion.

Mr. Chairman : Meer Sahib can do it. However, we, cannot jump to the second reading. This is the first reading. You can go. Khawaja Sahib, please move your amendment.

Khawaja Mohammad Safdar : I beg to move :

“That in clause 13, paragraph (a) of sub-clause (3), of the Bill be deleted.”

Mr. Chairman : The motion is :

“That in clause 13, paragraph (a) of sub-clause (3), of the Bill be deleted.”

خواجہ محمد صفدر : جناب ! آپ ذرا Para (a) ملاحظہ فرمائیں اس میں میرے نقطہ نظر سے بے شمار غلطیاں ہیں۔ ممکن ہے جب محترم وزیر صاحب وضاحت فرمائیں تو میں اپنی غلطی کا احساس کر لوں۔ لیکن میں سمجھتا ہوں کہ اس پیرے میں بہت ساری غلطیاں ہیں۔

“The Administrator shall hold a summary inquiry into the application in the prescribed manner and —

(a) shall reject the application if the creation or transfer :

(i) was or is prohibited under any law for the time being in force ; or

(ii) was not or is not covered by a certificate from the prescribed income-tax authority to the effect that no objection exists to such creation or transfer ;”

جناب والا ! اس میں دو باتیں درج ہیں ایک تو یہ ہے کہ اگر وہ انتقال جائداد کسی قانون کے خلاف تھا۔ تو اس درخواست کو اس بنا پر مسترد کر دیا جائیگا اس بات کو لکھنے کی سرے سے ضرورت ہی نہیں۔ جو بات قانون کے خلاف ہوگی وہ ہمیشہ نا منظور ہو جائے گی۔ دوسری بات جس کی طرف میں آپ کی توجہ خصوصیت سے دلانا چاہتا ہوں وہ یہ ہے کہ یہ دونوں امور Pakistan Administration of Evacuee Property Act 1957 سے اخذ کئے گئے ہیں جو کہ اس زمانے میں بنایا گیا تھا جب تارکین وطن پاکستان اپنی جائدادیں فروخت کر رہے تھے اور خیال تھا کہ وہ اپنے ذمہ کا انکم ٹیکس ادا نہیں کریں گے۔ اس لئے لازمی قرار دیا گیا کہ کوئی تارک وطن اپنی جائداد فروخت نہیں کر سکتا اور جب تک وہ انکم ٹیکس ڈپارٹمنٹ سے ایسا سرٹیفکیٹ حاصل نہ کرے کہ اس کے ذمہ کوئی انکم ٹیکس بقایا نہیں ہے۔

Mr. Chairman : It was called “No Demand Certificate”.

Khawaja Mohammad Safdar : Yes, sir.

وہ قانون چونکہ اب نہیں رہا تو اس لیے اب ضرورت نہیں کہ ہم اس قانون کو اس طور پر اس مسودہ قانون میں شامل کریں۔ جس طور پر کہ اسے اس بل میں repeat کیا گیا ہے اس لئے میں یہ سمجھتا ہوں کہ یہ دونوں باتیں غیر ضروری ہیں اس لئے ان کو اس مسودہ قانون میں شامل نہیں رہنا چاہیئے دراصل اس زمانے میں یہ جناب دفعہ ۲۰ ملاحظہ فرمائیں۔

The Administration of Evacuee Property Act, 1957—
Section 20, sub-section (3) :

“The Custodian shall hold a summary inquiry into the application in the prescribed manner, and—

(a) shall reject the application if the creation or transfer —

(i) was or is prohibited under any law for the time being in force, or

(ii) was not or is not covered by a certificate from the prescribed income-tax authority to the effect that no objection exists to such creation or transfer ;”

Mr. Chairman : It has been borrowed from this Act without realising that in the meantime certain transfers might have taken place.

Mr. Khurshid Hasan Meer : This matter was discussed in the Standing Committee in the light of the amendment moved by my learned friend. Ordinarily, amendments do not come up in the Standing Committee but this amendment was discussed there, and there was a strong view that certificates by income-tax authorities should remain a valid requirement. It occurs to me that this was not a procedure that we were laying down for future. Firstly, it was made incumbent on the Administrator to reject any transfer which was effected without this. Later on, we gave discretion to the Administrator to reject the application under sub-clause (b), item (ii) which says :

“.....may reject the application if he is of the opinion that the creation or transfer :

(i) was not or has not been entered into in good faith or for adequate consideration ; or

(ii) ought for any other reason not to be confirmed.

This is a very wide enough bar “not to confirm for any other reason” and that “any other reason” can be a certificate from the income-tax officer where the circumstances of the case warranted that certificate be issued, where the transfer was effected in contravention of law, I agree that in the presence of this item (ii) of sub-clause (b) this enumeration is unnecessary. Although this matter was discussed in the Standing Committee.....

Mr. Chairman : You are not bound by the judgement of the Standing Committee.

Mr. Khurshid Hasan Meer : I am prepared to accept this amendment seeking deletion of paragraph (a) of sub-clause (3).

Mr. Chairman : The question is :

“That in clause 13, paragraph (a) of sub-clause (3), of the Bill be deleted”.

(The motion was adopted)

Mr. Chairman : What about your next amendments, Khawaja Sahib ?

Khawaja Mohammad Safdar : Sir, I will now move amendment No. 11.

Mr. Chairman : Let it be clear to me.

Mr. Chairman : Item Nos. 8 and 9 have been disposed of. Now, what about item Nos. 10 and 11.

Khawaja Mohammad Safdar : Sir, I am not moving item No. 10. But I will move item No. 11.

Mr. Chairman : Please move ;

Khawaja Mohammad Safdar : Sir, I beg to move :

“That in sub-clause (4) of clause 13 of the Bill, the following words be deleted, namely :

“with the prior approval of the Board”.

Mr. Khurshid Hasan Meer : Opposed.

خواجہ محمد صفدر : جناب والا ! ایڈمنسٹریٹر کے اختیارات کو ان الفاظ کے ساتھ محدود کر دیا گیا ہے ۔ آپ ملاحظہ فرمائیں کلاز ۳ کی سب کلاز ۴ میں درج کیا گیا ہے کہ کوئی درخواست محترم ایڈمنسٹریٹر صاحب منظور نہیں کریں گے ۔ جب تک یہ پیشگی منظوری بورڈ سے حاصل نہ کر لیں اب جناب والا ! اس کلاز کو دیکھیں کلاز ۱۵ اپیل اور نگرانی کے متعلق ہے ۔ تو جناب والا ! اپیل ان درخواستوں کے خلاف بورڈ کے پاس ہوگی ، انکوائری کا اختیار بورڈ کے پاس ہوگا ۔ اب جناب والا ! جس عدالت نے بعد میں جاکر اپیل یا نگرانی سنی ہے اس عدالت سے اگر پہلے ہی منظوری حاصل کر لی جائے کہ یہ کام کر رہے ہیں یہ درست ہے یا درست نہیں ہے تو اس کے متعلق عرض ہے کہ وہ عدالت تو رائے دے چکی ہوگی تو اس صورت میں اس کے اوپر اپیل یا نگرانی کرنا ایک تکلف ہی ہوگا ۔

جناب چیئرمین : سپریم کورٹ میں لیو آف اپیل ہوتی ہے ۔

خواجہ محمد صفدر : وہ اور بات ہے -

Mr. Khurshid Hasan Meer : Mr. Chairman, there is some misunderstanding. What the Honourable Member has said if it had been correct then I would have no hesitation in accepting his amendment. But that is not the factual position. This matter was raised in the first reading of the Bill. This point was raised and I replied, I don't know whether the Honourable Senator was attentive at that time when I was replying that in both cases, in both the sections the approval for transfer will be that of the Board. The appeals against rejection will come to the court. When the Administrator rejects the transfer, the agrieved person will bring an appeal to the Board, and Board may again reject it or accept it. When the Administrator wants to accept only then he will seek the approval of the Board and not when he is rejecting. I repeat whenever transfer has to be effected has to be approved in either case, approval have to be that of the Board. I will appeal to the Honourable Senator to withdraw.

Mr. Chairman : I would like to draw attention to the analogy that in a specified cases there are always applications to Supreme Court for leave at least. It is considered by the Supreme Court and then the leave is given. You have given leave for appeal.

Now, Khawaja Mohammad Safdar seeks leave of the House to withdraw this amendment.

(Leave was granted)

Mr. Chairman : The leave is granted and the amendment is withdrawn.

Now, I put Clause 13 as amended. The question before the House is :

“That Clause 13 as amended form part of the Bill”.

(The motion was adopted)

Mr. Chairman : Clause 13 as amended form part of the Bill. Now, Clause 14.

There is an amendment in this clause.

Khawaja Mohammad Safdar : Not moving, Sir.

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

“That clause 14 form part of the Bill”.

(The motion was adopted)

Mr. Chairman : Clause 14 form part of the Bill. Now Clause 15.

Khawaja Mohammad Safdar : Sir, I beg to move :

“That in sub-clause (1) of Clause 15 of the Bill, the word “Board” occurring in the third line, be substituted by the following,

“District Judge within whose territorial jurisdiction the property in dispute is situated or is found”.

Mr. Khurshid Hasan Meer : Sir, the Honourable Member has already withdrawn his earlier amendment. It is analogous.

خواجہ محمد صفدر : وہ اپیل کے متعلق تھی ۔

جناب خورشید حسن میر : نہیں نہیں جی ۔ وہ تو appointment Administrator

کے متعلق تھی کہ وہ ڈسٹرکٹ جج ہونا چاہئے ۔ یہ ہونا چاہئے ۔ وہ ہونا چاہئے ۔

Mr. Chairman : The principle that judiciary should not be dragged into these matters which have some political.....

خواجہ محمد صفدر : جناب والا ! ایڈمنسٹریٹر کی حد تک تو محترم وزیر صاحب

کی بات قابل قبول ہے میں اسے قبول کرتا ہوں ۔ لیکن یہاں ۔

جناب چیئرمین : یہاں بھی آپ کے دوست ہی نے کہا ہے ۔

خواجہ محمد صفدر : انتہائی قیمتی جائدادوں کے متعلق فیصلہ کرنا ہوگا ۔ اس

لئے میں یہ چاہتا ہوں کہ اس کو سول کورٹ میں دیا جائے ۔

جناب چیئرمین : چلو اپنے دوست سے پوچھ لیں کہ ان کا رد عمل کیا ہے ۔

جناب خورشید حسن میر : جناب والا ! اس طرح تو یہ سلسلہ ۱۰ سال تک

چلے گا اور یہ evacuee پراپرٹی کی طرح بن جائے گا ۔

خواجہ محمد صفدر : درست ہے میں سمجھ گیا ہوں ۔ میں اسے move نہیں کرتا ۔

I beg to withdraw it.

Mr. Chairman : All right. The question before the House is :

“That Clause 15 form part of the Bill”.

(The motion was adopted)

Mr. Chairman : Clause 15 form part of the Bill. Now clause 16.

Khawaja Mohammad Safdar : Sir, I beg to move :

“That in para (j) of sub-clause (2) of Clause 16 of the Bill, a full stop be added after the words “abandoned property” occurring in the second line, and the subsequent words and phrases be deleted”.

The words which I wanted to be deleted are :

“ or otherwise commits a breach of the terms on which it is let out”.

Mr. Chairman : The amendment moved is :

“That in para (j) of sub-clause (2) of Clause 16 of the Bill, a full stop be added after the words “abandoned property” occurring in the second line, and the subsequent words and phrases be deleted”.

Now, you want to delete four lines. Half of second line, third, fourth and fifth also. Would it carry sense them ?

خواجہ محمد صفدر : میں عرض کیے دیتا ہوں ۔ میری جناب والا ! ترمیم سے غرض یہ ہے کہ وہ شخص جو غیر قانونی طور پر ، ناجائز طور پر کسی جائداد پر قابض ہو جائے اسے قوت کے ذریعے باہر نکالا جا سکتا ہے ایڈمنسٹریٹر اسکو نکالنے کے لئے پولیس حاصل کر سکتا ہے اور طریقہ جو بھی ہو وہ چاہے استعمال کر کے اسے باہر نکال سکتا ہے ، لیکن جس شخص نے جائداد لی ہوئی ہو یعنی ایڈمنسٹریٹر سے کرایہ پر لی ہوئی ہو یا ایڈمنسٹریٹر کی اجازت لی ہوئی ہو ، اس پر اپریٹ کا جو کہ ایک شخص نے کرایہ پر لی ہے فرض کیجئے وہ کرایہ ادا نہیں کرتا ، ایک مہینہ ، دو مہینے ، تین مہینے ، یا چار مہینے ، یا وہ اس جائداد کو نقصان پہنچا رہا ہو اس کو بیدخل کرنے کے لئے میری سادی سی گزارش ہے کہ ایڈمنسٹریٹر سول کورٹ میں رجوع کرے اور سول کورٹ کے ذریعہ کرایہ وصول کیا جائے یا کرایہ دار کو بیدخل کیا جائے ۔

جناب چیئرمین : اس کے لئے terms کو follow کرنا ہے یہ ایسی ہی

نہیں ہے ۔

خواجہ محمد صفدر : ایسے ہی وہ تو کہتے ہیں :

If he doesn't abide by the term.

.....“as may be necessary an unauthorised occupant of abandoned property or an occupant of such property to whom it has been let out by or on behalf of the

Administrator who makes default in paying the rent for such property or .. ”.

جناب والا ! میں نے یہ ساری باتیں اس لیے عرض کی ہیں کہ خواہ وہ کرایہ نہ دے یا وہ کرایہ نامہ کی شرائط پوری نہ کر رہا ہو لیکن کرایہ دار کو کسی صورت میں زبردستی باہر نہ نکالا جائے۔ میں یہ چاہتا ہوں کہ زبردستی نہ کی جائے۔ اگر کرایہ دار کا قصور ہے کہ اس کے پاس پیسے نہیں ہیں یا وہ دو تین ماہ کا کرایہ نہیں دے سکا یا کوئی اور وجہ ہے یا کرایہ نامہ کی شرائط کی خلاف ورزی کر رہا ہے تو پھر اس کے خلاف قانونی چارہ جوئی ہونی چاہیے لیکن زبردستی نہیں ہونی چاہئے اور جہاں تک آن لوگوں کا تعلق ہے جو ناجائز قبض ہو گئے ہیں تو مجھے اس سے کوئی اختلاف نہیں ہے۔ وزیر صاحب بے شک آن کو زبردستی باہر نکال دیں۔ لیکن ان دونوں صورتوں میں تمیز رکھنی چاہیے۔ مثال کے طور پر ایک میں ہوں اگر میں کسی مجبوری کے تحت کرایہ ادا نہیں کر سکتا تو مجھے زبردستی نہ نکالا جائے۔ اور ایک وہ شخص جو سینہ زوری سے قبضہ جمائے بیٹھا ہے اس کو وزیر صاحب سینہ زوری سے باہر نکال دیں۔

جناب خورشید حسن میر* : جناب والا ! بات یہ ہے کہ میں مجبور ہوں۔ کہ اس ترمیم کی مخالفت کروں کہ اس کو حذف کر دیا جائے۔ اگر آپ دیکھیں اور جہاں تک مجھے یاد پڑتا ہے کہ پہلے بھی ہمارے جو قوانین evacuee property کے بارے میں تھے، وہاں کسٹوڈین کو یہ اختیارات حاصل تھے جو ہم اب ایڈمنسٹریٹر کے لئے حاصل کر رہے ہیں۔ کیوں کہ اب صورت حال ذرا مختلف ہے، کیوں کہ جب جائداد کسی کو کرائے پر دی جاتی ہے اور جس کو دی جاتی ہے اس کو معلوم ہوتا ہے۔ اگر ایک عام مالک مکان، مکان کرائے پر چڑھاتا ہے تو اس میں tenant کی protection کے لئے ایک خاص law بنا ہوا ہے ورنہ اس law کے بننے سے پہلے Urban Rent Restrictions Ordinance تھا۔ پہلے اگر ایک مالک مکان یہ چاہتا تھا کہ کسی کو خود نکال دے، تو وہ نکال سکتا تھا لیکن اس قانون کے بن جانے کے بعد وہ tenants جو ہیں protect ہو گئے کیوں کہ ان کے لئے ایک سپیشل law بنایا تھا لیکن اس کیس میں اس طرح کا law بنانے کا مطلب یہ ہوگا کہ اس پراپرٹی کی management جو ہے اس کے خلاف کسی نے مقدمہ دائر کر دیا ہے اور اس کو نکالنا ہے۔ باقی سارا معاملہ طے ہو چکا ہے کہ یہ abandoned property ہے اور چون کہ ایک آدمی کی ejectment ابھی مکمل نہیں ہوئی لہذا ایڈمنسٹریٹر

*Speech not corrected by the honourable Minister.

آفس میں رہے گا ، قانون بھی رہے گا ، محکمہ بھی رہے گا - لہذا میں آپ سے اپیل کرتا ہوں کہ ہم کوئی نئی بات نہیں کر رہے ہیں یہ وہی evaccuee property law ہے اور یہ ضروری شق ہے لہذا اس کو رہنے دیجیئے اور پھر جن لوگوں کو پراپرٹی دی جاتی ہے ان کو purely temporary طور پر دی جاتی ہے - اس میں اصل مقصد جو قانون کا ہے اور جو ہونا چاہیئے کہ اس پراپرٹی کو جلد سے جلد dispose of کر دیا جائے نہ کہ یہ ہو کہ یہ عام مالک اور land lord کے جھگڑے چلتے رہیں -

Mr. Chairman : Khawaja Shaib, how do you feel know ?

Khawaja Mohammad Safdar : Sir, the Administration of Evacuee property Act lays down.

Mr. Chairman : Leave it. What is the difference between the two categories of occupants. One is there from the very inception.

دیکھئے نا میں عرض کرتا ہوں - ایک شخص بغیر کسی اتھارٹی کے گھر کو occupy کر لیتا ہے اور دوسرا ایڈمنسٹریٹر سے لے لیتا ہے - پہلے کہتا ہے کہ نہ میں کرایہ دیتا ہوں اور نہ میں نکلتا ہوں اور نہ وہ agreement کی کوئی کلاز accept کرتا ہے اور دوسرے دن منکر ہو جاتا ہے -

خواجہ محمد صفدر : یہ تو نیت پر مبنی ہے -

Mr. Chairman : What is the difference between the two ?

ایک شخص occupy کر لیتا ہے - دوسرا کہتا ہے کہ میں نے ایڈمنسٹریٹر سے لے لیا ہے اور نہ وہ کرایہ دیتا ہے اور نہ شرائط کو مانتا ہے -

I don't see any difference except that one is cleverer than the other. That is all.

میرے خیال میں دوسرا شخص پہلے سے زیادہ گناہگار ہے -

خواجہ محمد صفدر : اگر اس کی نیت خراب ہے -

جناب چیئرمین : یہی تو وہ کہتے ہیں کہ وہ ایک دفعہ گھر میں داخل ہو جاتا ہے اور پھر شرائط پوری نہیں کرتا اور نہ کرایہ دیتا ہے اور اس کو نکالنا ہے Where is Haji Sahib حاجی صاحب نہیں ہیں ورنہ ان سے پوچھ لیتے - حاجی صاحب کہاں ہیں ؟

خواجہ محمد صفدر : حاجی صاحب نہیں ہیں ؟

Mr. Khurshid Hasan Meer : One minute Sir. We will settle this matter.

Khawaja Mohammad Safdar : I don't press it, Sir.

I beg leave of the House to withdraw my amendment.

Mr. Chairman : Khwaja Mohammad Safdar wants to withdraw his amendment. Has he your permission ?

(Permission was granted)

Mr. Chairman : The permission is granted. The amendment stands withdrawn. The question before the House is :

“The Clause 16 form part of the Bill”.

(The motion was adopted)

Mr. Chairman : Clause 16 forms part of the Bill. No amendment to Clause 17. The question before the House is :

“That Clause 17 forms part of the Bill”.

(The motion was adopted)

Mr. Chairman : Clause 17 form part of the Bill. Similarly no amendment to Clause 18. The question before the House is :

“That Clause 18 forms part of the Bill”.

(The motion was adopted)

Mr. Chairman : Clause 18 form part of the Bill. Now we go to Clause 19 of the Bill.

Khawaja Mohammad Safdar : Sir, I am not moving my amendment in Clause 19.

Mr. Chairman : The question before the House is :

“That Clause 19 forms part of the Bill”.

(The motion was adopted)

Mr. Chairman : Clause 19 form part of the Bill. No amendment to Clause 20, 21 and 22. The question before the House is :

“That Clauses 20, 22 and 22 form part of the Bill”.

(The motion was adopted)

Mr. Chairman : Clause 20, 21 and 22 form part of the Bill. Clause 23 is under consideration.

Khawaja Mohammad Safdar : Sir, I am not moving the amendment.

Mr. Chairman : The question before the House is :

“That Clause 23 form part of the Bill”.

(The motion was adopted)

Mr. Chairman : Clause 23 forms part of the Bill. Clause 24.

Khawaja Mohammad Safdar : Sir, I am not moving the amendment.

Mr. Chairman : The question before the House is :

“That Clause 24 forms part of the Bill”.

(The motion was adopted)

Mr. Chairman : Clause 24 forms part of the Bill. No amendments to Clauses 25 and 26. The question before the House is :

“That Clauses 25 and 26 form part of the Bill”.

(The motion was adopted)

Mr. Chairman : Clause 25 and 26 form part of the Bill. We take up Clause 27.

Khawaja Mohammad Safdar : Sir, I am not moving the amendment.

Mr. Chairman : The question before the House is :

“That Clause 27 forms part of the Bill”.

(The motion was adopted)

Mr. Chairman : Clause 27 forms part of the Bill. Clause 28 is under consideration.

Khawaja Mohammad Safdar : Sir, I am not moving my amendment.

Mr. Chairman : The question before the House is :

“That Clause 28 forms part of the Bill”.

(The motion was adopted)

Mr. Chairman : No amendment to Clauses 29 and 30. So I put the question. The question before the House is :

“That Clause 29 and 30 form part of the Bill”.

(The motion was adopted)

Mr. Chairman : Clause 31 is under consideration.

Khawja Mohammad Safdar : Sir, I am moving my amendment.

Mr. Khurshid Hasan Meer : Sir, this has been thoroughly discussed.

Mr. Chairman : Khawaja Sahib, is it very substantial ?

Khawaja Mohammad Safdar : Sir, I must say something about this. Sir, I beg to move :

“That Clause 31 of the Bill, be deleted”.

The Clause says :

“If any difficulty arises in giving effect to any provisions of this Act, the Federal Government may make such order, not inconsistent with the provisions of this Act, as it considers necessary or expedient for the purpose of removing that difficulty”.

خواجہ محمد صفدر : جناب والا ! اس میں شک نہیں ہے کہ ایک اور بل پچھلے اجلاس میں اس ایوان میں پیش ہوا تھا اور اس موضوع پر بحث کی گئی تھی لیکن اس وقت میرے محترم دوست جناب میر صاحب نے مجھ سے اتفاق نہیں کیا تھا لیکن آج صورت حال میرے خیال میں مختلف ہے ۔ وہ بھی آج اس موڈ میں ہیں کہ میری جو باتیں انہیں پسند آئیں ، وہ مجھ سے اتفاق فرمائیں ۔ اس لیے میں توقع کرتا ہوں کہ وہ اس کلاز کو اس مسودہ قانون سے حذف کر دیں گے ۔ میں ان کو یقین دلاتا ہوں کہ میں نے بڑا تلاش کیا ہے کہ کسی جگہ کوئی ایسا قانون مل جائے جس میں یہ کلاز درج ہو ۔ اگر میرے کسی معزز دوست کو یا وزیر صاحب کو علم ہو تو یہ میرے علم میں اضافہ ہوگا ۔ یہ ۱۹۶۲ء میں جو آئین تیار کیا گیا تھا اس میں یہ کلاز رکھی گئی اور اب دوسری بار ہم نے اپنے آئین میں اس کلاز کو رکھا ہے ۔ کہ اگر تین ماہ کے اندر اندر آئین پر عمل درآمد کے سلسلے میں کوئی دقت ہو تو فیڈرل گورنمنٹ یعنی پرائم منسٹر کو یہ اختیار ہوگا کہ وہ تین ماہ کے اندر اس مشکل کا ازالہ کرنے کے لئے ترمیم کرائیں ۔ صورت حال یہ ہے کہ ۔ ۔ ۔

جناب خورشید حسن میر : آپ اس لمبی بحث میں نہ جائیں۔ ہم آپ کی تین ماہ والی بات مان لیتے ہیں۔۔۔۔۔
خواجہ محمد صفدر : شکریہ۔

جناب خورشید حسن میر : جناب والا! اس میں بالکل صاف لکھا ہوا ہے کہ :

“If any difficulty arises in giving effect to any provisions of this Act, the Federal Government may make such order, not inconsistent with the provisions of this Act,”

دوسری بات یہ ہے کہ یہ بل میں نے pilot نہیں کیا تھا۔ جہاں تک مجھے یاد ہے وہ shipping کے بارے پر و فیسر غفور صاحب نے ایک امینڈمنٹ introduce کی تو جناب اسپیکر نے مجھ سے پوچھا کہ آپ accept کرتے ہیں تو میں اس تذبذب میں پڑا جس میں آج خواجہ صاحب پڑے ہیں۔ میں نے کہا کہ یہاں تمام صاحبان بیٹھے ہوئے ہیں ان سے پوچھ لیں۔ تو جناب لاء منسٹر صاحب نے اس کی وضاحت کر دی۔ تو جناب اسپیکر صاحب نے کہا کہ آپ یہ اختیار لیتے ہیں۔ تو میں نے کہا کہ اگر آپ دے رہے ہیں تو میں لے لیتا ہوں۔ اس میں صاف لکھا ہوا ہے۔

“.....not inconsistent with the provisions of this Act,”

بہر حال یہ آپ کی تین ماہ والی بات کہ تین ماہ کے اندر اندر اگر عمل درآمد نہ ہو تو حکومت اسے واپس کرے، ہم اسے مان لیتے ہیں۔

(At this stage Presiding Officer, Mr. Ihsanul Haq Occupied the Chair).

Khawaja Mohammad Safdar : I beg to move :

“That in clause 31 of the Bill, between the word “Act” and the “Federal Government”, the following words be inserted, namely :

“within three months after the enforcement of this Act”.

Mr. Khurshid Hasan Meer : Sir, I accept this amendment.

خواجہ محمد صفدر : میں نے ایٹم نمبر ۲۱ آپ کے سامنے پڑھا ہے۔۔۔۔۔۔۔
محترم وزیر صاحب نے اسے قبول فرما لیا ہے تو مجھے ایوان کا وقت ضائع کرنے کی ضرورت نہیں۔

Mr. Presiding Officer—(Mr. Ihsanul Haq) : The motion moved is :

“That in clause 31 of the Bill, between the word “Act” and the “Federal Government”, the following words be inserted, namely :—

“within three months after the enforcement of this Act”.

(The motion was adopted)

Mr. Presiding Officer : The question before the House is that clause 21 as amended forms part of the Bill.

(The motion was adopted)

Mr. Presiding Officer : Clause 31 as amended forms part of the Bill. Now, the House stands adjourned to meet tomorrow at 10.00 a.m.

The House adjourned till ten of the clock in the morning on Tuesday, August 13, 1974.
