



THE SENATE OF PAKISTAN DEBATES

OFFICIAL REPORT

Wednesday, April 14, 1976

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SENATE DEBATES
SENATE OF PAKISTAN

Wednesday, April 14, 1976

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

Mr. Chairman : Questions.

STARRED QUESTIONS AND ANSWERS

DISABILITY ALLOWANCE

93. *Khawaja Mohammad Safdar : Will the Minister for Labour, Manpower, Health and Population Planning be pleased to state :

- (a) the scale of disability allowance under the Social Security Scheme and the date when these rates were fixed ; and
- (b) whether it is a fact that these scales have not been increased since the introduction of the Scheme ; if so, the reasons therefor ?

Mr. Abdul Sattar Gabol (Read by Malik Mohammad Akhtar, Minister for Law and Parliamentary Affairs) :

- (a) A secured person who sustains total or partial disablement is entitled to receive pension or gratuity at the following scale :—

(i) *Total Disablement :*

If the disablement is assessed to be 'total' viz 67% or over, the scale of pension shall be equal to the injury benefit i. e. 60% of the daily rate of wages last received by the secured person.

(ii) *Partial disablement :*

If the disablement assessed is between 21% to 66% the scale of pension shall be, in such proportion of the rate of injury benefit, (60% of the daily rate of wages) which the assessment of the disablement bears to 67.

(iii) *Disablement gratuity :*

[Mr. Abdul Sattar Gabol]

For disablement assessed at 5% to 20%, a disablement gratuity is allowed. It is the proportion of the daily rate of 'the injury benefit' which the assessment of the disablement bears to 63 multiplied by 910. There is no gratuity for disablement assessed at less than 5%.

Date of fixing the rate :

The above disablement allowances were fixed by the defunct Government of West Pakistan on 27-2-1967.

(b) Yes.

It had not been possible for the Provincial Social Security Institution to increase the rates of disablement pension due to their limited resources.

خواجہ محمد صفدر : جناب والا ! محترم وزیر صاحب نے اس ایوان کو اطلاع دی ہے کہ یہ disablement gratuity اور ۱۱ اونس آج سے سوا نو سال قبل مقرر کیا گیا تھا۔ تو کیا میں محترم وزیر صاحب سے یہ پوچھ سکتا ہوں کہ ان ۹ سالوں میں جب کہ اشیائے ضرورت کی قیمتوں میں کم و بیش دگنا اضافہ ہو گیا ہے تو اس میں اضافہ کرنا کیوں ضروری نہیں سمجھا گیا ؟

Malik Mohammad Akhtar (Minister for Law and Parliamentary Affairs): I have already explained that it is not possible to increase the rate of disablement pension due to the limit on provincial social security but I agree with the Hon'ble Senator that certain steps should be taken to increase them at an early date.

خواجہ محمد صفدر : محترم وزیر صاحب نے ارشاد فرمایا ہے کہ پراونشل سوشل سیکورٹی انسٹی ٹیوشن کے پاس محدود مقدار میں فنڈز ہیں۔ کیا محترم وزیر صاحب یہ ارشاد فرمائیں گے کہ کیا یہ ممکن نہیں ہے کہ سنٹرل گورنمنٹ پراونشل سوشل سیکورٹی انسٹی ٹیوشن کی مالی امداد کرے اور اسے اس قابل بنائے کہ یہ معذور لوگوں کی جو کہ کاروبار کرنے کے قابل نہیں رہے، گریجویٹی اور الاؤنسز میں اضافہ کر سکے ؟

Malik Mohammad Akhtar : At the first instance this is fresh question but I can only answer in a short form. At the first instance we will try the provinces to meet these expenses.

INTIMATION RE : THE ARREST OF SENATOR GHULAM AHMAD BILOR AND SENATOR MOHAMMAD HASHIM GHILZAI

Mr. Chairman : Yes, now, gentlemen, I have received two communications of arrest as required by the rules. I read them out. One reads—

"The Chairman of the Senate,
Islamabad.

Dear Mr. Chairman,

I have the honour to inform you that I have found it my duty in the exercise of my powers under the provision of Criminal Procedure Code to direct that the following Senators be arrested as they are involved in case FIR No. 81 dated 7th August, 1975, under Sections 121, 121A, 122, and 123A read with Sections 120B, 109 and 2 of the High Treason Punishment Act 1973. A copy of FIR is enclosed for your kind perusal:—

Mr. Ghulam Ahmad Bilor s/o Mr. Bilor Din, resident r/o Bilor House, Opposite Edward College, Peshawar Cantt. and (2) Mr. Mohammad Hashim Ghilzai s/o Baz Mohammad Khan r/o Nichari Road, Quetta.

They have accordingly been arrested in the above case, Mr. Ghulam Ahmed Bilor on 13th April at 10.30 a.m. at Peshawar and Mr. Mohammad Hashim Ghilzai on 13th April, 1976 at 9.30 a.m. at Islamabad.

The complaint against them and others is being filed by the Federal Government in the Special Court at Hyderabad and they will be lodged in Central Jail Hyderabad." This is one.

**INTIMATION RE: THE ARREST OF SENATOR HAJI
SAYED HUSSAIN SHAH**

Mr. Chairman: The second is also addressed to the Chairman of the Senate:—

"The Chairman of the Senate,

Islamabad,

Dear Mr. Chairman,

I have the honour to inform you that I have found it my duty in the exercise of my powers under the provision of Criminal Procedure Code to direct that Sayed Hussain Hazara s/o Agha Muhammad Hazara r/o Jinnah Road, Quetta, be arrested as he is involved in case FIR No. 81 dated 7-8-1975 under Sections 121, 121A, 122, and 123A read with Sections 120B, 109 PPC and Section 2 of the High Treason (Punishment) Act, 1973. A copy of FIR is enclosed for your kind perusal.

The said Sayed Hussain Hazara s/o Agha Muhammad Hazara has accordingly been arrested in the above case at 3.00 p.m. on 13-4-1976 at Islamabad." This is the second communication.

Now next item is Adjournment Motion. Yes, this is Adjournment Motion No. 58 jointly tabled by Senators Khawaja Mohammad Safdar and Maulana Shah Ahmad Noorani Siddiqi. Yes.

**ADJOURNMENT MOTION RE: ARREST OF SENATOR
MOHAMMAD HASHIM GHILZAI**

Khawaja Mohammad Safdar: 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 recent and urgent public importance namely, Mr. Mohammad Hashim Ghilzai, Leader of the Opposition in the Senate, and

[Khawaja Mohammad Safdar]

Senator Sayed Hussain Shah have been arrested today from the M.N.A.'s Hostel, Islamabad in connection with some cooked up cases. This waive of repression and persecution against the Opposition has greatly perturbed the public.

Malik Mohammad Akhtar : Sir, the motion is opposed on technical grounds. The matter is sub judice firstly, secondly Sir, they have been arrested against specific offences and not as stated in the last but one line of the adjournment motion in connection with some cooked up cases. With your permission, Sir, as the matter is sub judice, I need not go into details or make any comments but I will only.....

Mr. Chairman : Do not discuss the merits of the case.

Malik Mohammad Akhtar : I will not go to the merits. As it has been pointed out that the cases have been cooked, now my humble submission is that Case No. 81 and to substantiate that the matter is sub judice, Case No. 81 of 1975 was registered on 7th August, 1975, by the Deputy Secretary, Ministry of Interior, Government of Pakistan. The offences are under section and they are specific offences, as I earlier submitted under Section 121 waging or attempting to wage war against Pakistan, Section 121A, conspiracy to commit offences, under Section 121, Section 22 collecting arms etc. with intention to wage war, Section 123A condemning the creation of the State and advocating the abolition of its sovereignty and Section 2 of the High Treason (Punishment) Act. So, Sir, the intimation has already been made to you. After this case was registered, it became more necessary to pursue the case when, Sir, it was held by the Supreme Court and I will just give a few lines to quote from the judgment of Supreme Court delivered in October 1975 :—

“We find with material produced before us no difficulty in holding that NAP and its leaders are not reconciled to Pakistan's existence, integrity and sovereignty. That they have constantly been attempting to create doubts about the people in the ideology of Pakistan with a view to destroy the very concept which forced the basis of the creation of this country. That they have always been preaching doctrines of four or five nationalities of nation to prepare the ground for ultimate secession of NWFP and Baluchistan. . .”

Khawaja Mohammad Safdar : Point of order, Sir.

Mr. Chairman : Yes ?

Khawaja Mohammad Safdar : What has got this statement to do with the present discussion, Sir ?

Malik Mohammad Akhtar : This is the decision of the Court.

Khawaja Mohammad Safdar : This is the decision of the Court but whether it is relevant at this stage ?

Malik Mohammad Akhtar : Sir, I will explain.

Mr. Chairman : No, no, you can explain.

Malik Mohammad Akhtar : Thank you, Sir,

Mr. Chairman : But when you said you oppose it on technical ground, was that not sufficient ?

Malik Mohammad Akhtar : Sir, I could be, they say that the cases. . .

Mr. Chairman : But why they would provide opportunity to rebut these things.

Malik Mohammad Akhtar : But, Sir, to rebut their allegations and then, Sir, I may be allowed to read only one para.

Mr. Chairman : If you read out the whole of statement ?

Malik Mohammad Akhtar : I will not read the whole statement.

Mr. Chairman : Well, they will have an opportunity to rebut them, no this is like that and that will be practically discussing the merits of the case.

Malik Mohammad Akhtar : All right, Sir, then I stop it here. If you allow I may conclude with two lines, Sir. In the light of our findings which we recorded earlier we see no escape from the conclusion that the NAP was within the meaning of sub-section 1 of Section 6 of Political Parties Act operating in a manner prejudicial to the sovereignty and integrity of Pakistan. I need not go into details, Sir.

Mr. Chairman : No, no, this will be all right and this will be relevant. You can explain it, you can clarify it, you can say this. Once the adjournment motion is admitted but we are concerned with these things, since the adjournment motion is first admitted.

Malik Mohammad Akhtar : I submit before the ruling, Sir. So, Sir, there are specific charges and I have read the sections and the persons who have been arrested or they may be more than in large number or some arrests may be in the offing but as far as the MNAs and Senators are concerned and some MPAs. I want to mention 8 or 9, Mr. Abdul Wali Khan, Mr. Arbab Sikandar Khalil, Mr. Mohammad Afzal Khan, Mr. Ameerzada Khan, Mr. Attaullah Mangal, Mr. Gul Khan Naseer, Mr. Khair Bux Murree, Mir Ghous Bux Bazinjo, Mr. Sher Mohammad Murree alias Shera, Mr. Abdul Waheed Kurd, Col. Sultan Mohammad, Sayed Hussain Hazara and then it is Mr. Ghulam Ahmad Bilor.

Mr. Chairman : You are confusing the two things. This will be quite relevant when you rise to make a statement as you promised yesterday.

Malik Mohammad Akhtar : That statement would not be needed now, Sir, after I have given some facts. So, Sir, my humble submission is for this.....

Mr. Chairman : Confine yourself first to your technical objection against the admissibility.

Malik Mohammad Akhtar : Technical objection is, Sir, the matter is sub judice. There are specific charges and specific cases. The Court is going to assemble day after tomorrow.

[Malik Mohammad Akhtar]

Whatever decision they take. For that this will be their first meeting and the accused persons are going to be produced at Hyderabad before the Special Court and I consider that I have only given facts without going into the merits and without discussing the merits. The matter is sub judice and it is incorrect that some cooked up cases as mentioned in the last but one line of the adjournment motion have been made and Sir, there are specific charges and I had to quote a part of the judgement of the Supreme Court.

Mr. Chairman : In spite of the ruling of the Chair ?

Malik Mohammad Akhtar : As such, Sir, I do not consider that my honourable Senator would like differ or discuss the ruling of the Supreme Court and I bow before your ruling and we did not go into the merits of the case. I raised only technical objections.

Mr. Chairman : I will request you to confine yourself to the technical aspect of the question.

خواجہ محمد صفدر : جس طرح محترم وزیر صاحب نے کہا ہے اسی طرح ؟

Mr. Chairman : I asked him not to go into the merits of the case and he stopped.

Khawaja Mohammad Safdar : Even then he went quite at length.

Mr. Chairman : But I asked him, it is no use going into details. These things can only be discussed when the adjournment motion is admitted. But the adjournment motion is still pending for consideration.

Khawaja Mohammad Safdar : I was not, the honourable Minister was discussing this.

Mr. Chairman : Not the merits of the case, only the question of admissibility.

خواجہ محمد صفدر : محترم وزیر صاحب نے ارشاد فرمایا ہے کہ مسئلہ عدالت میں زیر بحث ہے اس میں انہوں نے بہت سی لا تعلق اور بے تعلق باتیں بھی کی ہیں اور مجھے آپ کا حکم ہے کہ میں ان کا جواب نہ دوں جہاں تک میں سمجھ سکا ہوں انہوں نے میری تحریک التواء کو سمجھنے کی کوشش ہی نہیں کی حالانکہ بڑے واضح الفاظ میں لکھا ہوا ہے ۔

“This wave of repression and persecution against the Opposition.”

میں نے ان گرفتاریوں کو زیر بحث لانے کے لئے یہ تحریک التواء نہیں پیش کی ۔ میں اپنی تحریک التواء کے آخری حصے کو زیر بحث لانا چاہتا ہوں میں یہ نہیں کہتا کہ ان کو کس قانون کے تحت گرفتار کیا گیا ہے یا وہ قانون کس قسم کا ہے ۔ لیکن گورنمنٹ کی یہ پالیسی ہے کہ اپوزیشن کو کسی قدر حراساں و پریشان کر دیا جائے ۔

Mr. Chairman : I will draw your attention to rule 71 (g). This is your inference with the arrest and...

Khawaja Mohammad Safdar : This is not inference. I draw your attention to the ruling of the Chair.

Malik Mohammad Akhtar : On a point of order. Sir, since the honourable Senator wants to discuss the policy of the Government, I would rise on a point of order and draw your attention to rule 187, then you will be stopped from further discussion. Then you cannot proceed further. Then you will be out of order. Rule 187 on page 95 says :

“A motion that the policy or situation or statement or any other matter may be taken into consideration and so on and so fourth...”.

Sir, if the tape could be taken, it is clear that he wanted to discuss the policy. It is out of order. He cannot proceed further by his own submission.

خواجہ محمد صفدر : مجھے بات بھی کرنے دیں ایک ہی بات کو بار بار دہرانے سے اس پر کوئی زیادہ زور تو نہیں پڑ جاتا ۔

Mr. Chairman : I draw your attention as I have already told you to rule 71 (g) :

“An adjournment motion shall not contain arguments...”.

Khawaja Mohammad Safdar : It is not an argument.

Mr. Chairman : Inferences ?

Khawaja Mohammad Safdar : Neither the inferences.

Mr. Chairman : Ironical expression ?

خواجہ محمد صفدر : کچھ تو ہوگا جناب ۔

Mr. Chairman : It shall not contain argument, inference or ironical expression or defamatory statement.

Khawaja Mohammad Safdar : I am sure it is not defamatory statement.

Mr. Chairman : Two Senators have been arrested and you seek to raise discussion over them. But in the last two or three lines you have said that this is a wave of repression and persecution, which is of course your inference from the fact of the arrest and detention, and that is quite obvious. They have been arrested and there is no doubt about it.

Khawaja Mohammad Safdar : Before you Sir give your ruling, may I say...

Mr. Chairman : I am not in a hurry to give my ruling. I only wanted to draw your attention to rule 71 (g) in which it has been said that the adjournment motion should not contain arguments, inferences, ironical expressions. Now, so far as arrest is concerned, this is a plain question that they have been arrested. So far as the phrase used by you that it is

[Mr. Chairman]

a repressive measure, it is persecution of the arrest still there is difference between you and the Law Minister. The House may not agree to it. You call it repression, they call it something else. They have arrested in the ordinary course of law. There is a difference of opinion. Everybody admits that So far as your allegation that this amounts to repression and persecution, prosecution and so on and so forth and cooked up cases, well it is an argument. We are lending into argument. Khawaja Sahib it must be clear to you as it is clear to everybody else and so far as the arrest or detention is concerned, it is a fact it cannot be denied Both admit it. You can discuss it to show first the technical objection and the admissibility under the rules. You are competent to raise discussion for these things, without going into the merits of the case. When you go further and call this arrest as repressive measure as a persecution of the accused person you also characterise their arrest as a cooked up case which means false and fabricated then you are raising arguments over these arrests that the arrest amounts to repressive policy and so on and so forth.

خواجہ محمد صفدر : میں میرٹ کی بالکل ہی بات نہیں کروں گا۔

Sir, I will quote the Decisions of the Chair, India—1941-45, ruling 360 page 7.

Mr. Chairman : Yes, you read the ruling.

Khawaja Mohammad Safdar : The ruling is :

“Qazi Mohammad Ahmad Kazmi wished, through a motion for adjournment of the House, to censure the Government of India for the reign of terror carried on by the Executive in India under the cover of Defence of India Rules, so as even to interfere with the administration of justice by arresting lawyers who defend persons charged with political offences, as is exemplified in the arrest and detention of Mr. Pardivalla at Lahore and of Pandit Baij Nath, Advocate of Agra.....” I need not go further.

جناب والا ! اب میں اس رولنگ کے پیش نظر یہ درخواست کروں گا آپ کی خدمت میں کہ ہندوستان کے مختلف علاقوں سے دو وکلاء گرفتار ہوئے ایک لاہور میں اور ایک آگرہ میں۔ اس بناء پر مسٹر کاظمی نے یہ تحریک التواء ایوان میں پیش کی کہ حکومت کو اس اقدام سے ملک میں خوف و ہراس کی لہر دوڑ دی گئی ہے ڈیفنس آف پاکستان رولز کے بہانے سے جس طرح کہ یہاں مختلف سپیشل قوانین کے ذریعے لوگوں کی گرفتاریوں سے، لوگوں کو جیلوں میں بند کرنے سے اور محبوس کرنے سے ایک خوف و ہراس کی فضا قائم کی گئی ہے۔ اسی طرح یہ میری تحریک التواء بعینہ بالکل اس کے مطابق ہے۔ انہوں نے دو گرفتاریوں کا حوالہ دیا ہے۔ میں نے دو گرفتاریوں کا حوالہ دیا ہے انہوں نے بھی یہ کہا ہے اور میں بھی گرفتاریوں کو رپرچٹ نہیں لا رہا۔ بالکل اس کی بناء پر یہ ایک مسئلہ ہے۔

جناب چیئر مین : آپ وہ پڑھ تو لیں تاکہ ہاؤس کو معلوم ہو جائے ۔
خواجہ محمد صفدر : میں سارا پڑھ دوں ۔ کیونکہ باقی relevant نہیں تھا ؟
جناب چیئر مین : ہاں ۔ کیوں کہ جہاں تک آپ نے پڑھا ہے باقی بہت
تھوڑا ہے ۔

خواجہ محمد صفدر : میں سارا پڑھے دیتا ہوں ۔

It further says :

“The latter of these cases has been commented upon by the H n'ble the Chief Justice of the Allahabad High Court, who during the course of hearing observed “It seems to me that these Defence of India Rules have paralysed us and we have got no power,” as reported in the Dawn dated the 5th February, 1944.”

The Government Member objected on the ground that the particular cases cited were matters of provincial concern and that the Government of India had nothing to do with such individual local application of Defence of India Rules, that the power of giving direction was only employed in cases where it was necessary to enforce a general policy on any province.

The President observed that in one of the cases which formed the subject-matter of the adjournment motion, the Chief Justice had recorded a finding that it was unjustified, and so on the facts before him he held that the motion was in order.”

Mr. Chairman: On the basis of the order passed by the Chief Justice ?

Khawaja Mohammad Safdar : Not exactly that

اگر یہ خلا اس میں ہوتا جیسا کہ آپ نے ابھی کہا ۔ اگر یہ خامی اس میں ہوتی جو کہ آپ نے point out کی ہے کہ یہ inference ہے ۔ ان دو گرفتاریوں سے جو کہ آپ draw کرنا چاہتے ہیں ۔ یا دلیل کے طور پر اس کو استعمال کرتے ہیں اور اس لیے جس تحریک التواء میں کوئی دلائل ہوں یا کسی واقع سے کچھ نتائج برآمد کئے گئے ہوں ایک وہ زیر بحث نہیں آسکتی ۔ آپ کے اس اعتراض کے جواب میں میں نے یہ عرض کیا ہے کہ یہاں بھی دو گرفتاریاں ہیں اور دو گرفتاریوں سے مسٹر کاظمی نے یہ نتیجہ اخذ کیا کہ یہاں ایک خوف و ہراس کی فضا قائم کی جا رہی ہے ۔ ڈیفنس آف پاکستان رولز کے استعمال سے میری اس تحریک التواء کا مقصد بھی یہی ہے کہ اسی طرح دو گرفتاریاں ہوئیں اور بعینہ ایک خاص قانون کے ذریعے کی گئی ہیں اور ان قوانین کو اس طور پر استعمال کیا جا رہا ہے ۔ پاکستان میں ایک خوف و ہراس کی لہر دوڑ گئی ہے ۔

جناب چیئر مین : خواجہ صاحب آپ یہ بھی دیکھیں کہ اگر contradiction ہو ایک decision میں اور آپ کے اپنے رول میں تو آپ کیا کریں گے۔ دیکھیں نہ اگر ہندوستان میں آل انڈیا Constituent Assembly نے ایک رولنگ دی ہے۔ مجھے تو معلوم نہیں ہے کہ ان کے کیا رول تھے

Their rules are not before me, the constitution is not before me.

رولز آف بزنس ہوتے ہیں۔ ہمارا تو ایک رول ہے اگر کوئی decision اس رول کے مطابق ہو تو آپ بھی اس کے پابند ہیں۔ میں بھی پابند ہوں، لیکن اگر وہ decision ہمارے رول کے مخالف ہو۔ In conflict ہو تو پھر ہم سب پابند ہوں گے اپنے رول کے میں نے تو اپنے رول کا حوالہ دیا ہے اگر اس رول کی سپورٹ میں آپ کوئی رولنگ پیش کرتے تو وہ تو ٹھیک تھا۔ میں نے آپ کو رول quote کیا۔ سب رول (جی) وہ بھی آپ نے پڑھ لیا۔ رول 71۔ اس میں صاف لکھا ہوا ہے کہ arguments inferences وغیرہ وغیرہ۔ وہ آپ نے سب پڑھ لیا اگر یہ تحریک التواء ہو تو وہ inadmissible ہے۔ میں نے تو اس لیے آپ کو کہا

You can discuss the arrest and the detention.

لیکن جہاں تک یہ ہے کہ یہ repressive policy ہے۔

It is going too far from the main point under issue. The main fact of the case is that "this is a repressive policy." No it is not so. It gives rise to the merit of the case.

آپ نے کہا کہ repressive measure ہے وہ کہتے ہیں کہ repressive measure نہیں ہے۔

Khawaja Mohammad Safdar : I am not discussing the merits.

Mr. Chairman : You have said that this is repressive measure, but he says it is not a repressive measure, and that they are charged with substantive offences, and they are being tried in court. This is for the court to give a finding whether they have been lawfully and legally arrested or unlawfully arrested. This is for the court to decide. So far as we are concerned we are only to go to the point whether technically at this stage adjournment is, or is not, admissible. Therefore, I particularly draw your attention to sub-rule (g), the latter part of your adjournment motion contains arguments, inferences which are not permissible under the rules.

خواجہ محمد صفدر : جناب والا! میں ایک گزارش کروں اگلے روز ابھی دو، تین روز ہوئے میرے واجب الاحترام ساتھی مولانا شاہ احمد نورانی صدیقی نے ایک تحریک التواء اس ایوان میں پیش کی تھی جس میں ایک bare fact

تھا کہ مسٹر رامے کو لاہور جیل سے کیمبل پور جیل میں منتقل کر دیا گیا آپ نے اسے یہاں پڑھا تو ضرور لیکن پہلے اس پر آپ رولنگ دے چکے تھے اپنے Chamber میں کہ اس کو allow نہیں کیا جائے گا۔ کیوں کہ اس میں ایسی کوئی وجہ بیان نہیں کی گئی تھی جو یہ میرک discuss کرنا چاہتے ہوں۔ اگر اس کے ساتھ یہ لکھا جاتا کہ ان کو اس لیے transfer کیا جا رہا ہے جیسا کہ ان کا مدعا تھا کہ وہاں ان کے ساتھ تشدد کیا جائے گا تو آپ یہ کہہ سکتے تھے کہ یہ inference draw کرتے ہیں۔ اس واقعہ سے inference draw کیا گیا ہے اور اس رول کے تحت آ جاتے۔ مجھے جناب والا ! کوئی طریقہ بتا دیجیئے۔

جناب چیئرمین : میں ابھی تک اس مسئلے کو سمجھا نہیں۔ جب انہوں نے تحریک التواء پیش کی I raised the question of transfer of Mr. Ramey from Lahore for Campbellpur.

خواجہ محمد صفدر : جی ہاں اتنا تھا۔

جناب چیئرمین : اور میں نے allow نہیں کیا۔

خواجہ محمد صفدر : جی ہاں اپنے Chamber میں آپ نے اسے kill کر دیا۔

جناب چیئرمین : تو اس کے ساتھ اس کا کیا تعلق ہے ؟

خواجہ محمد صفدر : اس کے ساتھ اس کا یہ تعلق ہے کہ انہوں نے صرف اتنی عبارت لکھی اور آپ کو یہ اعتراض تھا کہ آگے کچھ بھی نہیں لکھا جس سے یہ پتہ چلے کہ یہ معزز رکن بحث کس بات پر کرنا چاہتے ہیں۔ اگرچہ ان کے ذہن میں تھا اور وہ ضرور ارشاد فرماتے اگر انہیں موقع ملتا کہ ان کو اس لئے کیمبل پور لایا جا رہا ہے کہ وہاں پر تشدد کیا جاسکے اب اگر وہ اس طرح لکھتے۔۔۔

Mr. Chairman : I would have allowed you.

میں آپ کو اجازت دوں گا کہ آپ اپنی پوری بات سمجھائیں۔ دیکھیں نہ۔ انہوں نے کہا کہ اس کی transfer کو زیر بحث لایا جائے۔ میں نے کہا Transfer کیا یہ تو معمولی بات ہے۔ transfer تو روز ہوتے رہتے ہیں۔

But this cannot for the subject-matter of adjournment motion because of the three first requirements. It should be a matter of urgent public importance. Do not forget it. It had withheld the consent not because of sub-rule (g) of rule 71 but because it is not a matter of urgent public importance.

میں نے تو کہا کہ اے کے اے - بی - سی - تین requirements ہیں وہ پورے نہیں ہوتے تھے - ایک آدمی یہاں بائیسکل سے گر جاتا ہے اور لیڈر آف ہاؤس یا کوئی اور آکر تحریک التواء پیش کرے کہ فلاں آدمی بائیسکل سے گر گیا ہے - - - -

Mr. Chairman : Continues :

I would not allow it because there is no cause of moving adjournment motion because this is not a matter of urgent public importance.

تو وہ جو میں نے withhold consent کی ہے ؟

مولانا شاہ احمد نورانی صدیقی : سینٹیں کی -

Mr. Chairman : No, no, you can't cut me short like that

تو وہ جو consent میں نے اس تحریک التواء میں withhold کی - وہ محض اس لیے کی ہے کہ ایک قیدی کو یا ایک حوالاتی کو ایک جیل سے دوسری جیل میں ٹرانسفر کرنا -

It is not a matter for this House to adjourn the business of the entire House and discuss this very ordinary thing. This is not even a public importance, what to say of urgent public importance.

تو میں نے اس کو اس لئے over rule کیا تھا یہ جو ہے This is a different matter یہ تو different matter ہے - اس میں ابھی میں نے اے - بی - سی کا ذکر نہیں کیا میں نے صرف آپ کی توجہ اس طرف دلائی کہ یہاں پر آپ نے کہا -

I will be simply repeating my arguments and I do not think it will carry any weight with you.

میں نے یہ کہا ہے کہ آپ کی تحریک التواء میں arguments ہیں - inferences ہیں - ironical expressions ہیں - اور وہ arise ہوئے ہیں کہ یہ تو بڑی persecution ہے cooked up cases ہیں وغیرہ وغیرہ -

تو میں نے کہا کہ ایڈجرنمنٹ موشن میں یہ چیزیں نہیں ہونی چاہئیں یہ چیزیں نہیں ہونی چاہئیں کیونکہ رول ہمیں اجازت نہیں دیتا اور اس کا اس کے ساتھ کوئی تعلق نہیں ہے -

Well, I am not going to announce my ruling. I withheld my consent in case of transfer of Senator Ramey from one Jail to another as a matter not of urgent public importance. Here I have invited your attention to another thing that your adjournment motion contains arguments, inferences which is not permissible under the rules. So the two cases are distinguishable from each other.

خواجہ محمد صفدر : میں یہ عرض کر رہا تھا اگر وہاں اس کے ساتھ آپ کو بتا دیا جاتا اس کی urgent public importance ظاہر کرنے کے لیے کہ کیوں اس کو لایا جا رہا ہے تو آپ یہ ارشاد فرماتے کہ inference drew کی گئی ہے اور اگر نہیں بتائی گئی تو دوسری صورت میں آپ یہ ارشاد فرماتے اس کی urgent public importance کوئی نہیں ہے جناب ولا ! میں اس پر بحث نہیں کرنا چاہتا ۔۔۔۔۔

Mr. Chairman: There are two distinguishable things.

خواجہ محمد صفدر : آپ ذرا غور فرمائیے کہ حزب اختلاف کے بارہ میں سے چھ سینیٹر اس وقت جیلوں میں پڑے ہیں اور معنوی اعتبار سے حزب اختلاف کو قتل کر دیا گیا ہے اس سینیٹ ۔۔۔۔۔

Malik Mohammad Akhtar: Point of order, Sir. He is going into the merits.

جناب چیئرمین : جیسے میں نے ان کو کہہ دیا تھا کہ آپ merits پر جائیں گے تو ۔۔۔۔۔

خواجہ محمد صفدر : میں merits کی بات نہیں کر رہا ہوں ۔

جناب چیئرمین : میری بات سنئے آپ میری بات نہیں سنتے جیسے میں نے ان کو کہا

Do not try to go into the merits of the case in detail.

بس اتنا کہہ دیتے کہ ان کو گرفتار کیا گیا ہے

on such and such charges. That is relevant.

لیکن آپ نے یہ کہہ کہ فلاں نے یہ کہا فلاں نے یہ کیا That will be going too far کیوں کہ ان کو اس طرح موقعہ ملے گا ۔

خواجہ محمد صفدر : میں نے کسی کا نام نہیں لیا ۔

جناب چیئرمین : آپ کہتے ہیں کہ چھ کو گرفتار کیا گیا ہے تیرہ میں سے ۔

خواجہ محمد صفدر : بارہ میں سے ۔

جناب چیئرمین : گیارہ میں سے یا بارہ میں سے repression یہ ہے وہ اٹھ کر

کہے گا کہ چھیون نے بغاوت کی تھی حکومت پاکستان کے برخلاف چھیون پاکستان کو برباد کر رہے ہیں ۔

یہ ایڈ جرنلٹ موشن کے purpose سے بہت دور چلے جائیں گے۔

مولانا شاہ احمد نورانی صدیقی : اگر اجازت ہو تو میں عرض کروں گا۔

جناب چیئرمین : آپ کیا کہیں گے میں تو حیران ہوں کہ اگر کوئی چیز رہ گئی ہو تو وہ آپ کہہ سکتے ہیں۔۔۔

مولانا شاہ احمد نورانی صدیقی : ابھی بہت سی چیزیں رہ گئی ہیں۔

جناب چیئرمین : نہیں ، نہیں میں آپ کو روکتا نہیں ہوں آپ مجھے غلط نہ سمجھئے مولانا صاحب میں آپ کو اجازت دیتا ہوں ، دیتا ہوں لیکن آپ مجھے پہلے یہ بتائیے کہ کون سی چیز ہے جو ان دونوں نے نہیں کہی ہے وہ آپ کہہ دیں اور اگر آپ اپنی تحریک کے متعلق یہ کہیں کہ یہ ظلم ہے یہ بے انصافی ہے یہ ہمارے خلاف repression ہے تو اس کا کوئی علاج میرے پاس نہیں۔

مولانا شاہ احمد نورانی صدیقی : جناب ! آپ اطمینان سے اور خصوصی توجہ فرما کر سن لیں تو شاید آپ کو معلوم ہو جائے کہ میں نے کوئی دوسری بات کہی ہے ملک اختر جیسی بات نہیں کہوں گا۔

جناب چیئرمین : خدا کرے۔

مولانا شاہ احمد نورانی صدیقی : بہر حال خواجہ صاحب کی ٹائید میں تو کہہ سکتا ہوں میں یہ عرض کر رہا تھا کہ الفاظ cooked up cases پر خاص طور پر اعتراض کیا گیا ہے اس میں بہت سیدھی سادی بات ہے کہ اگست میں یہ کیس رجسٹر کئے گئے اور اب ان کو گرفتار کیا گیا ہے۔

ملک محمد اختر : پوائنٹ آف آرڈر۔

مولانا شاہ احمد نورانی صدیقی : آٹھ مہینے گزرنے کے بعد ان کو گرفتار

کیا گیا ہے اور ملک کی سلاستی بڑا اہم مسئلہ ہے اس کا مطلب یہ ہے کہ false fabricated cases کیس ہیں اور اگر ملک کی سلاستی اتنی عزیز ہے تو پھر یحییٰ خان کیوں عیش کدہ میں بیٹھا ہوا ہے اور عیش و عشرت کر رہا ہے حضور والا ! مقصد یہ ہے اور آپ سے درخواست ہے کہ آپ اس باؤس کے کسٹوڈین

جناب چیئرمین : ہاں میں کسٹوڈین ہوں۔

مولانا شاہ احمد نورانی صدیقی : ایوان کے حقوق کے اور سمز مبران کے جو

[Maulana Shah Ahmad Noorani Siddiqi]

کہ سینیٹ کے اجلاس میں شرکت کے لیے یہاں آرہے تھے اور دنیا کی تمام پارلیمانی روایات کے مطابق انگلستان یونائیٹڈ سٹیٹ آف امریکہ۔۔۔۔۔

جناب چیئرمین : میری بات نہیں سنیں گے ؟

مولانا شاہ احمد نورانی صدیقی : ابھی تک تو آپ کی سنتے آئے ہیں ۔

جناب چیئرمین : جب ایک مسئلے کا مضبوط پہلو ہو تو خواجہ صاحب خود بحث کرتے ہیں اور جہاں کہیں کمزور نکتہ ہو وہ آپ کے حوالے کر دیتے ہیں ۔

خواجہ محمد صفدر : نہیں ، نہیں Sir, I beg to differ

Mr. Chairman : You beg to differ me.

مولانا شاہ احمد نورانی صدیقی : تو آپ کمزور کی بات سن لیں ۔

جناب چیئرمین : نہیں ، نہیں میں نہیں سنتا بات تو سنئے ۔

مولانا شاہ احمد نورانی صدیقی : کمزور کی بات نہیں سنتے ۔

جناب چیئرمین : بات تو سنئے آپ نے یہ فرمایا کہ اگست میں کیس رجسٹر ہوا اور آج اپریل میں گرفتار کرتے ہیں تو آپ کو یہ معلوم ہونا چاہیے کہ جب تک کوئی کیس اتھارٹی concerned کے نوٹس میں لایا جائے تو وہ پہلے تفتیش کرتے ہیں ، کرتے ہیں ؟ کرتے ہیں اور یہ بعض اوقات گھنٹوں کی بات ہوتی ہے اور بعض اوقات سالوں کی بات ہوتی ہے ۔

مولانا شاہ احمد نورانی صدیقی : جناب والا ! ان کو گرفتار کیا گیا تھا پھر چھوڑ دیا گیا تھا اور آپ کے نوٹس میں ہے اب دوبارہ ہاشم صاحب کو گرفتار کیا گیا ہے اور بلور صاحب کو گرفتار کیا گیا تھا اب دوبارہ گرفتار کیا گیا ہے یہ سینیٹ کے ریکارڈ پر ہے ۔

جناب چیئرمین : سہ بارہ گرفتار کریں گے چوبارہ بھی گرفتار کریں گے ۔ law کوئی منع تو نہیں کرتا ۔

مولانا شاہ احمد نورانی صدیقی : اس کیس میں دوبارہ گرفتار کیا گیا ہے ۔

جناب چیئرمین : دیکھیے نا اگست کی بات ہے اگست کو ان کو اطلاع ملی غلط یا درست یہ تو عدالت کا کام ہے وہ تفتیش کرتے ہیں ، کرتے ہیں پکڑتے ہیں ، چھوڑتے ہیں ، پکڑتے ہیں جب اس investigating agency کو تفتیش

کرتے کرتے یہ معلوم ہو جاتا ہے ان کے ذہن میں ان کی عقل میں یہ بات آ جاتی ہے کہ انہوں نے کوئی جرم کیا ہے تب وہ کیس رجسٹر کر لیتے ہیں اور گرفتار کر لیتے ہیں -

خواجہ محمد صفدر : کیس رجسٹر ہوئے تو نو ماہ ہو گئے ہیں -

جناب چیئرمین : ہاں ہاں نو ماہ ہو گئے وہ مصالحہ جمع کرتے ہیں مواد جمع کرتے ہیں عدالت کے لئے یہ تو نہیں ہے کہ آج کیس رجسٹر ہوا اور آج ہی پکڑ کر عدالت کے حوالے کر دیا کیس رجسٹر - - - -

مولانا شاہ احمد نورانی صدیقی : غالباً یحییٰ خان کے خلاف بھی مواد جمع ہو رہا ہے وہ ابھی پھٹا نہیں ہے -

Mr. Chairman : This is not permissible. Sorry I rule it out of order.

مولانا شاہ احمد نورانی صدیقی : جناب والا ! ان حالات میں جیسے آپ نے ارشاد فرمایا اور آپ کے علم میں ہے کہ سینیٹر حضرات کے ساتھ ظلم و تشدد ہو رہا ہے اور ملک میں ظلم و تشدد کا دور دورہ ہے ہمیں کام کرنے نہیں دیا جا رہا ہے اس لئے ہم واک آؤٹ کرتے ہیں کیوں کہ ہم واک آؤٹ کرنے پر مجبور ہیں چلائے آپ اپنے ایوان کو جس طرح چاہیں -

[Then the honourable Members of the Opposition walked out]

Mr. Chairman : Yes, now Malik Sahib we take up legislative business or anything else ?

Malik Mohammad Akhtar : Legislative business, and I would like with your permission to request the House that we may take up item No. 7 first on behalf of Mir Afzal Khan.

Mr. Chairman : Commerce Minister ?

Malik Mohammad Akhtar : Yes, Sir.

Mr. Chairman : All right.

THE NATIONAL INSURANCE CORPORATION BILL, 1976

Malik Mohammad Akhtar : Sir, I beg to move :

“That the requirement of sub-rule (2) of rule 83 of the Rules of Procedure and Conduct of Business in the Senate, 1973, in regard to the Bill to establish a National Insurance Corporation [The National Insurance Corporation Bill, 1976], as reported by the Standing Committee, be dispensed with.”

Mr. Chairman : The motion made is :

“That the requirement of sub-rule (2) of rule 83 of the Rules of Procedure and Conduct of Business in the Senate, 1973, in regard to the Bill to establish a National Insurance Corporation [The National Insurance Corporation Bill, 1976], as reported by the Standing Committee, be dispensed with.”

Would you like to say something ?

Malik Mohammad Akhtar : Yes, Sir. We want to finish...

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

“That the requirement of sub-rule (2) of rule 83 of the Rules of Procedure and Conduct of Business in the Senate, 1973, in regard to the Bill to establish a National Insurance Corporation [The National Insurance Corporation Bill, 1976], as reported by the Standing Committee, be dispensed with.”

(The motion was adopted)

Mr. Chairman : The requirements of sub-rule 2 of rule 83 are dispensed with. Yes !

Malik Mohammad Akhtar : Sir, I beg to move :

“That the Bill to establish a National Insurance Corporation [The National Insurance Corporation Bill, 1976], as reported by the Standing Committee, be taken into consideration at once.”

Mr. Chairman : The motion made is :

“That the Bill to establish a National Insurance Corporation [The National Insurance Corporation Bill, 1976], as reported by the Standing Committee, be taken into consideration at once.”

Malik Mohammad Akhtar : It is not opposed, Sir, and I give the objects of this Bill.

Mr. Chairman : Has the report of the Standing Committee already been presented to the House.

Malik Mohammad Akhtar : Yes, Sir.

Mr. Chairman : When ?

Malik Mohammad Akhtar : About a week ago.

Mr. Chairman : All right.

Malik Mohammad Akhtar : Sir, the functions of the Corporation would be that it will insure the entire public property whether it is federal or provincial and section 10 provides that all insurance business relating to any public property, the term includes foreign-aided projects upto the stage

of completion or erection, shall be compulsorily insured only with the National Insurance Corporation and with no other insurance corporation. Sir, that is the object of this Bill. Then there is a formality, that there will be a Company, there will be Directors and Chairman and they will hold meetings. These are formal provisions, Sir, and I need not go beyond that.

Mr. Chairman : Nobody is anxious to take the floor. I will put the question. The question before the House is :

“That the Bill to establish a National Insurance Corporation [The National Insurance Corporation Bill, 1976], as reported by the Standing Committee, be taken into consideration at once.”

(The motion was adopted)

Mr. Chairman : The motion is adopted.

Now, we take up clause by clause consideration of the Bill. Are there any amendments?

Malik Mohammad Akhtar : I do not know, Sir.

Mr. Chairman : I don't see any on my file. When there are no amendments it is permissible under the rules to put all the clauses together. All the clauses can be put together because there is no amendment. So, in view of the fact that no amendment to any of the clauses has been moved I will put all the clauses together except clause 1 before the House. Now, the question before the House is :

“That all Clauses from Clause 2 to Clause 28 form part of the Bill.”

(The motion was adopted)

Mr. Chairman : All the clauses from 2 to 28 form part of the Bill.

Now, I will put the Schedule.

The question before the House is :

“That Schedule forms part of the Bill.”

(The motion was adopted)

Mr. Chairman : Schedule forms part of the Bill.

Now, last. The question before the House is :

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

(The motion was adopted)

Mr. Chairman : The Preamble, Title and Clause 1 form part of the Bill.

Yes.

Malik Mohammad Akhtar : Sir, I beg to move :

[Malik Mohammad Akhtar]

"That the Bill to establish a National Insurance Corporation [The National Insurance Corporation Bill, 1976], be passed."

Mr. Chairman : The motion moved is :

"That the Bill to establish a National Insurance Corporation [The National Insurance Corporation Bill, 1976], be passed."

Malik Mohammad Akhtar : Not opposed, Sir.

Mr. Chairman : Any gentleman wishing to speak ? No. All right, I put the question. I can't indefinitely wait when nobody is rising to participate in the debate. The question before the House is :

"That the Bill to establish a National Insurance Corporation [The National Insurance Corporation Bill, 1976], be passed."

(The motion was adopted)

Mr. Chairman : The Bill stands adopted unopposed. Yes.

Malik Mohammad Akhtar : Item No. 3, Sir, with your permission.

Mr. Chairman : Yes.

THE NATIONAL AND PROVINCIAL ASSEMBLIES (ELECTIONS TO RESERVED SEATS) BILL, 1976

Malik Mohammad Akhtar : Sir, I beg to move :

"That the Bill to provide for the conduct of elections to the reserved seats in the National Assembly and the Provincial Assemblies [The National and Provincial Assemblies (Elections to Reserved Seats) Bill, 1976], as reported by the Standing Committee, be taken into consideration at once."

Mr. Chairman : The motion made is :

"That the Bill to provide for the conduct of elections to the reserved seats in the National Assembly and the Provincial Assemblies [The National and Provincial Assemblies (Elections to Reserved Seats) Bill, 1976], as reported by the Standing Committee, be taken into consideration at once."

Malik Mohammad Akhtar : Sir, this is a formal Bill. It is for the conduct of elections to the reserved seats as it appears from its title. Then there is the method of election. Corrupt and illegal practices and offences for those practices have been defined. The other salient features are that under clause (5) of Article 51 and clause 4 and 5 of Article 106 persons elected to the general seats would hold the election and would form the electoral college for the reserved seats. Sir, the minorities have been defined to be Christians, Hindus, Sikhs, Budhists and Parsi communities and persons of the Quidiani group or the Lahori group, who call themselves 'Ahmadis'. Then there is a Commission to hold the elections and to make rules with the concurrence of the President. Sir, a limit has been fixed on the election expenses and the expenses in the case of National Assembly shall not exceed Rs. 35,000/- and in the case of

Provincial Assemblies Rs. 25,000/-. More over, the Chief Election Commissioner shall appoint Tribunals and the Commission is to ensure fair elections. Then the jurisdiction of the Courts is barred as far as these elections are concerned. These are the provisions generally contained in all the elections for the past 30 years, I should say, Sir.

Mr. Chairman : He is carrying the load singlehandedly today. Nobody is willing to share it with you. All right. I will put the question. The question before the House is :

“That the Bill to provide for the conduct of elections to the reserved seats in the National Assembly and the Provincial Assemblies [The National and Provincial Assemblies (Election to Reserved Seats) Bill, 1976], as reported the Standing Committee, be taken into consideration at once.”

(The motion was adopted)

Mr. Chairman : The motion is carried.

Now, we take up clause by clause reading of the Bill. I think there are on amendments moved to any of the clauses. Am I correct Mr. Law Minister?

Malik Mohammad Akhtar : Sir, I have not received any.

Mr. Chairman : You have not received notice of any amendment. Presumably, there are no amendments. So, I think, we will adopt the same procedure in this case also. When there are no amendments there will be little debates.

There is very little to say. So I will put all the clauses together.

The question before the House is.

“That all the clauses of the Bill from 2 to 57 form part of the Bill.”

(The motion was adopted)

Mr. Chairman : All the clauses from 2 to 57 both inclusives form part of the Bill.

Now, the question before the House is :

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

(The motion was adopted)

Mr. Chairman : Preamble, Short Title and Clause one form part of the Bill.

Malik Mohammad Akhtar : Sir, I beg to move :

“That the Bill to provide for the conduct of elections to the reserved seats in the National Assembly and the Provincial Assemblies [The National and Provincial Assemblies

[Malik Mohammad Akhtar]

(Elections to Reserved Seats) Bill, 1976], as reported by the Standing Committee, be passed."

Mr. Chairman : The motion moved is :

"That the Bill to provide for the conduct of elections to the reserved seats in the National Assembly and the Provincial Assemblies [The National and Provincial Assemblies (Elections to Reserved Seats) Bill, 1976], be passed."

Mr. Rao, you don't want to speak.

Rao Abdul Sattar : No, Sir.

Mr. Chairman : All right. No one wishes to take part. I put the question.

The question before the House is :

"That the Bill to provide for the conduct of elections to the reserved seats in the National Assembly and the Provincial Assemblies [The National and Provincial Assemblies Elections to Reserved Seats) Bill, 1976], be passed."

(The motion was adopted)

Mr. Chairman : The Bill is passed unopposed.

THE CONFORMITY WITH FUNDAMENTAL RIGHTS (AMENDMENT OF LAWS) BILL, 1976

Malik Mohammad Akhtar : Sir, I beg to move :

"That the Bill to amend certain laws in pursuance of clause (4) of Article 8 of the Constitution of the Islamic Republic of Pakistan [The Conformity with Fundamental Rights (Amendment of Laws) Bill, 1976], as reported by the Standing Committee, be taken into consideration at once."

Mr. Chairman : The motion made is :

"That the Bill to amend certain laws in pursuance of clause (4) of Article 8 of the Constitution of the Islamic Republic of Pakistan [The Conformity with Fundamental Rights (Amendment of Laws) Bill, 1976], as reported by the Standing Committee, be taken into consideration at once."

Malik Mohammad Akhtar : Sir, as a matter of fact there was a provision that all the laws mentioned in part 2 of the First Schedule shall be brought in conformity with clause (4) of Article 8 of the Constitution. That was, Sir, that they shall be brought in conformity with the fundamental rights.

Sir, already long meetings in the Law Division have taken place and we looked into all the laws and many of the Senators were kind enough to participate. It was considered that the following laws be brought in conformity with the fundamental rights :

(1) The Criminal Law Amendment (Special Court) Order, 1972. It provided for the trial of offences and the Government could by prior notification. Since certain provisions were found not to be in conformity it was decided any such notification shall be issued after the 13th February, 1976.

(2) The Privately managed Schools and Colleges (Take Over) Regulation, 1972. In this law in para 2 clauses (b) and (c) the definition of privately managed schools and colleges has been extended to include the ownership. Then, Sir, para 3 has been substituted so that without prior permission no person who owns or manages any privately managed college or school shall close such college or school or suspend its working or transfer any property or any interest therein.

Sir, then a proviso has been added to para 5 which states that no such notification shall be issued in respect of a privately managed school unless the Federal Government is satisfied that such school cannot be run, and so on and so forth. Certain amendments were made and the Hon'ble Members thought that these amendments should be done so that the laws are brought in conformity with the fundamental rights and even in the sub-committee of the Senate it was unanimously passed.

Mr. Chairman : Yes. I put the question if there is none to rise. They want the whole credit to go to you Mr. Law Minister. They do not want to share the credit.

Now the question before the House is:

"That the Bill to amend certain laws in pursuance of clause (4) of Article 8 of the Constitution of the Islamic Republic of Pakistan (The Conformity with Fundamental Rights (Amendment of Laws) Bill, 1976, as reported by the Standing Committee, be taken into consideration at once."

(The motion was adopted)

Mr. Chairman : Now, we take up the second reading. To my knowledge there are no amendments. It is only a two clause Bill. I think no amendments have been moved so we start with it straightaway.

Now the question before the House is :

"That Clause 2 forms part of the Bill."

(The motion was adopted)

Mr. Chairman : Clause 2 forms part of the Bill. Now the question with regard to the Schedule.

The question before the House is :

"That the Schedule forms part of the Bill."

Mr. Ahmad Waheed Akhtar : There is also Clause 3.

Mr. Chairman : Oh, I am sorry. Clause 3 with regard to repeal.

The question before the House is : *(The motion was adopted)*

[Mr. Chairman]

“That Clause 3, in respect of Repeal, forms part of the Bill.”

(The motion was adopted)

Mr. Chairman : Clause 3 forms part of the Bill. Now, I put the Schedule.

The question before the House is :

“That Schedule forms part of the Bill.”

(The motion was adopted)

Mr. Chairman : Schedule forms part of the Bill.

Now, the last question is :

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

(The motion was adopted)

Mr. Chairman : Preamble, Short Title and Clause 1 form part of the Bill.

Malik Mohammad Akhtar : Sir, I beg to move :

“That the Bill to amend certain laws in pursuance of clause (4) of Article 8 of the Constitution of the Islamic Republic of Pakistan [The Conformity with Fundamental Rights (Amendment of Laws) Bill, 1976], be passed.”

Mr. Chairman : The motion made is :

“That the Bill to amend certain laws in pursuance of clause (4) of Article 8 of the Constitution of the Islamic Republic of Pakistan [The Conformity with Fundamental Rights (Amendment of Laws) Bill, 1976] be passed.”

Malik Mohammad Akhtar : Sir, I apologise that I could not mention the laws in the first reading. The third law which has been brought in conformity is the Trade Organization Ordinance, 1961. Sir, it relates to the cancellation on any exemption granted to a trade organization. Now a proviso has been added that such revocation would be done unless it would be in the public interest.

Then, Sir, the fourth law is the Censorship of Films Act, 1963. We have amended the Preamble to bring it in conformity with the fundamental rights and the amended Preamble is :

WHEREAS it is necessary to amend certain laws in pursuance of clause (4) of Article 8 of the Constitution of the Islamic Republic of Pakistan decency or morality or in relation to contempt of court or commission or incitement of an offence Section 45 and this is the preamble, Sir, and then Section 4, subclause 5 provides that if the authority is of the opinion that a film is not suitable for public exhibition or suitable for a limited time it shall inform the person within thirty days

he can appeal to the Central Government, Sir, and Sir, then in Section 5, a new sub-section has been added which provides that no order shall be made by such authority unless the authority is satisfied that it is necessary to do so in the interest of glory of Islam or as I have read, Sir, and then Sir, these are amendments. Sir, I consider all these four laws were found to be inconsistent with fundamental rights and we have amended them accordingly, Sir, so that they are in conformity.

Mr. Chairman : Yes, yes Mohammad Afzal Khan, yes you...

Mr. Afzal Khan Khoso : I do not want to add anything more, but I want to know whether this was a new law? These things were not mentioned in the second reading. Whether it is a correct procedure?

Mr. Chairman : No, no I have not followed you, sorry. What is your suggestion?

Mr. Afzal Khan Khoso : In the first or second reading these amendments were not mentioned.

Malik Mohammad Akhtar : Yes that is perfectly in order and you should know the rules by now.

Mr. Chairman : What is the point of order, I mean to understand. Are we going against the requirements of rules? I will be glad to know if I can retrace my steps. I never feel shy of admitting my mistakes, if I commit any, if there is any thing.

Mr. Kamal Azfar : No, Sir, it is not with reference to you Sir, if I may explain on behalf of Senator Khoso.

Mr. Chairman : Yes.

Mr. Kamal Azfar : No disrespect was meant to the chair at all. He was referring.....

Mr. Chairman : That I am perfectly sure.

Mr. Kamal Azfar : Sir, he was referring to the Law Minister's observations.

Mr. Chairman : What is the point, what is the suggestion?

Mr. Kamal Azfar : He was trying to suggest that if some thing has been missed in the arguments in the first reading it cannot be taken up in the second reading on that basis because the first reading and the third reading there are different principles involved. I think this was his suggestion perhaps but that was not disrespect to the chair, Sir.

Malik Mohammad Akhtar : I will explain, Sir.

Mr. Chairman : No, no, you please resume your seat. What is your opinion, Mr. Kamal Azfar? Now during the course of first reading he mentioned certain arguments and omitted certain which he should have said. Now in the last stage, the final stage, he, as to his previous arguments, said I had omitted my earlier arguments on these two points and I want to place before the House. Now I do not know of any rule which

[Mr. Chairman]

will prevent him from doing that. I do not know of any. If you draw my attention to it I will be very grateful.

Mr. Kamal Azfar : In the second reading it is the procedure.

Mr. Chairman : You mean to suggest that he must repeat the same arguments at the third reading which he had advanced at the first reading.

Mr. Kamal Azfar : Sir, no the clause by clause presentation.

Mr. Chairman : No, no, but clause by clause, you see, there was no amendment. The clause was put to the House straightaway. There was no discussion on those clauses. You see, discussion normally, starts or is raised only when there are some amendments well they say something in favour of the amendment. There is always said on the other side in favour of the clause which means that then they are put to the House and voted upon but when there are no amendment, well you need not move the clause. They are never moved. The clauses are put straightaway from the chair and if there is any objection from any quarter they are quite competent and welcome to do that. Now since they have no amendment I put the clauses to the House but why you did not rise at that time if there was any mistake.

Mr. Kamal Azfar : No, Sir, because these things were not mentioned at that stage and they have been mentioned now. I wanted to be guided by the learned Law Minister on this particular point, Sir.

Mr. Chairman : You want to be guided. Then you can go to his office, he would like to brief you.

Malik Mohammad Akhtar : After we disperse, I will certainly talk over.

Mr. Afzal Khan Khoso : The whole House is of the opinion that we can be guided more in the Cafeteria rather than.....

Mr. Chairman : Well as a matter of fact Malik Sahib, you see, they do not want you to rush to the Bill and bulldoze it and pass it. Then you will part company with each other. They want to remain in your company for some time more. This is what I gather.

Malik Mohammad Akhtar : Then we can go to tea.

Mr. Chairman : I think they are deriving some pleasure from this company. That is what I guess, I may be wrong. Mr. Ehsanul Haq what is your.....

Mr. Ehsanul Haq : Sir, only the pleasure. We derive inspiration from the learned Law Minister, that is why we do not want to.

Mr. Chairman : Yes, Mr. Kamal Azfar you are welcome.

Mr. Kamal Azfar : Sir, I think what the House feels that we are grateful that the Law Minister is so frank but perhaps it was not so necessary for him to be so frank about his omission.

Malik Mohammad Akhtar : But I have got to be more frank with my colleagues.

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Mr. Chairman : Well they would like you to conserve your energy more than you waste and flitter away.

Yes, now I do not think there is any gentleman. Now, I put the question.

The question before the House is :

“That the Bill to amend certain laws in pursuance of clause (4) of Article 8 of the Constitution of the Islamic Republic of Pakistan [The Conformity with Fundamental Rights (Amendment of Laws) Bill, 1976], be passed.”

(The motion was adopted)

Mr. Chairman : The Bill stands passed, of course, unanimously. No other business ?

Malik Mohammad Akhtar : Not for this

Mr. Chairman : Not for today. So, at the time we should meet tomorrow, at usual time at 9.30 ?

Malik Mohammad Akhtar : No, Sir, tomorrow there is a . . .

Mr. Chairman : Should we meet tomorrow at 9.30 ?

Malik Mohammad Akhtar : Sir, now I would like to have the sense of the House, if we can meet tomorrow.

We may break for 15 minutes and we decide ourselves.

Mr. Chairman : All right. Well, I have not announced the adjournment of the House. You want to adjourn for 15 minutes ?

Malik Mohammad Akhtar : Tomorrow afternoon Sir.

Mr. Chairman : No, no, just now I am going to announce a break.

Malik Mohammad Akhtar : Yes, Sir, then after break we can decide ourselves.

Mr. Chairman : Well, then we meet again at 12.00, at what time ?

Malik Mohammad Akhtar : 12.00, Sir.

Mr. Chairman : All right, well we adjourn temporarily only for half an hour, and we must assemble today at 12.00 sharply.

(Then the House adjourned to meet again at 12.00 sharp)

(The House reassembled at 12.00 a.m.)

Mr. Chairman : There are more gentlemen now than they were at the time of adjournment. How is it ?

Malik Mohammad Akhtar : Sir, we assembled over a cup of tea. I may be excused, Sir, they were already there, and there is no increase.

Mr. Chairman : Yes, there is no business for today. What about tomorrow ? At what time you would like to meet ?

Malik Mohammad Akhtar : Sir, our honourable Senators have decided that they will be meeting tomorrow at 5 in the evening.

Mr. Chairman : At 5 in the evening ? All right. What about item No. 10 ?

Malik Mohammad Akhtar : 29th at 8.00 p.m. at my residence if it suits you. It is going to be in honour of the Chairman and the Senators.

Mr. Chairman : We are booked on 29th I think.

Malik Mohammad Akhtar : Then you can make it 30th, Sir.

Mr. Chairman : Oh' yes, 30th is all right.

Malik Mohammad Akhtar : It is going to be in honour of the entire House, and we are going to have some of our friends who have been working on reports.

Mr. Chairman : As I am already booked for 29th that is why I have suggested the change of date. You can have it on 28th or 30th.

Malik Mohammad Akhtar : 30th, Sir.

Mr. Chairman : Fixed ?

Malik Mohammad Akhtar : Fixed, Sir.

Mr. Chairman : Confirmed ? No going back on it ?

Malik Mohammad Akhtar : Out of question, Sir.

Mr. Chairman : All right. So, we meet tomorrow at 5.00 p.m. because in the morning you have a Cabinet Meeting.

Malik Mohammad Akhtar : Yes, Sir.

Mr. Chairman : All right. Thank you. The House stands adjourned to meet tomorrow at 5.00 p.m.

(Then the House adjourned till five of the clock in the evening, on Thursday, April 15, 1976)