

SENATE OF PAKISTAN

SENATE DEBATES

Sunday, May 14, 1989

The Senate of Pakistan met in the Senate Hall, (Parliament House), Islamabad, at 5.30 of the clock in the evening, with Mr. Chairman (Mr. Wasim Sajjad) in the Chair.

(Recitation from the Holy Quran)

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

الَّذِينَ يُنْفِقُونَ فِي السَّرَّاءِ وَالضَّرَّاءِ وَالْكَاظِمِينَ الْغَيْظَ
وَالْعَافِينَ عَنِ النَّاسِ ۗ وَاللَّهُ يُحِبُّ الْمُحْسِنِينَ ۝
وَالَّذِينَ إِذَا فَعَلُوا فَاحِشَةً أَوْ ظَلَمُوا أَنْفُسَهُمْ ذَكَرُوا اللَّهَ
فَاسْتَغْفَرُوا وَإِلَٰهُهُمْ سُبْحَانَ اللَّهِ عَمَّا يُشْرِكُونَ ۝
يَصِرُوا عَلَىٰ مَآفَعُلُوا ۚ هُمْ يَعْلَمُونَ ۝ أُولَٰئِكَ جَزَاءُ هُمْ
مَغْفِرَةً مِّن رَّبِّهِمْ وَجَنَّتْ تَجَنَّىٰ مِنَ تَحْتِهَا إِلَّا نَهْرٌ خَالِدٌ فِيهَا ۚ وَنِعْمَ
أَجْرُ الْعَمَلِينَ ۝ قَدْ خَلَتْ مِن قَبْلِكُمْ سُنَنٌ ۚ فَسِيرُوا فِي الْأَرْضِ فَانظُرُوا كَيْفَ
كَانَ مَقَابِلَهُ الْمُكَذِّبِينَ ۚ هَٰذَا بَيِّنَاتٌ لِّلنَّاسِ وَهُدًى وَمَوْعِظَةٌ لِّلْمُتَّقِينَ ۝

(آل عمران ۱۳۲-۱۳۸)

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(آل عمران ۱۳۲-۱۳۸)

ترجمہ :- جو آسودگی اور تنگی میں اپنا مال خدا کی راہ میں خرچ کرتے ہیں اور غصے کو روکتے اور لوگوں کے قصور معاف کرتے ہیں اور خدا نیکو کاروں کو دوست رکھتا ہے اور وہ کہ جب کوئی کھلا گناہ یا اپنے حق میں کوئی اور برائی کر بیٹھتے ہیں تو خدا کو یاد کرتے ہیں اور اپنے گناہوں کو بے بخشش مانگتے ہیں اور خدا کے سوا گناہ بخشش بھی کون سکتا ہے اور جان بوجھ کر اپنے انفعال پر اڑے نہیں رہتے۔ ایسے ہی لوگوں کا صلہ پروردگار کی طرف سے بخشش اور باغ ہیں جن کے نیچے نہریں بہہ رہی ہیں اور وہ ان میں ہمیشہ بستے رہیں گے اور اچھے کام کرنے والوں کا بدلہ بہت اچھا ہے تم لوگوں سے پہلے بھی بہت سے واقعات گزر چکے ہیں تو تم زمین میں سیر کر کے دیکھ لو کہ بھٹلانے والوں کا کیسا انجام ہوا۔ یہ قرآن لوگوں کے لئے بیان صریح اور اہل تقویٰ کے لئے ہدایت اور نصیحت ہے۔

LEAVE OF ABSENCE

جناب چیئرمین : رخصت کی درخواستیں ، جناب آصف فصیح الدین وردک صاحب نے اپنی ذاتی مصروفیات کی بنا پر ایوان سے ۱۲ تا ۱۸ مئی رخصت کی درخواست کی ہے کیا آپ ان کی یہ درخواست منظور فرماتے ہیں ؟

(رخصت منظور ہوئی)

جناب چیئرمین : خواجہ محمد حمید الدین نے چند ناگزیر مصروفیات کی بنا پر ایوان سے ۱۳ تا ۲۰ مئی رخصت کی درخواست کی ہے کیا آپ ان کی یہ درخواست منظور فرماتے ہیں ۔

(رخصت منظور ہوئی)

جناب چیئرمین : جناب عبدالمجید قاضی صاحب نے ذاتی مصروفیات کی بنا پر ایوان سے حالیہ مکمل اجلاس کی رخصت کی درخواست کی ہے کیا آپ ان کی یہ درخواست منظور فرماتے ہیں ۔

(رخصت منظور ہوئی)

جناب چیئرمین : جناب امیر عبداللہ خاں روکڑی نے ناسازی طبع کی بنا پر ایوان سے ۱۴ مئی کے لئے رخصت کی درخواست کی ہے ، کیا آپ ان کی یہ درخواست منظور فرماتے ہیں ؟

(رخصت منظور ہوئی)

جناب چیئرمین : جناب محمد محسن صدیقی صاحب نے چند ضروری کام کی بنا پر ایوان سے ۱۴۔ مئی کے لئے رخصت کی درخواست کی ہے کیا آپ ان کی یہ درخواست منظور فرماتے ہیں ؟
(رخصت منظور ہوئی)

جناب چیئرمین : صاحبزادہ یعقوب علی خان نے اطلاع دی ہے کہ وہ غیر جانبدار ممالک کے وزرائے خارجہ کے اجلاس میں شرکت کے لئے ہرارے تشریف لے جا رہے ہیں لہذا وہ ۱۴۔ مئی تا ۲۲۔ مئی ایوان میں شرکت نہیں فرما سکیں گے ۔

FATEHA

لیفٹیننٹ جنرل (ریٹائرڈ) سعید قادر : جناب والا ! آپ کی اجازت سے عرض کروں گا کہ ہمارے وزیر تجارت سید فیصل صالح حیات کے والد صاحب کا انتقال ہو چکا ہے ان کے لئے دعائے مغفرت کرائی جائے ۔

جناب چیئرمین : یہ مناسب ہے ، جناب محمد علی خان

Mr. Muhammad Ali Khan: Mr. Chairman, Sir, I join brother Saeed Qadir in condoling the sad demise of the illustrious father of Mr. Faisal Saleh Hayat. I pray to God Almighty that He may bless his soul and give strength to all the members of the family to bear this irreparable loss. I request that fateha be offered for the departed soul.

Thank you Sir,

(فاتحہ پڑھی گئی)

FURTHER DISCUSSION ON THE PRIVILEGE MOTION: RE: LAUNCHING OF PEOPLES WORKS PROGRAMME.

Mr. Chairman: We will now take up the pending privilege motion. This was in regard to the People's Programme. Any other honourable Senator who would like to express his views on the People's Works Programme.

(Pause)

Mr. Chairman: Yes Nawabzada Jahangir Shah Jogezai.

و ابنا زادہ جہانگیر شاہ جو گیزی: بِرَبِّمُ اللّٰہِ الرَّحْمٰنِ الرَّحِیْمِ۔ پروگرام کسی نام سے بھی اور کسی طریقے سے بھی ہو اگر اس کے فائدے اور اغراض عوام تک پہنچتے ہوں تو اس میں کوئی کلام نہیں ہے۔ ہر حکومت اور ہر سیاسی پارٹی لوگوں کو ایک مینڈیٹ دیتی ہے ایک پروگرام دیتی ہے اس پروگرام کے لئے اس کو شعور اور تنظیم دیتی ہے، جو بھی صاحب نے اپنا پروگرام بنایا اللہ اس کا طریقہ ملک میں درجہ نظام کے مطابق دیا تھا اس نے اپنے پروگرام کو جو بھیجے کے پانچ نکات کا نام دیا تھا اور ساتھ ہی علاقوں کی بھی نشاندہی کی تھی لہذا اس علاقے کو آپ نے دینا ہے اور قومی نمائندوں کے ذریعے سے اس نے اس پروگرام کو عملی جامہ پہنانے کی کوشش کی وہ اس لئے کہ قومی نمائندے جن علاقوں سے تعلق رکھتے ہیں ان کو اپنے علاقے کے حالات اور ضروریات کی خبر ہوتی ہے۔ چونکہ روایتی طور پر جو پلاننگ ہوتی ہے اگرچہ میں آج تک پاکستان کی پلاننگ کو اس پلاننگ کی طرح نہیں سمجھتا جو ایک آزاد مملکت کے لئے جو ابھی نوزائیدہ ہو ہوتی ہے نہ اس کی پلاننگ برائے تعلیم اس طریقے سے ہوتی ہے نہ قدرتی وسائل کے پورے اعداد و شمار اس طریقے سے جمع ہوئے ہیں کہ جس سے کسی شعبے کو اولیت دیں ہم ad-hocism پر ہم چل رہے ہیں۔

جناب چیئرمین: نوابزادہ صاحب اس وقت ایڈمینیسٹریٹو پر بحث ہو رہی ہے کہ کیا اس پروگرام سے آپ کا استحقاق مجروح ہوا ہے یا نہیں۔

نوابزادہ جہانگیر شاہ جو گیزی: جناب والا! جب تک میں سنجیدگی سے اس تمام نظام کا احاطہ نہ کروں تو پھر اس کے متعلق کیا فیصلہ ہو سکتا ہے۔ آیا یہ استحقاق ہو سکتا ہے یا نہیں۔

کیوں ہو سکتا ہے اس کے لئے جب تک میں عرض نہ کروں.....

جناب چیئرمین: ذرا مختصر کریں کیوں کہ یہ ایڈمینیسٹریٹو کی شیج ہے مہربانی کر کے ذرا مختصر کریں۔

نوابزادہ جہانگیر شاہ جو گیزی: چونکہ جس وقت یہ استحقاق کی تحریک پیش ہوئی تھی اس وقت میں موجود نہیں تھا چونکہ آپ نے مجھے اس پر بات کرنے کے لئے کہا ہے اس لئے میں نے اس پر اپنی بات شروع کی ہے یہ سنٹرل حکومت ہے اس کے ساتھ ساتھ صوبائی حکومتیں بھی ہیں اور بہت سارے دوسرے ادارے بھی اس کام کے لئے ہوتے ہیں جو ایک دوسرے کے ساتھ مربوط ہوتے ہیں اگر ان اداروں کو ایک دوسرے سے الگ کر دیں اور ہر ادارہ اپنی طرف سے ایک ریاست

بن جائے تو میں سمجھتا ہوں کہ جو بھی پروگرام ہو گا اس میں شکوک شبہات پیدا ہوں گے۔ ایہ پارٹی اپنی طرف سے یہ پروگرام اپنے ذریعے سے کرتی ہے اور ان مسلمہ اصولوں سے صرف نظر کر کے کر رہی ہے میں سمجھتا ہوں کہ اگر ان ممبروں کو بائی پاس کر دیں تو ان کی کیا حیثیت رہ جاتی ہے۔ ہاں وہ اپنا پروگرام دیں، پیپلز پروگرام دیں بیشک پیپلز پارٹی کی اپنی اپنی کمیٹیاں بنائیں تاکہ وہ کمیٹیاں اس کام کی سرپرستی کر سکیں مگر روایتی طور سے یہی پروگرام انہی محکموں کے ذریعے سے ہونا چاہیئے اس لئے میں سمجھتا ہوں کہ اس تحریک کو ایڈمٹ کریں۔ ایڈمٹ کرنے میں نقصان تو نہیں ہے۔ بلکہ اس پر مختلف لوگوں کی اپنی اپنی رائے مل جائے گی۔ اور ایک بہتر صورت پیدا ہو جائے گی اور اس وقت حکومت میں جو بڑے Clashes ہو رہے ہیں وہ کم ہو جائیں اور ہم بڑی کوشش کر رہے ہیں کہ مرکزی اور صوبائی حکومتوں میں اتحاد ہو، تعاون ہو، اعتماد ہو اور اس اعتماد کے ساتھ حکومت بھی چل سکتی ہے پارٹی بھی چل سکتی ہے اور جس خطرے سے آج ہم ڈر رہے ہیں وہ بھی avoid ہو سکتا ہے اس لئے میں کہتا ہوں کہ اس پر بحث ہونی چاہیئے۔

Mr. Chairman: I would just like to summarize briefly what I feel are the arguments on this question.

The Argument is (1) that so far in the development programme which was being carried out, the members of parliament and particularly I would say the Members of the Senate were involved and it is an allegation by the Senators who have spoken on this motion that they have been unconstitutionally deprived of this privilege which was conferred on them. The privilege had been conferred - they are saying, that was a kind of a vested right and it has been unconstitutionally taken away.

The reasons they are giving for what they allege as unconstitutional are:

It is unconstitutional because there are two lists mentioned in the Constitution - one is the Federal List, the other is the Concurrent List. According to the honourable Senators the making of roads, hospitals, dispensaries, etc., is not either a federal function in the Federal List or a concurrent function in the Concurrent List, and, therefore, it is a function which vests in the provinces.

It has also been suggested by the Senators that this programme will take the public funds outside the ambit of the Auditor General of Pakistan and, therefore, it would be unconstitutional. It has also been alleged by the Senators that the manner in which it is being executed that is even in the Concurrent List a function can be taken away by the Federal Government only under a properly framed law. It has been stated by the honourable Senators that there has been no law and this is purely on the administrative side. Of course, the budget has been passed but the manner of execution that is taking over the function of execution that has not been granted to the Federal Government by any law. So, these are, I think, in summary the arguments which have been addressed in support of this motion that this privilege motion be admitted.

Dr. Sher Afgan Khan Niazi: Mr. Chairman Sir, I will take only 5 or 6 minutes.

Mr. Chairman: No, no, you may take as much time as you like.

Dr. Sher Afgan Khan Niazi: Then, the honourable Interior Minister Ch. Aitzaz Ahsan will explain the real situation.

Mr. Chairman: You may take as much time as you want.

Dr. Sher Afgan Khan Niazi: I will draw your kind attention to the Constitution Article 7. In Article 7 as against the People's Programme so many Articles of the Constitution have been quoted from Chief Executive Authority, Article 90 onwards 97, 137 and so many. In Article 7 the State has been defined in which the Federal Government is included. Then, I will draw your kind attention to Article 37 where it says :

37. The State shall:

(b) "remove illiteracy and provide free and compulsory secondary education within minimum possible period;"

Mr. Chairman: Syed Abbas Shah on a point of order.

Syed Abbas Shah: I should inform the Minister that nobody spoke against the People's Programme but against the way of its execution. So, he should come to the execution side.

Dr. Sher Afgan Khan Niazi: Mr. Chairman Sir, as you have yourself assigned an issue that it is unconstitutional as labelled by most of the honourable Senators thereby I am bound to reply that it is within the purview of the Constitution.

Mr. Chairman: But just to clarify, it is the execution which was termed illegal and unconstitutional and not the Programme itself. That is what needs to be clarified.

Dr. Sher Afgan Khan Niazi: Mr. Chairman Sir, the first issue is dropped that it is constitutional. Now, may I take it that the first issue that it is not unconstitutional should be dropped.

Mr. Chairman: No. No. It is the manner of execution. Nobody has said that the programme itself is unconstitutional. Somebody wants to make a road, the question is, the road itself nobody is objecting to, it is the manner, who is going to do it that is what is being objected to. So, you are quoting Article 7 and Article 37.

(INTERRUPTIONS)

Dr. Sher Afgan Khan Niazi: Article 37 and 38 they ask the Government to give welfare programme in the country not to a single province and this is my first point.

Second is the privileges of the members. We have to look into the Constitution whether any breach of privilege I has happened or not. We will go to see Article 66 which is a specific Article and it says:

Article 66. (1) "Subject to the Constitution and to the Rules of Procedure of Majlis-e-Shoora (Parliament) there shall be freedom of speech in Majlis-e-Shoora (Parliament) and no member shall be liable to any proceedings in any court in respect of anything said or any vote given by him in Majlis-e-Shoora (Parliament) and no person shall be so liable in respect of the publication by or under the authority of Majlis-e-Shoora (Parliament) of any report, paper, votes or proceedings."

Mr. Chairman: Akhunzada Behrawar Saeed on a point of order.

Akhunzada Behrawar Saeed: The honourable Minister may kindly explain how these Articles are relevant to the matter under discussion.

جناب چیئرمین : جی میرے خیال میں وہ بتائیں گے شاید وہ اسی پر آرہے ہیں ۔

Dr. Sher Afgan Khan Niazi: Mr. Chairman Sir, these are the privileges constitutionally given to the members of Parliament if they are hindered, anything is done unto them, it is said that breach of privilege of the parliament or the honourable Member has happened. This is the constitutional Article which gives you freedom of speech, votes, reports etc. specifically. Then, Sir, there is another provision given in the law that is known as statutory provisions giving special privileges to the Members. This is the real touch stone Article 66 on which we can test that any Member who has been given the privileges either in the Constitution or in any statutory law, if that has been taken away from the Member by any means then it tantamounts to the breach of privilege of the Member or the parliament. Other way anything done outside then a Member says that he has not been taken in that very set up or any policy carried out

[Dr. Sher Afgan Khan Niazi]

by the government and he says that he must have been picked up as in that Five Points Programme that was not the privilege or right endowed to the Members by the Constitution or any law. That was a procedure laid down by that Government and it was in its interest whereby there is no such constitutional or legal privilege available either in the Constitution or in the law which has been breached and thereby this People's Programme which has been said that it has caused breach of privilege of the Members and the Parliament is totally irrelevant. I will humbly submit that this privilege motion may kindly be not admitted. It is not admissible at all, that is my humble submission to you, Sir.

Mr. Chairman: Thank you. Now, I just want to ask you that you said Article 37. Is it your contention that under Article 37 it is the duty of both Federal and Provincial Governments to provide all these facilities to the people of Pakistan and that the Concurrent Legislative List is irrelevant. Does this over ride the List?

Mr. Sher Afgan Khan Niazi: Mr. Chairman Sir, that is the thing which have been defined. If there is something else, if a policy of the Federal Government.....

(INTERRUPTIONS)

Mr. Chairman: So, you feel that there should be no distinction between federal functions and provincial functions and the State should provide all these facilities regardless of the division between the federation and the provinces. This is your contention?

Dr. Sher Afgan Khan Niazi: Yes, Sir.

Mr. Chairman: So, you feel that the List is totally irrelevant.

Dr. Sher Afgan Khan Niazi: No, that is relevant to the relevant things. I don't say that the Constitution has included nothing good for the thing.

Mr. Chairman: Chaudhry Aitzaz Ahsan.

Mr. Aitzaz Ahsan: Mr. Chairman, I will most certainly address myself also in due course to the very pertinent questions that you have now asked and you will find Mr. Chairman, there is a precedent for the fact which reconciles Article 37 and 38 and similar articles with Federal and Provincial Lists but that Mr. Chairman, in due course. First Mr. Chairman, if you permit me, I will take up the three points that you have just in summarizing the very learned arguments but with great respect I submit rather misconceived that the several learned Senators have addressed in this House on this motion.

Mr. Chairman, the first point that has been formulated by you, and I think you have certainly done better than many learned Members of the House, is that as I wrote it down that it is alleged that the Members of this very august House were

unconstitutionally deprived of the privileges of the Senators to participate in the Peoples Programme. Now, I am a little upset, a little confused by the word "unconstitutionally". I have the Constitution, Mr. Chairman, in my hand. I find no right in this Constitution, no right whatsoever that can be implied.

I find no right in this Constitution - no right whatsoever, and no right that can be implied in the Constitution. It is not a right under common law. It is not a right under equity. It is not a right under Law and it is not a right under the Constitution for any particular person; be he a Member of this august House or not, to be associated with any or every activity of any provincial or federal government. As Mr. Chairman, you yourself are conscious of the fact, you said that they have said it "unconstitutional". It is not in the Constitution but they have said it is unconstitutional exclusion of the Senators from this programme. Mr. Chairman, there is nothing in the Constitution and I do not have to repeat myself there is nothing in the Constitution that gives them this right.

Now, the Second point that was taken was the lists and I will come to the lists later. but I will take the third point first and that is that it is alleged that the Peoples Programme will take the funds outside the jurisdiction and purview of the Auditor General's Authority. Mr. Chairman, nothing could be more wrong when we read the Constitution. I do not recollect which particular learned Member of the Senate made this point but I do and I can easily refer you to Article 169 and 70 of the Constitution which I happened to look up just now when you made this point Mr. Chairman, and these articles clinch the issue and nothing more may be said. No money, no funds be they provincial, be they federal, are beyond the purview or the authority of the Auditor General of Pakistan, no, not even when they are in the hands of the province and certainly not when they are being disbursed and applied by the federal authorities or the federal government. Article 169 says:

"The Auditor-General shall, in relation to -

- a) the accounts of the Federation and of the Provinces; and
- b) the accounts of any authority or body established by the Federation or a Province,

"perform such functions and exercise such powers as may be determined by or under Act of Majlis-e-Shoora (parliament) and, until so determined, by Order of the President".

Article 170 goes further, because I am not at this moment equipped with that order of the President or Act of parliament, because as far as I am concerned I have just taken cognizance of this point now Article 170 takes care of that also. It says :-

"The accounts of the Federation and of the Provinces shall be kept in such form and in accordance with such principles and methods as the Auditor-General may, with the approval of the President, prescribe."

[Mr. Chairman]

So, there is no question of any penny or paisa or rupee of the "people's programme" going beyond the ambit of the authority of the Auditor-General. This objection also Mr. Chairman, is as misconceived as the first one that I took note of.

Now, the third point - I will come to the lists, I submit it later and I will come to the manner of execution also later. There is much precedent on federal agencies in other countries, in other democracies at times taking up matters with apparently fall within the purview of the States or the Provinces and the lists are a kind of a negative check. If the programmes which are alleged to encroach upon provincial domain or for social welfare or for the public good then be it the United States and I will show how in the new deal the American Federation - the Union encroached heavily into State authority.

Mr. Chairman: America would not be relevant please come to Pakistan's Constitution. I think, we will stick by Pakistan's Constitution.

Mr. Aitzaz Ahsan: I will go by the Pakistan's Constitution and I will show Mr. Chairman, how observations of this kind are applicable but first I must for a moment dwell on admissibility Mr. Chairman. I took up those points because none other than you had raised those but I must start my submission.

Mr. Chairman: No, I have not raised them, they were raised by the Senators, I summarized the arguments.

Mr. Aitzaz Ahsan: You certainly Summarized them Mr. Chairman, in a manner which did invite immediate response because they were very well summarized. But I come to the admissibility first. Is it a breach of privilege? What Mr. Chairman, is the scope of privilege and what is the basis of the present motion. The basis of the present motion is that the federalism of the Constitution the federal principle embodied in the Constitution has allegedly been violated by the Federal Government. In that it has allegedly encroached upon the provincial domain and members of this august House are aggrieved because they state that the Senate epitomizes the federal principle and as such their privilege has been breached.

Now, Mr. Chairman, this logic really goes far beyond any reasoning. You will appreciate Mr Chairman, that if the Senate - I take another example, I take a corollary. If the Senate is the embodiment of the federal principle, the other House - the other august House is the embodiment of the representative principle. It is direct representation by the voters. Every citizen qualified to vote all over the country and the voting populace runs into crores, votes to constitute a House of 237 members. Some are of course later on elected but total are 237. 207 were elected in the first instance. So, it can be said in the National Assembly that the National Assembly is based on the representative principle but can it then be said by the Member of the National Assembly that because he belongs to a House that is based on the representative principle, then every breach of representative principle, how-so-ever remote, will amount to a breach of the privilege of the National Assembly.

Mr. Chairman: May I just add, you see, the argument was not only this, the argument also was that any breach of the Constitution gives rise to a breach of privilege of the House because firstly, the Member have taken oath to protect and preserve the Constitution and secondly this House is the custodian of the interests of the provinces and also the custodian of the Constitution. That is the argument.

Mr. Aitzaz Ahsan: Mr. Chairman, if I may be allowed to continue, I will come to that. I am cognizant of that argument. If I start now on that I am going to come to that if you bear with me Mr. Chairman, for a while. I am taking the two arguments on different planes. The one is the grievance that we are a federal body 'yes' we are. Here, I don't imply really strictly myself, I don't have the privilege of being a Member of this august House personally but in the collective carpet way 'yes' we are. Now, we are the federal principle but is every violation of the federal principle a breach of the privilege of this House. Is every violation of the representative principles, I want to illustrate that. A breach of the privilege of the National Assembly, supposing there is a grievance that an election into the National Assembly has been obtained through means that amount to unfair election practices, supposing there is a grievance by a candidate that the person who has been returned to the National Assembly is a stranger to the National Assembly. He has got in by stuffing ballot papers in the boxes or whatever else and that gentleman is even sitting in the National Assembly but there has been a breach of the representative principle. Is that in itself Mr. Chairman, a breach of the privilege of the National Assembly? The answer is 'No'.

Mr. Chairman: Dr. Bisharat Elahi on point of order.

Dr. Bisharat Elahi: Mr. Chairman, is this argument relevant to what we are discussing here?

Mr. Chairman: No. Probably he is coming to the relevant part of his argument.

(INTERRUPTIONS)

Mr. Akhunzada Behrawar Saeed: Sir, I think, he is trying to justify encroachment.

Mr. Chairman: No. I think, let us bear with him.

آپ کی بات انہوں نے تحمل سے سنی، آپ بھی ذرا سُن لیں۔

Mr. Aitzaz Ahsan: I did not interrupt any learned Member.

Mr. Chairman: Yes, I agree with you.

Mr. Aitzaz Ahsan: I hope, I will be given a chance.

Mr. Chairman: I think, that is your privilege, so we will give that to you.

Mr. Aitzaz Ahsan: And some very short statements were indeed made, on the floor of this House.

Now, Mr. Chairman, what is a privilege? The privileges as they are set out in May's Parliamentary practice because as my learned colleague read out Article 66 itself but for the privilege of freedom of speech does not spell out any other privilege as such and Article 66 is relevant, although my friends would say it is not relevant. To them, only that part of the Constitution is relevant which can be mis-read. But Article 66 and no part of the Constitution can truly be misread, Mr. Chairman.

Mr. Chairman, Article 66 once speaks only of the privilege of freedom of speech and expression as reflected in publication or of the speech on the floor of the House. As to the rest, if a Member is obstructed in the performance of his duties as a Senator in coming to the house if he is illegally arrested, if he is intimidated to influence his decision of casting a vote or participating in proceedings of a committee, that Mr. Chairman, is the breach of the privilege.

Mr. Chairman: No Let me put it to you like this, that assuming this is a federal function or assuming it is the a provincial function and according to the Senators this is a constitutional right, it is their privilege to defend and protect the Constitution and they say that under the Constitution the power of executing such works belongs to the provinces. So, what they are saying is that this Constitutional privilege is being violated because it has been taken away outside the constitutional field by a manner which is not appropriate and not proper.

Mr. Aitzaz Ahsan: Mr. Chairman, it is not my function to enter into an argument with you.

Mr. Chairman: No. No. I just want to clarify such an idea.

Mr. Aitzaz Ahsan: If you permit me Mr. Chairman, just bear with me, I am coming to that. There is no such thing as this legislative list coming in the way of social welfare, I will show it. There are rulings, there are precedents.

Mr. Chairman: Why don't you come to that?

Mr. Aitzaz Ahsan: We will come to that. But I will tell you why I will not. Because I feel and I feel strongly, Mr. Chairman, that this motion is not admissible and if it is not admissible Mr. Chairman, I feel equally strongly that then merits are not relevant neither to my arguments not to any observation that you, Mr. Chairman, may, thereafter, make. If you agree with me that the door must not open to this privilege motion then the privilege motion must stand out and not be allowed a place to sit. But if it sits then it may be heard and on merits defeated. However, arguments have been held, I have been addressed here, not only on admissibility but also on

merits and this is my position that is why I am not as yet going into the merits, into the legality, into that. I am first on the admissibility, and till I completed on admissibility, Mr. Chairman, you will please bear with me until I come to the bridge of merits I cannot cross it. I have not passed the river Ravi, when I come to the Chenab I will cross it, and I hope, Mr. Chairman, surely, with your guidance we will do together, we will sail over the waters. But Mr. Chairman, I was saying every breach of the law or the Constitution is not a breach of privilege. This is my statement. It is not, there have been the breaches of law in the Constitution that are challenged in the courts every day, every writ petition filed in the High Court in every High Court, under Article 199, every writ petition that is accepted as be on the grounds that the action impugned was unconstitutional would mean if their logic is accepted that it would be a breach of the privilege of the House, the House would do nothing but be involved in privilege and breach of privilege, it would go paranoid. They would be paranoid here. We will be thinking Deputy Commissioners are in breach of privilege because the Constitution has been violated, Zakir Ahmad's case PLD 1965 page 90 has been violated, some other exercise has violated another constitutional provision. I will come here, with PLD 1971 Supreme Court Azizuddin's privilege has been violated, no Mr. Chairman, Constitution unfortunately by the citizens, by the public functionaries and by the Government at times is violated not out of pure, genuine, with no malice, out of a bonafide feeling that they are doing right and the court tells them, no, you have done wrong, it does not amount to a breach of privilege. That is why I said I am addressing that the scope of their motion is that there has been a violation of the Constitution and I will show later there has not but assume there has been without me conceding if there is a violation of the Constitution, is that *per se ipso facto* a breach of privilege, Mr. Chairman, it is not. If the federal principle had been violated as alleged and if that is a breach of privilege then Mr. Chairman, only recently one Chief Minister of a province took his entire police force to another and the other province complained to me Mr. Chairman. He took the entire police force, he took 39 men with him into the province of Sind and almost as if he was with S.Ps, the Inspectors they state that they were around him all the time and the province of Sind has complained. Is that a breach of privilege of the Senate?

Mr. Chairman: Well, if you had brought it to the Senate we could have examined it.

Mr. Aitzaz Ahsan: No, Mr. Chairman.

Mr. Chairman: You never brought it.

Mr. Aitzaz Ahsan: It is not a breach of privilege of the Senate. It is not in the competence of the Senate, with a great respect I say. So, I submit, Mr. Chairman, that this will not be a breach of privilege until and unless and I refer, Mr. Chairman, you are well aware, pages 185 following of Kaul and pages 64 and 65 of May's but I come to a more pertinent ruling of the Senate. Every unconstitutional act thing or law and violation of the law cannot be a breach of this august House's privilege and this is the ruling of your very learned predecessor, Mr. Chairman. It is from decisions of the

[Mr. Aitzaz Ahsan]

Chair 1985-1987, page 63 and again some very learned but very hyper-sensitive members of this august House had complained that Bills had been moved in Parliament which violated this very federal principle and it was, therefore, a breach of the privilege because the Constitution was being violated. At page 79, I just referred to that your predecessor dismissed the motion on the grounds that the constitutionality of such measures could only be examined by the courts. Let the Senators go to a court of law. Let them say the federal government is not equipped with the authority to carry out the programme in the manner it wants to carry it out.

Mr. Chairman: What portion on page 79.

Mr. Aitzaz Ahsan: It is page 79 from the Decisions of the Chair (1985-87) Senate of Pakistan 6th line in the second paragraph. It reads:

"Therefore, the position is quite clear that the vires or the legality of these measures can be only questioned in a court of law."

He (the learned Chairman) in this respect is relying on Ziaur Rehman case—that case of military court conviction, PLD, 1973, Supreme Court.

Mr. M. Zahurul Haq: Point of Order. Mr. Chairman, the reference the honourable Minister is quoting relates, I think, to one case in which I raised a point of order with regard to the passage of the certain Bills which had been passed by the President prior to taking oath under the Constitution. There was such privilege motion and there is no such reported case by the previous Chairman.

Mr. Chairman: I think this really deals with your matter.

Mr. M. Zahurul Haq: I did not moved a privilege motion. That is why I wanted to clarify this that it was just a point of order and it was to bring to the notice of the Chairman that the Law Minister was introducing certain Bills which already had become permanent laws.

Mr. Aitzaz Ahsan: It was a ruling on the competence of the House.

Mr. Chairman: Please you go ahead with your arguments.

Mr. Aitzaz Ahsan: It is a ruling on the competence of the House.

The point is can the House go into such matters if honourable Senators become hyper-sensitive, become paranoid, can they go into every un-constitutional measure of every Deputy Commissioner, of every patwari, of every thanedar and would it amount to a breach of privilege. The answer is No.

A privilege only arises when they (Members) are obstructed in the performance of their functions and that is all.

Now, Mr. Chairman, I beg to submit that I will go along because you have also mooted the question further but on this point alone I think the motion is liable to be ruled as inadmissible and if it is ruled as inadmissible, Mr. Chairman, I will beseech you, then the arguments on either side thereafter are not relevant, if the door is shut.

Now, Mr. Chairman, in the Constitution there are certain entries and I will show that Articles 37 and 38 in so far as they enable positive, affirmative action, action which is for the good of the people, over-ride and go beyond the legislative lists but in so far as action may be negative, debilitating or coercive then, of course, lists are very much there and will remain dominant. Mr. Chairman, we may read first some of the entries in the Constitution that might be relevant and then I will read Articles 37 and 38 and then I will try to reconcile both. I am just referring to all of them even where they are marginally relevant and you may have observations that prevent my arguments from going further. Let us take first list, part 1, item 37 - Works, lands and buildings are, of course, vested in the federal government. then you may turn to part 2.

Mr. Chairman: In part 1, you are relying on item 37.

Mr. Aitzaz Ahsan: Item 37, part 2 of the first list.

Prof. Khurshid Ahmad: Point of Order. Would the honourable Minister kindly read the whole of section 37.

Mr. Aitzaz Ahsan: I am just referring to that. I will come to that. I will read every thing that the learned Senator wants me to read but if the learned Senator will bear with me I will read it in my own way as he did it in his own day.

Mr. Chairman: Read it the way it is written.

Mr. Aitzaz Ahsan: I will certainly read it the way it is written. I would not read it like the Senator. I would certainly not read it like the Senator.

Then part 2, item 3, last para, last four lines, "all undertakings, projects and schemes of such institutions, establishments, bodies and corporations, industries, projects and undertakings owned wholly or partially by the Federation or a Corporation set up by the Federation".

Mr. Chairman: You see, as for projects and undertakings owned wholly or partially by the Federation or in respect of a Corporation set up by the Federation are concerned, there is no dispute on that.

Mr. Aitzaz Ahsan: I will submit on that. Then, Sir, I refer to the Concurrent Legislative List, item 25 & the words that I emphasize in this is 'social welfare', short entry 'social welfare'. I can only read it as 'social welfare'. I do not know how the Senator who is also a learned Professor will read it but it reads 'social welfare'. Then, Sir, item 47 says, "matters incidental or ancillary to any matter enumerated in the List" Now this expands even social welfare beyond social welfare.

[Mr. Aitzaz Ahsan]

(INTERRUPTIONS)

Mr. Aitzaz Ahsan: Mr. Chairman, I choose not to listen. Then I refer Mr. Chairman, to Articles 37 and 38 and I will show that this is a little more than Principles of Policy that we assume them to be. It (No. 37) says, the State shall', and State includes that Federal Government, as you are well aware under Article 7.

Mr. Chairman: No, it does not say 'includes'. You see Article 7 says that in this Bill unless the context otherwise requires, (these words are important), unless the context otherwise requires the State means the Federal Government (so wherever relevant it would mean the Federal Government), it would mean Majlis-e-Shoora (Parliament) wherever relevant, it would mean a provincial government wherever relevant, it would mean a provincial Assembly wherever relevant.

Now, are you saying that the Majlis-e-Shoora (Parliament) has the power to make hospitals in the provinces?

Mr. Aitzaz Ahsan: It can make if it is under a law for social welfare.

Mr. Chairman: No, let us examine the arguments logically. You are saying and Dr. Sher Afghan had also said this that here the State means all these things. Obviously it cannot mean all these things at the same time because if this argument is correct then parliament also has the power to make dispensaries, roads etc. and, therefore, they are quite right when they say that their power has been taken away. So you are conceding this.

Mr. Aitzaz Ahsan: No. No. Let me make one thing clear that when an authority builds a hospital, it takes away the authority of no other person or authority or Government to build a hospital. Let them build two. If we have a programme of two billion, the provincial government which is objecting could have responded and said we will spend four billion. We would have said very well.

Mr. Chairman: What about a post office?

Mr. Aitzaz Ahsan: Even a post office.

Mr. Chairman: So both can build it.

(INTERRUPTIONS)

Mr. Aitzaz Ahsan: No, there are then the services.

Mr. Chairman: What about telephone.

(INTERRUPTIONS)

Mr. Chairman: I am raising these issues so that we can clarify these ideas.

(INTERRUPTIONS)

Mr. Aitzaz Ahsan: Mr. Chairman, if you would bear with me I will come to Post Offices, I will come to railway lines, I will come to every thing that is provided in the Federal List. I will put it this way, Sir. The Federal List is provided - is sacrosanct, the concurrent list is provided - is sacrosanct and then there is a gap, there is no list. Now, there I will show, I will give you a ruling - I will come to that but bear with me. There I will show you Mr. Chairman, it says that those are subordinate objects.

Mr. Chairman: Let us have the ruling.

Mr. Aitzaz Ahsan: I will come to that. If something is provided in the Federal List clearly that is beyond the scope of the provinces. If it is provided in Concurrent List it is within the scope of both.

Mr. Chairman: I just want to draw your attention to this. Article 142(c):

"a Provincial Assembly shall, and Majlis-e-Shoora (Parliament) shall not, have power to make laws with respect to any matter not enumerated in either the Federal Legislative List or the Concurrent Legislative List;"

And Article 97 says:

"....., the executive authority of the Federation shall extend to the matters with respect to which Majlis-e-Shoora (Parliament) has power to make laws,....."

So, these two Articles read together mean that whatever is left and what we call the residuary field belongs to the provinces.

Mr. Aitzaz Ahsan: I will come to that and we will examine that also but what I am referring to you now is, let us first get over the text and then we will go to the elaborations of that text.

(PAUSE)

Mr. Aitzaz Ahsan: Of course my colleague reminds me that LAMEC schools were set up and nobody objected but that is another matter, may be that might make an argument which I don't want to make on the bonafide of the privilege motion which becomes relevant in privilege motions but it can become that you don't object to Nai Roshni schools all over the country, a provincial subject by this definition and by this reading and they object to when a particular party, the Pakistan Peoples Party starts a programme for the good of the people, what are we doing, we are building dispensaries, we are building roads.

Mr. Chairman: No No. Even they are building dispensaries.

Mr. Aitzaz Ahsan: We are not stopping them.

(INTERRUPTIONS)

Mr. Chairman: You should understand the argument. Nobody is saying that roads are bad or schools are bad. The question is under the Constitution is this a Federal function or a Provincial function?

Mr. Aitzaz Ahsan: This is what I am submitting. Now you read Sir, Article 37:

The State shall -

(b) "remove illiteracy and provide free and compulsory secondary education within minimum possible period;"

"remove illiteracy". Then (f) :

The State shall-

(f) enable the people of different areas, through education, training, agricultural and industrial development and other methods, to participate fully in all forms of national activities; including employment in the services of Pakistan;"

Article 38 : The State shall-

(a) "secure the well-being of the people,....."

(b) "provide for all citizens, within the available resources of the country, facilities for work and adequate livelihood....."

(We are building training centres.)

(d) "provide basic necessities of life, such as food, clothing, housing, education and medical relief....."

These objects are enjoined by the Constitution itself. The only thing that agitates the minds of the learned Senators is that why should the Federal Government do this because they read into Legislative Lists all objects except social welfare. I am saying social welfare is our duty.

Mr. Chairman: Just to clarify the whole issue Article 39:

"The State shall enable people from all parts of Pakistan to participate in the Armed Forces of Pakistan."

Now, according to you State includes the local authorities, provincial governments. How will the local authorities enable people to participate in the Armed Forces.

(INTERRUPTIONS)

Mr. Chairman: I am just raising these questions for you (Ch. Aitzaz Ahsan) to answer. Let me raise these questions so you can answer.

Mr. Aitzaz Ahsan: I am ready to respond.

Mr. Chairman: No, let me first complete what I am trying to say.

Article 40:

"The State shall endeavour to preserve and strengthen fraternal relations among Muslim countries based on Islamic unity, support the common interests of the people of Asia, Africa and Latin America, promote international peace and security,....."

How will the local authority promote international peace and security? So, therefore, my understanding of this is that the State has to be understood in the relevant context as to what it means. Where it means the local authority it will mean local authority. Where it means the Federal Government it will mean the Federal Government. You cannot super impose & say because Article 40 talks of the State, therefore, each local authority will have the right to preserve and protect and promote friendly relations, international peace, enter into treaty with foreign powers, enable people to enter the Armed Forces, you can't do that.

Mr. Aitzaz Ahsan: May I now respond Mr. Chairman?

Mr. Chairman: Yes, now you may respond.

Mr. Aitzaz Ahsan: May I take first the Armed Forces.

Akhunzada Behrawar Saeed: Point of order Mr. Chairman.

Mr. Chairman: Akhunzada Behrawar Saeed on a point of order.

Akhunzada Behrawar Saeed: Sir, Articles 37, 38, 39 to which my friend is very frequently referring are incorporated in principle of policy. We do not dispute it. But when the question arises of the interests of the provinces and the Centre then Article 141, 142, 143 and onward to 152 come into play. There has been a clear distinction that these are the powers to be exercised by the provinces, these are the powers to be exercised by the Centre and these are the power which are in Concurrent List. My friend may kindly confine himself to the specific question.

Mr. Javed Jabbar: Mr. Chairman, with greatest respect for your sincerity in assisting and improving the content to the debate may I submit that in the fine traditions of this House the Minister may be permitted to complete his submissions because possibly frequent interruptions in his presentation is not desirable.

(INTERRUPTIONS)

Mr. Chairman: No. No. It is always to clarify certain issues that certain objections are made. It is not that these are the views of certain persons. I think a lawyer will understand that better that when observations are made, this is only to clarify the certain issues.

Mr. Javed Jabbar: Certainly, but Mr. Chairman, in due deference to the fact that many submissions made by my honourable Senators which were patently, factually incorrect, the Chair observed a great deal of patience.

Mr. Chairman: Quite right. I have told them that they should take note of these arguments and then raise their objections later on but I would only intend to get clarification of certain points.

Mr. Aitzaz Ahsan: Mr. Chairman, when the Lawyer Diploc was once appearing before a very high judicial forum of the Common Wealth he came to a point where he ultimately had to submit and his words were, "if I may be allowed to interrupt your lordships", so if I may be allowed Mr. Chairman, to interrupt you and continue with my submissions. Mr. Chairman, I am submitting that I take Articles 39 and 40. What does it say:

Article 39 - "The State shall enable people from all parts of Pakistan to participate in the Armed Forces of Pakistan."

Now local bodies can run schools with military training, provinces are running schools giving military training to students, provincial educational curriculum includes marks for N.C.C. that is participating. Now, will we say to them no, no, you don't do it, this is beyond your field, Armed Forces is ours you are not Armed Forces. No, we can't do it. They are also the State, we are also the State to the extent and to the meaning of Article 37. Then take Mr. Chairman, Article 40 :

"The State shall endeavour to preserve and strengthen fraternal relations among Muslim contries based on Islamic unity, support the common interests of the people of Asia, Africa and Latin America, promote international peace and security, foster goodwill and friendly relations....."

Tomorrow, if the Lahore Municipal Corporation calls the Mayor of Beijing or the Mayor of some other city and gives him a civic reception in Shalimar Garden, are we going to say no this is our authority, federation alone, you don't do it. They will also promote Mr. Chairman, fraternal relations. So, there is no inconsistency. The State here is in the widest sense because Mr. Chairman, these principles are principles that are enjoined to be followed for the perfection of the State ultimately and every citizen will virtually accept that the Constitution will attend mainly to the State and to the organs of the State and enjoin upon them certain

responsibilities, therefore, it does not address these to the citizens but any citizen can, so that is why I submitted, I wanted to respond to your observations Mr. Chairman, that there is no inconsistency. Otherwise tomorrow a government of a province or a local body will not be able to hold seminars on Islamic fraternity.

Mr. Chairman: What about to encourage the settlement of international disputes by peaceful means?

Mr. Aitzaz Ahsan: There are seminars on that, that is encouragement. Supposing there is an international dispute between Iran and Iraq and they call Iran and Iraq a particular local body and they start debates on that perfectly legitimate, these are not prohibitions Mr. Chairman. The whole point is that these are enabling, empowering clauses, they are not prohibitive clauses. If they were prohibitive we would interpret them in an insulate manner. Insulate 1, 2, 3 say you are competent, you are not competent to make the prohibition, you are again incompetent but these are enabling, empowering, encouraging provisions and when read with item 25 on the Concurrent List social welfare that is enough when these are read with these to ensure that the federal government is fully competent directly by itself under its authority through its agents, through its employees and people in its service to undertake a programme for social welfare for the betterment of the people, for building roads, for building houses, for building shelters, for building dispensaries, for building schools and people should not object. They should compete with us in this grand cause for the welfare and betterment of the people. We have a manifesto to fulfil and we will fulfil that manifesto. We have a historic responsibility and we will undertake it and we will perform it. But Mr. Chairman, then comes the question, is the Federal Legislative List, although with great respect I submit after the words social welfare being there that is a door wide open to the Federal Government. It is not encroaching on anything, any item which is not an item of social welfare. It is not making programmes for private citizens, not individuals. It is not going into programmes for the betterment of individuals. Individuals as a whole in a totality as a part of society will benefit course, but it is not aimed at individuals. It is not a programme that is aimed again at very peculiar particular classes i.e. a road is for every one to use, localities 'yes', but class is no'. So, it can not be struck down by even limiting the scope of social welfare. Nobody, they don't try to read the words 'social welfare' and I will show that every They don't try to read the words 'social welfare' and I will show that every word in this list must be given the widest possible scope in interpretation. They are not to be restricted, they are to be expanded and to expand them the item that is 47 is very clear - I mean injunction of the Constitution when it says; matters incidental or ancillary to any matter enumerated in the list. Now what a matter incidental and ancillary is. Mr. Chairman, if I may say this that social welfare is the object and its implementation by the Federation because it is in Concurrent List, is a matter incidental and ancillary. There can not be social welfare until it is implemented and item 47 is also in the Concurrent List. Item 47 Mr. Chairman, please note, is also in the Concurrent List and none was prepared to refer to it. So first we define social welfare. We look at the Peoples Programme, it is manifestly for social welfare and then we say how do we go about social welfare. All things that are incidental and ancillary to the application of social welfare that is the machinery - the federal machinery can reach there and

[Mr. Aitzaz Ahsan]

provide social welfare to these matters and it is within the competence of the Federal Government. But two things now I might just state. One, you will refer Mr. Chairman, among other authorities to Seervai Volume II Page, 1, 6, 8, 4 and he is referring to an entry to an article of principles of policy in the Indian Constitution and relying upon the UP's Secondary Education Board. Here education was being granted by the federal authorities and appeared to be the State responsibility. In UP, Secondary Education Board V/S Hurry Shunker.

Mr. Muhammad Ali Khan: Point of order Sir, there should be a break for evening prayers.

جناب چیئر مین : کیا مغرب کا وقت ہو گیا ہے ۔
جناب محمد علی خان : جی سات بجکر دس منٹ پر اذان ہوتی ہے ۔

Mr. Chairman: O.K. Then, I think the rest of the arguments on this question we will hear next time because after the *Maghrab* prayers, I will not be present. I have to go somewhere-else. So, we will take it up tomorrow.

Mr. Aitzaz Ahsan: Next time will be tomorrow.

Mr. Chairman: Yes, we will take it up tomorrow.

Mr. Aitzaz Ahsan: Tomorrow it will be Mr. Chairman, in the evening.

Mr. Chairman: Yes, you have a cabinet meeting in the morning.

Mr. Aitzaz Ahsan: Yes,

Mr. Chairman: Tomorrow we will have this session again at about 5.30 in the evening. Now, we will meet again at 7.30 P.M. after the *Maghrab* prayers.

[Then the House adjourned for Maghrab prayers]

[The House re-assembled after interval with Mr. Presiding Officer (Syed Abbas Shah) in the Chair].

ADJOURNMENT MOTIONS

Mr. Presiding Officer: We now proceed with the adjournment motions. Prof. Khurshid Ahmed No. 3

(i) RE: FAILURE OF THE GOVERNMENT TO CARRY OUT AIDS TEST OF
U.S. FORCE MEMBERS AT KARACHI

پروفیسر خورشید احمد : بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ - آپ کی اجازت سے میں اس تحریک کو پڑھ رہا ہوں۔ امریکی جنگی بحری بیڑا Constilation کے دورہ کراچی کو فوری طور پر سینٹ میں زیر بحث لایا جائے۔ شام رسول سلمان رشدی کی کتاب امریکہ میں چھپ رہی ہے۔ اور یہاں اس کا سرکاری طور پر استقبال کرایا جا رہا ہے۔ حکومت نے فیصلہ کیا تھا کہ بیرون ملک سے آنے والوں کا ایک ٹیسٹ ضروری ہوگا جس کا کوئی اہتمام نہ ہونے سے عوامی حلقوں میں سخت پریشانی ہوئی ہے کہ بیڑے کے اراکین کو کراچی میں ہانگ کا ہانگ کی طرز پر خریداری کی کھلم کھلا اجازت دی گئی ہے۔ اور ہمارے صحافیوں کو بھی طبی امور کا خیال رکھے بغیر اس کی سیر کرائی گئی ہے۔

Dr. Sher Afgan Khan Niazi: Opposed, Sir.

Mr. Presiding Officer: It has been opposed.

پروفیسر خورشید احمد : جناب چیئرمین! اس مسئلے پر مجھے نہ زیادہ لمبی بات نہیں کرنی۔ اور اس کی بنیادی وجہ یہ ہے کہ چونکہ نیچے میں سینٹ کا اجلاس ملتوی ہو گیا تھا۔ اس لئے یہ مسئلہ تھوڑا سا باسی ہو گیا ہے۔ لیکن بنیادی طور پر یہ بات سامنے رہنی چاہیے کہ پاکستان کے ساحلوں کو اس کی بندرگاہ کو بیرونی جہازوں اور خصوصیت سے فوجی جہازوں کے لئے استعمال کرنا ہماری آزادی ہماری عزت نفس اور اس ایریا کی ملٹری military sensitivities کے منافی ہے۔ دوسری چیز جیسا کہ آپ کے علم میں ہے کہ یہ جہاز جہاں بھی گئے ہیں اپنے ساتھ بہت سی اخلاقی پریشانیاں اور الجھنیں اور برائیاں لے کر گئے ہیں۔ یہی وجہ ہے کہ بہت سے ملکوں نے اس معاملے میں محتاط رویہ اختیار کیا ہے اور ہم مسلسل اس بات کا مطالبہ کر رہے ہیں کہ پاکستان بھی اس سلسلے میں محتاط رویہ اختیار کرے اور اپنے دروازے ان جہازوں کے لئے نہ کھولے۔ یہ وہ وجہ تھیں جن کی بناء پر میں نے ضروری سمجھا تھا کہ جس وقت یہ جہاز آیا ہے اسی وقت اس مسئلے کو اٹھاؤں۔ لیکن اب اس معاملے میں خاصی تاخیر ہو چکی ہے۔ واقعہ گزر چکا ہے لیکن اب بھی ریکارڈ پر میں یہ بات لانا چاہتا ہوں کہ ہمارے ملک کو اس معاملے میں احتیاط برتنی چاہیے اور ہمارے دروازوں کو ان بیرونی جہازوں کے لئے اور ان کے سیاحوں کے لئے اور ان کے سیر

[Prof. Khurshid Ahmed]

کرنے والوں کے لئے اخلاقی سیاسی ملٹری تینوں وجوہ سے کھلے ہوئے نہیں ہونا چاہیئے۔

Mr. Presiding Officer: Anybody else will speak on this issue?

ڈاکٹر شیر افغان خان نیاززی: جناب چیئرمین! تحریک التوا ہو یا کوئی تحریک ہو اس کا محرک اگر ایک ہو یا ایک سے زیادہ ہوں اگر ایک دفعہ پیش کرنے کی اجازت دے دی جائے تو

Then other motions are understood to be as withdrawn.

اگر آپ فرمائیں تو اس کے لئے میں مثالیں بھی آپ کے سامنے رکھ سکتا ہوں اور اس پر جو سٹیٹمنٹ یا اس کے ساتھ وہ جو محرک ہے موشن کا singularly وہ پیش کرے گا۔

The other person who may be a Minister or member who is going to oppose, he will oppose, if it is admitted then the statements are given. I think so, it is the procedure which we have to adopt.

جیسا مناسب سمجھیں اگر وہ بولنا چاہیں۔

Dr. Bisharat Elahi: Mr. Chairman, Sir, there has been certain traditions in this House. Similar adjournment motions have been presented by a number of Senators and it has been our past tradition that everybody who presents adjournment motion irrespective of whether it is on the same subject is given a chance to express his views.

Mr. Presiding Officer: Yes, I know that because I have been in the House and that is why I asked Akhunzada Behrawar Saeed if he wants to speak on it.

Dr. Sher Afgan Khan Niazi: Point of order. Mr. Chairman, I want to just clarify the thing that I can refer Parliamentary Procedure in India - a book, page 112.

"Identical motions by several members, if several members give notice of motions in substantially identical terms the Presiding Officer may ask one of them to move his motion. If one motion is moved all other motions are deemed to be withdrawn."

Mr. Presiding Officer: Dr. Sahib, it is a single motion and it is a very good issue. Let them give their ideas. It is not a bad thing and also not against the Government. I think let them speak and give their ideas.

Dr. Sher Afgan Khan Niazi: That is your sweet will Sir, otherwise, it is not provided in the Rules of Procedure.

Mr. Presiding Officer: There are some traditions which are followed in this House. We are following them. It has been done previously. The traditions are followed because Rules and Procedure both are bound together in the Parliament to run a Parliament. It is by tradition and by the Procedure.

Dr. Sher Afgan Khan Niazi: My humble submission in this context is that these Rules and Procedure have been developed through a passage of time and they have been summed up in these things in the form of precedents out of so many Parliaments. These are the tested things and if we ignore the precedents like that and we try to upset the things which have been developed in the past, and are coming in the evolutionary form then we will have to be in the chaos, with humble submission I will request you Sir, if we allow every thing to go beyond the Rules of Procedure. This is not simple Rules of Procedure made by us. We have adopted them. We have sought from others and then we have brought it here on the floor and the floor is exercising its power through Rules of Procedure and in this context we can clearly say, if we don't remain within the four walls of these Rules of Procedure then the right of the opposition is really finished and these people will be in trouble who are on the opposition benches. They are for the safeguard of the opposition. They are not for the treasury benches otherwise this laxity can give so much laxity to other people that we may lose the time. We may lose the opportunity. For example I may quote, in National Assembly 237 Members are available. If the constitutional days are completed & every Member is given a chance, he can have only 25 minutes throughout the year to talk. In this way we can not discuss a single matter that is why the Rules of Procedure are laid down and the things are done accordingly. If we go beyond all these rules then the House will be put in such a way that what ever we wish, we will then go on dilating and we will be losing time and the right of the opposition to be guarded.

Mr. Presiding Officer: Thank you Dr. Sahib.

Dr. Bisharat Elahi: The honourable Minister has not quoted from the Rules of Procedure that we have. It will be more relevant if he quotes from our Rules of Procedure.

Mr. Presiding Officer: I would not like to go into this discussion but this tradition has been followed and I am following it.

Dr. Sher Afgan Khan Niazi: Mr. Chairman Sir, if my brother wishes, - he can go through chapter IX - Adjournment Motions - every where - a mover, an honourable member, and there is no plural form of that, that indicates otherwise it would have been a member or the members. You can go through all the rules laid down for adjournment motion, nowhere plural form, otherwise notices are given of the same nature of seven members, eight members.

پروفیسر خورشید احمد : میں اس میں مداخلت کرنا نہیں چاہ رہا تھا اور ایوان کے تفسیر طبع کے لئے ڈاکٹر صاحب نے پیشتر بھی خاصی مفید باتیں فرمائی ہیں لیکن انہیں جاننا چاہیئے کہ رولز آف پروسیجر ایک چیز ہے اور ہر ایوان کی اپنی کچھ روایات بھی ہوتی ہیں اور یہ روایات دوسرے ایوانوں سے مختلف ہو سکتی ہیں خود پاکستان میں قومی اسمبلی اور سینٹ میں بحث کے سلسلے کی روایات مختلف رہی ہیں ہندوستان میں لوک سبھا اور راجیہ سبھا کی روایات مختلف ہیں۔ برٹش پارلیمنٹ کی روایات ہر جگہ من و عن follow نہیں کی جاتی ہیں یہ ورائٹی ہے، تجربہ ہے ان تجربات کو سامنے رکھنا چاہیئے لیکر کافر نہیں بننا چاہیئے اور ہمارے ہاں یہ روایت رہی ہے کہ اگر ایک تحریک التوا کی admissibility کے لئے کوئی اور رکن کوئی بات کہنا چاہتا ہے تو اس کو موقع دیا جاتا ہے۔

Mr. Presiding Officer: Professor Sahib, I was explaining the same thing to Dr. Sahib but I wanted to hear his views and wanted to bring that on record. The tradition in this House has been that the members have been allowed to speak on it and since Behrawar Saeed has asked for the floor and I give him two to three minutes, you (Akhunzada Behrawar Saeed) should not take more than it. You should speak only on admissibility.

اخونزادہ بہرہ ور سعید : سب سے پہلے تو میں ڈاکٹر صاحب کو مبارکباد دیتا ہوں کہ وہ ڈاکٹر ہیں کہ وہ سنگولہ کتے میں اگر آئیں کی تعریف کے باب میں جائیں اور آرمیکل ۲۶۳ فوراً غور سے پڑھیں، میں ان کو سنا دیتا ہوں۔

- words importing the masculine gender shall be taken to include females; and
- words in the singular shall include the plural, and words in the plural shall include the singular.

جناب والا ! ڈاکٹر صاحب کی انفارمیشن کے لئے یہ کافی ہے اگر ایک ممبر کا ذکر ہے تو اس میں ڈیمینر نہ بھی آسکتے ہیں۔ جناب والا ! جہاں تک اس تحریک التوا کا تعلق ہے، حضرت صاحب نے جو تحریک التوا پیش کی ہے میں اس کی تائید کرتا ہوں اور میں سمجھتا ہوں کہ ایک مسلم ملک

کی حیثیت سے جب ایک ایسا ملک جو ہمارے لئے دہاں واشنگٹن میں سب کچھ تیار کر کے بھیجتا ہے
بھی ایسے وقت میں جب کہ اس ملک کے عوام کے جذبات بہت بھرے ہوئے ہیں اس کا اپنے
جہاز یہاں لا کر نگر انداز کرتا ہیں آنکھیں دکھانے کے مترادف ہے کہ تم چاہے جو بھی کچھ کرو۔
ہم آئے ہوئے ہیں اور آپ کے جذبات جو بھی ہوں اور پھر اس کے چند دن پہلے اسلام آباد
میں جو واقعہ ہوا اور جن دوستوں نے اسلام کے شیدائیوں نے اس شیطانی آیات کے خلاف اپنی جانوں
کی قربانی دی اس کا بھی کوئی لحاظ نہیں رکھا گیا۔ جناب والا! یہ ایک ایسا مسئلہ ہے جس کا
تعلق سارے پاکستان کے عوام سے ہے مسلمانوں سے ہے اور مجھے اس میں کوئی عار نہیں محسوس
ہوتی۔ اگر میں یہ کہوں کہ Fundamentalist Muslim میں Fundamentalist مسلم ہوں،
راسخ العقیدہ مسلمان ہوں اس پر مجھے فخر ہے۔ لہذا راسخ العقیدہ مسلمانوں کے لئے اگر اس سے
کوئی نفرت کرتا ہے تو ہم بھی ان راسخ العقیدہ غیر مسلموں سے نفرت ہی نہیں بلکہ اس سے زیادہ
کچھ کرتے ہیں ان کو کوئی حق نہیں ہے کہ ایک ملک کی اس سرزمین پر آجائیں جہاں کے باشندوں
کے پیغمبر کی توہین کی گئی ہے۔ اس واسطے یہ ایسا مسئلہ ہے جو سارے پاکستان کے مسلمانوں
کے لئے بہت اہمیت کا حامل ہے اور ایسے وقت میں وہ جہاز آیا، گو کہ اب کافی دن ہو چکے
ہیں مگر وہ پروسیجر جس کے تحت ڈاکٹر صاحب بار بار ریفرنس دیتے ہیں اسی پروسیجر کی
وجہ سے ذرا لیٹ ہو گیا لیکن پھر بھی جذبات تو وہی ہیں قوم وہی ہے حالات وہی ہیں وہ
کتاب وہی ہے وہ ممالک جو ہمارے لئے سب کچھ بنا کر یہاں بھیج دیتے ہیں کبھی وہ degree
کے ذریعے سے کسی certificate کے ذریعے سے کبھی کسی طریقے سے کبھی بینک کے
طریقے سے کوئی انٹرنیشنل آدم کے طریقے سے -----

جناب والا! میں عرض کرنا چاہتا ہوں کہ اس کو اس مائٹس میں بحث کے لئے منظور کیا جانا چاہیئے۔

جناب پریذیڈنٹ ٹنگ آفیسر : جی مسٹر کاظمی صاحب۔

جناب امیر حیدر کاظمی : پوائنٹ آف آرڈر۔ معزز ممبر نے میرے خیال میں تحریک التواء
کا بغور مطالعہ نہیں کیا ہے۔ سلمان رشدی کی کتاب پر یہاں بات نہیں ہو رہی ہے بلکہ پروڈیوسر
صاحب نے یہاں جو تحریک التواء پیش کی ہے وہ ایڈلے ٹیسٹ کے متعلق تھا لیکن ساری

[M. Amir Haider Kazmi]

تقریر سلمان رشدی کی کتاب پر تھی -

Mr. Presiding Officer: I was just going to point it out.

(INTERRUPTIONS)

Dr. Sher Afgan on point of order.

ڈاکٹر شیر افغان خان نیازی: جناب چیئرمین ہمارے آنر ایبل سینیٹر صاحب یہ فرما رہے تھے اور آئینی حوالے دے رہے تھے وہاں ہمارے Preamble میں یہ حکم ہے -

So, that the people of Pakistan may prosper and attain their rightful and honoured place among the nations of the World and make their full contribution towards international peace and progress and happiness of humanity.

تو میں اس ضمن میں یہ عرض کرنا چاہتا ہوں کہ جو تحریک التوا ہے ٹیکنیکی بھی میں اسے اپوز کرنا ہوں اور پروفیسر خورشید صاحب نے خود یہ فرمایا ہے کہ matter کچھ باسی ہو گیا ہے تو رول کے تحت یہ hit ہوتی ہے وہ خود انہوں نے تسلیم فرمایا ہے۔ دوسری بات یہ ہے کہ اس کی ایڈمسیبلٹی کے لئے بنیادی ایک چیز یہ ہے کہ

It shall raise an issue of urgent public importance

ایک ایسا جو بہت ضروری عوامی اہمیت کا ہو اس میں چار سے زائد issues raise کئے گئے ہیں پہلا ایسا یہ ہے کہ کراچی کی بندرگاہ پر Consellation جہاز مع دوسرے جہازوں امریکی بحری بیڑہ آیا - ایک ایسا یہ ہے - دوسرا کیا ہے سلمان رشدی کے ضمن میں

This is a very important issue which was discussed in the National Assembly. This is another issue.

اور پھر یہ تیسرا ایسا ہے کہ حکومت نے یہ فیصلہ کیا تھا ایڈ کے ضمن میں جو نائنز آئین ان کا ایڈ ٹیسٹ ہونا چاہیے تاکہ ایڈز کی بیماری جو ہے وہ پاکستان میں پھیلنے نہ پائے۔۔۔۔۔ جناب پیپٹڈانگ آفیسر: ڈاکٹر صاحب کیا ٹیسٹ ہو رہے ہیں۔

ڈاکٹر شیر افغان نیازی: ٹیسٹ ہو رہے ہیں اس کے ملے ایک خاص صورت حال ہے۔

If anybody who is alien, is coming to Pakistan and is staying here for more than four days he is tested.

ان کے ٹیسٹ ہوتے ہیں اب اس کے لئے آگے آپ اسی ایڈجرنمنٹ موشن کو ملاحظہ فرمائیں تو ایک لفظ ہے کہ بحری بیڑے کے ان سپاہیوں کو یا جو شپ میں تھے ان کو کراچی شہر میں خرید و فروخت کیسے، ہانگ کانگ کی طرح، آپ اگر ملاحظہ فرمائیں کہ یہاں ایک شق یہ ہے

It shall not contain argument, inferences, ironical expression.

تو اس میں ایک بات جو نئی طرز کی ہے ironical expression. ہے -
(PAUSE)

Mr. Presiding Officer: Please proceed on further.

ڈاکٹر شکیل خان نیازی: اور ساتھ ہی یہ ایک

جناب پیر میڈانگ آفیسر: ڈاکٹر صاحب اگر آپ صرف یہ کہہ دیں کہ ٹیسٹ ہوئے ہیں تو میرے خیال میں We will ask Prof. Sahib.....

ڈاکٹر شکیل خان نیازی: اس کے لئے ایک خاص قسم کی معیاد ہوتی ہے اگر اس کے دوران کوئی بھی alien آئے تو اس کے لئے نہیں کرتے اگر اس سے بڑھ جائے تو یہاں ٹیسٹ ہوتے ہیں۔ جناب پیر میڈانگ آفیسر: ڈاکٹر صاحب آپ تشریف رکھیں۔

Prof. Sahib, do you press the motion?

پروفیسر خورشید احمد: ان کی حالت دیکھ کر میں پریس نہیں کرتا۔
(قبضے)

ڈاکٹر شیر افغان: مسٹر چیئرمین صاحب ایسی بات نہیں ہے اگر ان کے پاس arguments ہیں تو

پریس کریں - on merit آپ ایڈمنٹ یا ریجیکٹ فرماہیں۔

پروفیسر خورشید احمد: ڈاکٹر صاحب پیر چیئنگ کر رہے ہیں۔

ڈاکٹر شکیل خان نیازی: میں اس کو چیئنگ نہیں کر رہا ہوں۔

پروفیسر خورشید احمد: میں ان کی اطلاع کے لئے عرض کرتا ہوں کہ مسئلہ ایک ہی ہے اور وہ ہے

Consetellation کا کراچی کی بندرگاہ پر آنا۔ یہی ایک مسئلہ ہے اب رشدی کارڈینر اس

لئے ہے کہ یہ جہاز اس زمانے میں آیا جب ایک طرف رشدی کی کتاب

جناب پریذائٹنگ آفیسر: میں پھر وہی سوال کروں گا۔

Do you press it?

پروفیسر خورشید احمد: ان کی حالت دیکھ کر میں پریس نہیں کرتا۔

Mr. Presiding Officer: So, the matter is closed. We take up the next one. The next one is also in the name of Prof. Khurshid Ahmad.

پروفیسر خورشید احمد: یہ بتادیں کہ یہ اپوز کر رہے ہیں یا نہیں۔
جناب پریذائٹنگ آفیسر: آپ نے موڈ کیا ہے۔ پہلے آپ موڈ کریں۔

(ii) RE: SMUGGLING OF FOOD GRAINS INTO NEIGHBOURING COUNTRIES.

پروفیسر خورشید احمد: میں موڈ کرتا ہوں۔ آج کی ایک سرکاری ذرائع سے پچھنے والی اخباری اطلاع کے مطابق پاکستان سے گندم بھارت سمگل ہو رہی ہے۔ اسلام آباد اور پنجاب بلکہ پورے ملک میں گندم کی قیمتوں میں اضافہ اور آٹے کی نایابی سے پہلے ہی عوام الناس پریشان ہیں۔ اس لئے قومی مفاد کے خلاف سمگلنگ کی خبر سے پیدا ہونے والی تازہ صورت حال کے پیش نظر سینٹ کی معمول کی کارروائی فوری طور پر معطل کر کے اس اہم مسئلے پر بحث کی جائے۔

Mr. Presiding Officer: Is it being opposed? - Not opposed.

پروفیسر خورشید احمد: میرا خیال یہ ہے چونکہ بات technicality پر ہو رہی ہے تو سب سے پہلے technicalities کو لے لیں کیونکہ مسئلہ ایک ہی ہے۔ گندم کی کمیابی اور اس کے نیچے کے طور پر قیمتوں کے بڑھنے سے عوام کے لئے مسئلے کا پیدا ہونا۔ یہ ایک قومی مسئلہ ہے اس لئے کہ گندم ہماری staple food ہے ملک کا ہر شہری تقریباً اسے استعمال کرتا ہے بنیادی ضرورت ہے۔

Mr. Presiding Officer: Dr. Sher Afgan on point of order.

Dr. Sher Afgan Khan Niazi: I will draw your kind attention to Rule 79:

"Notwithstanding anything contained in this Chapter, not more than one motion shall be admitted on any one day; but motions, if any, remaining unconsidered as regards their admissibility shall be held over for the next day and shall be taken up in the same order in which they were received".

Mr. Presiding Officer: Please Dr. Sahib, we have not admitted any motion.

They are just being introduced.

Dr. Sher Afgan Khan Niazi: Sir, you have considered one adjournment motion.

(INTERRUPTIONS)

پروفیسر خورشید احمد : ڈاکٹر صاحب بڑے ماہر پارلیمنٹریں ہیں ان کو معلوم ہونا چاہیے کہ موشن ایڈمٹ ہونا اور چیز ہے اور موشن زیر غور آنا ایک اور چیز ہے۔ مصیبت یہ ہے کہ جانے بغیر جو چاہتے ہیں بولتے چلے جاتے ہیں اور ہر معاملے میں پوائنٹ آف آرڈر اٹھاتے ہیں۔

Mr. Presiding Officer: I will repeat it that tradition of this House is that when anybody is giving his argument a point of order should not be raised. It will be appreciated, please.

Prof. Khurshid Ahmad Sahib.

پروفیسر خورشید احمد : جناب والا ! میں عرض کر رہا تھا کہ گندم جو ہے یہ ہماری بنیادی ضرورت کی ایک چیز ہے شہر کی ساری آبادی کی ضرورت ہے۔ امیر غریب ہر فرد اس سے متاثر ہوتا ہے اور گندم کی نایابی گندم کی سمگلنگ گندم کی قیمت کا بڑھنا گندم کا اس طریقے سے گوداموں سے غائب کر دیا جانا حقیقت یہ ہے کہ پورے ملک اور خاص طور پر پنجاب اور اسلام آباد میں اس کی وجہ سے پچھلے دنوں غیر معمولی صورت حال پیدا ہوئی ہے قیمتیں بڑھ گئی ہیں اور تقریباً ۲۰ فیصد کا قیمتوں میں اضافہ ہوا ہے یہ ایسی اہم چیز ہے جس پر ہماری ایوان میں ضرور گفتگو ہونی چاہیئے اگر اس میں سے کوئی بات امر واقعہ نہیں ہے تو حکومت کا فرض ہے کہ بتائے۔ لیکن جو باتیں میں نے پیش کی ہیں، وہ امر واقعہ ہیں اور سرکاری ذرائع سے وہ خبریں ریلیز کی گئی ہیں اور اخبارات میں شائع ہوئی ہیں، ان کی بنیاد پر میں نے یہ چیز پیش کی ہے اس لئے میں سمجھتا ہوں کہ فوری اہمیت کے مسئلہ کو اور ایک ایسے مسئلہ کو جو جس کا پورے ملک سے تعلق ہے، ایک ایسا مسئلہ جس کا تعلق حکومت اور مرکزی حکومت کی پالیسیوں اور اقدامات سے ہے، سمگلنگ جو ہے اس کا کنٹرول مرکزی حکومت کی ذمہ داری ہے۔ فیڈرل فورسز کی ذمہ داری ہے، اس بنا پر میں سمجھتا ہوں کہ یہ مسئلہ ایک genuine issue ہے جس پر کہ میں گفتگو ہونی چاہیئے۔ شکریہ !

Mr. Presiding Officer: Anybody on the admissibility only?

Akhunzada Behrawar Saeed: Chairman, Sir.

Mr. Presiding Officer: Yes please but you have to restrict yourself only to the admissibility.

اخونزادہ بہرہ ور سعید : جناب چیئرمین صاحب! ایڈمیسبلٹی کے لئے کیا اس سے زیادہ کوئی اور دلیل موثر ہو سکتی ہے کہ حکومت نے خود تسلیم کیا ہے کہ قیمتیں بڑھ گئی ہیں، مارکیٹوں سے آٹا غائب ہو گیا ہے، گندم سہجی ہو گئی ہے اور پھر اس سہجی ہو جانے کے لئے ایک خاص صوبہ کو مارگٹ بھی بنایا گیا تھا، کیا اس سے زیادہ موثر کوئی اور دلیل بھی ہو سکتی ہے۔ ایسے وقت میں جب کہ ہمارے ہاں بہت زیادہ مہنگائی کا رجحان بڑھ رہا تھا، غریب لوگ ایک روٹی کے ٹکڑے کے لئے تڑپ رہے تھے، اور حکومت ہر وقت یہ اعلان کرتی رہی ہے کہ گندم باہر سے آرہی ہے، اور جب گندم کراچی سے ملے تو غائب ہو گئی کیسے غائب ہوئی کیا اس کے ساتھ گاڑی کے ڈیے بھی غائب ہوئے، ایک دفعہ تو ایک انجن بھی غائب ہوا تھا۔ یہ ایک ایسا مسئلہ ہے جو کہ انسان کے پیٹ کا مسئلہ ہے، اس میں حکومت والوں کا بھی پیٹ شامل ہے، اپوزیشن والے بھی ہیں، عوام بھی ہیں، اس پیٹ کے مسئلہ پر اگر حکومت مخالفت کرتی ہے اور اس پر بحث کے لئے تیار نہیں ہے تو میں نہیں سمجھتا کہ کیا وجہ ہے، پھر تو پی۔ پی۔ پی، والی بات ہے کھانے والی نہیں ہے۔

جناب والا! میں عرض کروں گا کہ یہ تو بہت ہی اہم مسئلہ ہے، زندگی اور موت کا مسئلہ ہے۔ ایسے بھی وقت آجاتا ہے کہ اگر بھوک کی زیادہ شدت ہو تو انسان کچھ اور بھی کر سکتا ہے۔ یہاں تک کہ حرام بھی کھایا جاسکتا ہے۔ تو ایسے مسئلہ پر یہاں پر بیٹھ کر ہم اس لئے بات نہ کریں کہ یہ پروفیسر خورشید نے تحریک پیش کی ہے اور اس کی تائید میں بہرہ ور سعید بول رہا ہے، اس واسطے اس کی مخالفت ہونی چاہیئے۔ میں سمجھتا ہوں کہ ان کو فراخ دلی سے کام لینا چاہیے اور اگر کوئی شیر مارنے والی بات ہے تو یہ یسلی نور جہاں کے لئے، جہانگیر اور شیر افگن کی لڑائی ہو تو ہو، ہمارا کیا ہے۔

Mr. Presiding Officer: I think the Food Minister will be in a better position to reply. Yes Rao Sahib.

راؤ سکندر اقبال : جناب چیئرمین جہاں تک اسمگلنگ کا تعلق ہے ، اس کا وزارتِ خوراک سے کوئی تعلق نہیں ، مگر ایک بات میں آپ کی وساطت سے پروفیسر صاحب کو بتاؤں گا کہ جب یہ گورنمنٹ in power آئی ہے ، تو اس وقت گودام جو تھے وہ بالکل خالی تھے چار ماہ کے لئے اس حکومت نے ، ۱۶۸ ملین ٹن گندم جو ہے وہ پاکستان میں منگوائی ہے ، اور حقیقت یہ ہے کہ اگر یہ گورنمنٹ اس کام کو ترجیح نہ دیتی تو یہ قحط مین ماہ پہلے ہی پڑ گیا ہوتا۔ اس کے بعد میرا خیال ہے کہ کوئی بحران پیدا نہیں ہوا اور آج بالکل نہیں ہے ، بہت اچھی فصلیں ہماری ہوئی ہیں۔ ہمارا جو نیشنل ٹارگٹ ۱۵ ملین ٹن کا وہ انشاء اللہ ہم اس سال achieve کریں گے۔

بارانی علاقوں میں کئی سالوں سے اچھی فصل نہیں ہوئی تھی ، اس سال بارانی فصل اچھی ہوئی ہے اور بارانی علاقے جو کل پیداوار کا ۱۲ فیصد contribute کرتے ہیں وہ بڑے سالوں کے بعد ہم achieve کر رہے ہیں۔

جہاں تک اسمگلنگ کا تعلق ہے ، پاکستان میں ، دو روپے تیس پیسے ایک کلو گندم کی قیمت ہے جبکہ افغانستان میں گیارہ روپے ہے ، اسی طرح ایران میں ۲۶ روپے ایک کلو کی قیمت ہے۔ انڈیا میں پونے پانچ روپے ایک کلو گندم کی قیمت ہے۔ جناب ہمارا بارڈر بہت بڑا بارڈر ہے porus بارڈر ہے ، تو اس میں جناب والا ! this is very natural جناب پریزیڈنٹنگ آفیسر : یہ continuous process ہے۔

راؤ سکندر اقبال : جہاں تک گندم کی قیمت کا تعلق ہے پاکستان دنیا کا cheapest ملک ہے اور گندم کے سلسلے میں ، میں پروفیسر صاحب کی خدمت میں عرض کروں گا کہ گندم کے متعلق پریشان ہونے کی میرے خیال میں کوئی ضرورت نہیں ہے۔

We have an excellent crop of wheat this year and we have no crisis as far as wheat is concerned.

Mr. Presiding Officer: Thank you. Do you press it or should I give my ruling.

پروفیسر خورشید احمد : بس میری حکومت سے گزارش یہ ہے کہ اسمگلنگ کے لئے اتنے آسان دلائل فراہم نہ کریں ، ہمیں اسمگلنگ کو روکنا چاہیئے ، خواہ قیمتوں میں فرق ہو یا نہ ہو مختلف اشیاء

[Prof. Khurshid Ahmed]

کی قیمتوں میں فرق اس سے پہلے بھی رہا ہے، آج بھی، ہندوستان اور پاکستان میں متعدد چیزوں کی قیمتوں میں فرق ہے۔ اللہ تعالیٰ کا ہمارے اوپر کرم ہے کہ اس نے ہماری فصل اچھی کر دی ہے اور خد کرے کہ کبھی بھی اس ملک میں فحط کی کیفیت نہ پیدا ہونے پائے۔ لیکن حکومت کو اس معاملے میں اپنی ذمہ داری پوری کرنی چاہیے کہ food کی transportation بھی بروقت ہو اور اس کی سمرگلنگ بھی نہ ہو۔ میں اپنی موشن کو پریس نہیں کرتا۔

Mr. Presiding Officer: Thank you very much.

تحریر التوا کا وقت ختم ہو گیا ہے۔

پروفیسر خورشید احمد: جناب چیئرمین! میں ایک پرسنل پوائنٹ پر بات کرنا چاہتا ہوں۔ مجھے دراصل ایک ضرور۔ کام کے سلسلے میں جاننا ہے۔ اور اگر آپ اجازت دیں تو میں چلا جاؤں اور میرا ریزولوشن جو آ رہا ہے اس کی جگہ نمبر ۶ پر جناب شاد محمد خان کا ریزولوشن لے لیں۔ اس کے لئے میں اپنا وقت دینے کے لئے تیار ہوں۔

جناب پرنسپل آفیسر: جب وقت آئے گا تو دیکھا جائے گا۔ نوابزادہ صاحب آئیٹم نمبر ۲ اپنا بل پیش کریں۔

THE CAPITAL DEVELOPMENT AUTHORITY (AMENDMENT) BILL, 1989

Nawabzada Jehangir Shah Jogeza: I move for leave to introduce the Bill further to amend the Capital Development Authority Ordinance, 1960 (XXIII of 1960) The Capital Development Authority (Amendment) Bill, 1989.

Mr. Presiding Officer (Syed Abbas Shah): Nawabzada Jehangir Shah Jogeza has asked for leave to introduce the Bill as mentioned above. I ask the House whether leave is granted to introduce the Bill.

(THE LEAVE WAS GRANTED)

Mr. Presiding Officer: The Bill stands introduced and referred to the Standing Committee concerned.

The House is adjourned till tomorrow at 5.30 PM.

[The House then adjourned to meet again at five thirty of the clock in the evening on Monday, May 15, 1989].