

ASSEMBLY DEBATES

NATIONAL ASSEMBLY OF PAKISTAN

Thursday, the 12th December, 1963

The National Assembly of Pakistan met in the Provincial Assembly Chamber, Dacca, at nine of the clock, in the morning, Mr. Acting Speaker (Ch. Muhammad Afzal Cheema), in the Chair.

(Recitation from the Holy Quran)

STARRED QUESTIONS AND ANSWERS

MISPRINT ON POSTAGE STAMPS

194. ***Brig. Sahibzada Mohammad Abbas Abbasi** : (a) Will the Minister for Communications be pleased to state whether he is aware of the fact that, since the introduction of the present series of regular decimal value stamps in Pakistan since January, 1961, there have been issues prepared and issued, under three different dies ?

(b) Is it a fact that, of these three sets of dies, the first set showed the Bengali inscription of those stamps, reading as "SHAKISTAN" and not Pakistan ?

(c) Were enquiries conducted to ascertain who were responsible for allowing such a glaring error to occur ? If so, what action was taken against these officials ?

Mr. Abdus Sobur Khan : (a) No.

(b) No, except that there was a minor defect in the Bengali letter "Paa" in only three denominations *viz.*, 1, 2 and 5-paisa.

(c) The engraving of the Postage Stamps in question was done in London and the engraver who was not conversant with the Bengali script was mainly responsible for this lapse. As soon as this was noticed, necessary improvement was made. This did not involve preparation of a new die.

Brig. Sahibzada Mohammad Abbas Abbasi : Supplementary, Sir. With reference to part (a) of my question and the answer, will the Honourable Minister please state if it is not a fact that, subsequent to this faulty die which was issued in 1961, a new set of dies of various denominations, with a different version of the Bengali script, has been issued as late as October, 1963 ?

Mr. Abdus Sobur Khan : Sir, I cannot tell it off-hand. I will be glad to have a separate notice for that, because I am concerned with the 1960 postage stamps, which were issued on 1-1-1961.

Brig. Sahibzada Mohammad Abbas Abbasi : I am clear, Sir, that it is a continuation of the series. There has been no change in the design, except that the Bengali script has been given in another form. That is what my question was, concerning the various dies. It is not a new issue, but the same issue with a changed inscription.

Mr. Acting Speaker : I cannot help. The Honourable Minister needs notice for that.

Mr. Abdus Sobur Khan : Sir, I want notice. I am unable to reply off-hand.

Mr. Farid Ahmad : Will the Honourable Minister kindly state what was the defect in the Bengali letter "Paa" ?

Mr. Abdus Sobur Khan : There were two small "Akars"—that was the defect noticed.

Mr. Farid Ahmad : Was there double "Akars" ?

Mr. Abdus Sobur Khan : Double "Akars".

STENOGRAPHERS IN THE MINISTRY OF COMMERCE

195. ***Mr. Mansural Hoq :** Will the Minister for Commerce be pleased to state :

(a) the number of Stenographers recruited in his Ministry during the last two years, *i.e.*, 1962 and 1963 in Karachi and Rawalpindi ;

(b) the names of those Stenographers, province-wise ; and

(c) whether there was any competitive test for recruitment to those posts ; if so, the time when ?

Mr. Hasan Imam : (a) Pending availability of suitable candidates from the Central Public Service Commission, two Stenographers were appointed on purely temporary basis in the Karachi Office of the Ministry of Commerce during the years 1962 and 1963 and four in the Rawalpindi Office.

(b) The names of the Stenographers recruited during the years 1962 and 1963 are laid on the table of the House.

(c) Yes. Tests were held in May, 1962 at Rawalpindi and in March, 1963 at Rawalpindi and Karachi.

Names of the Stenographers Recruited during the Years 1962 and 1963.*Karachi, Year 1962*

Mr. Mohd. Saeed, West Pakistan : He is a permanent and qualified Stenographer of the then Department of Trade Promotion and Commercial Intelligence, Karachi.

Year 1963

Mr. Mohd. Yunus, West Pakistan.

Rawalpindi, Year 1962

Mr. K. Serajuddin, East Pakistan.

Mr. Ilyas Qureshi, West Pakistan.

Year 1963

Mr. Zafar Iqbal, West Pakistan.

Mr. M. Hafeez, West Pakistan.

Mr. Mansural Hoq : Will the Parliamentary Secretary kindly state why appointments on temporary basis were not made on parity basis ?

Mr. Hasan Imam : Parity is maintained at the time of filling up the vacancies on regular basis. It is not maintained for temporary appointments.

Dr. Golam Mawla : Will the Parliamentary Secretary please state why no test was held in Dacca—the Second Capital of Pakistan ?

Mr. Hasan Imam : All the Ministries are located in Rawalpindi, and it is very difficult . . .

Dr. Golam Mawla : Will the Parliamentary Secretary kindly say whether we have now three capitals of Pakistan ?

Mr. Acting Speaker : Disallowed.

Mr. Mansural Hoq : Will the Parliamentary Secretary please state how many of the East Pakistanis appeared in the test ?

Mr. Hasan Imam : I want notice for that.

EXECUTIVE OFFICERS IN C. C. IMPORTS AND EXPORTS

196. ***Mr. Mansural Hoq :** Will the Minister for Commerce be pleased to state :

(a) the number of East and West Pakistani employees in his Ministry promoted to the rank of Executive Officer ; and

(b) the names of those Executive Officers in the Chief Controller of Imports and Exports organisation, province-wise ?

Mr. Hasan Imam : (a) East Pakistan 3. West Pakistan 15.

(b) Names of those Executive Officers are given in the statement placed on the Table of the House.

Statement

Names of Executive Officers in the Organization of Chief Controller of Imports and Exports promoted from the employees in the Ministry of Commerce.

West Pakistan.

1. Mr. A. H. K. Nazmi.
2. Mr. M. M. Piracha
3. Mr. Jamil A. Khan.
4. Mr. Ahmad Ali.
5. Mr. F. R. Qureshi.
6. Mr. Nazar Mohammad Choudhry.
7. Mr. Munir Hussain Shah.
8. Mr. W. H. Jaffary.
9. Mr. Khalilur Rahman.
10. Mr. Bashir Ahmad Khan.
11. Mr. A. H. Rizvi.
12. Mr. Masood Ahmad.
13. Mr. Anisur Rahman.
14. Mr. Azhar Mahmood.
15. Mr. Mohammad Khan.

East Pakistan.

1. Mr. A. Quddus.
2. Mr. M. S. Haider.
3. Mr. Abdul Mannan.

Mr. Mansurul Hoq : Will the Parliamentary Secretary please state what explanation he has, as to why the appointments, even after his assumption of office, are not made on parity basis ?

Mr. Hasan Imam : Sir, provincial quota is observed in the case of direct recruitments. These vacancies are filled up by promotion where parity cannot be maintained.

Mr. Mansurul Hoq : Will the Parliamentary Secretary please state whether while making appointments directly, the question of parity was looked into by the Department ?

Mr. Hasan Imam : Surely.

CONSUMPTION OF CEMENT

197. ***Mr. Mansurul Hoq :** Will the Minister for Industries be pleased to state the average annual *per capita* consumption of cement, iron and steel in East and West Pakistan since 1948 ?

Mr. Muhammad Shehabullah : A statement showing the estimated *per capita* consumption of iron and steel and manufactures thereof and cement from 1952-53 onwards is placed on the table of the House. Information in respect of the previous years is not available.

Estimated per capita consumption of Cement and Iron and Steel in Pakistan

Year	East Pakistan		West Pakistan	
	Cement (in lbs.)	Iron and Steel and Manufac- tures thereof (in rupees)	Cement (in lbs.)	Iron and Steel and Manufac- tures thereof (in rupees)
1948-49	—	—	—	—
1949-50	—	—	—	—
1950-51	—	—	—	—
1951-52	—	—	—	—
1952-53	—	1.4	—	1.5
1953-54	7.8	0.7	36.7	1.4
1954-55	5.6	0.8	37.1	1.6
1955-56	5.2	0.7	42.3	3.2
1956-57	8.4	1.4	42.0	5.5
1957-58	8.5	1.5	55.0	4.6
1958-59	6.0	1.2	52.3	3.5
1959-60	11.1	1.9	53.7	3.1
1960-61	8.5	2.7	61.6	6.3
1961-62	20.6	3.6	51.7	5.5
1962-63	14.7	2.7	60.9	7.0

(—) = Not available.

Mr. Mansural Hoq : It appears from the reply given by the Parliamentary Secretary, that the *per capita* annual consumption is far less in East Pakistan than in West Pakistan. Will the Parliamentary Secretary please state if it is due to the non-availability of cement in East Pakistan ?

Mr. Muhammad Shehabullah : It is not entirely due to the non-availability, but due to the fact that the pace of work was also a bit slower than the works in West Pakistan.

Mr. Mansural Hoq : Is the Parliamentary Secretary aware that due to shortage of cement in East Pakistan, all the development work is being hampered ?

Mr. Muhammad Shehabullah : It is partly true.

ROADS IN BOTH PROVINCES

198. ***Mr. Mansural Hoq :** Will the Minister for Communications be pleased to state the total mileage of high class and low class roads constructed in East and West Pakistan since 1948, year-wise ?

Mr. Abdus Sobur Khan : The information is being collected and will be laid on the Table of the House in due course.

Mr. Mansurul Hoq : Will the Minister please state, whether I shall have to put a separate question, or whether he will on his own accord give the information ?

Mr. Abdus Sobur Khan : No separate question will be necessary. The information will be laid on the table as soon as available.

CYPHER ASSISTANTS IN CRYPTO CENTRE

199. ***Mr. Jalil Ahmed Khan :** (a) Will the Minister for External Affairs be pleased to state the number of Cypher Assistants working in the Crypto Centre ?

(b) How many of those Assistants are graduates ?

(c) How many posts of Superintendents are there in that Centre ?

(d) Is it a fact that the Centre has got only one Class I post and that it is held by an outsider, *i.e.*, who does not belong to that Centre ?

(e) What are the qualifications of the incumbent of that post ?

Mr. Z. A. Bhutto : (a) Forty.

(b) All.

(c) Seven.

(d) The Centre is a part of the Ministry of External Affairs. There are two posts of Class I status sanctioned for the Centre, but for Administrative reasons only one officer is at present supervising the Centre. He is not an outsider.

(e) This Officer is an under-graduate. He was cypher assistant for 12 years and has been associated with the Crypto Centre for sixteen years. He was Superintendent for one year and Assistant Secretary (Cypher) for about three years. He is considered to be the most suitable officer available with the Ministry to head the Crypto Centre.

EAST PAKISTANIS IN NATIONAL SHIPPING CORPORATION

200. ***Major Mohd. Afsaruddin :** Will the Minister for Communications be pleased to state :

(a) the number of East and West Pakistani Members and Directors in the newly raised Shipping Corporation, separately ;

(b) the number of class I and II officers from each province in the same organisation ;

(c) whether any Branch office of that organisation has been established at Chittagong ; if so, the province-wise composition of its staff ; if not, the reason therefor ; and

(d) whether any offer has been made by any East Pakistani Naval Officer to serve in the Shipping Corporation ; if so, the number of offers accepted so far ?

Mr. Abdus Sobur Khan : (a) There will be in all 9 Directors of the National Shipping Corporation out of which 5 representing Government

have already been appointed. These include the Secretary Ministry of Communications and the Commander-in-Chief Navy who have been nominated by virtue of their appointments. Of the nominated Directors one is from East Pakistan; the others are technical officers. Four Directors to represent the private share-holders in the Corporation will be elected on parity basis.

(b) No Class I or Class II Officers have yet been appointed.

(c) No branch office of the National Shipping Corporation has been established at Chittagong but it is proposed to establish immediately a Regional Office of the Corporation in East Pakistan.

(d) No offer of appointment has been received from any East Pakistani Naval Officer by the Corporation. The Corporation is in the initial stages of organisation and full complement of staff is still to be recruited and will be done according to expansion of commercial activity.

Mr. Farid Ahmad : Will the Honourable Minister be pleased to state, who were the other two officers who were technical officers and what are their qualifications ?

Mr. Abdus Sobur Khan : The Managing Director is a person who was previously Director-General of Ports and Shipping. The other is Finance Member and he has been made available from the Ministry of Finance. Two others are : one is the Commander-in-Chief of the Navy and the other is from East Pakistan by way of nomination, Mr. M. Shakur.

Mr. Farid Ahmad : Will the Parliamentary Secretary be pleased to state, whether any one of these had any experience in the merchant fleet, or commercial shipping at any time ?

Mr. Abdus Sobur Khan : Well, Sir, it is very difficult to say : if the Commander-in-Chief of the Navy is not a suitable person to be representative in this Corporation, I have got very great apprehension, who can be better than the Commander-in-Chief of the Navy ?

Mr. Farid Ahmad : I thought that the Commander-in-Chief of the Navy will be more engaged in looking naval defences than looking after the merchant fleet.

Mr. Abdus Sobur Khan : He has got fair, rather a very good, amount of knowledge about the Merchant Navy, and I can assure the Honourable Member, that he will be available, as and when we requisition his services or his guidance.

Dr. Gholam Mawla : The Honourable Minister has said that the man nominated from East Pakistan is Mr. Shakur. I would like to know from the Honourable Minister, what is his experience and qualification ?

Mr. Abdus Sobur Khan : I do not find it here in my list. But this I can say, that, he is a business magnate, and he is a Director of the Bengal Oil Mills, and he is associated with a large number of industries also.

Major Mohd. Afsaruddin : Does the Honourable Minister consider that a business magnate will be a good Director in a Shipping Company, which is a transport organisation ?

Mr. Abdus Sobur Khan : After all, the Shipping Corporation will be run on commercial consideration, in which the industrialists and the commercial people's assistance will be most welcome.

Begum Serajunnessa Choudhury : †Mr. Speaker, Sir, there are extensive reverine areas in East Pakistan and our communications depend largely on water transport. So all the Corporations of this kind should have their headquarters here. It is no use keeping their head offices in the other Wing.

Mr. Acting Speaker : †Begum Sahiba, it would be better if you address a question on this matter to the Minister concerned.

Mr. Abdus Sobur Khan : Sir, she was on a point of order and it is now for you to answer, Sir.

Mr. Acting Speaker : I am sorry, I thought that she was putting a question.

Begum Serajunnessa Choudhury : †I would first like him to reply why the headquarters of the Shipping Corporation should not be located here. I have made the proposal and if he has to say anything about it, he may do so.

Mr. Abdus Sobur Khan : I will welcome a separate question on that particular matter.

Begum Serajunnessa Choudhury : †I think the headquarter of the Corporation should be located here in East Pakistan.

Mr. Abdus Sobur Khan : The question of opening a regional office of the Corporation in East Pakistan is under consideration of the Board of Directors, and it has not yet been decided whether the Regional office should be located at Chittagong or at Khulna. But it will be at either of the two places. The headquarters will, however, be located in Karachi, and it will remain in Karachi.

Begum Serajunnessa Choudhury : †I have already said what I had to say on this subject.

Mr. Abdus Sobur Khan : That is a matter of opinion.

Major Mohd. Afsaruddin : Will the Minister for Communications be pleased to state, whether it was not in the fitness of things to nominate one of the proprietors of the Water Transport Companies of East Pakistan, as a Director of the Shipping Corporation, such as, East Pakistan Steam Navigation and Ark Navigation Company, etc. ?

Mr. Acting Speaker : Disallowed.

Mr. Mahbubul Huq : Will the Minister for Communications be pleased to state, whether in view of the fact that the East Pakistan Ports handle the bulk of our export cargo, it is in the fitness of things, that the headquarters of the Shipping Corporation be located at East Pakistan ?

Mr. Acting Speaker : Disallowed.

Mr. Mahbubul Huq : Will the Minister for Communications be pleased to state the reasons for establishing the headquarters of the Shipping Corporation at Karachi, instead of Chittagong ?

Mr. Acting Speaker : That is right.

Mr. Abdus Sobur Khan : I want a separate notice for that.

Major Mohd. Afsaruddin : Will the Minister be pleased to state, why he did not select Chittagong as the headquarters of the Shipping Corporation ?

Mr. Abdus Sobur Khan : For this too, again, I require a separate question.

Mr. Saifullah Khan : Will the Minister for Communications be pleased to state, whether he would give due share in recruitment to the province of West Pakistan, and particularly to the former Frontier Province which is very backward ?

Mr. Abdus Sobur Khan : I have already stated in my answer that, after the shares have been floated, there will be four Directors to be elected by the share-holders of both East and West Pakistan, and so the matter should be taken into consideration, when the share-holders of these two different wings cast their votes in favour of nomination of these two members, representing each wing.

Mr. Mahbubul Huq : The Honourable Minister has said that four Directors to represent the private share-holders in the Corporation will be elected on parity basis. What has happened to the nomination of Directors by the Government as far as the question of parity is concerned ?

Mr. Abdus Sobur Khan : Leaving aside officials, those who have been nominated in their capacity as officials, one is the Secretary of the Communications Ministry, who is to remain the Chairman for the first term, and the second is the Director-General of the Ports and Shipping, who is to act as a Managing Director. Third member is the Finance Director of the Corporation and the other members are the Commander-in-Chief of the Navy, representing West Pakistan and Mr. Shakur, representing East Pakistan.

Mr. Mansurul Hoq : The Honourable Minister has said in part (b) that no Class I and Class II officers have yet been appointed. Will the Honourable Minister assure the House that, while making appointments in Class I and Class II posts, the question of parity would be looked into ?

Mr. Abdus Sobur Khan : I have already stated that we have not yet appointed Class I and Class II officers. Advertisements have been issued. At the time of appointment, the question of parity will definitely be taken notice of.

Mr. Farid Ahmad : Will the Honourable Minister please inform, which one of his statement is correct ? In his written reply, the Honourable Minister has said that the Commander-in-Chief of Navy has been appointed in the official capacity, but in answer to a supplementary he has said that he was appointed as a representative of West Pakistan. Should

we take the Commander-in-Chief of the Navy as a representative of the Province, or the Commander-in-Chief of the entire country ?

Mr. Abdus Sobur Khan : He is representing there in his capacity as the Commander-in-Chief of the Navy, and also at the same time he represents West Pakistan.

Major Mohd. Afsaruddin : Will the Honourable Minister be pleased to state, in view of his previous statement on several occasions that, if the Managing Director of the Shipping Corporation comes from West Pakistan, the Chairman would come from East Pakistan, why has there been a departure in the appointment from this ?

Mr. Acting Speaker : Disallowed.

Mr. Mahbubul Huq : Will the Honourable Minister be pleased to state whether it is a fact that he assured this House that of the two posts of Chairman and Managing Director, one must always be for East Pakistan and another for West Pakistan. Why has it not been followed in this case now ?

Mr. Acting Speaker : Next question.

Mr. Mahbubul Huq : Sir, he is answering.

Mr. Abdus Sobur Khan : At the formative stage of this Corporation, as I should say, we have embarked upon a new experiment, and, particularly, the Corporation is to be run on commercial considerations. As such, I thought that for the initial stage, the present shape of the Corporation would be the best to serve its purpose.

Mr. Mahbubul Huq : Was not a suitable person, experienced in the working of the shipping line, available in East Pakistan, even more superior and senior to the Chairman and the Managing Director ?

Mr. Abdus Sobur Khan : I have already replied to that.

Mr. Mahbubul Huq : You have not replied.

Mr. Acting Speaker : Order please, order.

Mr. Abdus Sobur Khan : I have already said that as and when suitable men are available here, their cases would be given sympathetic and due consideration at that time.

Mr. Mahbubul Huq : I am not referring to the clerical appointments.

Major Mohd. Afsaruddin : Does the Communications Minister know that Commodore Rashid, who was senior to the Commander-in-Chief, Navy, was a man from the Merchant Navy, and he is much more experienced than the gentleman, who is now heading the Corporation ?

Mr. Acting Speaker : Disallowed.

Mr. Mahbubul Huq : I was asking a question about the Directors, Sir, but he was answering about the employees. My question was,

Sir, was not an experienced gentleman—more experienced gentleman—available from East Pakistan for the post of Managing Director or Chairman of the Corporation?

Mr. Abdus Sobur Khan : I have got nothing more to add.

Mr. S. Zaman : In view of the statement that the Corporation is to be run on commercial lines, will the Minister kindly state whether Government officers are the best persons to run this institution on commercial principles?

Mr. Abdus Sobur Khan : I have already given answer to this question.

Major Mohd. Afsaruddin : Is it not a fact that for the posts of the Finance Member or the Managing Director of the Corporation, better men would have been available in East Pakistan from...?

Mr. Abdus Sobur Khan : From within the House or from without the House?

Mr. Mahbubul Huq : Without the House. Is it not a fact that good East Pakistani officers from the Economic Pool are available for appointment as Finance Member?

Major Mohd. Afsaruddin : Is the Communications Minister...

Mr. Acting Speaker : Order, order please, order.

Mr. Mahbubul Huq : My question remains unanswered, Sir. Was not a Member...

Mr. Acting Speaker : Yes, you have repeated your question. Order please. Next question, Mr. Mosaheb Ali Khan.

Mr. S. Zaman : One more supplementary, Sir.

Mr. Acting Speaker : No. I have already called the next question. Will you kindly resume your seat?

Mr. S. Zaman : Sir, we want to know the...

Mr. Acting Speaker : Order, order please, order. Mr. Mosaheb Ali Khan!

PAKISTAN RAILWAY SERVICE OF ENGINEERS

201. ***Mr. Mosaheb Ali Khan** (put by Mr. Ghulam Sabir Khan Rana) : (a) Will the Minister for Communications be pleased to state the number of candidates with their names and respective wings who qualified the Central Engineering Service Examination held in 1960-61 by the Central Public Service Commission for recruitment in the Pakistan Railway Service of Engineers?

(b) How many of them were recruited for the Pakistan Eastern Railway and the Pakistan Western Railway?

(c) After the bifurcation, were their services placed under provinces like the P. S. P. or other Provincial Services?

Mr. Abdus Sobur Khan : (a) Twentynine candidates qualified the Central Engineering Services Examination held in 1960-61 for recruitment in Pakistan Railway Services of Engineers. I lay a statement on the Table of the House showing the names of the candidates and the Railways to which they have been allocated.

(b) Of the twentynine candidates, ten were allocated to P. E. Railway and nineteen to P. W. Railway.

(c) No, as they were not serving the Railways before the bifurcation. They are members of the Provincial Railway Service, Class I.

Statement showing names of candidates who qualified the Central Engineering Services Examination held in 1960-61 and the Railways to which allocated.

Department	Total	P. W. Rly.	P. E. Rly.
(I) Civil Engineering Department	7	1. Syed Nazir Rabbani (WP) 2. Syed Akhtar Ali Shah (WP) 3. Mr. Mohd. Afzal Khan (WP) 4. Mr. Irshad Ahmad (WP) 5. Mr. Arbab Abdul Sattar (WP) 6. Mr. Khalid Mohtadullah (WP)	1. Mr. A. H. M. Rafiqul Islam Bhuiyan (EP)
(II) Signal Engineering Department	2	1. Mr. Azeem Mahfuz Khan (WP)	1. Mr. A. K. M. Amanul Islam Chowdhury (EP)
(III) Motive (Power) and Mechanical Engineering Department.	11	1. Syed Ali Hasan (WP) 2. Mr. Zafar Saeed Qazi (WP) 3. Mr. Farhat Ali Burney (WP) 4. Mr. Noor Ahmad (WP) 5. Mr. Mohd. Ziaullah (WP) 6. Mr. Ihsanul Haq (WP) 7. Mr. Sikandar Zaman (WP)	1. Mir Rahatul Islam (EP) 2. Mizra Iqbal Ahmed Beg (EP) 3. A. M. Z. Mahmood (EP) 4. Mr. Mazharul Husnain (EP)
(IV) Stores Department	8	1. Mr. Abdul Nacem Qureshi (WP) 2. Mr. Rab Nawaz (WP) 3. Mr. Fayaz Ahmad (WP) 4. Mr. Mohd. Sarwar (WP)	1. Mr. Mohd. Husnain (EP) 2. Mr. Mohd. Shafi Alam (EP) 3. Mr. Arifur Rahman Khan (EP) 4. Mr. Prafulla Kumar Sarkar (EP)
(V) Electrical Engineering Department	1	1. Mr. Fazal Nacem (WP)	

Mr. Mahbubul Huq : Will the Minister for Communications be pleased to state the reasons for having allocated only ten candidates from East Pakistan as against 19 from West Pakistan in the recruitment of 1960-61 ?

Mr. Abdus Sobur Khan : Sir, I cannot give any answer to this question off-hand. I shall be glad to have a separate notice for that.

Mr. Mahbubul Huq : Is it not a fact that more than the required number of candidates were available, or should I say applied, for recruitment, and in this matter of recruitment the principle of parity was not observed in spite of the fact that candidates were available ?

Mr. Abdus Sobur Khan : Sir, I cannot answer that question off-hand. But about the particulars of the trained candidates, I would read out like this. Out of the ten candidates allocated to the Pakistan Eastern Railway, seven—namely, Messrs. A. H. M. Rafiqul Islam Bhuiyan, A. K. M. Amanul Islam Chowdhury, Mirza Iqbal Ahmed Beg, A. M. Z. Mahmood, Mazharul Husnain, Mohammed Husnain, Mohammed Shafi Alam—have joined the Railway. Mir Rahatul Islam has declined to join the Railway, and Messrs. Arifur Rehman Khan and Prafullah Kumar Sarkar have not yet joined the Railway, for reasons not known to the Railway.

Mr. Mahbubul Huq : Will the Minister be pleased to state whether it is a fact that, out of the officers selected for recruitment to the service in the Railway, a number of them coming from East Pakistan have been allocated to the Haripur Telephone Factory ?

Mr. Abdus Sobur Khan : If a separate question to this effect is put, I shall try to give correct information.

Mr. Mahbubul Huq : Is it not a fact, Sir, that quite a number of engineers have been sent to the Telephone and Telegraph Department, when there is need for them in the Pakistan Eastern Railway, in order to provide for those, who have opted to serve in the Pakistan Western Railway ?

Mr. Acting Speaker : A separate notice would be required for that. Next question, Mr. Ali Asghar Shah !

FURNITURE FOR MANGLA DAM PROJECT

202. ***Mr. S. Ali Asghar Shah** (put by Mr. Qamarul Ahsan : (a) Will the Minister for Natural Resources be pleased to state whether it is a fact that the contractors of Mangla Dam have imported furniture worth Rs. 15.40 lakhs from Europe ? If so, was it exempted from Sales Tax, Custom Duties, etc. ?

(b) Is indigenous furniture purchased by them also exempted from those taxes ?

Mr. Muhammad Shehabullah : (a) The answer to the first part of the question is in the affirmative. Customs duty and sales tax levied on imported furniture were reimbursed to the Mangla Dam Contractors under the terms of the Indus Basin Agreement.

(b) A local manufacturer of furniture is exempt from sales tax only if his production is less than Rs. 40,000 *per annum*. Rebates of customs duty, excise duty and sales tax are also allowed on items supplied for the Indus Basin Works.

Mr. Farid Ahmad : Will the Parliamentary Secretary kindly state the name of the contractors, and the number of persons this firm had in the Mangla Dam ?

Mr. Muhammad Shehabullah : I want notice for that.

Mr. Acting Speaker : Mr. Zulfiqar Ali Bookhari !

Mr. Farid Ahmad : Another supplementary, Sir.

Mr. Acting Speaker : I recognize Mr. Zulfiqar Ali Bookhari.

Mr. Zulfiqar Ali Bookhari : Will the Parliamentary Secretary kindly let us know why so much foreign exchange was squandered away, and why the local furniture-makers were not patronized, who, I am sure, are quite up to the mark ?

Mr. Muhammad Shehabullah : As demand for furniture was very great, and the local manufacturers were not in a position to supply the entire quantity, rupees forty lakhs worth of furniture was locally purchased from the local manufacturers, and rupees 15.40 lakhs worth of furniture was imported from Europe.

Mr. Mahbulul Huq : Will the Parliamentary Secretary be pleased to state the persons, for whom this furniture was required to be imported from abroad ?

Mr. Acting Speaker : It could not be possible to answer it at all.

Mr. Mahbulul Huq : Will the Parliamentary Secretary be pleased to state the designations of the officers, for whose use this furniture was required to be imported in preference to the furniture manufactured in Pakistan ?

Mr. Muhammad Shehabullah : It is not possible for me to answer this question.

Mr. Acting Speaker : Naturally, off-hand it would not be possible.

Ch. Fazal Elahi : In view of the fact that the Parliamentary Secretary has stated that local manufacturers were unable to supply furniture in sufficient quantity, and therefore, furniture was imported from outside, will he kindly state whether the imposition of sales tax this year would further discourage the manufacturers of furniture in this industry ?

Mr. Muhammad Shehabullah : The local manufacturers are exempted up to forty thousand rupees worth of furniture within a year.

Mr. S. Zaman : Will the Parliamentary Secretary kindly state whether this Rs. 15.40 lakhs worth of furniture was wooden furniture or steel-material furniture ?

Mr. Acting Speaker : Is it possible to answer this question ?

Mr. Muhammad Shehabullah : No, Sir.

Ch. Fazal Elahi : Will the Parliamentary Secretary please state whether the Government is prepared to consider the proposal that sales tax be abolished in the case of manufacturers of furniture, in order to encourage them to produce more furniture ?

Mr. Acting Speaker : In fact, strictly speaking, it wouldn't arise out of the original question ; but if the Parliamentary Secretary volunteers to answer it, I have no objection.

Mr. Muhammad Shehabullah : If they make out a case, Government will consider it.

Mr. Farid Ahmad : Will the Parliamentary Secretary please state under what terms of the agreement according to the Indus Basin Agreement is this exemption allowed ?

Mr. Muhammad Shehabullah : The agreement will have to be seen and looked into to answer this question.

Mr. Mahbubul Huq : Will the Parliamentary Secretary please state if any tender was called for supply of this furniture from East Pakistan ?

Mr. Muhammad Shehabullah : Tenders are not generally called from a particular Wing. Tenders are generally called from Pakistan as a whole.

Mr. Saifullah Khan : Will the Parliamentary Secretary please state whether the foreign exchange consumed for purchase of furniture belonged to the Mangla Dam contractors ?

Mr. Muhammad Shehabullah : It is not possible to answer off-hand.

Ch. Fazal Elahi : Is the Parliamentary Secretary aware that the furniture manufacturers of Gujrat made representations to Government for abolition of sales tax ?

Mr. Muhammad Shehabullah : Representations were received, but I have said that they must make out a case.

Mr. S. Zaman : Will the Parliamentary Secretary please say, whether it is a fact that all local supplies to WAPDA are treated, as if they were exports, and allowed export bonus benefits ?

Mr. Acting Speaker : Disallowed.

Mr. S. Zaman : This is relevant to the question.

Mr. Acting Speaker : Mr. Farid Ahmad.

Mr. Farid Ahmad : Will the Parliamentary Secretary please state under what terms of agreement, if any, and at what rate, rebate, custom duty, and sales tax, are being allowed on items supplied for the Indus Basin Works ?

Mr. Acting Speaker : Such details will require separate notice.

Mr. Farid Ahmad : It is written and I am asking under what authority it is being done.

Mr. Acting Speaker : Is it one of the terms of the agreement ? What is the authority the Honourable Member likes to know ?

Mr. Muhammad Shehabullah : Please repeat the question.

Mr. Farid Ahmad : Referring to the last sentence of his answer, I ask under what authority or agreement is this rebate being granted ?

Mr. Muhammad Shehabullah : The Mangla Dam contractors entered into an agreement, and under the terms of that agreement, it was done. The agreement is not before me just now, so I cannot give you the exact clause under which this has been done.

Mr. Mahbubul Huq : Will the Parliamentary Secretary please state if he can deny the fact, that no advertisement was made in East Pakistan for supply of furniture to Mangla Dam Project, so far as East Pakistani firms were concerned ?

Mr. Muhammad Shehabullah : It is not possible to give that answer, at this stage, because these advertisements were published long ago and how can I give the answer ?

Mr. Abul Kasem Khan : Will the Parliamentary Secretary please state if it is permissible for Government to exempt particular parties from payment of sales tax, custom duty, by executive action without obtaining approval of the House, by way of legislation ?

Mr. Acting Speaker : No, it is inferential.

Mr. Farid Ahmad : Will the Parliamentary Secretary please state, whether he is prepared to place before the House the copy of the relevant clause of the agreement, by which all these actions to refund sales tax and rebate of different taxes are being allowed ?

Mr. Muhammad Shehabullah : I shall prefer a fresh question from my honourable friend.

Mr. Farid Ahmad : The answer is here. You have answered that it is under certain agreement. Are you prepared to lay before the House the copy of that agreement ?

Mr. Muhammad Shehabullah : Yes.

Mr. Mahbubul Huq : Will the Parliamentary Secretary please state what are the special reasons for encouraging import of furniture from outside ?

Mr. Muhammad Shehabullah : I have already answered.

Mr. Abul Kasem Khan : My supplementary arose out of the printed answer to this question. It was...

Mr. Acting Speaker : Probably the Honourable Member was not present, when in answer to some of the supplementary questions, put particularly by Mr. Farid Ahmad, the Parliamentary Secretary was

pleased to say, that he has not the agreement before him, as such it would be difficult for him to specifically quote, or give the details of the terms and conditions of the agreement, which granted exemption.

Mr. Abul Kasem Khan : Whether it is permissible for Government...

Mr. Acting Speaker : Please repeat the question.

Mr. Abul Kasem Khan : My question was whether it is permissible for Government to exempt any party from payment of customs duty and sales tax without bringing a Bill before the House...

A Member : Is this a question ?

Mr. Abul Kasem Khan : It is a question, Sir.

Mr. Acting Speaker : Order, order.

Mr. Abul Kasem Khan : Whether it is permissible for...

Mr. Acting Speaker : Order, order. The question as framed by the Member would envisage a hypothetical situation. As such I cannot allow it.

Mr. S. Zaman : Will the Minister for Finance state whether he is aware that these rebates were being given under an order of the Secretary of the Ministry of Finance ?

POINT OF ORDER

Mr. Khursheed Ahmad : On a point of order, Sir. Under Rule 30 it is provided that the first hour of every meeting shall be available for questions and answers.

I beg to raise the point that the first hour being over question hour is over.

A Member : It started from 9.30 a.m.

Mr. Farid Ahmad : After you joined the Cabinet so many questions have not been raised, because you did not succeed as a Member, you think you can succeed as a Minister.

Mr. Khursheed Ahmad : I beg to raise the question that under Rule 30 question hour can be limited to the first hour. If I am called upon to give argument in favour of the submission I made, I would quote the Rule which says it cannot be extended beyond one hour, and one hour means one hour by the clock. It started at 9 or it was presumed to start at 9...

(Interruptions)

Mr. Acting Speaker : Order, order.

Mr. Khursheed Ahmad : It is presumed to start at 9 a.m. and conclude at 10 o'clock. I maintain that even if it started at 9.55 a.m. it must conclude at 10 o'clock under Rule 30.

A Member : Shabash !

Mr. Acting Speaker : Order, order. It is a very important question.

Mr. Mahbubul Huq : It is not important, Sir. Let there be a ruling.

Mr. Acting Speaker : Order, order.

Mr. Khursheed Ahmad : I would like to have a ruling on this point, Sir.

(Interruptions)

Mr. Acting Speaker : Order, order. Will you kindly allow the Honourable Law Minister to make his case and substantiate his contention ?

Mr. Khursheed Ahmad : Now my contention is that under Rule 30 . . .

A Member : Raise the question during the question hour.

Mr. Acting Speaker : Will you kindly stop interrupting now ?

Mr. Khursheed Ahmad : I beg to submit that Rule 30 reads like this : "The first hour of every meeting shall be available for the asking and answering of questions". Here the words used 'first hour' means only one hour by the clock, and I contend, it cannot stretch beyond one hour, and if stretched, it would not be in observance of the Rule and it would be breach of Rule. Exactly the same anomalous question arose. I am quoting from the House of the People "Decision from the Chair" ; this question arose because certain number of Members took oath during the question hour and some time was consumed and the question was raised, I would be citing page 287 of the House of People decision from the Chair from 1921 to 50 Decision No. 413.

Mr. Mahbubul Huq : Sir, shall we get the lost time for it ?

Mr. Acting Speaker : Order, order.

Mr. Khursheed Ahmad : The question is whether there can be extension beyond one hour. On such and such a date part of the question hour had been taken for administration of oath. One Member suggested extension of the question hour and so and so asked for clarification whether during the first hour which shall be available for question, other matters could be taken. The Speaker ruled : "The practice is clear, it is the first hour, it is not one hour. First hour means first hour. It does not mean that it can exceed that and take up the time from the next hour !" I hold the view that first hour is the first hour and nothing more. I am quoting the ruling from the Chair and now I contend that by no rule on interpretation you can stretch this to two hours or to a minute beyond one hour.

Mr. Farid Ahmad : I object to the words 'You cannot stretch'. Is he to dictate to the Chair and he can only submit.

Mr. Acting Speaker : He is not dictating. He is actually referring to a rule of interpretation.

Mr. Farid Ahmad : A different interpretation I suppose.

Mr. Acting Speaker : It is absolutely no misunderstanding, he says by no rule on interpretation you can stretch the time.

Mr. Khursheed Ahmad : I would submit that we have always been respectful to the Chair and we should be respectful to the Chair and there are many distinguished Members who in spite of orders from the Chair do not sit down even, but I was only invoking . . .

Mr. Acting Speaker : Is there any other ruling in support of this except the one you have mentioned ?

Mr. Khursheed Ahmad : I think, Sir, this would be sufficient. My submission is only this.

Mr. Farid Ahmad : May I submit, Sir ?

Mr. Acting Speaker : Yes.

Mr. Farid Ahmad : In the first place, this is not the first occasion which has been utilised by the Government side to raise this question. It was raised once before during the time of the late Maulvi Sahib and the question was answered in our favour. I do not think that the principle of *res judicata* which obtains in the course of law can be waived here and a different ruling can be observed. Once a ruling is established, it would be very inappropriate and undignified in my humble opinion to challenge it in a subsequent time and so as to alter altogether the existing decision and so far as his own citation from the House of the People—Indian Lok Sabha is concerned, in my humble opinion it has got no manner of application because the facts of the case are entirely different, and has got no relation with the interpretation of Rule 30. In the facts of the case stated therein there are some 40 or 41 Members to take oath. As you know, the oath cannot begin unless and until we have entered upon the real business. Here we sat at 9.25—shall it be deemed then that we have been sitting at 9 ? The first hour of every meeting is from the commencement of the meeting when we really start the meeting and not earlier than that. We will see from the facts of the Indian Lok Sabha that it has no resemblance here at all, a little scanning would show that the ruling cited by the Honourable Law Minister goes in our favour, because there the time taken by oath was taken from the actual sitting of the House. Now he is asking to compute the time that passed when we were not sitting.

Mr. Khursheed Ahmad : I am only requesting.

Mr. Farid Ahmad : Because every command from you should be interpreted as a request.

Mr. Acting Speaker : Let me first have the benefit of the wisdom of Mr. Saeeduzzaman.

Mr. S. Zaman : The learned Law Minister has attained great distinction in cutting down our rights and privileges in this House as well as outside this House. Now he has come with a new idea to cut down our privileges on the floor of the House. He has himself come one hour late today and most of his supporters came about half an hour late. If you concede his argument, that will mean that we have no question hour. They will abstain from the House and defeat the purpose of questions. Are you going to encourage this thing in this House ?

Mr. Acting Speaker : Simply because the Honourable Law Minister himself has been late this morning, as such all his arguments are devoid of any force or reasonableness ?

Mr. A. T. M. Mustafa : Sir, the Law Minister was pleased to raise a point of law. My Honourable friend Mr. Farid Ahmad was pleased to advance the principle of *res judicata*—I am not disputing the previous ruling but respectfully draw your kind attention to this point only that the principle of *res judicata* can have no manner of application in this case. It is a question of interpretation, High Court or Supreme Court even on the same point of law are pleased to give different interpretation and the interpretation which is last in time is binding on the country. As I have already submitted, I am not disputing the previous ruling but the point is what exactly do we mean by the words 'first hour' and the words 'every meeting'—if the meeting which is scheduled to be held at 9 in the morning and if that is the point of time when the question hour starts, then, Sir, the first hour from that point should be from 9 a.m. concluding at 10. Sir, a valid and rational interpretation of the words is essential. I respectfully draw your attention to the fact that it is not unreasonable as our friends on the other side, in the enthusiasm, my distinguished friends, especially Mr. Farid Ahmad, my very personal friend, is trying to make out; the interpretation given by the Law Minister is amenable to reason and is not irrational. Thank you, Sir.

Mr. Acting Speaker : Ch. Fazal Elahi !

Ch. Fazal Elahi : Sir, this difficulty has arisen because, unfortunately, when this question was raised in this very House in Rawalpindi neither the Honourable Law Minister nor my friend the Honourable Minister for Information were Members of this House. They were not in this House at all. This question arose in the time of the late Maulvi Tamizuddin Khan and he was pleased to order that it has been the previous practice in the Constituent Assembly and in other Assemblies of this country that question hour starts when the proceedings in the House start after the quorum is complete. Sometimes it starts ten minutes late, fifteen minutes late, or even twenty minutes late and the first hour means sixty minutes after that. This is the interpretation put by the late Maulvi Tamizuddin Khan, who knew that this was the practice in the previous Constituent Assemblies and even in other Provincial Legislatures of this country. You have also been pleased to observe the same rule and one hour ends when sixty minutes are exhausted after the meeting is called to order. Now, after following this practice for a sufficiently long time, it would be rather too late for the Honourable Ministers to advance such arguments after you have followed this practice. Now if he remembers rightly, when the Special Committee on Rules of Procedure assembled, Sir, the the Honourable Minister for—I do not know of what subject because he has never spoken on any subject—Rana Abdul Hameed Khan—interrupts while sitting and indulges in cross-talks. Now, Sir...

(Interruptions)

Mr. Acting Speaker : Order please, order.

Ch. Fazal Elahi : He (Mr. Abdul Hameed Khan Rana) speaks while sitting, I do not know why? He should show some respect to the House. If he wants to talk he should stand up, if he cannot stand up, then he should stop talking. . . .

Mr. Acting Speaker : There is another alternative also. He can seek special permission and the Chair can allow him.

Ch. Fazal Elahi : Kindly allow him, Sir.

Rana Abdul Hameed Khan : On a point of order, Sir.

Mr. Mahbubul Huq : No point of order on a point of order.

Rana Abdul Hameed Khan : I would request the Honohrable Member to tell us what was the ruling which he gave when he was Speaker of the Punjab Assembly?

Mr. Acting Speaker : (Addressing Rana Abdul Hameed Khan) I am sorry I have not been able to follow.

Rana Abdul Hameed Khan : Sir, the Honourable Member who is speaking was Speaker of the West Pakistan Assembly. He has himself given certain rulings. I would like to know what was his ruling on this point?

Mr. Farid Ahmad : Is it a point of order, Sir?

Mr. Acting Speaker : Although, unfortunately, it is not a point of order and as such is overruled, but otherwise, the question seems to be quite relevant and we would like to have the benefit of the Honourable Member's views?

Ch. Fazal Elahi : Sir, if you remember the occasion, in the Special Committee on Rules of Procedure, which met in Karachi, a suggestion was put forward before the Committee that this Rule should be interpreted, as has now been urged by the Law Minister, and in the draft Rules of Procedure we should make a clear provision. . . .

Mr. M. Abdur Rashid : On a point of order. Sir, is it right that you can insist to give an answer?

Mr. Acting Speaker : Nobody can insist, nobody.

(Interruptions)

Mr. Acting Speaker : Order please, order. As a matter of fact we have hardly finished, or disposed of a point of order raised by the Honourable Law Minister, when other subsidiary points of orders started.

Ch. Fazal Elahi : Now, Sir, this suggestion was put forward before the Committee of Rules of Procedure, and it was asked to make it clear that the question hour should start at the time when the House is ordered to be assembled. Say for instance if it is at 9 a.m., then if the quorum is complete at quarter to ten, the first hour should end at 10 a.m. This was the suggestion. This was the unanimous opinion of the Committee, that the Rule should not be so worded as to give it a rigid meaning.

Mr. Acting Speaker : Let us dispose of the first point of order.

Mr. A. T. M. Mustafa : On a point of order, Sir. I am trying to . . .

Mr. Acting Speaker : Order please order. I am sorry, inadvertently I had given the floor to the Honourable Minister Rana Abdul Hameed Khan, but unless the first point of order is disposed of, presumably a second point of order, during the pendency of the first point of order, would not be relevant.

Ch. Fazal Elahi : Now, Sir, following the previous practice, and knowing the views of the late Maulvi Tamizuddin Khan, who had a very long experience of parliamentary affairs, I think, this Rule should not be so interpreted as to make the meaning of one hour in conformity with the suggestion made from Government Benches. In the Lok Sabha the House had assembled, business had started, and some minutes were taken up in oath taking. The Speaker was pleased to order that those minutes will not be extended after the first hour is over. So, in this House, Sir, this has already been accepted for a long time, and I do not understand why my friend, the Honourable Law Minister, is so keen to curtail the rights of the Members to put supplementary questions. Probably the Government Benches are irritated by inconvenient supplementaries and, therefore, they want to curtail this time.

(Interruptions)

Mr. Acting Speaker : Order please, order. No cross-talks. Enough discussion has taken place. No further discussion is required.

(At this stage Mr. A. T. M. Mustafa rose to speak)

Mr. Mahbulul Huq : Have you given him the floor, Sir ?

Mr. Acting Speaker : Will you kindly resume your seat (addressing Mr. A. T. M. Mustafa). I am sorry I cannot allow this discussion to go on indefinitely. We have had enough discussion. It is not a very complicated matter. Will you kindly resume your seat in the first instance. *(Interruptions)*. Order please, order.

Syed Mohammad Habibul Huq : It involves interpretation of law. Before you give your ruling . . .

(Interruptions)

Mr. Acting Speaker : Order please, order. In view of the fact that the Honourable Member, Mr. Habibul Huq, has sought the floor very rarely during this session, I give him the floor.

Syed Mohammad Habibul Huq : Sir, before you give the ruling one thing is very important : The Rule provides : "The first hour of every meeting . . ." There is no mention of a specific time, *e.g.*, at 10 a.m. or 11 a.m. or 1-30 p.m. Had it been the intention of the framers of these Rules of Procedure, they would have specified a particular time. You know, Sir, much time is consumed because of the absence of Honourable Ministers—they are not present ; some of the Members are not present and the quorum is not there. *(Interruptions)*. You are a genius, in all humility, and a lawyer of standing . . .

Mr. Acting Speaker : No cross-talk.

Syed Mohammad Habibul Huq : Sir, we have got to interpret the Rule against this background and in the proper spirit. You have to interpret according to the intention. What was their exact intention. Supposing the Assembly sits at 12; the Question Hour has to continue until 1 p.m.—in case the quorum is secured at 12. If the quorum is obtained at 12-30, it does not mean that there would be only 30 minutes for the questions. This would be the position of the interpretation of the Law Minister is taken and accepted. If that was the intention, the framers would have mentioned that. That is the principle in regard to any law, any act, any statute, and any rule of procedure; you can apply the General Clauses Act. I am sorry I do not have the General Clauses Act at the moment, otherwise I could have convinced you. If you kindly adjourn for fifteen minutes, I can show it from the General Clauses Act.

Therefore, in all humility it is quite clear that whenever the House sits, the Question Hour commences from the time the business is transacted. This is my respectful submission.

Mr. Abdullah-al-Mahmood : Mr. Farid Ahmad has raised a point that....

Mr. Acting Speaker : The point was raised by Honourable the Law Minister.

Mr. Abdullah-al-Mahmood : He raised the doctrine of *res judicata*. I submit that the point at issue cannot be the subject of *res judicata*.

If at any time the late Honourable Speaker has given any ruling, it was not that this particular point was raised. It might have been in the course of other business. I refer to Decision No. 430, as has been pointed out by the Law Minister—not a minute was extended or could be extended. There is no decision contrary to this decision in the whole history of legislatures. Sir, I submit that although it might have been that one hour is extended, but that would not have created a precedent or a practice; because practice or convention cannot be created when there is a definite rule. In these circumstances not even a minute should be extended beyond one hour, namely sixty minutes.

Mr. Acting Speaker : Will the Honourable Minister enlighten us on one point: Supposing, on the previous day the time of the meeting is fixed at 9 a.m. and the quorum is not complete till 9-20 a.m.; how are you going to compute?

Mr. Abdullah-al-Mahmood : As soon as the date and time is fixed, it is expected that the Honourable the Speaker will come to the House. If within fifteen minutes quorum is not available, then the House will be adjourned...

Mr. Acting Speaker : In 15 minutes?

Mr. Abdullah-al-Mahmood : After 15 minutes.

Mr. Acting Speaker : How do you infer that?

Mr. Abdullah-al-Mahmood : Let us visualise...

Mr. Farid Ahmad : No visualisation!

Mr. Acting Speaker : After 9 a.m. the Question Hour commences ?

Mr. Abdullah-al-Mahmood : Yes, Sir. The House is presumed to sit at that time. It cannot be expected that the Speaker will come after an hour or twenty minutes later. That is not the practice, Sir. The practice is that just at 9 your honour will have to come—in all humility, I submit. If your honour finds that there is no quorum, then your honour will adjourn the House for 15 minutes more. And after 15 minutes, if the quorum is not forthcoming, then the House will be adjourned for the next day.

A Member : Where is the Ruling ?

Mr. Abdullah-al-Mahmood : I will show you the Ruling. . .

Mr. Acting Speaker : Order please. I think we have had enough discussion on this point.

Mr. Abdullah-al-Mahmood : So, Sir, I submit the 'first hour' means just the time of the sitting, namely, say if 9 a.m. is fixed earlier then just at 10 a.m. the Question Hour will be over.

Mr. A. T. M. Mustafa : Mr. Speaker, Sir, if I may respectively submit. . .

Mr. Mahbubul Huq : The Minister has. . .

Mr. Acting Speaker : That is the end of it. I think, Mr. Mahbubul Huq, you will please resume your seat.

Mr. Akhtaruddin Ahmad : Mr. Speaker, Sir, can I draw your attention to the definition. . .

Mr. Muhammad Shehabullah : Sir, I shall refer to the Rules of Procedure which state the position clearly. I shall not speak a word, which is irrelevant.

Mr. Acting Speaker : All right !

Mr. Muhammad Shehabullah : This Rule does not define the word meeting or hour, but the word "sitting" is defined. And, Sir, "sitting" is the same thing as "meeting". Sitting means the meeting between the hours fixed by the Speaker for the transaction of business—it may be a select committee, a standing committee or a sitting of the legislature. On the previous day the sitting was decided to be held at 9 a.m., to-day it is deemed to have commenced at that hour. If the quorum is not available till ten or later than ten, we cannot have the Question Hour under the rules.

Mr. Acting Speaker : We cannot have any Question Hour ?

Mr. Muhammad Shehabullah : Yes, Sir. We cannot have any Question Hour if we sit late by one hour or more.

(Mr. Mahbubul Huq rose to speak)

Mr. Acting Speaker : Mr. Mahbubul Huq ! You must have your pound of flesh !

Mr. Mahbubul Huq : I have a point of law. I never thought that the Minister's information would be wrong. The Law Minister has raised a point which has been previously discussed. Nevertheless he believes he has a right to agitate that question again, again and again. Surely they possibly have the right to agitate that question but my submission is this firstly it has been inappropriate to raise the question of Indian Lok Sabha insofar as this question is concerned. I will explain why.

Mr. Acting Speaker : No I do not stand in need of any explanation on this point.

Mr. Mahbubul Huq : The Minister for Law says...

Mr. Acting Speaker : You may kindly resume your seat. I know the details of the circumstances under which that ruling was given and, therefore, I do not stand in need of any assistance.

Mr. Mahbubul Huq : My point is, there is no question of comparison. Can there be adjournment of the House due to lack of quorum in Indian Lok Sabha. It never happened there. That is a democratic house.

Mr. Acting Speaker : Order, order.

Mr. Mahbubul Huq : Sir...

Mr. Acting Speaker : No, thank you very much. You may kindly resume your seat.

Mr. Mahbubul Huq : Only one point. My second point is that the tendency of the Government is to curtail the right of the people and Assembly slowly and gradually. This is yet another step to deprive the House of the right to put a question.

Mr. Acting Speaker : We are discussing the legal issue. How is that relevant ?

Mr. Mahbubul Huq : Sir, it shows the psychology of the gentlemen sitting on the opposite side that the people should be deprived of all the rights of information.

Mr. Acting Speaker : Every Honourable Member, including the Members of the Opposition, are perfectly within their rights to raise any legal issue, if they see that there is some sort of irregularity or something is being done which is contrary to the Rules of Procedure. Everybody is within his rights to raise that point.

Mr. Mahbubul Huq : It is right but what type of things are raised by them. Those types of things which are inconvenient to the Government, and which are convenient to the people outside.

Mr. Acting Speaker : Thank you, thank you.

Mr. Akhtaruddin Ahmad : Mr. Speaker, Sir.

Mr. Acting Speaker : Yes, Mr. Akhtaruddin Ahmad.

Mr. Akhtaruddin Ahmad : Sir, I would not like to repeat what has already been said. I will only support the views expressed by the Members of the Opposition. I would like to draw your attention to only one fact, *i.e.*, in Rule 30 purposely the word 'meeting' has been used. It says :—

“The first hour of every meeting shall be available for the asking and answering of questions”.

[Mr. Akhtaruddin Ahmad.]

In all other cases the word 'sitting' has been used. I refer you to clauses 17 and 18 in which purposely the word 'sitting' has been used and not 'meeting'.

Mr. Acting Speaker : Will you kindly refer to the definition of the word 'sitting'.

Mr. Akhtaruddin Ahmad : I am referring to that. "The sitting means", as has been very rightly pointed out by the Honourable Parliamentary Secretary (though it has gone against him), "the meeting of the Assembly between the hours fixed by the Speaker for the transaction of business or the meeting of a Select Committee or a Standing Committee where applicable".

Mr. Acting Speaker : It says, "the hours fixed by the Speaker".

Mr. Akhtaruddin Ahmad : That is sitting—9 a.m. to 1 p.m.

Mr. Acting Speaker : That means the meeting of the Assembly between the hours fixed by the Speaker.

Mr. Akhtaruddin Ahmad : When the sitting is fixed from 9 a.m. and the proceedings start from 9 a.m. then the meeting takes place, but if the proceedings commence after 9 a.m. then in that case the sitting will start from 9 a.m. and the meeting will actually commence from the time the proceedings start. I also draw your attention to Rules 17 and 18 where the word 'sitting' has been clearly and pointedly used. It says :

"18(1). A sitting of the Assembly shall commence at such hour as the Speaker may appoint.

(2) A sitting of the Assembly on any day shall ordinarily conclude at such hour as the Speaker may appoint."

Then, Sir, in Rule 30 you will not find the word 'sitting' but 'meeting'. That means meeting can be shorter than the sitting or it may be same as the sitting from 9 a.m. to 1 p.m.

Mr. Acting Speaker : 'Sitting' has absolutely no confusion. 'Sitting' means just as we have two sittings in a day 'morning sitting' and 'evening sitting', between appointed hours.

Mr. Akhtaruddin Ahmad : And the whole day of two meetings shall be one sitting. Legally morning and evening meetings will form one sitting of the day, which ordinarily we say morning and evening session. My second point is that 'sitting' and 'meeting' is different, and here in Rule No. 30 purposely the word 'meeting' has been used, and the 'meeting' starts when we actually meet, and the House is in quorum.

Secondly, Sir, already by practice and convention we have been taking one hour for questions from the time when we actually start and, therefore, we should not be deprived of that and thirdly, Sir, in the House of Commons the timing is fixed by the hour of the clock, from 2-30 or so and there the Prime Minister gets 15 minutes or half an hour. There the timing is fixed by the hour of the clock. But there the timing is fixed from 2 to 2-30. But here it is not the intention of the makers of the Rules that it should be from 9 a.m. to 10 a.m. and, therefore, it should be less than sixty minutes or whatever it might be. These are my three submissions.

Syed Mohammad Habibul Huq : Just two minutes, Sir.

Mr. Acting Speaker : You already had your time.

(Interruptions)

Mr. Acting Speaker : Order please, order. Thank you very much.

Syed Mohammad Habibul Huq : His contention is quite different than ours.

Mr. Ghulam Sabir Khan Rana : Mr. Speaker, Sir.

Mr. Acting Speaker : Yes.

Mr. Ghulam Sabir Khan Rana (West Pakistan) : *Mr. Speaker, Sir, this is a legal issue. Although I am not an expert in law and cannot, as such, pronounce on this issue, yet I generally agree with the views of the Members of the Opposition, when they say that we should have the question hour.

Sir, this is a privilege that has been granted to the Members of the Opposition, and through it we can call the Ministers and officers to account. I, therefore, request that this fact may be kept in view, and we should be allowed one hour for questions. We should not be deprived of this privilege.

Mr. Mansural Hoq : Mr. Speaker, Sir.

Mr. Acting Speaker : I think that would do.

Mr. Mansural Hoq : Just a word, Sir. I think, Sir, it is so simple an issue that we need not go to the practice in the Lok Sabha or the House of Commons. The Rules of Procedure on this point are crystal clear. Rule 30 goes like this :

“The first hour of every meeting shall be available for...”

Mr. Acting Speaker : The rule which the Honourable Member is reading out has been read out about a dozen times in the House.

Mr. Mansural Hoq : I will interpret it in my own way. So far as the word ‘meeting’ is concerned, this word has not been defined in the Rules of Procedure. According to common sense, the meaning of the word ‘meeting’ is some particular place where people assemble—it includes political meeting. So far as the Members of the National Assembly are concerned when they assemble together we may call it a meeting, of course, subject to the fact that there must be a quorum of forty Members at least. So, Sir, the moment, we form the quorum and sit together as Members of the Assembly to transact the business of the Assembly, the meeting commences. In that view of the matter I think ‘the first hour of the meeting’ will mean the first hour of the work when we commence.

Mr. Acting Speaker : I myself have a recollection that this question was agitated once when the Honourable Speaker, late Maulvi Tamizuddin Khan, himself was in the Chair. I am trying to find out the ruling given

*English translation of uncorrected speech in Urdu.

[Mr. Acting Speaker.]

by him. A similar question was raised on the floor of the House and a ruling was given by him on that. Therefore, I withhold my ruling till I have gone through the ruling given by the Honourable the late Speaker, Maulvi Tamizuddin Khan. However, some other allied questions were raised by the Honourable Members during the discussion on this point of order. The first of these was the application of the principle of *res judicata*. Of course, I would, without the least hesitation, straight-away like to point out that the principle of *res judicata* as such would not be strictly applicable to the proceedings of the House, but no Honourable Member would be within his rights to challenge a ruling, which has been once given by the Chair. If he is in some manner of doubt, and certainly the Chair is not infallible, that the Chair has not properly appreciated his point and he can still convince the Chair—supposing he gets hold of some more rulings which are relevant and pertinent to the point of order—then the best course open for the Honourable Member is to discuss this matter with the Speaker in his chamber. Having once been convinced that a ruling given by me was not correct and requires to be reviewed or revised, I have done it without the least hesitation on the floor of the House, but, of course, I must be convinced, before I am prepared to revise the ruling. However, in the present circumstances, unless I have gone through the ruling, given by the late Maulvi Sahib, it would not be proper for me to give a ruling, even if I have come to an independent finding myself, after having heard both the sides on this point. I would like for these reasons to withhold the ruling at the moment. Questions are over.

Mr. Md. Serajul Islam Miah (East Pakistan) : On a point of order, Sir.

Mr. Acting Speaker : Please state your point of order.

Mr. Md. Serajul Islam Miah : Sir, today's session started at half past nine and the Question Hour was to continue till half past ten. But, unfortunately at eight minutes past ten, they stepped into this controversy and as a result they have been successful to take away twenty minutes from the Question Hour and obviously they have taken the valuable right of the people and of this House as well. So, Sir, I want a ruling on this point if we are going to have this lost time or not, and I may be allowed to put supplementaries.

Mr. Acting Speaker : Briefly, the question is : the point raised by the Honourable Member seems to be whether an Honourable Member is within his rights to raise a point of order during the Question Hour because naturally it is likely to take some time before the point of order is disposed of, and it might even consume the entire Question Hour.

(Interruptions)

Mr. Acting Speaker : Order please, order. Being fully conscious of the extraordinary importance of the Question Hour, I have not the least hesitation in saying, that every Honourable Member is perfectly within his rights to raise a point of order at any time including the Question Hour. Now, incidentally, I would like to make another observation because that also is a very important question which was raised by the Honourable Minister, Mr. Abdullah-al-Mahmood, as to whether the Speaker should keep on waiting in his chamber for the House to be in

quorum, and then make his appearance in the House, or immediately as soon as the appointed hour of the Assembly meeting comes, say, 9 o'clock, he should come and take the Chair and adjourn the House for want of quorum. Which of the two procedures would be strictly in conformity with the Rules and also in accordance with the parliamentary practices and procedures obtaining in other parts of the world? Now, this is again a very important question as I have said earlier. The correct position seems to be, as it has been said by the Honourable Minister, that as soon as it is 9 o'clock, which is the fixed hour for assembling, the Speaker should come to the House irrespective of the fact whether the House is in quorum or not *i.e.*, he should come punctually at 9 o'clock, and if he finds that the House is not in quorum, he should adjourn the House for fifteen minutes, in the first instance, as require in the Rules of Procedure, and if after fifteen minutes, the House again is not in quorum—it is a constitutional provision as the Honourable Members know—he is left with no option or choice but to adjourn the House for the rest of the day, or till the time when the House is in quorum. Of course, there is a conflict between the Rules of Procedure and the Constitutional provision. The Constitutional provision is that if after fifteen minutes, the House is not in quorum, the Speaker shall adjourn the House, and it has to be adjourned for the next day or till the time when the House is again in quorum. That is the Constitutional provision. But there seems to be an inconsistency between this Constitutional provision and Rule 154 which is the relevant rule. I do hope that it will be resolved when the House takes up the Rules of Procedure. However, in view of what I have said, what I propose to do is that from tomorrow I shall come punctually at 9 o'clock in the House, and I do hope that the Honourable Members will kindly appreciate, that the time that is unnecessarily wasted in order to be in quorum, should be saved and the Honourable Members should kindly make it a point to be here punctually.

Syed Husain Mansur : It should be half past nine, instead of nine.

Mr. Acting Speaker : Order please, order.

Mr. Farid Ahmad (East Pakistan) : What will happen in case you come to the Chamber punctually and find that the House is not in quorum?

Mr. Acting Speaker : I will adjourn the House for fifteen minutes if it is brought to my notice, as there is a mandatory provision in the Rules of Procedure and if, even after fifteen minutes, I find that the House is still not in quorum, then I will adjourn the House till the next day.

Mr. Farid Ahmad : I hope, the same procedure would be followed for the minor breaks in between; when the House is adjourned for ten or fifteen minutes, we will be following the same procedure.

Mr. Acting Speaker : My interpretation is that, it should not strictly apply to that, because the Secretary had been personally to the House of Commons and he told me on his return, "there the Speaker walks into the House and occupies the Chair punctually at the time appointed for assembly". But in so far as the intervening breaks are concerned, of course, I would not mind five minutes this way or that way, but I would be strictly adopting this procedure in future and I would like to be here punctually at 9 o'clock. I would request the Honourable Members that they should also try to be here in time and co-operate with me.

Mr. Farid Ahmad : Another query, before you pass on to the next item, I would like to know whether the same porcedure would be followed with respect to the evening sittings or when we have two sittings ?

Mr. Acting Speaker : Well, of course, of course.

Mr. S. Zaman (East Pakistan) : In that case, at what time the hour of the meeting starts ?

Mr. Farid Ahmad : In that case, may I also request you for another thing, that when you adjourn the House to a particular hour, may we know also the limit of the sitting, because, Sir, we are very much upset in night sittings ?

Mr. Acting Speaker : That may be so and I fully appreciate the difficulty of the Honourable Member, but that is the discretion of the Chair. I would request him not to interfere too much with it.

Mr. Farid Ahmad : No, Sir. I am not trying to interfere at all.

Mr. Acting Speaker : It is the discretion of the Chair. Once I make a commitment, which I am not bound to do, then I shall have to stick to it. You kindly leave it to the Chair to extend the sitting or curtail the sitting as the situation demands.

(Interruptions)

Mr. Farid Ahmad : I am actually referring you to the same rule, to which reference was made by the Honourable Parliamentary Secretary, that it must be between the hours fixed. So between the hours fixed means, the hour of commencement and the hour when the sitting will end, otherwise between the hours shall not have any meaning. Sitting means, the meeting of the Assembly between the hours fixed by the Speaker.

Mr. Acting Speaker : All right. Of course, the Honourable Member knows that in spite of the fact that hours are to be fixed, a slight stretching or curtailing of the meeting that way, would not make much difference and the Speaker has always been exercising this discretion. But I do agree with the Honourable Member, that it is better that I should fix the hours instead of changing them from time to time subject to minor discretionary variations.

Now, so far as evening sittings are concerned, I would like to have the sense of the House whether they would like to have three hours' meeting, or two hours' meeting or...

(Voices—two hours)

Mr. Acting Speaker : May I know from the Honourable Member, Mian Abdul Bari, whether two hours would be good enough ?

Mr. Abdul Bari (West Pakistan) : Two hours.

Mr. Acting Speaker : I think two hours would be all right. So, let it be from 6 to 8 p.m. We decide it, once for all, that evening sittings shall be from 6 to 8.

Mr. Khursheed Ahmad (Minister for Law and Parliamentary Affairs):
Sir, I have to make a submission.

Mr. Acting Speaker : The morning sittings from 9 to 1.

Mr. Khursheed Ahmad : Sir, you were pleased to say that, once for all, it is decided that the evening sittings shall be from 6 to 8. But, Sir, sometimes we might have to extend it, and it should be possible for us to extend the sittings.

Mr. Acting Speaker : No. As I have said earlier, that is always subject to the discretion of the Chair to slightly extend or slightly curtail it. But, of course, the hour has been fixed and decided.

Syed Mohammad Habibul Haq (East Pakistan) : Mr. Speaker, Sir, I have one submission to make. Sir, time and again we have made it quite clear to the Members of the Treasury Benches—and I think, Sir, you are aware of the fact that even the Honourable the Leader of the Opposition...

Mr. Acting Speaker : Will you kindly resume your seat ?

Syed Mohammad Habibul Haq : ... made it clear that in the evening, Sir, we do not want a sitting.

DISCUSSION ON ADJOURNMENT MOTION *RE* EVICTION OF
MUSLIMS FROM ASSAM AND TRIPURA

Mr. Acting Speaker : As the Honourable Members know, the House decided to take up the discussion of the adjournment motion that had already been admitted. (After a pause) As far as I remember, the Honourable the Speaker decided to consolidate and lump together the various adjournment motions on the subject of the forcible eviction of Indian Muslims from Assam and Tripura. They are Nos : 8, 10, 14 and 21 of which notices were given by the Honourable Members : Syed Abdus Sultan, Moulvi Farid Ahmad, Syed Husain Mansur, and Mr. Ahmed Ali Mondal respectively. These were the four adjournment motions which are now consolidated for the purpose of discussion.

Now, since Syed Abdus Sultan is not present in the House, I will request Moulvi Farid Ahmad to kindly initiate the discussion.

Mr. Akhtaruddin Ahmad (East Pakistan) : Sir, last time it was promised by the Speaker that, after a motion is admitted, its copies will be circulated to the Members for reference. But we have not been given the copies, Sir.

Mr. Acting Speaker : Well, at the moment it is not possible to supply the copies. Anyway I can read the adjournment motion ; and, of course, the Member himself will read it out while initiating the discussion. But in future, if the Honourable the Speaker made that commitment, I will see that it is done.

Mr. Farid Ahmad : Mr. Speaker, Sir, I beg to move that the Assembly do now adjourn to discuss a definite matter of urgent public importance and of recent occurrence namely, the situation arising out of the large-scale eviction of Indian Muslims by the Government of India.

[Mr. Farid Ahmad.]

May I proceed, Sir ?

Mr. Acting Speaker : Yes.

Mr. Farid Ahmad : Mr. Speaker, Sir, it is extremely unfortunate that, when we have to adjourn the business of the House to discuss the plight of the unfortunate Muslims from India, who have been subjected to planned tyranny and oppression in our neighbouring country India, I cannot but abuse the Government, at the same time, for the criminal negligence with which they have been tackling this situation. Time and again, Sir, we are told...

Mr. Acting Speaker : "Criminal negligence," Moulvi Sahib, I would suggest, is too strong an expression, and it should not be repeated in future.

Mr. Farid Ahmad : Sir, then it is a culpable negligence, if not criminal, and it is a gross act of negligence, Sir. And presently, Sir, I shall be coming to my point. To-day, Sir, to every conscious Pakistani the problem is not unknown. As a matter of fact, even before we sat on the 8th of June, 1962—the commencement day of the present Constitution of Pakistan—the eviction of the Indian Muslims from the Indian State of Tripura had begun, and a Member of the National Assembly, now a Parliamentary Secretary, had given notice of an adjournment motion to discuss, and the House, the Government, and the country were fully apprised of the grave situation that confronted the Muslims of India, especially in the border belts, and also the grim situation with which the Muslims of Pakistan were confronted, particularly in this Wing of Pakistan. After that, Sir, when the Assembly met here in March this year, I again brought an adjournment motion, and invited the attention of the Government to the miserable plight of these evicted Muslims ; that the Indian Government had not relaxed or relented in their efforts and that they were continuing their efforts ; and, according to the admission of the Government on the floor of this House, nearly 45,000 Muslims have been evicted from the neighbouring States.

These are not isolated events, Sir. They are part of a planned programme that the Indian Government has embarked upon, and it is full of danger, so far as we are concerned. To my mind, Sir, it becomes apparent that the Indian Government does not want that there should be Muslims on the border of Pakistan with India ; that the border should be completely cleared of the Muslims. Secondly, Sir, by this process they continue to exert a tremendous pressure on the economy of East Pakistan. In East Pakistan we are already facing tremendous financial hardship. Our cry is that the peasantry, which forms the backbone of the nation, is being neglected. They are not receiving a fair and square deal for all the hard labour they put in, in order to make Pakistan rich, happy and prosperous.

But, Sir, how have we reacted to this problem is a matter which needs immediate attention. Sir, you will recall that, immediately before the departure of our External Affairs Minister to attend the conferences on Kashmir—the Ministerial Level Talks with Sardar Swaran Singh in New Delhi—this matter was agitated, and discussed on the floor of the House in his very presence, and he was requested by this House to take cognizance of the sentiments of, not only all sections of this House, but also of the united feelings of the Pakistanis wherever they might have

been. But, Sir, what did we see? Right from that initial round of talks at Calcutta, which ultimately culminated in the sixth round—hopping between Calcutta, Rawalpindi, New Delhi, and Karachi, which we all know ended in a fiasco—was this subject ever mentioned even on one single occasion? While so many lives are at stake is this the way, Sir, the Government of our country wants to tackle this problem. Not once during the six round of talks was this problem raised and our information is, which is yet to be confirmed by the Government, that the idea was, that it must be relegated to an inferior Minister not of the rank of the External Affairs Minister, to take up the matter at an appropriate time. If the Government comes out with all the figures, you will see, Sir, the House and the country will know, how negligent they have been in tackling this situation. Sir, long after this adjournment motion was given notice of by me, during the March session, the Government of East Pakistan, for the first time, lodged a formal protest with the State Governments of India and we are told what are the steps that the Government have taken so far. We can know from the answer given last week on the floor of the House as to what they have done. The answer was, that they have now taken up the matter with the Government of India, for holding a discussion at ministerial level, and that no reply is forthcoming, and no settlement has yet been arrived at. What else did we do? We casually mentioned the subject—it was the subject-matter of an argument, and crossing of swords, and dilectics at the United Nations with the Indian representative. Since this problem has cropped up, and assumed large proportions and is crying for solution, we had to general sessions of the United Nations in which Pakistan had been participating, as they participated before. May I know, Sir, on behalf of the millions of people, and thousands of these homeless people, how was it that such a vital problem as this, never got sufficient attention of the Government, so as to merit its being raised on the floor of the United Nations? Are there no nations in the world who are law-abiding, who are for peace, who are for justice, who are for equality and who maintain the brotherhood of men. We are supposed to be members of the Commonwealth. We are supposed to be members of the SEATO and CENTO Pacts. We are member of the United Nations. We are member of so many social, development, and world organizations, which look after this kind of problems. What have we done in the world to rouse the conscience of the world that there is a problem in this country. A paltry sum of few lacs of rupees, thrown or scattered like the feed for birds, with little bits of grants, is this the way to solve the problem? I also ask in all humility if the Government of our country have taken our own people into confidence. Have they held public meetings? Sir, they have a political organization now. Why did they not hold public meetings, why did they not solve this problem and asked the rank and file of the country to unite on this question? Sir, they are not interested, and I make this allegation with all seriousness. The hardships of the poor evictees know no bounds, and every day we meet families in our houses, in our chambers—they stop cars and say that they are the evictees. They run from place to place and only a fraction of them has been settled. Sir, do we understand that the Government underestimates and underscores this problem because it happens to be concerned with the people from the Eastern Wing? That is a question which many people are asking and many a people are having apprehension and suspicion that perhaps the Government of the day wants to keep this problem alive so as to use it as a handle—political handle and that they will not like to have a permanent solution of this problem. That they will not take up the matter on

[Mr. Farid Ahmad.]

stronger terms with the Government of India, urging them, or forcing them, for a solution; nor will they utilise the world opinion, or the forum of the world powers at the United Nations, at the United Nations Rehabilitation Organization, or at the Security Council level. That they have not done. They have not moved in any way, although thousands of people are coming daily, having been uprooted from their hearths and homes, and this colossal betrayal of human rights, by which every member of the United Nations is bound, is taking place day in and day out. We are now told by the Indian Ministers in the Lok Sabha, in their press statements, that these persons from Pakistan infiltrated into Indian border. Sir, has the world lost its commonsense, that four or five lakhs of people could have crossed over the border, in the face of ever vigilant Indian Army, Indian Scouts, Militia, Police, so many volunteer organizations, and their own people remaining there. This is a fantastic story that is now being told by India. Sir, this matter is more a human problem, and certainly we can appeal to the world. There is time enough. If the Government is sincere, let them take the people into confidence, let them rouse the people. Sir, if the Government's funds are inadequate, certainly the people of Pakistan, in both the wings of the country, have shown, that given a challenge, the people of Pakistan are capable of rising to the occasion, and responding to the magnificent challenge. Have we not seen millions of people uprooted from different parts of India, and taking shelter in West Pakistan, and several lakhs from Bihar and U.P. taking shelter in East Pakistan? Have they not been rehabilitated, not solely by the efforts of the Government, but by the generosity and magnanimity of the people of Pakistan. They know that when their brethren are in danger, this is a common cause, and if these people have no shelter, then we cannot have any shelter. This is the feeling which has sustained us in our moments of crisis. Unfortunately here we hear harrowing isolated tales of misery, of eviction—having been given half an hour or one hour to speak, and we are asked to wind up. Is this the way to solve a problem like this? Despite our discussion three times on the floor of this House the same problem, things have not moved at all; things have not moved in any direction. It was necessary to focus public attention, to educate people, to create in the people a sense of unity in the face of common peril, because who knows, that in this move, which may seem isolated today, there is lurking the plan of ultimately trying for the liquidation of Pakistan morally, financially and economically. This may be, Sir, part of a big game, but the Government never cares to inform us. They think they alone are capable of shouldering all responsibility. So far as sharing of power is concerned, that is theirs but so far as sharing responsibilities of this nature is concerned, it can never be, it was never, and it shall never be the responsibility of the Central Government alone. It is the responsibility of the entire nation, and this nation has to be taken into confidence. Thank you, Sir.

Major Mohd. Afsaruddin : Mr. Speaker, Sir.

Mr. Acting Speaker : Yes, Major Mohd. Afsaruddin.

Major Mohd. Afsaruddin : Mr. Speaker, Sir, this is perhaps the fourth time we are discussing this national problem, on the floor of this august House. Every time we discuss this matter, India redoubles its onslaught on these Muslims. Sir, while we keep on protesting and protesting, India keeps on evicting more and more Muslims every day and pushing them

into Pakistan. It has been said many a times, on the floor of this House, that they have been doing it in a planned and organised manner, with the aid of their civil Government, military forces, and armed police, with the determined aim to upset the economy of Pakistan, to create chaos and confusion in Pakistan, and not to give any respite to our Government for development work. Besides this protest, what else have you done? You perhaps count much on your stout allies of CENTO and SEATO for help, and you expect them to solve this problem for you. But may I remind you that, with the gigantic military aid given by some of your allies, India has become more obstinate and arrogant in the world forum. Consistently and deliberately, they are evicting thousands of innocent Indian Muslims who were there for generations, and for centuries, living as loyal citizens. Their only fault is that they have got faith in Islam.

Sir, perhaps you count much upon the Western help to solve this national problem for you. But may I remind you that, since the days of crusade when did the Western allies help the Muslim countries in solving their problems except dividing them, crushing them and weakening them? Perhaps you are looking up to the towering height of the United Nations Organisation to sprinkle justice on you, to sprinkle justice on these evicted Muslims of India. But may I remind you, Sir, that you should take a lesson from the Arab refugees, who had been evicted from Palestine by the Jews in a similar way, for a similar cause of religion Islam.

Sir, we may be a small nation, but with God above and with God within, with unity, courage and conviction, we can meet the challenge of much bigger nations, as our ancestors did in the past. Why to recollect the past glory of our ancestors? Even in the present decade look at Egypt, a smaller nation than we are, but united and sincere in their aim, they have solved the problem of Suez Canal by nationalizing the foreign companies and industries thus meeting the challenge of the largest and most powerful nations of the west single-handed. Look at Indonesia, a nation of your size, of your population and perhaps of your finances, single-handed they have solved the problem of West Irian. How they did it, Sir? With their courage and conviction—the Government and people together and united stood solidly behind each other. Can you not do the same, Sir? *Inshallah*, we can, if we are true Muslims and true Pakistanis. If we unite amongst ourselves, *Inshallah*, we can solve this problem and unless and until you stand on your own legs, Sir, nobody is going to help you, but you will make a fool of yourself.

Sir, Pakistan stood as a guarantor as protector of the entire Muslim population of Indo-Pakistan sub-continent. It was known to the Muslims of the minority provinces of India that they would not fall in the political boundary, administrative boundary of Pakistan, but still they voted for Pakistan. What was the promise given to them at that time, Sir? The Muslim League of the then India said, that the Indian Muslims would carve out a homeland for themselves, which would be called Pakistan, which will stand as a guarantee for the safeguard and security of the Indian Muslims as well. That guarantee was given to the entire Muslim population living in India—not to the Muslims of agreed areas only. Sir, our past Government complicated the problem by making an agreed area and a non-agreed area for rehabilitation of these refugees, and you are carrying on the same legacy. Why, Sir? When the Opposition Members of this House were crying loudly for the rehabilitation of these evicted

[Major Mohd. Afsaruddin.]

Indian Muslims, what did you do except standing as an indifferent onlooker? We were pressing for motion after motion of adjournment, which was sometimes disallowed and sometimes allowed only to be talked out.

Sir, very recently our Government has become very conscious and casually and occasionally they shed crocodile tears for the evicted persons, when India has come out with planned programme to evict not only Muslims of Assam and Tripura, but also the greater Muslim population of India. Have you got plans for rehabilitation? What have you got in your hands. You think you can do away with your duties just by protesting and giving some sublime statements in the newspapers, perhaps to divert the attention of the people from some pressing national problems. That cannot be done, Sir. I would request this House, and I would request the National Government, to think over this problem very seriously from now onwards, and to come out with a plan first to bring out unity and stability in this country, which is the crying need of the moment to meet the challenge of India, and I am sure, Sir, our fight for internal problems will no longer stand in our way to stand united, to stand shoulder to shoulder, to meet the challenge of external problems. That we have shown in the past, and we will show in future. There is a tradition amongst the Muslims. When they have got nothing to do, when they have got time to while away, they quarrel amongst themselves, but when the distant drum beats for jihad, they all stand up like a rock and even minor boys go jumping into the battle field and die for the cause. *Inshallah*, that example will be repeated again, if need be. All that you have to do is to give a signal, Sir.

Sir, after having unity and solidarity in this country, our Government must press this problem with the Government of India that if they evict these Indian Muslims any longer, they must give suitable territories to Pakistan for their rehabilitation. We must ask for suitable territories from them for rehabilitation. If they refuse to give it, we must send the refugees back to India in a similar way. We should also push them back to India. They used military vehicles for this in an organised way and the military and police. We should also arrange in a similar way to send these refugees back to India.

I have got another suggestion, Sir. Meanwhile these refugees are undergoing tremendous difficulties. As I have already mentioned that due to your agreed and non-agreed areas pact, these refugees of Tripura and Assam suffer a lot. The Central Government did not come up with suitable relief and rehabilitation measures to absorb them in Pakistan. Though late, I would ask the Central Government to do away with this unwise pact of agreed and non-agreed areas and let us consider the refugee problem as one and rehabilitate all those Muslims who have been evicted by India so far, in a suitable manner, perhaps on the land left by the people who migrated to India long before. Their lands, their properties are being misused in Pakistan, there should be proper organisation to allot all these properties to the refugees.

Mr. Acting Speaker: I hope the Honourable Members are fully aware of the time limit of 15 minutes, as provided under the Rules.

Major Mohd. Afsaruddin: Yes, Sir. Secondly, as you know, the density of population in East Pakistan is the highest in the world. She cannot bear any more pressure of influx of refugees into it. The Govern-

ment of Pakistan should come out to solve this problem. In Pakistan, wherever we find fallow land, land without cultivation, these refugees should be rehabilitated there. It should not be left to the Provincial Government of East Pakistan any more to rehabilitate them.

Before I resume my seat, I once again request the Government of Pakistan to review this problem with right earnestness and wake up and tighten up their belts. This refugee problem is only a pointer to the bigger problems to come and we must rise to the occasion. Thank you very much.

Mr. A. K. Md. Yusuf (East Pakistan) : *Mr. Speaker, Sir, although India is said to be a secular State the Muslims are being driven out from India to Pakistan. This has thoroughly exposed the hollowness of India's claim of being a secular State. Mr. Speaker, Sir, it is a matter of great regret that Nehru Government in India, despite its profession of being the custodian of secularism, is following the footsteps of Hitler. The Muslims are being driven out of India to Pakistan, in a manner, as the thousands of Jews had been inhumanly driven out of Germany by Hitler. Only a few days back there has been a brutal massacre at Jabbaipur. Mr. Speaker, Sir, according to Government estimate about 6,310 families from Assam have entered into East Pakistan up to July last, and about thirty thousand Muslims have been driven out from the Tripura State to East Pakistan.

Most of these Muslims had been living there for generations as Indian citizens. The Indian Police have pushed them across the border into Pakistan, after snatching away all the documents they had in their possession, relating to proof of their Indian citizenship. Even then, Mr. Speaker, Sir, India is going on propagating, inside and outside the country, that these Muslims are not Indian citizens, and that because of their illegal infiltration into India, they have been driven out. But it is astonishing that Government of Pakistan could not properly represent this matter before the world. India, on the one hand, is evicting the Muslims inhumanly and on the other, it goes on propagating, all over the world, that these Muslims are not Indian citizens; and because they had entered into India illegally from Pakistan, they are being pushed out. A few days back a representative of London Times visited Tripura and Assam, and saw for himself, as to what was happening there, and wrote an article in the London Times. It has been said in this article that most of these evictees are Indian citizens.

He also mentioned that continuation of eviction of Muslims from India was likely to create a reaction in Ceylon where about ten lacs of Indian citizens are residing. Although an article of this nature could be published in London by London Times, the Foreign Missions of Pakistan could not make any attempt to propagate and proclaim this matter to the world. What shall we call it, other than failure of the Government of Pakistan? India claims to be a secular State, but there is no security of life and property for the Muslims. A parallel to this kind of eviction of Muslims from India, after snatching away all their belongings, can be found only on Nazi Germany from where the Jews were inhumanly evicted by Hitler. With the help of America and Britain, these Jews, in their turn, expelled the Arabs from the soil of Arabia.

*English translation of corrected speech in Bengali.

[Mr. A. K. Md. Yusuf].

The Nehru Government of India has also adopted the policy of Hitler, and is driving out the Muslims, after depriving them of all their belongings. Mr. Speaker, Sir, to-day I find in the newspapers that, when the paddy crop in their fields had become mature, and ready for harvesting, these Muslims have been driven out, depriving them of their crops, just before the moment of reaping the harvest. Mr. Speaker, Sir, these incidents could, at least, serve as eye-opener to those, who are supporters of secularism. Had India, instead of pretending to be a secular State, turned the country into "Ram Raj", these Muslims would not have been subjected to so much oppression. The reign of Asoka was free from this sort of inhuman oppression; during the reigns of Harshavardhan, and of Rama also no such oppression, or injustice was done to the subjects. Because they knew, that for these things, they would be answerable to Superior Being. Justice can never be expected of those who do not care for religion and do not feel the necessity of being answerable to some Superior Force. India, being a secular State, is evicting the Muslims, only because of the fact that they do not believe that they will be answerable to Allah, the Creator. And that is why, while evicting the Muslims, they do not feel any qualm of conscience. Mr. Speaker, Sir, it is necessary to mention that, on the other side of the picture, is the failure of the Government of Pakistan. Our Government has utterly failed to give a proper publicity abroad to the fact, that India being a secular State, is evicting her Muslim citizens from their homeland. What are our Embassies and Foreign Ministry doing? I think, they have not been able to do anything. They should have made a wide publicity of this matter before the whole world. No action was taken to give publicity to the whole world about the holocaust of Muslims in the Jabbalpur riot, in the so-called secular State of India. It is nothing, but the failure of our Ministry of Foreign Affairs.

Mr. Speaker, Sir, Nehru Government in India thinks that, if a lie is uttered many times, it can be turned into truth. India's eviction of Muslims, and her border troubles with China, have proved that her neutrality is nothing but a camouflage. The Government of Pakistan could not represent this thing to the world properly. Pakistan has not been able to expose the pretention and propaganda of neutrality by India to the whole world, and it is nothing but the inefficiency and failure of the Government of Pakistan. The reason is that most of the Ambassadors appointed by Pakistan abroad are not at all good politicians. Since the demise of Liaquat Ali Khan, the Government has adopted a policy of appointing inefficient people as Ambassadors. The Government have picked up Military officers, and appointed them against these important posts. The environment and circumstances in which these Military Officers have passed their days, can not help them in maintaining any link or contact with the public. I have deep respect and regard for the ability and patriotism of the Armed Forces of Pakistan but still I can say that all of them are not fit for these diplomatic assignments. They may stand erect and may know how to give a salute, but all of them are not at all fit for any diplomatic assignment. Only those people should be appointed to diplomatic posts, who are fit for such assignments; who are aware of the political condition and who can maintain link with the people. But instead you are branding a patriot like Mr. Suhrawardy as a traitor, and you have kept him behind bars; you are branding Moulana Maudoodi as a foreign agent, and creating hatred against Jamaat-i-Islami. This is for what our Home Minister has been inviting press conferences almost every day.

Mr. Acting Speaker : I am afraid, references on Jamaat-i-Islami would not be relevant.

Mr. A. K. Md. Yusuf : *Mr. Speaker, Sir, our Home Minister, instead of utilising the genius of these politicians against the mean hatred and conspiracy of the Government of India, is making efforts to degrade their popularity. I would request him to refrain from pursuing this policy, and to hold press conferences on the affairs relating to the Muslim eviction from Assam and Tripura. It will be of no avail to speak against a political party by holding press conferences. Sir, these evicted Muslims will create a serious pressure on the economy of East Pakistan. If you fail to evolve a solution with regard to these Muslim families, who have been expelled in thousands, the economic structure of East Pakistan will shatter to pieces. I would, therefore, request the Central Government to allocate some land near Mangla Dam in West Pakistan, for the rehabilitation of these Muslims, who have been driven out by India. Otherwise, they will be a great burden on East Pakistan. I would further suggest that the news published in London Times, as pointed out by me, may be published in the form of a booklet and circulated in every place in the world, through our Foreign Missions abroad, and thereby the whole world may be made acquainted of the fact, as to what a reprehensible oppression is being perpetrated by the Indian Government on its Muslim citizens. Moreover, this matter may be put before the United Nations and world opinion. Further, all the authorities of Muslim countries in Asia and Africa, where many non-Muslim Indians are enjoying various facilities of trade and commerce, may be apprised of this matter, so that they may press the Government of India to this effect, that if India does not stop the eviction of Muslim inhabitants of that country, the Indian non-Muslims, residing in their countries, will also be driven out of those countries. I would further request the Government that, in order to examine the activities of our Foreign Embassies, a Committee be formed. With a view to solving the present problems, it is necessary to arrange a round table conference of all the patriotic leaders of the country. Suitable persons should only be sent to foreign countries as Ambassadors. Mr. Speaker, Sir, you will be surprised to hear it that last year, when a deputation requested the Pakistan's Permanent Representative in the United Nations, to expose the activities of Indian Government, by placing the incident of Muslim genocide at Jabbalpur, before the United Nations, he refused to do so, and said, that that kind of incident had also occurred in Pakistan. By way of giving an example, he mentioned the incident of Anti-Qadiani Movement, which took place in the Punjab in 1953. He also pointed out that, since that kind of incident could happen in Pakistan, it would not be proper to present the matter of eviction, and oppression of Indian Muslims, before the U.N.O. Again, this year when our Foreign Minister, Mr. Bhutto, was making protest against the eviction of Indian Muslims severely criticising the activities of India in the United Nations, Shrimati Vijay Lakshmi Pandit, the Leader of the Indian delegation, made a protest to our Permanent Representative, who patted her on the back, and appeased her with these words, "He is a young man of hot blood ; please do not take it seriously".

[Mr. A. K. Md. Yusuf]

آپ خفا مت ہوئیے کیونکہ یہ جواں ہے لوندہ ہے۔ اسلئے یہ بولتا ہے
آپ خفا نہ ہوئیے۔

This is the activity of our Permanent Representative, and this is the intelligence with which they work. I would, therefore, request the Government to make the country free from this sort of people, who are holding such big posts, by virtue of their sycophancy or flattery. Whereas you cannot tolerate the persons, who are really patriotic and geniuses. You are spoiling and wasting their geniuses. So, I would request you to honour these personalities and to utilise their genius in the service of the country. Instead of allowing their genius to rot, it is necessary that it should be put to its proper use. India does not dare risk a direct war with Pakistan, and as such, with a view to crippling the economic structure of Pakistan, particularly that of East Pakistan, India is adopting this kind of heinous policy. I would, therefore, request you to sit along with leaders of all political parties, in a round table conference, and to decide a definite line of action, with regard to the Muslim evictees from Assam and Tripura. Further, I would request the Government not to chase a patriotic political leader of the country and devote its time in finding out a solution as to what can be done for the welfare of the Muslim evictees from Assam and Tripura.

Mr. Acting Speaker : Mr. Mashiur Rahman !

Mr. Mashiur Rahman (East Pakistan) : Mr. Speaker, Sir, the adjournment motion as moved by my friend Mr. Farid Ahmad has got two aspects :

- (i) The Muslims, who have been evicted from Assam and those Muslims who are going to be evicted from Assam ; and
- (ii) after eviction what we are doing with those Muslims and how we can stop further eviction.

In the first instance about those who have come ; our Government have failed totally to take reasonable steps before the eviction took place. I should say that it was a negligence on the part of the Government of Pakistan that they could not resist the eviction of the Muslims. For some time hence, you know, Sir, most probably since 1962, this question of eviction was going on and the Government of Pakistan appointed a Commission named the Jabbar Commission, which submitted its report and made recommendation to the Government, to take certain steps. Unfortunately, our Government wanted to do politics at the cost of the sufferings of these people. They never took any steps. They allowed the situation to grow worse and made politics out of this.

Next, Sir, about stopping further eviction from Assam, I should say, that some time before it came in the Press, that the Indian Government was ready to discuss the question of eviction at Ministerial level. There was no denial from the side of our Government. No Minister was appointed to discuss this. My own sources say that the Indian Government was ready to discuss but our Government never nominated any

man ; nor any discussion took place at the Ministerial level. As a result the whole thing has been deferred and the whole process for solution of this problem was stopped.

Sir, the whole background in which this eviction is taking place is a very simple one. East Pakistan previously formed part of Bengal and was thickly populated. The population was exploding and people were mainly agriculturists. Whenever they got land—some forty or fifty years ago—they went. I do not disagree that these Muslims or even the Hindus, they originally belonged to East Pakistan. But there was a movement in Bengali called... "Bengal Kheda Andolan" (Line Movement) before partition. This was not against the Muslims only. So, these agriculturists of Bengal, cultivated the land and made it fit for human habitation. But after these 50 years, the Indian Government are now trying to put the argument that these people, who went to Assam, are Pakistanis and have come there after partition. The Jabbar Commission's Report clearly gives you this picture. Might be, they were from East Pakistan. But they have been there for fifty years or a hundred years. Now, this is a simple thing, and I am sure, if our Government would have been a bit stiff and adamant and sincere, they could stop Muslims being evicted from India. But our Government have totally ignored it. I should say that when the proposal of discussing this problem came from the Indian side, our Government did not respond to it...

Mr. Abdus Sobur Khan (Leader of the House) : It is a (lie) ; it is a monstrous lie.

Mr. Acting Speaker : I would request the Honourable the Leader of the House to withdraw those words.

Mr. Abdus Sobur Khan : I am sorry, Sir. It is untrue. I withdraw.

Mr. Mashiur Rahman : I said that this came in the Press and there was no contradiction from the Government side. I am bound to come to this conclusion that either the Government have not taken much interest to contradict this, or they have wilfully remained silent. I did not say I have seen the correspondence ; I have seen the news only.

Again, the people who came from India to Dacca, Chittagong, Comilla, and other places, what is going on there : not a single family has been rehabilitated. I can swear on the floor of the House that there is no attempt on the part of the Government to rehabilitate them. Even when these people wanted a circular from the Revenue Board of East Pakistan, that the fallow land should be given to them nothing was done. East Pakistan, directly under the control of the Central Government, has failed to issue that circular. Still the fallow lands are with other people who have already land. But these people who came for no fault, of theirs have no redress. These people have become a victim of Indian repression and these people had no alternative but to come to East Pakistan. This Government has totally ignored their responsibility, and up to now they have not spent anything substantial. Whenever money

[Mr. Mashiur Rahman]

was needed, businessmen came forward but the Government have not done much. No circular has been issued to allow them to settle on the fallow land. I say hundred per cent of them are agriculturists. They are not industrialists. They could not bring capital in the shape of iron ships or roads ; and they are not in a position to influence the Government officers.

If the East Pakistan Government and the Government of Pakistan do not take care of these people, the net result will be that these people will be a liability for the society and the nation.

Sir, my first point is this that the Government of Pakistan, instead of attempting to make politics out of the misfortunes of these people, should immediately try to rehabilitate those people who have come from Assam.

Some months before the last Budget I, in the National Assembly, demanded the accounts of the Refugee Fund from the Finance Minister and Mr. Shoaib wanted to give the accounts. But for the last one year he has not submitted the accounts. I know it is not possible unless and until we take some other steps and force him to submit the accounts.

It should be the first attempt to rehabilitate these people, and the Central Government should appoint an officer for the rehabilitation of these people by giving agricultural land. If agricultural land is not possible, they should be provided some other profession by which they can earn their livelihood.

Sir, Pakistan believes in peaceful settlement of all problems. For the last fifteen years we have done that. We never wanted war and a show-down with any neighbours—and even with our enemy countries. Why the Pakistan Government have not requested the Indian Government to sit round a table and settle this matter? It is not the Indian Government, which is suffering; it is the Government of Pakistan, which is suffering. It is not the Indians who are suffering; it is the Muslims of Pakistan who are suffering. It is the responsibility of Pakistan to initiate the talks. They should have initiated the talks, and in case of failure, they should ask our Missions abroad to discuss with respective Governments what India was doing and expose their injustices towards these innocent poor Muslims of Assam. But they have neither initiated it, nor they have tried to convince the other countries, the smaller countries and the big powers. Even we have not tried to ask help from the United Nations for the rehabilitation of these refugees. So, Sir, judged by the actions, since the last two years, it is proved beyond doubt that our Government wanted to sit tight on their Chairs, and wanted to play politics. They never approached the problem sincerely. Neither they wanted to stop the refugees, incoming refugees, nor they wanted to put pressure on India directly or indirectly, or through international forum. Sir, it is best known to all of us that India since the partition have tried to cripple us, and cripple us in all respects possibly, and by all the means, they have at their disposal. It is nothing new, and their action is not a new action. Just expose them through this particular action of eviction. Our Kashmir dispute, our river water and

other disputes, small and big, have proved beyond doubt to every mind of the citizen of this country, and every free thinking people of the world, that India has unnecessarily tried to cripple the unfortunate neighbours, not only Pakistan, I should say, all her neighbours. But, Sir, why should I go to that extent of adding my voice further to the accepted theory that India is expansionist, that India is unfaithful to her neighbours. I do not think any further appeal to India would be of any avail because that is an accepted theory. The people of India have also accepted that India is expansionist. But I should say, what you people have done? You waited for the adjournment motion; you waited for the discussion, and played politics out of that. What positive action have you taken, will you tell us? You will say, you have issued some circulars, you have issued some letters, some this and some that. But nothing sincerely and seriously has been done towards this problem. As my friend was saying that, of course, they were otherwise busy for nothing. So, my categorical suggestion is this that Pakistan Government should be earnest to see that these unfortunate people do not suffer any more, and those who have come should be given full facilities of rehabilitation, and the Central Government should immediately come up with proper help, and they should establish an office here for the rehabilitation of the Assam refugees. This is No. 1. Then secondly, to stop the influx of refugees further—incoming refugees—the Pakistan Government should initiate discussion immediately with India and in case of failure they should refer it to the United Nations, through the help of our allied friends and big powers and convince them that India is responsible for these evictions and is trying to play politics with the poor Muslims of Assam. That is all. Thank you.

Mr. Siddiq Dawood (West Pakistan) : Mr. Speaker, Sir,...

Syed Husain Mansur (East Pakistan) : Point of order, Sir. There are four adjournment motions of the same nature tabled, and the Speaker observed that all these four motions will be taken together. I happen to be one of the movers of one of these adjournment motions. I hope, you will remember it.

Mr. Acting Speaker : In so far as the point of order is concerned, it is overruled for obvious reasons.

Mr. Siddiq Dawood : Mr. Speaker, Sir, since independence India has adopted a hostile policy towards Pakistan and is trying to do its worst, in one way or the other, to cripple Pakistan. Immediately after independence, India marched into Junagadh, then into Hyderabad and then after having consolidated their hold on Kashmir, now they have come into the eastern side. In evicting possibly the Muslims of Assam and Tripura, India is achieving two objectives; one is to drive away the Muslims and hand over the lands which are vacated by the Muslims to the Hindus in those regions, and the second is to cripple Pakistan economically. Sir, many of us know about the Hindu mentality. The Hindu mentality is such that they always respect the power and the strength, and exploit the weak, and since today they think that we are a weak nation, weaker economically and industrially, they try to force us into the ways of their choice. Sir, we have been thinking and talking about India getting more arms

from the United States and other countries, and India building up her own industries, both in public and private sector, whereas, as far as I can see, Pakistan has got nothing in this respect. We have no such industry either in the public sector or in the private sector, which can meet the requirements in an emergency. I am sure, only when we have become strong economically and financially, we can make India see the reason and stop forcible eviction of Muslims, and at the same time to have good relations with Pakistan. We cannot depend on outside help all the time. We have got to learn to stand on our own feet and strength, and thereby we can be a respected nation, and until and unless we achieve respect in the international field, I do not think, we will achieve anything by referring this question to the United Nations which will make international politics, rather than solve the problem.

Begum Khudeja G. A. Khan (West Pakistan) : *Sir, the eviction of Muslims from the States of Assam and Tripura is going on unabated. Both these States of India have thrown to the winds all human, moral, and spiritual values and are mercilessly pursuing the policy of evicting Muslims under orders from New Delhi.

Sir, the number of refugees from Tripura and Assam, who have been registered in the various districts of East Pakistan, exceeds fifty thousand. In addition, there are thousands of those, who, in order to escape cruelty, oppression and dishonour, have entered East Pakistan by unauthorised routes and have gone unregistered as refugees. In this way, the correct figure of refugees exceeds one lac. But, what is even more disturbing is the fact that the Government of Bharat is planning to drive out another three lac Muslims or more from Assam. This decision was announced by the Home Minister of India, Mr. Gulzari Lal Nanda, in a speech at Patna. The reason that he gave, was that some people had entered India from the border areas of Pakistan, and that it was necessary to send them back. This is a completely false allegation and a baseless charge. How is it possible for such a huge number of people from Pakistan to enter India in this surreptitious manner, especially when the Bharati troops stationed along the border are too alert and vigilant, to let even a sparrow flit across the border? However, this attitude of the Indian authorities is simply callous. It is wrong to allege that the evictees are not the citizens of India. Most of them are the head of their tribes and the papers relating to taxes, etc., that they possess, show that they are quite old citizens of India.

Sir, the callousness of the Indian Government knows no bounds. When it came to know of the mass eviction of the Muslims, it ordered that the evictees should not be allowed to take away anything with them. But the Bharati Government cannot deny a historical fact. The fact is that the grandfathers, and great grandfathers, of these Muslim evictees, had come as pioneers and settled in these States, at a time, when the Maharaja of Tripura wanted to develop his State, that was then no more than a vast jungle. The State owes its development to these early Muslim pioneers, and it was long afterwards, that the Hindus came down to settle in that state. Can there be any one with a greater claim as the inhabitant of the State? The forefathers of the Muslim refugees were the real builders of the State, and yet they are called foreign intruders.

* English translation of speech in Urdu.

Sir, the real object of the Government of Bharat in evicting these Muslims, is quite different. They are not the followers of Hinduism, and the Government wants to clear the areas, along the border of Pakistan, of all Muslims. But the proper way of doing this was not the one it has adopted. It should not have pushed out its Muslim citizens from the country. They should have been resettled somewhere in the interior of the country.

Sir, another factor, that is even more sinister in its consequences, is that the Bharati Government wants to create difficulties for the Government of Pakistan. East Pakistan is already over-populated, and the pouring in of lacs of refugees, would only aggravate the situation in this Wing.

Sir, although the people and the Government of East Pakistan, and the Central Government, have so far welcomed the incoming refugees with open arms, and provided them all possible facilities here, yet if this immigration goes on indefinitely, it will give rise to serious economic problems and other complications, that will not be easy to solve for the Government.

Sir, even now the Bharati Government is adamantly pursuing its old policy, in complete disregard of the repeated protests from Pakistan. When our representatives visited Calcutta last March, it was agreed to hold a conference at Ministerial level. But Mr. Gulzari Lal Nanda has subsequently come out with the statement, that the Government of West Bengal is firm in its determination to continue its harsh policy, and that it has drawn up a plan of pushing out another three lacs of Muslims from India. The situation has been further aggravated by the decisions of such fanatical parties, as the Hindu Maha Sabha. It is understood that they have secretly decided in one of their meetings to bring about an eviction of all Muslims from Cooch Behar. All these developments show that the Indian Government would not rest till it has achieved its target of turning out its Muslim citizens from the country according to a settled policy. To tell the truth, this flagrant attitude or impudence, on the part of the Bharati Government, springs from its growing military might, which our Allies—American and Britain—have helped to build-up. Bharat has, after all, to use its armed forces in some way or other. It is a simple truth that, when the strength of the arms of a country exceeds a certain critical limit, it becomes necessary to provide some channel, or other for its employment. So I think it is useless to negotiate with Bharat any more on this subject. I would request our Government to take the matter to the U.N.O. Although Bharat has not honoured the commitments, it had made to the United Nations in respect of the Kashmir dispute, yet other members of this world organization, who have pledged themselves to uphold the basic rights guaranteed in its Charter, would certainly take the matter seriously, and force India to revise its policy. I further request our Government to send goodwill missions to our neighbouring countries, and especially to Britain and America, to awaken the public opinion there, to the cruel and callous policy that India has adopted in the matter of evicting Indian Muslims from their hearths and homes.

Mr. Acting Speaker : Mr. A. T. M. Mustafa !

Mr. A. T. M. Mustafa (Minister for Education and Information) : Mr. Speaker, Sir : India is evicting its own citizens—the Muslim citizens—in violation of all the principles of law, of morality, and of justice, in violation of the principles of International Law, the Charter of Human Rights, the Charter of the United Nations, its own Constitution and its own Citizenship Acts. Sir, it appears that the whole policy of eviction is pre-planned, pre-meditated, cold-blooded and brutal. In clearing the borders, of the Muslim population, the purpose—the object—is very clear and very obvious. The method that they are using for this purpose, for achieving this goal, is treachery supported by brutality.

Sir, I have been listening with the utmost respect to my friends from that side. I will respectfully and most humbly submit, especially for the consideration of some of my friends, who have already spoken, that to-day—when such dark clouds blanket the international scene for us—a searching reappraisal of our code of conduct is a demand upon every Pakistani. Sir, I had a feeling once when I was hearing one of the Honourable Members, that probably it is Pakistan, and not India, which is responsible for the eviction of those Muslims. Sir, . . .

Syed Husain Mansur (East Pakistan) : Point of order, Sir. When a Minister speaks, . . .

Mr. Acting Speaker : There is no point of order.

Syed Husain Mansur : I am just stating it to you, Sir. When a Minister speaks, since he is not a Member of the House, I think that his speech is in the nature of a policy statement of the Government.

Mr. Acting Speaker : The point of order is overruled.

Mr. A. T. M. Mustafa : Sir, if I may respectfully submit again, our progress from dependence to independence, our journey from slavery to freedom, will lose much of its meaning, much of its content, if we as Pakistanis, cannot evolve certain common objectives, common root notions, common references, with only Pakistan as the basis.

Sir, a reference was made that it is Pakistan which was avoiding the Ministerial Conference. I assure you, Sir, and through you the whole House, that Pakistan had been trying its level best, its utmost—it has exhausted almost all its resources in its efforts—to bring India to these conferences. In fact, several conferences were held, because the problem, which is being created, is a problem for Pakistan.

Sir, a reference has been made about the Jabbar Commission. An Honourable Member of this House, a very distinguished Member of this House—Mr. Mahbubul Huq—was a Member of that Commission. Sir, I shall beg your leave and permission to place some portions of that Report. One of the Members was pleased to observe, that is the impression I got, that some of these Muslims had left this part of the country and settled there not very long ago. Sir, I shall give the findings of this Commission, which was headed by a retired Judge of the Dacca High Court, and of which Mr. Mahbubul Huq was an honourable

member. Their findings are as follows, Sir. The Report refers to discussion about the law. It reads :

"We have analysed above the law as to the citizenship of India as embodied in the Constitution of India and the Indian Citizenship Act, 1955. In the light of the provisions of law referred to above we have very carefully examined the case of each of the Heads of the deportee families whose statements on oath have been recorded by the Commission and we have found that 95.8 per cent of them are Indian nationals, within the meaning of Articles 5 and 6 of the Indian Constitution read with the provisions of Indian Citizenship Act, 1955..."

Sir, the Report continues, and I shall place a few more lines—

"It has transpired in evidence which we have no reason to disbelieve in view of the facts and circumstances disclosed before us that the parents, grandparents and great grand-parents of the refugees who have been found to be Indian nationals by birth, settled in Tripura State and Assam died there and interred there..."

Sir, the report further goes on to say :

"That these refugees are Indian nationals by birth and domicile within the meaning of Articles 5 and 6 of the Indian Constitution read with the provisions of Indian Citizenship Act, 1955 is clearly borne out by documentary evidence and other materials on record such as registered and unregistered *kabulas*, dated long before independence, adda tax and rent receipts, recorded of rights, Indian passport, nationality certificate, judgements of courts, permits granted to Indian Muslims to harvest the crops of lands of Pakistani *ziratia* tenants, numbers in the electoral rolls as stated by some of the refugees, leaflets are supplied by the contesting candidates for election in the general election held in India, showing the name of the candidate, his symbol, name of the voter and his number in the voters' list, polling centre, etc."

Sir, in this connection I beg your leave to place on record the findings of the Commission—a very responsible Commission in which as far as I recollect the authorities of Assam and Tripura were invited to associate themselves and where a very prominent Hindu lawyer has also rendered his services. I place some of the relevant portions :

"The circumstances under which the large-scale eviction of Muslims have taken place are almost identical in all the cases of eviction. The evicted persons were subjected to inhuman atrocities which beggar description. They were treated like cattle and pushed into Pakistan in utter disregard to elementary canons of civilised behaviour. Thousands of Indian Muslims fell victims to the brute policy of extirpation carried out by the Indian troops, armed police, local Hindus—specially Hindus of the Congress party, Hindu Refugees from East Pakistan who had migrated there shortly after partition and local hill tribes, *i.e.*, Tipras, headed by state officials. These people (Armed police, local Hindus of the Congress party, Hindu refugees and hill tribes) rounded up the Muslim localities at dead of night or early dawn and ordered the Muslims to quit their homes. After the Muslims were dragged out of their houses, in some cases the localities were burnt and in some cases their houses were demolished and in most of the cases their movables contained in the huts were looted and in some cases women were kept back for obvious reasons. They were made to walk miles after miles up to the border and then forcibly pushed to Pakistan at Bayonets' end with the threat of dire consequences if they would ever dare return to Indian soil. These people were not allowed sufficient time before leaving their ancestral homes to enable them to pick up at least their clothes. In many cases they were huddled in trucks and buses and brought to the border to be unlawfully pushed into Pakistan. Many families had to leave behind some members since they were not allowed any time to collect together. Members of the same family were loaded in different trucks (males and females of the same families were separated) rendering it, at times, impossible for them to reunite. The whereabouts of some of the members of refugee families who were left behind or lost in transit could not yet be traced. It is in evidence

[Mr. A. T. M. Mustafa]

that these helpless Muslims received no protection whatsoever even from the Magistracy. In many cases high officials of the State accompanied by armed forces and Hindu refugees came to the villages and destroyed the vacant houses of these Muslims in order to eliminate any possibilities of their repatriation. Even elephants were...."

Mr. Mashiur Rahman : Point of order, Sir,

Mr. Acting Speaker : Yes.

Mr. Mashiur Rahman : The basis on which the Minister, the less informed Minister for Information, is building up his argument is absolutely wrong. I had only said that the Muslims went to Assam long before the partition and even 50 years, sometime 100 years before and they had lived in Assam and they cut the Assam jungles.

Mr. Acting Speaker : The Point of order is over ruled.

Mr. Mashiur Rahman : No, Sir, this is what he is doing.

Mr. Acting Speaker : Order please, order.

Mr. Mashiur Rahman : On a point of personal explanation, Sir.

Mr. Acting Speaker : Order please, order. You have made your point.

Mr. Mashiur Rahman : I say he has misquoted my statement. I had said that Muslims had gone there much earlier.

Mr. Acting Speaker : You have said that.

Mr. Mashiur Rahman : But he says :

"Some members from that side have said that they have gone there recently."

It is not correct. He cannot misquote us, Sir.

Mr. A. T. M. Mustafa : I am extremely sorry if my honourable friend has found an occasion to misunderstand me or I will be sorry for myself if I have said something wrong. But I assure my honourable friend that his statement that the Government is playing politics with this matter . . .

Some Members : Yes, yes.

Mr. A. T. M. Mustafa : . . . is not only not correct, it is most unfortunate. If my friends on the other side have made a monopoly of being Muslims they are mistaken. There are Muslims sitting on this side of the House also.

Mr. Farid Ahmad : Are you in any manner of doubt that you are not a Muslim. Who has said that they are not Muslims? They themselves suspect their own *bona fides* in being Muslim.

Mr. Acting Speaker : Order please, order.

Mr. A. T. M. Mustafa : Sir, those who arrogate to themselves all the piety, there may be occasion for doubting it sometime.

Mr. Farid Ahmad : That is the complex with which you yourself are suffering.

(Interruptions)

Mr. A. T. M. Mustafa : Sir, I assure my friends that the Government of Pakistan so far has done every thing that was humanly possible within the limitations of the realities of life.

(Interruptions by Mr. Mizanur Rahman Choudhury)

Mr. Acting Speaker : Order, Mr. Mizanur Rahman.

Mr. Mizanur Rahman Choudhury (East Pakistan) : Mr. Khurshed will enlighten you that you have done nothing.

Mr. A. T. M. Mustafa : As far as I know, I think the Central Government have already spent to the tune of 30 to 40 lacs of rupees for the resettlement of these evictees.

Mr. Mashiur Rahman : How many are the evictees and how much you have spent ? What will be the *per capita* expenditure ?

(Interruptions)

Mr. Acting Speaker : Order please, order.

Mr. A. T. M. Mustafa : What I was saying was that the Government is trying to do its best within the existing realities of life and the financial resources of this country.

(Interruptions)

Mr. Mizanur Rahman Choudhury : This is within the realities of life that you have got promotion.

Mr. Acting Speaker : I would request the Honourable Members not to interrupt.

Mr. A. T. M. Mustafa : It seems, Sir, they have not got much sympathy for the sufferings of the evicted Muslims and they are doing it for other reasons. Sir, I want to place a few other points from this report.

Mr. Farid Ahmad : Time is up.

Mr. Acting Speaker : Order please, order.

Mr. Abdus Sobur Khan (Leader of the House) : Why are you disturbing ?

Mr. Farid Ahmad : Can he exceed the time limit ?

Mr. Acting Speaker : Order please, order.

Mr. Md. Serajul Islam Miah (East Pakistan) : He has nothing to say.

Mr. Acting Speaker : Kindly finish it in two minutes.

(Interruption)

Mr. A. T. M. Mustafa : I was trying to give the Honourable Members some factual data as found by this Commission. I honestly feel that my friends are not so much interested in the cause of the evictees.

Mr. Mashkur Rahman : On a point of order, Sir. This is a direct reflection. This Minister does not know that this is a public document and we have got the copy. He is unnecessarily trying to waste the time of the House.

Mr. Acting Speaker : The point of order is overruled.

Mr. A. T. M. Mustafa : Sir, I will wind up. I will mention that the secularism which is a special variety, specially of Indian variety, Sir, to me, appears to be a philosophy of treachery of dual morality, of dual standards, and so far as their feeling is concerned, Sir, it appears to me to be hollow. This container is absolutely empty. Thank you very much.

Mr. Acting Speaker : Syed Hussain Mansur.

Syed Hussain Mansur (East Pakistan) : Sir, according to Government report

Mr. Mahbubul Huq : I would like to say a few words on a point of personal explanation after he finishes because it refers to me.

Syed Hussain Mansur : According to Government report more than 35,000 Indian Muslims

Mr. Acting Speaker : I would like to draw attention of the Members to the fact that this is a very improper practice to give a sort of notice to the Chair that after this gentleman has finished I will like to rise on a point of personal explanation. I am not going to allow such an improper and unparliamentary practice.

Syed Hussain Mansur : Sir, I tabled my adjournment motion similar to the one which was moved by my friend, Mr. Farid Ahmad. My adjournment motion was based on 2 aspects of our present problem, the eviction of Indian Muslims which, according to Government's latest report, is more than 35,000.

The second aspect was as to what Government has done so far, for their rehabilitation. I should take up first aspect No. 1.

Sir, the policy of eviction of Indian Muslims is not a sudden affair. It is a continuous process, a deliberate policy of the Indian Government since partition became effective. If we go back to the days of partition, if we look at the pages of one of the most authentic books, written by the then President of India, Mr. Rajendra Parshad, captioned 'At the feet of Mahatma Gandhi', we find therein that even Mahatma Gandhi

could not reconcile himself to the idea of partition, when it was finally decided upon. Since then we find like Danzig the Indian might taking one by one, Hyderabad, Junagadh, Manavadar and Kashmir and for the last 2 years we find that Indian aggression has not stopped there. It has spread to the eastern front, that is, our own border on the eastern front. I should say this was due to the bankruptcy of our foreign policy, because during the last one year after this continuous hectic process of parleys—altogether 6 in number—this problem was never tackled in any of the parleys. It was not moved in the Security Council, nor was it brought to the attention of the General Assembly of U.N.O. So, we find that the policy of our Government is a deliberate failure even to take up this most vital and most important issue, which is affecting at least 5 crores of Muslims in this sector, in this wing. This influx of Indian Muslims in this region has created an unprecedented problem to the over-populated position of this wing.

I say, Sir, that you are not sincere, you are in power and so long as you are here you should be patriots. I should not say like our Information Minister that I arrogate to myself all piety or all patriotism. Let patriotism be his, let piety be his, but at the same time, I should say that since he is a refugee himself, we know the problems which face us best, rather better than him.

Our foreign policy kept us friendless in the Asiatic region. We entered into the SEATO Pact. We find that when we signed the SEATO Treaty, we found Australia opposed it. Here I quote what Mr. Casey the Foreign Minister of Australia said on the floor of the House. 'We made it clear to the Pakistani delegates that Pakistan would not be permitted to invoke the mandate treaty in the event of armed conflict with India over Kashmir'. Those who were at the helm of affairs in our foreign policy, were careless when they signed it. Still they signed, and for the last 10 years they bungled with the foreign policy which landed us into this trouble. The attitude of India cannot be counteracted unless we are sufficiently armed ourselves. But what have you done to take proper steps? You have allowed floodgates of Indian army almost to our very gate. You have kept our frontier without arms, without ammunition, while India has deployed 10 division of soldiers on the eastern front alongside this border. You have not armed these East Pakistan people. You have kept them at the mercy of the Indian aggressors.

Sir, now I will come to the second aspect and that is over-population problem as a result of the influx of the refugees. From 1958 up to this time we have heard tall talks about development projects here and there. Yes, development there has been on the industrial side, not in East Pakistan, but there in West Pakistan. Nobody can deny it. I am stating from facts and figures, Sir. You all know that. For East Pakistan, which is a land of rivers, a land of agriculture, what have you done? You have not done anything. So, the productivity of the soil, the total productivity of the land has been what it was. How can this land—this over-populated land—accept this strain of influx of Indian Muslims?

[Syed Hussain Mansur.]

Why don't you shift the Indian Muslims who are evicted to West Pakistan and settle them there but did we do that with sincerity in the past? We have seen your behaviour to those Indian Muslims, who went to Ghulam Mohammad Barrage and the Guddu Barrage. If you really think that this eviction of Indian Muslims is in fact a problem, please take it up with right earnestness to the U.N. Council and also try to befriend all Asiatic countries, including Ceylon, though it is a small country. Inside yourself, inside the country you branded Mr. Suhrawardy as a traitor, you sent him to jail, he died out of it, you talk of Maulana Moudoodi as a traitor, a foreign agent, you talk of this man and that man, who are real patriots and fighters, who have tradition of fighting for 40 or 50 years with credit. You brand them as untrue to the soil but really they are true to the soil.

Mr. Acting Speaker : The Law Minister.

Mr. Khursheed Ahmad : Mr. Speaker, Sir, the adjournment motion seeks to discuss a problem . . .

Mr. Md. Serajul Islam Miah : We may be given a chance to speak.

Mr. Acting Speaker : May I know whether the Honourable Member is suggesting that the House will sit after 1 o'clock?

(Voices : No, Sir.)

Mr. Md. Serajul Islam Miah : At least 10 minutes' time may be given.

Mr. Mizanur Rahman Choudhury : I want to draw your attention to one thing. You remember that during your visit to Chandpur, I just whispered into your ear something about the refugee problem there, and actually I represent a constituency, where the bulk of the refugees are now living. Will you please allow me some 3 or 5 minutes just to speak about those refugees, before you allow the Honourable Law Minister?

Mr. Acting Speaker : I am afraid, I cannot entertain such requests against the Rules of Procedure. Law Minister.

Syed Mohammad Habibul Huq : I should have been given a few minutes at least because I have experience about it.

Mr. Acting Speaker : Order please, order.

Mr. Khursheed Ahmad (Minister for Law) : The adjournment motion seeks to discuss a problem which is a great human problem. I think there are very few such instances in the civilised world. There are a large number of people who claim to be citizens of a country and who are not charged with disloyalty, yet they are hounded out of the country. The Muslims are being thrown out of India, they are not coming voluntarily, the Government which is responsible for protecting their honour and lives, is a party to their physical eviction from the country. This is unparalleled and a country which claims that it can give the best to the world, which claims to be secular, and which claims to give the fundamental rights to others . . .

(Interruptions).

Mr. Khursheed Ahmad : I am talking about India where this thing is happening and I am talking about the victims of the policy of the Indian Government. Why those people are being turned out? If they were charged of disloyalty, if they were charged of subversion or for anything which is not expected of loyal citizens of a country, the Government could say that we want to get rid of the people but no Indian leader and no responsible man in India has been able to prove any charge against those people except that they are Muslims and they are unwanted and on the Indian Statute Book a special law was made in order to deal with these gentlemen, and I think such a law brings credit to no country. The relevant provision which has been pressed into service reads like this—I am reading the Immigrants (Expulsion from Assam) Act, 1950, it is on the Indian Statute Book. Section (2) provides :

“2. If the Central Government is of the opinion that any person or class of persons, having been ordinarily resident in any place outside India, has or have, whether before or after the commencement of this 1950 Act, come into Assam and that the stay of such persons or class of persons in Assam is detrimental to the interest of the general public”.

There is no objective standard to decide what is meant by the following words :—

‘that it would be detrimental to the interests of the general public of India or of any section thereof or of the Scheduled Tribes in Assam, the Central Government may by order (a) direct such persons or class of persons to remove themselves from India or Assam within such time and by such route as may be specified in the order ;’

There is no country in the world which has enacted such a law that in the opinion of the Central Government their stay there is detrimental and there is no objective standard to determine that, and this is being pressed into service to hound out those persons.

(Interruptions from the Opposition Benches)

Mr. Khursheed Ahmad : I thought you were interested, the motion came from that side.

Mr. Miazanur Rahman Choudhury : How you would solve the problem? Please be specific.

Mr. Acting Speaker : Will the Honourable Member kindly cease interruption?

Mr. Khursheed Ahmad : Now, Sir, this is the law which was made and which is pressed into service for carrying out a genocide of Muslims from certain areas where they are not wanted. The only reason is that they are not wanted and they are not people who are not fixed in the Indian economy. They are the people who went to those areas, who brought land under agriculture, who are settled, who are contributing to the Indian economy. They have their own property there and in order to get rid of them, in order to throw them out, they made this law and this law is in violation of the spirit of the agreement which we have with them, that is, the Liaquat-Nehru Pact.

[Mr. Khursheed Ahmad]

The first paragraph of the Pact opens like this :

“The Governments of India and Pakistan solemnly agree that each shall ensure to the minorities throughout its territory, complete equality of citizenship, irrespective of religion, a full sense of security in respect of life, culture, property and personal honour, freedom of movement within each country and freedom of occupation, speech and worship, subject to law and morality. Members of the minorities shall have equal opportunity with members of the majority community to participate in the public life of their country, to hold political or other office, and to serve in their country's civil and armed forces. Both Governments declare these rights to be fundamental and undertake to enforce them effectively.”

This is a solemn agreement. We entered into this agreement on 8th April, 1950, which is popularly known as Liaquat-Nehru Pact. What is being done to this? Unfortunately, this solemn Agreement is being violated and we complain that our neighbouring country is not honouring its commitment. And, not only this, what is being done is done for the purpose of clearing those areas either for strategic reasons, or for other reasons and these reasons have become much more important during the year 1962.

(Interruptions)

Mr. Acting Speaker : Order please, order. The Honourable Minister should kindly address the Chair. No interruptions please.

Mr. Khursheed Ahmad : Now, Sir . . .

(Interruptions)

Mr. Acting Speaker : Order please, order.

A Member : Take out Kashmir from the U.N.O. Nothing happens there.

(Interruptions)

Mr. Acting Speaker : Order please, order.

Mr. Khursheed Ahmad : Now, Sir, the position is . . .

(Interruptions)

Mr. Acting Speaker : I would request the Honourable Members to give the Minister an uninterrupted hearing.

(Several Members rose up)

Mr. Acting Speaker : Order please, order. Will you kindly resume your seats (addressing Members) ? No interruptions please.

Mr. Khursheed Ahmad : Not only this, Sir, Pakistan entered into another Agreement with India in 1953. That Agreement was entered into on the subject of the Passport, and persons, who enter either country without valid documents. It is mentioned in paragraph 17 sub-clauses (ii) and (iii) :

“(ii) When a person who enters either country with a valid passport, but without a valid visa, is convicted for illegal entry and sentenced to a term of imprisonment during which the period of his passport expires, the diplomatic mission of the country of origin, on production of a certified copy of the judgement and of the release order, will grant him an extension of the validity of his passport for a sufficient period, and the country visited will grant him an endorsement thereon, to enable the holder to return him after the release.”

“(iii) When a person...

Mr. Mizanur Rahman Choudhury : On a point of order, Sir. In view of the fact that there is not even the least doubt that the Government of India is responsible for the eviction of Muslims from India, will the Minister, in the course of his speech, enlighten us as to by what steps the Government contemplates to solve the problem so created.

Mr. Acting Speaker : The point of order is overruled.

Mr. Khursheed Ahmad : Now, Sir, the Pakistan case is that the persons, who are being thrown out of India, and enter into Pakistan without valid travel documents, or the infiltrators, if the case be like that by this Agreement of 1953, which provides that if a person has gone into the other country without valid document, the above procedure would apply, and the last paragraph is . . .

Mr. Acting Speaker : I am sorry to interrupt the Honourable Law Minister. Assuming that India has thought it fit to turn its back and completely set aside all agreements and all cannons of justice, the House seems to be anxious to know what the Government of Pakistan is doing or proposes to do.

Mr. Khursheed Ahmad : Sir, I am more anxious . . .

(Interruptions)

Mr. Acting Speaker : Order please, order.

Mr. Khursheed Ahmad : Sir, we are more anxious than . . .

(Interruptions)

Mr. Acting Speaker : Order please, order. No interruptions. Will you kindly address the Chair (addressing Mr. Khursheed Ahmad). I would request the Honourable Members on this (Opposition) side to kindly address the Chair.

Mr. Akhtaruddin Ahmad : Sir, he is provoking.

Mr. Khursheed Ahmad : The position is this . . .

(Mr. Mahbubul Huq stood up to speak.)

Mr. Acting Speaker : Will you (Mr. Mahbubul Huq) kindly resume your seat? I have not given you the floor. Mr. Mahbubul Huq, I am afraid, I have not given you the floor. Will you kindly resume your seat?

(At this stage Mr. Mahbubul Huq resumed his seat but again stood up)

Mr. Mahbubul Huq (East Pakistan) : On a point of order. I have never interrupted the Honourable Minister for a single second, nor shall I. What I am requesting is . . .

Mr. Acting Speaker : You kindly state your point of order ?

Mr. Mahbubul Huq : My point of order is, if you kindly use your good offices to see that †[* * *] and we shall respond; otherwise . . .

Mr. Acting Speaker : Order please, order. I would request the Honourable Member to withdraw the words †[* * *].

Mr. Mahbubul Huq : I withdraw, Sir.

Mr. Acting Speaker : The expression †[* * *] shall not form part of the proceedings and should be expunged from the proceedings. (Interruptions) Order please, order.

Mr. Khursheed Ahmad : Mr. Speaker, Sir, I was saying that the first problem is that India is throwing out Muslims in violation of all Agreements and in violation of all commitments, which a civilized country has to its citizens, and that people who are being thrown out, a large majority of them are citizens of India, and I want to emphasise that this is unparalleled and there will be no country which would be throwing out its citizens. The second question is what this Government is doing.

(Interruptions)

Mr. Acting Speaker : Please do not mind interruptions.

Mr. Khursheed Ahmad : The point is that we raised this question at a Ministerial level when there was a Ministerial Conference held at Calcutta—the fourth round of Kashmir talks. India said, we are prepared to talk on this and their intention was we throw the Kashmir problem in the background and we discuss this, and they nominated Honourable Sardar Swaran Singh for this purpose and the Minister representing Pakistan said that we have come here mainly for Kashmir talks, but we would like to talk on this problem as well, and we must finish our talks on Kashmir. Thereafter this country has been making several attempts to persuade the Indian Government for a Ministerial talk. But India is saying that, instead of holding a Ministerial talk, we should discuss it on a lower level and we have been . . .

(Interruptions)

Mr. Acting Speaker : Order please, order.

Mr. Khursheed Ahmad : By all methods India is trying not to talk on this issue. We have repeatedly asked them to stop the eviction which is going on and we have demanded from the Indian Government that they should stop the eviction and then we shall talk about it. Pakistan is pressing hard for bilateral negotiations with India. If those negotiations do not result in helping the solution, we shall be exhausting our means to raise this issue wherever we can. And not only that. We will devise ways and means to rehabilitate those unfortunate human beings who have come in our country and . . .

Mr. Akhtaruddin Ahmad (East Pakistan) : Where ?

†Expunged as ordered by the Speaker.

Mr. Acting Speaker : Order please, order.

Mr. Khursheed Ahmad : Those who have come they are being looked after and the President has sent a Minister . . .

(Interruptions)

Mr. Acting Speaker : Let him proceed.

Mr. A. H. M. Kamruzzaman (East Pakistan) : On a point of order, Sir. It is a very good point of order. Sir, this is a subject-matter, which concerns the Home and Interior. The Law Minister is speaking on something else and he is not acquainted with this problem. He cannot give us a solution.

Mr. Acting Speaker : The point of order is overruled.

Mr. Khursheed Ahmad : Sir, during the United Nations debate this matter was broached. There were exchanges between the Pakistan's Foreign Minister and the Indian Representative at the United Nations. Our Minister proposed, let there be an International Commission and this suggestion was not accepted. Now I pose a question : If these people continue to do what they are doing and if India does not listen what is it that we can do ?

Mr. Akhtaruddin Ahmed : What do you want ?

Mr. Khursheed Ahmad : I am posing a question ; please do not cross-examine !

Mr. Acting Speaker : Order please.

A Member : It is now 1 o'clock !

Mr. Acting Speaker : I know. Will you resume your seat !

Mr. Khursheed Ahmad : We shall have to find ways and means to rehabilitate these persons and we might have to make a law in this regard. And this is under the active consideration of this Government to make a law for giving relief to these persons and to find property for giving to these persons. But we have not made any decision because we are still hopeful that by negotiations, India might come to terms and sense might dawn . . .

Mr. Abdul Bari : False hope !

Mr. Khursheed Ahmad : We have not given up the hope yet.

Mr. Abdul Bari : Sixteen years of false hope.

Mr. Khursheed Ahmad : We have to find ways and means for providing for these persons who have to be rehabilitated.

Last thing : India might not have done this but for the massive arms aid. This has encouraged India to take these steps which are very unjust. With arms in their hands, India is feeling that it can do

[Mr. Khursheed Ahmad.]

that with impunity. We are not still ruling out the possibility of a bilateral conference in the United Nations and we are also considering a law for rehabilitating these persons.

This is, Sir, what we intend to do. We shall take this House into confidence.

Mr. Mashiur Rahman : Mr. Speaker . . .

Mr. Acting Speaker : The debate is automatically terminated. The House stands adjourned to re-assemble at six p.m.

The Assembly adjourned till 6 p.m. in the evening.

The Assembly re-assembled at 6 p.m., Mr. Acting Speaker (Ch. Muhammad Afzal Cheema) in the Chair.

THE JUTE ORDINANCE, 1963—*continued.*

Mr. Acting Speaker : Yes, I have given the floor to Mr. Mohd. Abdul Haque.

Mr. Muhammad Abdul Haque (East Pakistan) : *Mr. Speaker, Sir, the Honourable Minister for Commerce has presented the Jute Amendment Ordinance for approval of the House ; but I am constrained to say that I cannot support the motion brought before the House. Like a quack, he did not try to diagnose the disease. When blood itself becomes impure, no ointment can be an effective remedy. Mr. Speaker, Sir, after I have gone through this Ordinance, it seems to me, that at a time when the entire jute policy of the Government is wrong, an effort to make some alteration here and addition there to the main Ordinance, is nothing but making efforts like a quack. Mr. Speaker, Sir, jute is the main national source of earning for Pakistan. This jute earns 75% of our total foreign exchange, and our export trade and economic structure are wholly dependent upon this jute industry. But what is it that we see to-day ? We see that the cultivators who produce jute by the sweat of their brow, cannot derive any benefit out of the jute they produce. It has been said in this House, that for the production of one maund of Jute, a cultivator has to spend Rs. 25. But by selling a maund of jute, he does not get even the cost of production. Language fails to describe, what is going on concerning the export of jute. This export trade is in the grip of a few families. Even 16 years after the achievement of freedom, we see that the same small group of jute traders, who used to control this jute from Dundee and London, during the British period, is still controlling our jute industry from the same places. We see that there are 19 business concerns, dealing with jute at present, and out of these 11 concerns still belong to foreigners. These business organisations are maintaining a close link with the organisations at Dundee, and it is time for all of us to know, as to how by their tactics, we are made to lose lacs of rupees. Next, Sir, there is another point which deserves our consideration. The present Government is not making any effort to properly utilise this jute, known as golden fibre, in our industries.

*English translation of corrected speech in Bengali.

It is a matter of great regret, that even to-day after 16 years, we can hardly utilise 20 per cent of our total jute produce in our industries, and the remaining 80 per cent we cannot utilise in our industries. By this jute produce, superior quality of cloths, carpets and blankets can be manufactured. But we are not paying due attention to that aspect. It is astonishing to think that annually we burn 8 crores and ten lac maunds of jute stick as fuel. Whereas had we used these jute sticks in the various industries properly, we could have earned lacs of rupees by these jute sticks that we use only as fuel. Two kinds of pulps can be produced by this jute-stick ; one is ' fulki pulp ' and the other is paper pulp. Best quality of paper can be produced from this paper pulp, and this paper can meet the whole demand of paper in Pakistan. It is astonishing to think that the pulp, by which paper is made at the Karnafuli Paper Mills, comes from abroad, and we are quite indifferent to our own resources, that we have here in our country. If we make use of the ' fulki pulps ' available here in our country, the dearth of wood in the country can be met to a great extent. Moreover, press board and glass may also be made from this. A very superior kind of nylon that we import every year, may also be manufactured with this ' fulki pulp '. It is a matter of astonishment that Government is not taking any action to make use of this valuable resource. I believe that the Minister for Commerce will not be able to deny the truth, underlying what I have stated. But we find that the Commerce Minister does not bother about that. He might say, that if jute stick is utilized otherwise, there will be shortage of fuel sticks in the rural areas.

It is a very simple thing, and our Minister for Industries knows very well, as to what a treasure is hidden under the earth of East Pakistan. In Faridpur, there is a coal pit. But nothing is being done to exploit it. They cannot deny that there are big coal mines in North Bengal. Sir, the gas deposits in Sylhet can meet our requirements of power for years together. But the Government has not yet chalked out any programme for the exploitation of these gas deposits. It may thus be seen, that the excuse of shortage of power, is nothing but a lame excuse. The difficulty is with their attitude and mentality. If they do not have the mind to do anything, no work can be done.

Next comes the question of income from jute. There are many, who doubt that international demand for jute may fall, and jute industry as a whole, may be adversely affected. And we may not be earning the amount of foreign exchange, we are now earning from jute. This apprehension is haunting us now-a-days, and it seems that we can no longer depend upon jute. But the actual position is that, if we can utilize jute, jute sticks and jute seeds properly, we will be able to strengthen our economic structure. Sir, we grow jute in an area of 16 lacs of acres. If we can preserve the jute-seeds produced on half of this 16 lacs of acres, we would be able to produce 8 lac maunds of oil from those seeds. And, with this oil, we would be able to meet the shortage of oil in the country. From this jute, we will be able to produce one crore and forty lac pounds of raffinose and fifty lac ounces of strophansidine per year.

Mr. Speaker, Sir, we pay nine rupees for only one gramme of strophansidine thin. But we cannot exploit the resources we have in the country. (Pointing towards Mr. Wahiduzzaman and Mr. Abdullah-al-Mahmood) You are all experts.

(Interruption)

Mr. Acting Speaker : Order please.

Mr. Muhammad Abdul Haque : The Commerce Minister is supposed to be an expert on this subject.

*Mr. Speaker, Sir, why is it that this resource is not utilised? I would like to say that it is only because they want to safeguard the interests of a handful of vested interests, such as the exporters of jute and the owners of mills, who have formed a coterie. The business organisations at Dundee have joined hands with these people, and have hatched a conspiracy. And it seems that they would not care even if the economic structure of this country is altogether shattered. Their own interest is of greatest importance to them. They do not seem to realize, that if the economic structure of Pakistan is shattered, it is not only Pakistan which will suffer alone, they will also have to suffer as a consequence.

Mr. Speaker, Sir, 16 years have elapsed since we achieved independence, but it is only 40 or 41 countries to whom we are exporting jute. So it is astonishing to think, that it is still through London and Dundee that our jute is being exported to these countries. Sir, the Commerce Minister may say, "We have only the other day entered into a barter deal with Russia. You do not know anything about that." But I think it is very insignificant in comparison to the total quantum involved. It is necessary to expand jute trade further. Sir, we will have to establish commercial relations with any country of the world, be it red, blue, or green. We will have to establish trade relations with any country, if only we can find a market for our jute there. Our scientists have described jute as the golden fibre, jute stick as silver stick, and jute seed as diamond beads, and we will have to utilize these resources as such. It is, therefore, necessary that we shall strive to develop friendly relations with all the countries of the world, particularly with Russia and China.

Mr. Speaker, Sir, although I am not going to speak much about the mill owners of this country who have accumulated huge profits, I want to say only this much, that one of the manners in which they are getting facilities in this respect is, in plain language, nothing short of loot. For stopping this kind of loot, my first suggestion is that a good number of jute mills should be established with Government patronage. By establishing mills, and by creating competition, a healthy atmosphere will have to be created, which will enable us to develop this industry of ours. The best way to stop the manoeuvrings of the shippers, who are resorting to tactics of under-invoicing, is nationalisation of our export trade. Without nationalising the export trade, it will not be possible to remove the disease, simply by application of an ointment. What I have tried to make out in the introduction of my speech, is that jute export trade should be nationalised, and immediate measures should be taken in the matter. Jute mills, under the ownership and management of state should be established, so that a healthy competition can be created. Scientific research has revealed that this golden fibre, silver stick, and the diamond seed is a great asset, and to make use of this asset, necessary action should be taken. The minimum price fixed for jute is not being properly implemented. Sir, it is not difficult to raise the price of jute to Rs. 30. Because, if India can allow her jute produced in India, which is of inferior quality to that of ours, to be sold at Rs. 30, then,

*English translation of corrected speech in Bengali.

how is it, that the cultivators of East Pakistan, producing a superior quality of jute, will not get even Rs. 30 as a minimum price? I do not understand how it is happening. It has been said, in this House, by several Members, that it costs a cultivator Rs. 25 to produce a maund of jute, whereas he does not get more than Rs. 17 for it. For eliminating the difference between the cost of production, and the selling price, only fixation of minimum price is not enough; efforts will also have to be made to implement the minimum price so fixed. It is for this reason, that I want to say that trade relation with all the countries of the world particularly with China and Russia, will have to be established.

Mr. Speaker, Sir, now I want to say a few words on the Ordinance. Mr. Speaker, Sir, it can be seen from Section 13-A, that if the Central Government desires, it can compel any person to sell his jute. Its underlying meaning is difficult to understand. But we do not know if the Commerce Minister had promulgated this Ordinance, with a view to meeting many an abnormal situations like fulfilling the barter deal, we have recently entered into with Russia, and for other international commitments. But under normal circumstances we can never support such a provision. Because, with this provision in their hands, the Government will create a situation, in which it will not be possible for businessmen to conduct business in peace, and without any trouble; they shall have to follow the dictates of the Government. As soon as they will oppose the Government, the sword of law will fall on their neck. In no way can we support this system. It is alright, if the Commerce Minister gives us an assurance that he will apply this provision, only under abnormal circumstances, and that the provisions of Section 13(2), with regard to fixation of price will be applied, keeping in view the national interests. We cannot support a law, which may be used as a political weapon, or can be used to eliminate the Opposition Parties, or may be used otherwise for the advantage of the Government, or for the privileged few front-rank individuals in the Government. Mr. Speaker, Sir, recently there had been a gentleman's agreement between the Jute Mills Association and the Government. It was stipulated in the same agreement, that up to September they would purchase 7 lakh bales of jute, up to October 3 lakh bales, and up to November 3 lakh bales. It meant that by 30th November, they would purchase 13 lakh bales of jute. From Section 5(3) of the Ordinance, we find that the mill owners or the jute traders did not fulfil the terms of the gentleman's agreement. As a result of which this sort of provision has been incorporated. This lends support to my earlier proposition. We cannot at all believe those people who are now in the forefront of jute trade. For the last 16 years, they have been playing ducks and drakes with jute, they have ruined the international market of jute, and have landed the jute industry in a critical situation. As such, my argument for establishing jute mills under Government patronage, and for nationalising export, stands vindicated. Mr. Speaker, Sir, now I would like to speak something about Section 7 of the Ordinance. We have seen that under Section 14 of the Ordinance of 1962, the Central Government had ample powers. This Ordinance was promulgated on the 10th of September 1962, and so wide powers were vested in the hands of the Government. With your kind permission I am reading out the relevant portion :

“The Central Government may at any time by order in writing authorise an officer of the Central Government or a Provincial Government or any other person to enter and inspect any premises in which he has reason to believe that the purchase, sale or storage for sale or baling of jute is taking

[Mr. Muhammad Abdul Haque]

place and to call for any document in connection therewith, and collect such information as is referred to in sub-sections (1), (2) and (3)."

Now, we would like to know how those wide powers were used. Today, it is as clear as day light that the agriculturist, who grows jute, does not get fair price for it. The jute traders have been exploiting them days in and days out. Will it be an offence, if we want to know how many persons, particularly the big guys, have been prosecuted by the Central Government? We want to know, despite all these powers, what actions they have taken? Let us now come to Section 9 of the Ordinance. Here some addition has been made to Section 20-A of the Ordinance. As such, this Section may be described as a black Section, and from this Section we can understand that the cat has come out of the bag, and we can read through the intention behind bringing this Ordinance; we also realize what is in the mind of those who have brought this Ordinance. Mr. Speaker, Sir, if you permit me, I will read out Section 20 about which I will try to say something.

Mr. Wahiduzzaman : Is there no time limit ?

Mr. Muhammad Abdul Haque : I have almost finished.

*Here it says that the Central Government, if it desires, can exempt any offender; the Central Government, if so desired, can also release those offenders, who have been detected from the operation of all or any other provision of this Ordinance or of any rule or order made thereunder. That is, if the Central Government so desires, it can release any offender whatever may be his offence; and in that case, no judgement is required to be written down. There is no provision for any appeal; any offender can be released, if it suits the whims of the Central Government. Mr. Speaker, Sir, if this Clause is incorporated, it will increase corruption further, and the question of reducing the incidence of corruption will remain in cold storage, because the genuine jute traders will remain panic-stricken. They will be under constant apprehension, that failure on their part to keep contact with the Commerce Minister, or the authorities at the Centre, or failure to please them, would land them in troubles. Mr. Speaker, Sir, I shall conclude my speech after saying something about the last Section of the Ordinance. In this Section it is provided that, if a person is detected for his failure to report, and if any offender is caught, the Board, if it desires, or any person on behalf of the Central Government, can settle the matter. Now the question is, that the agents of the Jute Board and the Jute Marketing Corporation—these being the veritable centres and monuments of corruption—would be committing the crimes, and there will be none, but the agents and the Board, to take any action. The offender is either an employee, or an agent of the Board, and as such he is a part and parcel of the Board. Can we accept a position like this? Can we expect any real justice from this arrangement? It seems to me, Mr. Speaker, Sir, this will open the door of corruption wider. The country is passing through a pitiable condition; we are unable to check corruption, which is increasing day by day. As a result promulgation of such an Ordinance, corruption will greatly increase.

Mr. Speaker, Sir, in conclusion, I would like to appeal to the Minister for Commerce. I know that the ears of persons, sitting in the front row of the Treasury Bench, are sealed; the words of the Opposition Parties do not enter into their ears. Our suggestions are not accepted, even though these are sound enough. I would request them to try to understand our suggestions, and to see with earnestness, whether our words carry any weight. Still there is time to cater to our suggestions. If you want to keep alive the jute industry, then please withdraw this Ordinance; and bring in its place a full-fledged Bill before this House. Let us recast the jute policy anew—let the economy of the country be based on a stable foundation.

Mr. Acting Speaker : Mr. Abdul Majid Talukdar.

Mr. Farid Ahmad (East Pakistan) : I rise on a point of order, Sir...

Mr. Abdul Majid Talukdar : Mr. Speaker, Sir...

Mr. Acting Speaker : A Member is on a point of order. Kindly resume your seat for a second.

Mr. Farid Ahmad : Mr. Speaker, Sir, I request you to refer to Rule 61 sub-rule (1)—“If a Member raises the objection that the Bill as a whole, or any part of the Bill, disregards, violates or is otherwise not in conformity with any of the principles of law-making enumerated in Article 6 of the Constitution, no further proceedings shall be taken with reference to the Bill unless the objection so raised has been disposed of by the Assembly.”

Sir, it is under this rule read with Article 6 of the Constitution that I want to raise my point of order and for purpose of raising this question, Sir, I shall refer specially to clause 5 of the Ordinance which renumbers, inserts the new section 13A and then, Sir, 9, that is, 20A and 10, that is section 21 of the original Ordinance.

Firstly, Sir, this new section 13A which finds place in section 5 of this Ordinance empowers Central Government by general or special order in writing, direct any manufacturer or dealer or class of manufacturers or dealers, holding stock of jute or jute manufactures, to sell the whole or specified part of his stock to such person or persons as may be specified in the order.

Now, this, read with the principles of law-making under Article 6 and also clause 5, it will be seen, that at (b) it says—no law should impose any restriction on the freedom of a citizen to acquire, hold or dispose of property in any part of Pakistan. Sir, (b) says that no law can impose any restriction on the disposal or to hold, acquire any property in any part of Pakistan. This is subject to restrictions contained in sub-clause 2—this principle may be departed from, where it is necessary so to do in the public interest. They might also invoke Article 6 (c) which says—no law should impose any restriction on the freedom of a citizen to engage in any profession, trade, business, occupation or employment, or otherwise to follow the vocation of his choice. This principle may be departed from, for the purpose of regulating, in the public interest, any profession or trade by a licensing system. So far as this clause is concerned, Sir, I shall also refer to clause 2—Equality of Citizens. All citizens should be equal before the law, be entitled to equal protection of the law and be

[Mr. Farid Ahmad]

treated alike in all respects. This principle may be departed from, where—'in the interest of equality itself, it is necessary to compensate for existing inequalities' and then 'in the interest of proper discharge of public functions it is necessary' and then 'in the interest of the security of Pakistan or otherwise in the interest of the State' this principle may be departed from.

Now, I will say that this section to which I have drawn your attention violates this principle that I have cited—I mean this principle of law-making. Here mark the words 'Central Government by general or special order in writing'. There is no mention of any public interest or any satisfactory or any objective or subjective standard of satisfaction. It is the Central Government or anybody acting on behalf of the Central Government. It is just the Central Government by general or special order, and Sir, I beg to submit in this connection, 'Central Government' under this Ordinance means anybody authorised by Central Government down to any level. So the Central Government should not be merely the Central Government sitting in Pindi or Islamabad, but with all its authority down to the lowest level, to which the authority may be delegated by this authority, so any property specified in this clause can be acquired and ordered to be sold to any person. So this clause violates the principle and proves that they are not entitled to protection of law.

Mr. Acting Speaker : While raising a point of order, the Honourable Member should have confined himself to the statement that he is making on a point of order, instead of discussing the entire case to justify his stand, instead of trying to argue his case in its entirety the Honourable Member should have stopped with one short statement and having made reference to the relevant principles which, according to the Honourable Member, are being violated by this Bill, that could have been quite enough.

Mr. Farid Ahmad : Unless I make my point clear, how shall the Assembly or yourself take a decision ?

Mr. Acting Speaker : If I had felt the necessity, I would have requested the Honourable Member but for the purpose of raising a point of order, the mere statement of point of order should be considered quite enough and sufficient.

Mr. Farid Ahmad : If this is your desire...

Mr. Acting Speaker : It is not a question of my desire, that is the parliamentary procedure. You should merely confine yourself, in the first instance, to a statement of the point of order, that is all, and you have sufficiently explained your case either.

Mr. Farid Ahmad : I have referred to only one clause. I have made a bare statement. I have to give my reasons. Merely stating that I rise on a point of order under Rule 61 should not be enough.

Mr. Acting Speaker : You kindly resume your seat and listen to me for a second. Supposing, I assume that the position taken up by the Honourable Member is the correct position and I agree with the Honourable Member in this regard but the Honourable Member very well

knows, I have no powers under this Rule to take decision myself. In any case the decision, whether there has been violation of the principle of law-making, or whether this Bill is in conformity or not in conformity with the principles of law-making, this is a decision which has got to be taken finally by this Assembly and not by the Chair. No ruling by the Chair would be able to dispose of this question because if I arrogate to myself and assume this power, I will be transgressing my limit, and this is the position which is quite clear to the Honourable Member. As such if the Honourable Member feels and moves a motion that he is in doubt regarding the validity of this objection, then of course, I can put it to the House straightaway, because the ultimate decision, in this respect, has got to be taken by the House and not by the Chair.

Mr. Farid Ahmad : The position as explained by you is entirely correct and I am merely following the procedure that has been adopted by the House, that I raise this objection, and previously there have been occasions when the principle of this Rule was invoked, it was discussed and the House took decision. In raising the objection, it is not enough that I merely raise the objection, unless and until I can agitate my point to the fellow Members, to the entire Assembly. The mere raising of objection shall be of no use. It is not actually in a spirit of partisanship that this point is being raised ; it concerns the future law-making authority, in future we may be confronted with this, once this principle is accepted, that principle can be extended to any other matter, then we can legislate on anything, whether it is just or not, whether it is in the interest of public or not, any law can be passed in this country ; so it is of interest to everybody.

Then here is Section 9 of the Ordinance which seeks to insert a new section 28 to the original Ordinance. "The Central Government may by order in writing exempt to such an extent and subject to such condition as may be specified therein any person or class of persons or any kind or kinds of jute or jute manufacture from the operation of all or any of the provisions of this Ordinance or of any Rule or order thereunder". Now, it is again hit by the principle of equality between citizens. This particular section does not show on what principle exemption will be granted because invoking this any officer of the Central Government may by order exempt anybody without assigning any reason. How is it in conformity with the principle that everybody is entitled to equal protection by law ? Somebody is entitled to exemption under this provision whereas under similar conditions a person, even though he applies for it, is not entitled to exemption.

Under Article 29 of the Constitution it will become a pucca law after approval. It is merely an Ordinance at this stage as it has not yet received the approval. It also goes against the principle of equality of citizens.

Now, there is another aspect in the fundamental rights, *i.e.*, regulation or compulsory acquisition of property. This is clause 10 under the principles of law-making. At page 7 of the edition circulated to us it says :

"1. No law should authorize the compulsory acquisition, or the compulsory taking possession, of property except for a public purpose.

"2. A law that authorises the compulsory acquisition, or the compulsory taking possession, of property should provide for the payment of

[Mr. Farid Ahmad]

compensation for the property, and either fix the amount of the compensation or specify the principles on which, and the manner in which, the compensation is to be determined."

Now, Sir, under new section 13A under clause 5: "The Central Government may also fix the price at which any stock shall be sold in pursuance of any direction under sub-section (1)." Sir, this is the property acquired from me, and it is being sold to another, and the Central Government shall fix the price. It says that it should provide for compensation. Without providing for compensation it will be directly acting contrary to the principle enunciated in the Constitution. Here neither the amount has been fixed nor the principle on which this compensation is to be fixed has been given. No price shall be fixed if the buyer and seller agree within a specified period, and the Central Government may impose any price, and the whole position will be, that when two parties are in dispute, the person buying under an order of the Central Government, should pay the price. But, Sir, in that case, the price in the eventuality of the buyer and seller not coming to an agreement, will be fixed by the Central Government. The principle on which this compensation should be paid should also be determined, otherwise any person from whose custody property has been acquired may propose the buyer to pay Rs. 20, and yet the Central Government on consideration may say Rs. 12 and there is nothing to say that it is for this or that purpose and that it is in the public interest. Sir, certainly, this law would not have hit had there been a mention of the words 'public interest' as mentioned in the Constitution, because the public interest would have fixed this responsibility on the Central Government to exercise its discretion in a particular manner, and they had to justify in each case that this action was necessary in the public interest. And already, as to what is 'public interest', has been well defined and has been well settled by the various courts of Pakistan, including the Supreme Court, and it has been well laid down as a principle of law that the public interest is distinct and separate from the interest of an individual, that the public interest is something, which affects the large number of people or community of people. Therefore, Sir, under this Ordinance if any product is taken possession of from any person and individual, and given in the custody of another who sells it, the parties cannot determine or come to an agreement about price. There is no question of bargaining or even trying for a fair compensation. There is no forum for even determining ownership and also where the price will be paid. It would have been used, had there been any indication of the expression 'public interest' or 'public purpose'. It appears that it has been deliberately omitted from this. So, Sir, I say that this is not a subject-matter of controversy. It should be studied in a dispassionate manner and in a dispassionate spirit, and decision arrived at.

Mr. Abdullah-al-Mahmood (Minister for Industries): Sir, may I take a few minutes?

Mr. Acting Speaker: In the first instance, I would like to make one thing quite clear, so that the Honourable Member may not be in any manner of doubt, as to the correct position.

The Honourable Member, to start with, raised a point of order. Actually it was not a point of order. If it had been a point of order, it

would have been within the competence of the Chair to dispose it of by means of a ruling. As a matter of fact, he has mentioned the relevant Rule. He has invoked Rule 61 of the Rules of Procedure and raised an objection that the present Bill violates principles of law-making as given in the Constitution and in this regard he has taken exception with special references to the equality of citizenship, to the freedom of avocation and to the freedom of acquisition of property. He has made specific references to these principles of law-making as enunciated in the Constitution. Now, it is for the House to take a final decision in the matter, if there is a motion, and then the mode of taking a decision has also been laid down in the Rules of Procedure. If there is a motion before the House that this House is in some doubt, as to the validity of the objection, then the matter shall be put to vote and then the final decision shall be taken by the House. This is, as I understand, the position under the Rules of Procedure, or the procedure that is to be adopted in the disposal of this objection, but from the shaking of head on the part of the Honourable Minister, Mr. Abdullah-al-Mahmood, the seasoned parliamentarian, it appears as if he does not seem to be in agreement with me in this regard.

I would, therefore, give him the floor as orally sought by him to let me and this House have the benefit of his advice.

Mr. Khursheed Ahmad : Mr. Speaker, Sir, may I with your permission...

Mr. Acting Speaker : I gave the floor to...

(Interruptions)

Mr. Acting Speaker : Order please, order.

Mr. Abdullah-al-Mahmood : Mr. Speaker, Sir, I was nodding with reference to some other matter, not your observation, Sir.

Mr. Acting Speaker : You were not nodding, you were shaking your head.

Mr. Abdullah-al-Mahmood : Sir, with deference to the argument, I should not say it is a point of order or I should not say it is a motion. It is neither. Therefore, Sir, no ruling in this matter is necessary.

First of all, Sir, the objection that is raised is that it violates the principles of law-making. Now, Sir, let me draw the attention of my honourable friend to Article 6 and under sub-clause (2) let us read (f) :

“For the purpose of ensuring any public interest the development of Pakistan and all its resources and industries”

So, Sir, under Article 131 under sub-clause (2) (a), it states :

“Where the national interest of Pakistan in relation to—

(a) the security of Pakistan, including the economic and financial stability of Pakistan ;”

There the Central Government can make legislation.

Mr. Acting Speaker : I am afraid, the Honourable Minister is confusing two distinct issues.

Mr. Abdullah-al-Mahmood : No, Sir...

Mr. Acting Speaker : Kindly listen to me.

(Interruptions)

Mr. Acting Speaker : Order please, order. The legislative competence of the Central Legislature is quite different from the objection that has been taken by the Honourable Member, Maulvi Farid Ahmad. He does not challenge the legislative competence of this House.

Mr. Abdullah-al-Mahmood : My point is, Sir, whether this point violates the principles of law-making. So, let us see whether it violates or not. It does not violate. And that is what my submission is. How the Central Government comes into the picture of making law, and in what cases. Whether this Article that has been pointed out by my honourable friend is at all applicable or whether there can be a departure from those principles. Now, Article 6, sub-clause (2) states :

“This principle may be departed from when it is necessary so to do”.

Now I refer to sub-clause (f) along with Article 131 and sub-clause (2) (a). It states :

“The Central Government can legislate and does not violate the principles of....”

Mr. Acting Speaker : There is no question whether the Central Legislature can legislate or not.

Mr. Abdullah-al-Mahmood : I have not finished, Sir. And whereas the national interest of Pakistan in relation to economic and financial stability within the meaning of clause (2) of Article 131 of the Constitution has already been referred to. If this clause had not been added in the Ordinance, then my friend could have argued that the provision of Article 131(2) has not been complied with. Therefore, Sir, under Article 131(2) the Central Government is absolutely entitled to law-making and it does not infringe the . . .

Mr. Acting Speaker : I fail to appreciate why is the Honourable Member unnecessarily introducing a point which has not been raised.

(Interruptions)

Mr. Acting Speaker : Order please. Kindly listen to me. Article 131 deals with the law-making powers of the Central Legislature. That is not in question. Nobody has challenged it.

Mr. Abdullah-al-Mahmood : He has challenged that.

Mr. Acting Speaker : No, he has not.

Mr. Abdullah-al-Mahmood : He has said that this legislation violates the principles of law-making.

Mr. Acting Speaker : One of the principles of law-making has been violated according to the Honourable Member.

Mr. Abdullah-al-Mahmood : If it is not a point of order, it is no point of order. If it is not a motion, it is no motion.

Mr. Acting Speaker : You kindly refer to Rule 61.

Mr. Abdullah-al-Mahmood : I have seen it, Sir.

Mr. Acting Speaker : In the meantime, I give the floor to the Law Minister. You (to Mr. Abdullah-al-Mahmood) kindly go through Rule 61.

Mr. Abdullah-al-Mahmood : Another point, I submit and I will show the decision. Unless any legal point on a point of order is raised from the beginning then in the process of argument even if it is raised, no ruling is necessary.

(Interruptions)

Mr. S. Zaman (East Pakistan) : Mr. Speaker, we seek your protection. We cannot laugh any more.

Mr. Abdullah-al-Mahmood : I think, I am not clear. At the very beginning when the motion is placed before the House, then a point of order may be raised and a ruling is solicited. But in the course of the argument if any point of order, in particular on that matter, is raised, it is not admissible, and no ruling is necessary in that case. I will show you the decision.

Mr. Acting Speaker : I will only repeat what I said earlier. The Honourable Minister may kindly refer to Rule 61. The Honourable Law Minister

Mr. Akhtaruddin Ahmad : Home Minister !

Mr. Mashiur Rahman : (to Mr. Habibullah Khan) This is a request from the House !

Mr. Khursheed Ahmad : Mr. Speaker, Sir, I have only to make a statement to you concerning Rule 61. I am not going into the merits and I shall leave it to my distinguished colleague to resume his reply to the Honourable Member, Maulvi Farid Ahmad. But my reading of Rule 61 is that this Rule is attracted or can be invoked only when Bills are being passed. The matter before the House is not the Bill. The matter before the House is the Resolution which has been moved under Article 29 of the Constitution, and this Rule cannot be stretched to include those Resolutions, which are moved under Article 29. It is for your consideration, Sir. If the Rule were not so worded, I would not have raised this point and this whole Chapter relates to legislation and introduction of Bills. It has no reference at all to the Resolutions which are placed or which are moved in the House pursuant to the placing of an Ordinance on the table of the House, and this Resolution is premised on the assumption that it is already a law. A Bill is a law in expectation. A Bill might end in law. Now, we are dealing with law and it continues to be a law until the Resolution for approval is carried in the House. Therefore, I say that Rule 61 is not attracted. It is for your consideration, Sir. I have only to point this out. I shall not say any other thing, but this is for determination.

Mr. Farid Ahmad : Will you kindly permit me ?

Mr. Acting Speaker : No. Chaudhri Fazal Elahi.

Ch. Fazal Elahi (West Pakistan) : Sir, my friend, the Honourable Law Minister, has come forward with a novel point before this House. In his opinion, this Constitution does not apply to the laws which are made in the form of Ordinances. This Constitution only applies to the laws, which are introduced in this House in the form of Bills.

Mr. Khursheed Ahmad : I have not said that.

Ch. Fazal Elahi : And he will take care to see in future that no law is introduced in the House in the form of Bill. All laws are introduced in the form of Ordinances and, therefore, the principles of law-making and the principles of public policy will not apply to any law in this country. Is that the argument of the Honourable Law Minister ? Now, Sir, when the Constitution definitely provides that the responsibility of deciding whether a certain law violates the principle of law-making or of public policy is that of the Legislature concerned and when it is the responsibility of the Legislature concerned alone, then the Legislature initially takes notice of that law, when that law is before the Assembly. Now, whether the law has been brought in the form of an Ordinance, or in the form of a Bill, when it comes before the House, this Legislature can take note of the fact whether it violates the principles of law-making or not.

Mr. Khursheed Ahmad : Misrepresentation ! They are putting words in my mouth, which I have never said.

Ch. Fazal Elahi : This is what his argument amounts to. Now, Sir, kindly see the Rules of Procedure, we have generally made a provision, and it was presumed when these Rules of Procedure were made that this Government will be fair enough to introduce legislations ordinarily in the form of Bills. This Ordinance-making power would be rarely used. But they have started this practice by passing Ordinances, and therefore, this Rule does not provide specifically for Ordinances or any Bills. In this context, the word "Bill" is used in a general sense. Whatever law is before the Legislature for discussion, this Rule 61 would apply to that law, and if the interpretation of my friend, the honourable Law Minister, is accepted, it would lead to absurdity. We are already, I should say, working under so many absurdities, and this will be a Himalayan absurdity, if this interpretation is accepted.

Mr. Farid Ahmad : I was aware of it, but I did not anticipate that the Law Minister would be serious enough to advance this argument because in connection with other matters, I had occasion to refer you to the distinction between a Resolution, which is defined here, and a Bill...

Mr. Acting Speaker : Both are defined in Rule 2.

Mr. Farid Ahmad : Resolution means any motion which is not a Bill and Bill means a motion for making law. So, the task of interpretation so far as you are concerned is a simple one ; whether this can be called a Resolution. Resolution means any motion which is not a Bill. Bill means a motion for making law. Whether this is a motion, there is no doubt that this is a motion because everything that is, any proposal that is submitted before the House for its decision is a motion. Now in that way, the Resolution is a motion. Now is this a motion for making law or not ? If this is a motion for making law, the result and the consequences are obvious that this is a Bill and not a Resolution because there

is this great distinction and there lies the distinction between a Resolution and a Bill and I need not dilate on the absurdity of the problem which has been touched upon by my learned friend from Gujrat in this respect. In that case, can we allow and permit this position to exist side by side on the same subject? If a Bill is presented, then it suffers. The question as to whether the Assembly is in any manner of doubt, as to whether it violates the principles of law-making can be agitated, and insofar as an Ordinance, which has the same force of law, and which is to all intents and purposes a law after its approval by the Assembly. There is thus no distinction in effect and in law between a Bill passed by the Assembly and an Ordinance approved, the only distinction being that a Bill, after its passage and approval by the House, will need the assent and signature of the President, whereas an Ordinance—which has received the prior signature and prior assent of the President—shall not need a subsequent, or a post-assent, or a post-signature. That is the only distinction in effect, but not in law.

That being the position, Sir, we certainly come up against this absurd proposition, that there are under the law these principles of law-making enshrined in the Constitution, and the Legislatures have been enjoined not to violate these principles of law-making. But so far as your Legislature is concerned, you cannot violate them; and so far as the Ordinance is concerned, Sir, you can violate it. Whether such a position will be acceptable to the Honourable Law Minister or to the House? So, Sir, I think that, so far as we are concerned, this matter is very, very clear. Since this is not a Resolution as contemplated here, this must be a Bill, because a Resolution of the nature contemplated in Article 29 of the Constitution has not been defined. When it has not been defined, then, by the principle of jurisprudence, it shall automatically apply, and it should be treated, to all intents and purposes, as a Bill, and the same principle of law-making can be invoked in this case, Sir.

(Interruptions)

Mr. Acting Speaker: Order please, order. It appears as if the Chair has to give a ruling on the point whether a Resolution seeking the approval of an Ordinance could be treated as a Bill, for purposes of Rule, or whether it would be "par excellence" a Resolution, as defined in the Rules of Procedure. That is the first question to be disposed of by the Chair by means of a ruling.

It is, again, a very complicated matter. We are in a very unique position where legislation by means of the promulgation of an Ordinance has been sought to be approved by the House by means of a Resolution. If the Honourable Members would kindly refer to the definitions of the words "Bill" and "Resolution," they will find that a Resolution means "any motion which is not a Bill" and a Bill means "a motion for making a law." In other words, reading the two definitions together, a Resolution would be a motion which is not used for making a law. Unfortunately, on the other hand, while approving this Resolution, we will be actually enacting a law. As such, as I said earlier, we are in a unique position.

Then, there are other points of distinction between an ordinary Resolution and a Resolution envisaged under Article 29 of the Constitution. For instance, normally a Resolution, if it violates the principles of law-making, would not be admitted by the Speaker. On the other hand, the Speaker has no such powers while dealing with such Resolutions.

[Mr. Acting Speaker.]

Then, a third distinction would be that, in the case of a Resolution which has been admitted by the Speaker and comes up before the House, the Member-in-Charge or the Minister-in-Charge may even take exception to the discussion of the Resolution, under Rule 80 of the Rules of Procedure, whereas no such question could possibly arise in regard to a Resolution of this kind, seeking approval of an Ordinance.

I would, therefore, hold that a Resolution seeking the approval of an Ordinance would be treated as a Bill for purposes of the application of Rule 61. If such a Resolution violates the principles of law-making, and this Assembly comes to this decision—takes this view—that the Resolution actually violates the principles of law-making, then of course no further discussion could be taken up, and it shall be referred to the Advisory Council of Islamic Ideology, as required under Rule 62.

Mr. Khursheed Ahmad : The question never comes up.

Mr. Acting Speaker : There may or may not be any question ; but that is the Rule.

Mr. Farid Ahmad : Or, in the alternative, if the Government so chooses, . . .

Mr. Acting Speaker : Order please, order. I will read out Rule 61—

“(1) If a Member raises the objection that the Bill as a whole, or any part of the Bill, disregards, violates or is otherwise not in conformity with any of the principles of law-making enumerated in Article 6 of the Constitution, no further proceedings shall be taken with reference to the Bill unless the objection so raised has been disposed of by the Assembly.

“(2) If after a discussion of the merits of the objection a Member moves that the Assembly is in doubt as to the validity of the objection, that motion shall be put to a vote, and if carried, the Speaker shall refer the Bill, or the portion of the Bill to which objection has been taken, to the Advisory Council of Islamic Ideology for its advice with reference to the objection.”

I hope this should satisfy the doubts of the Honourable the Law Minister. Now having given my ruling on this. . .

(Mr. Khursheed Ahmad and Ch. Fazal Elahi engaged in conversation)

Mr. Acting Speaker : Order please, order. Having given my ruling on this, it is now for the House. . . *(Interruption)*—Order please, order. . . to decide as to whether this House is in some manner of doubt as to the validity of the objection taken by the Honourable Member. That decision has got to be taken by this House by a vote.

Mr. Khursheed Ahmad : The question should be put, Sir.

Mr. Acting Speaker : Yes, Moulvi Sahib, would you like to make a motion, because if there is no motion before the House, it will not be. . . ?

Mr. Farid Ahmad : I will. Sir, I beg to move :

“That the Assembly is in doubt as to the validity of the objection taken as to whether this Bill violates the principles of law-making”.

Mr. Acting Speaker : Quite right. The motion before the House is :

“That the Assembly is in doubt as to the validity of the objection taken

by the Honourable Member, Moulvi Farid Ahmad".

Kindly appreciate, in the first instance, it is rather complicated.

Mr. Khursheed Ahmad : We appreciate, Sir.

Mr. Acting Speaker : The question before the House is :

"That the Assembly is in doubt as to the validity of the objection taken by Moulvi Farid Ahmad."

Mr. Acting Speaker : The "Noes" have it.

Some Opposition Members : "Ayes" have it.

Mr. Acting Speaker : Do you want division ?

Some Opposition Members : Yes, Sir.

Mr. Acting Speaker : Let the Division Bells ring.

(The Division Bells were rung)

Mr. Acting Speaker : I am going to put the motion again. The question before the House is :

"That the Assembly is in doubt as to the validity of the objection taken by the Honourable Member Maulvi Farid Ahmad."

(Interruption)

Mr. Acting Speaker : Order please, order. 'Ayes' to my right, 'Noes' to my left ; divide. Kindly go to your respective lobbies in a single file.

Mr. Acting Speaker : Order, order. The voting is over.

AYES—30

1. Mr. Abbas Ali Khan.
2. Mr. Abdul Bari.
3. Mr. Abdul Muntaquim Chaudhury.
4. Mr. Abdul Waseque.
5. Mr. A. B. M. Ahmed Ali Mondal.
6. Mr. Akhtaruddin Ahmad.
7. Mr. A. K. Md. Yusuf.
8. Mr. Be-Nazir Ahmad.
9. Ch. Fazal Elahi.
10. Chaudhri Muhammad Hussain Chattha.
11. Dr. Md. Abdur Rahman.
12. Mr. A. H. M. Kamruzzaman.
13. Mufti Mahmood.
14. Mr. Mashiur Rahman.
15. Mr. Md. Serajul Islam Miah.
16. Mr. Mohammad Yusuf Khattak.
17. Mr. Mahbubul Huq.
18. Mr. Farid Ahmad.
19. Mr. M. Sohrab Hossain.
20. Mr. Muhammad Abdul Haque.
21. Mr. Nasrullah Khan.

22. Mr. Qamarul Ahsan.
23. Mr. Ramizuddin Ahmed.
24. Mr. Saifur Rahman Arbab.
25. Mr. Sardar Bahadur Khan.
26. Mr. Shamsur Rahman.
27. Syed Husain Mansur.
28. Syed Mohammad Habibul Haq.
29. Mr. S. Zaman.
30. Mr. Zulfiqar Ali Bookhari.

NOES—56.

1. Mr. Abdul Awal Khan.
2. Mr. Abdul Hamid.
3. Mr. Anwaruddin Sikdar.
4. Mr. Abdul Rashid.
5. Mr. Abdur Rabb.
6. Mr. Ahmed Ali Sardar.
7. Mr. A. K. Fazlul Hoque.
8. Mr. Khuda Dad Khan Rana.
9. Mr. Ali Amjad Khan.
10. Mr. Aziz Din.
11. Mr. Azizur Rahman.
12. Begum Majeibun-Nisa Mohamed Akram.
13. Brig. Mohammad Shah Khan Khisro Nawab of Dir.
14. Ch. Muhammad Hussain.
15. Mr. Khoso Darya Khan.
16. Mr. Ebrahim Khan.
17. Mr. Fakhruddin Ahmed.
18. Begum Hamida Mohammad Ali.
19. Mr. Ghulam Mustafa.
20. Mr. Ghulam Mustafa Jatoi.
21. Mr. Ghulam Sabir Khan Rana.
22. Mr. Hamid Raza Gilani Mukhdumzada Syed.
23. Mr. Hamid-ud-Din Shah.
24. Mr. Hasan Akhtar Raja.
25. Mr. Hasan Imam.
26. Mr. Hassan Ali.
27. Mr. Hemayatuddin Mia.
28. Mr. Jalil Ahmed Khan.
29. Mr. Khalid Jamil.
30. Sardar Khizer Hayat Khan.
31. Mr. Lutfur Rahman Khan.
32. Malik Darya Khan.
33. Mr. Md. Abdul Hakim Vikrampur.
34. Maulvi Akhtar Ali.
35. Mr. Md. Shamsuddin Sikdar.
36. Mian Jamal Shah.
37. Mr. Mohammad Haneef Khan.
38. Mr. Muhammad Sarfaraz Khan Choudhary.
39. Mr. Muhammad Shehabullah.
40. Brigadier Sahibzada Muhammad Abbas Abbasi.
41. Mr. Muhammad Amin.
42. Mr. Muhammad Qasim Malik.
43. Mr. Muhammad Yousuf Khan Chandio.

44. Mr. Murid Hussain Syed.
45. Mr. Muzaffar Khan Malik.
46. Mr. Abdul Majid Talukdar.
47. Nawabzada Abdul Ghafur Khan.
48. Mr. Nurul Islam Sikder.
49. Pir Ghulam Rasul Shah Jilani.
50. Mr. Saifullah Khan.
51. Mr. Sharafat Uddin Ahmed.
52. Mr. S. M. A. Majeed.
53. Mr. Yusuf Hossain Chowdhury.
54. Mr. Zahur Ilahi Chaudhry.
55. Mr. Badrul Haque Khan.
56. Mr. Aftabuddin Ahmad.

Mr. Acting Speaker : I am going to announce the result of the division.

Ayes—30, Noes—56. The motion is rejected.

The motion was negatived.

Mr. Acting Speaker : Mr. Talukdar.

Mr. Mohammad Haneef Khan : I beg to move for a closure...

(Voices : No, no)

Mr. Acting Speaker : I am afraid, there are 2 co-sponsors of the resolution of disapproval who have not been able to get the floor so far. Since Mr. Talukdar is absent I recognise Mr. Akhtaruddin, who is one of the co-sponsors of the motion for disapproval.

A Member : It is not fair that the movers only should get chance to speak. What is the hurry ?

Mr. Acting Speaker : I have recognised Mr. Akhtaruddin.

Mr. Akhtaruddin Ahmad (East Pakistan) : I am prepared to give chance to others...

Mr. Acting Speaker : I recognised you and called your name twice.

Mr. Akhtaruddin Ahmad : Mr. Speaker, Sir, this unfortunate Ordinance, the second of the series, has baffled the whole country, because, first of all, the main purpose of this Ordinance is to arm the executive with more powers than they can really and effectively utilise and execute. Sir, on the assurance given in the year 1962, reluctantly we passed the Ordinance which envisaged control, check, balances and all sorts of official measures which do not normally contribute to the healthy growth of commerce, industry or trade in the country. But we have reluctantly, as I said, passed that Ordinance firstly because there was a usurpation on the normal jurisdiction of the province and, secondly because we forewarned them that this type of half-hearted measure is not going to solve the problem of the jute growers. Thirdly, after a full one year our prophecy, rather the assessment of the facts as done before, has come true and very, very true. The situation in jute market, and the condition of jute growers, and the position at home and abroad, have not shown any improvement in favour of the growers, or in favour of the country as a whole.

Sir, we make laws for the benefit of the country as a whole, we make laws for the benefit of the people as a whole, and we make laws for the

[Mr. Akhtaruddin Ahmad]

benefit of the people, who are really concerned with the production of the golden fibre of Pakistan. But, Sir, I am sure, the Commerce Minister would not be able to show how far and to what extent, if any, at all, the millions of jute growers, have been benefited by this measure. I should submit, not to speak of millions, not a single jute growers has been benefited by this executive Ordinance, or by this law. My submission is not on a conjecture, but on a market report, and also on factual aspect of the problem.

Sir, soon after the Ordinance was promulgated last year, fixing the minimum price at Rs. 18 to 23 or 25, we have seen jute being sold at much lower price than the fixed price. Even the agents appointed by the Jute Board, at the instance of the Central Government, purchased jute at far below the fixed rate though they are Government appointed agents, the favoured people of the Government. Even to-day, Sir, it is not only a report, if you go anywhere in any part of this country, or meet any agent, you will see that the agents give cash memos and vouchers of Rs. 22, but the growers will not possibly get more than Rs. 15 or Rs. 16, because they issue inflated cash memos and vouchers. They are issuing them at Rs. 22 under law, otherwise they will be penalised, but underhand, and behind the scenes, transactions are going on like this, and these poor growers have not got the benefit of this.

Sir, this is not a tale of to-day, this is not a tale of yesterday, but this is a tale for the last 16 years, that the growers have suffered. Law after law came and went out of existence, Government after Government came and went out, Ministries came and went out, people were given great promises, and high words were uttered that we will give benefit to the poor cultivators, but so far Government and particularly this Government, has failed miserably to rise up to their promises, and also to solve the problem of growers.

Sir, if you go to Mymensingh, or far north, which is the main jute growing area you will find that this season is almost over now, but the price of jute has not gone up more than Rs. 16 or Rs. 20, perhaps may be 18 to 25 rupees. Sir, this is the extent of the price rise up to now at this hour, but since the entire jute would go out of the hand of the growers, you will see the price will rise high up, it will go up to not less than Rs. 30 or 40, but what is the benefit then, if the individuals whom you have created by this Ordinance, get the benefit and become more prosperous, but the poor cultivators are going to be poorer and poorer? What benefit has accrued to the country? May I know what benefit this Ordinance is going to give to the country? Can you devise ways and means by which you can give the cultivators the minimum cost price at least? According to your report the minimum cost of the lowest quality is Rs. 18 per maund, and it goes up to Rs. 25. They produce jute not for profit, but simply for their existence, because they have got to exist and maintain their family, and they have got to incur this loss year after year, day in and day out. There is the suffering of the cultivators, and it has surpassed the story of the indigo cultivators and taxation. Who does not know that during the imperial rule they had to suffer so much so that the cultivators of indigo had to suffer a great loss, not only in property, not only in products, but also in lives. So the same thing will happen to the jute cultivation. You earn more than Rs. 125 crores

on the average every year in terms of foreign exchange. You earn a few crores in terms of internal revenue, also from jute industries and jute cultivation, but what benefit you have given to the jute cultivators, what impetus you have given to the jute cultivation? My submission before you would be that this policy which has been framed in the chamber by the so-called intellectuals is not based on facts, they are guided by some other interest behind the curtain. If it was based on facts, they would have taken into consideration the cost of production of jute, and the marketing of jute, and the profit that the cultivator would get per maund. This policy has been followed to the detriment of the agriculturists; that is my greatest grievance and charge against the Government. What is the purpose of this law, why you are going to pass it and give our seal and stamp every time every year?

Sir, the argument advanced on behalf of the Government is, that they need certain sort of planning and regulation of jute trade and industry. What for is the planning, if it does not do any benefit to the cultivators? If it is their intention to make plans sitting at the top, or sitting in this House, we are not going to pass such an Ordinance into a Bill. Who does not know that our country is primarily an agricultural country? It means cotton and jute. Jute is the most important and substantial product, which earns not only foreign exchange, but feeds our own industries. Knowing all these facts, why the jute growers have been denied the minimum profit and facilities of marketing and shipping? We know that the cotton and jute growers are paying 85% of the total revenue of the Government. We also know that they are getting only 9% in the First Five-Year Plan, 11% in the Second Five-Year Plan and 13% in the Third Five-Year Plan of the entire investment.

You have seen many revolutions in other countries, but there has been no revolution of the peasantry of this country. You have been denying their rights not for one year but for the last 16 years. I can see writings on the wall, that due to extreme suffering, they will at last rise to the occasion.

This Ordinance deals with jute in all spheres, it deals with export, commission brokerage, marketing, stocking, disposal, etc. They can interfere in all spheres. We have been shouting every year for the minimum price. There should at least be a minimum price of Rs. 30 per maund, though in India the cultivators are getting this price. According to the Dundee circle, India produces lower quality of jute than Pakistan, they might surpass us in quantity but not in quality. Why then we are getting the lowest price in the international market? Why our agriculturists are still suffering? Why you cannot give some tangible result and give some benefit to the agriculturists who are the backbone of the country? If there is no jute, there will be no Ministers, and no Members in this House.

Just after the Commerce Minister visited Dundee, they have told us that our jute is of better quality but there is no facility of shipping. The position of our jute trade is not very encouraging. They did not want to disclose further, but some of the businessmen wanted to tell us the intricacies and the things behind the scene. They very rightly took us into their confidence and told us the story of under-invoicing.

(Interruptions)

Mr. Acting Speaker : No cross-talks.

Mr. Akhtaruddin Ahmad : Sir, very sadly individually these industrialists and manufacturers disclose certain facts, which go against the interest of Pakistan. But, Sir, that type of policy, and that type of transaction, is undertaken by our exporters with some support or help is may be not official, but somehow or other, *i.e.*, under-invoicing. Some of them have confessed that they are under pressure to get better quality of jute. They have, in certain cases, too under-invoiced the goods, so that they can in return deposit some of the sterling balances in England, or in banks of Switzerland, for this good quality jute by giving the price that we are paying, we are adding to the fortunes of few individuals, who are depositing their foreign exchange in some foreign banks. We do not know whether these things are known to the Government, and if they are known to them, they have not taken any action against any person. I believe, Sir, that these are not done and are not in the official knowledge, of course, there is a source of knowledge which should be better known to the Commerce Minister. Under this Ordinance you have got some powers. I would also like to say, and place on record, that more powers you have it is liable to lead to more red-tapism, more corruption, and more inefficiency too, and that is what we have been saying. We are for more power for the executive, and I do not mind this, if it serves the purpose of the people. But, Sir, in point of time we find in the history of Pakistan that they try to snatch power. Most of it is misused or used to their own advantage, and only for the purpose of enrichment. The same thing is also going to be in case of this Ordinance. You take power but possibly you would not know the implications of taking power. You would possibly...

Mr. Acting Speaker : Thank you.

Mr. Akhtaruddin Ahmad : So, Sir, in that perspective I was going to say, that not only the jute growers have been neglected, but rather criminally neglected and there has been a †[* * *] of the jute growers, year in and year out. Unless we accept the fact of this †[* * *] of the jute growers and remedy it, our country is not going to be benefited, nor our people. I do not know, how to stop all this. I tell them, if by all lawful means, these things are not stopped by them, and their supporters, there is only one way left out. That I have already pointed out.

Mr. Acting Speaker : The expression †[* * *] shall not form part of the proceedings.

Mr. Akhtaruddin Ahmad : Facts are facts, Sir. I would not use this expression. It may not be genocide, but there has been calculated massacre year in and year out of this jute trade and jute growers and we know that we are adding more powers only to victimize...

Mr. Acting Speaker : Thank you.

Mr. Akhtaruddin Ahmad : Sir, another aspect of the jute trade is the Dundee circle. They also reported that you will have to face a fair com-

†Expunged as ordered by the Speaker.

petition, because of slackness in the international market, and other bye-products coming in. So you cannot be sure about the future of jute. But at the same time we can also create some very many beneficial bye-products out of this jute, because of the recent experiments. Sir, out of jute sticks, jute seeds, and out of jute leaves we can earn millions and not out of fibre alone. So, Sir, if the Government tackles this problem properly, and sincerely and genuinely, I can assure, it is not only the fibre that is going to be very fortunate or going to give us silver coins, or silver bullets, but, Sir, the sticks, the seeds and also the leaves can as well be sold, and I do not mind, if the West Pakistan Government produces jute. Let them do so. But if the intention is not good, I would object to that, but I do not know what are the intentions.

Mr. Acting Speaker : That is not relevant.

Mr. Akhtaruddin Ahmad : I do not say that West Pakistan, if they desire, let them produce the jute and let them also compete in other spheres, and in other circles. But, Sir, we do not want to see the day when different laws will come up, and different Ordinances will be framed to protect only that. We are saying that it is being kept in the Centre, year in and year out. We do not understand as this is primarily a Provincial subject—primarily a Provincial concern. Why the benefit of it should go to the Centre? For what purpose, we do not know. We only want to see that they also should grow jute and they will...

Mr. Acting Speaker : Hypothetical—it is entirely hypothetical.

Mr. Akhtaruddin Ahmad : It is not hypothetical that they are producing jute—they are actually producing it.

Mr. Acting Speaker : And what laws are going to be applied, it is entirely hypothetical?

Mr. Akhtaruddin Ahmad : Sir, these laws may not be necessary. What we want is that, stop smuggling from this country. These laws are very powerful and very forbidding in certain cases. I will quote only one instance. How power can be misused? It is very simple, that so far the power is being misused, and it is being very much misused. Sir, as they have godowns, naturally, they get more facilities for marketing and buying. But, Sir, every time the Jute Board cries, they pay Rs. 18 and sell at Rs. 50. It is for the Commerce Ministry to verify the...

Mr. Acting Speaker : You have to finish at 8 o'clock.

Mr. Akhtaruddin Ahmad : There are two minutes left.

Mr. Acting Speaker : You have had enough.

Mr. Akhtaruddin Ahmad : I will take quite a long time.

Mr. Acting Speaker : I did not like to interrupt the Honourable Member. All these arguments that it is an encroachment on Provincial autonomy, that the jute growers are not getting sufficient prices, adequate prices, and that the Government is concentrating too many powers, which are likely to be misused or abused—all these arguments had been sufficiently developed by the Honourable Members, who have spoken ahead of you.

Mr. Akhtaruddin Ahmad : These are the arguments which the country is facing.

Mr. Acting Speaker : Tedious repetitions of these very arguments ! You can get two minutes only.

Mr. Akhtaruddin Ahmad : I had so much to say. Sir, I do not think I can say anything within two minutes. I better sit down.

Mr. Acting Speaker : You have unnecessarily wasted your time. You have arranged the entire policy of the sixteen years of each and every Government that came one after the other.

Mr. Akhtaruddin Ahmad : If it is wastage of time I cannot help. Sir, I can make no point in two minutes. For expressing my opinion, Sir, I will take some more time, if you allow me.

Mr. Acting Speaker : Well, I can allow you five minutes.

Mr. Akhtaruddin Ahmad : I do not want to exceed the time-limit which is fixed at 8 o'clock.

Mr. Acting Speaker : I would like you to conclude your speech before we adjourn. Actually the House should adjourn at 8 o'clock, but I am prepared to give you 6-7 minutes.

Mr. Akhtaruddin Ahmad : I want to speak. It is about the time limit, that when guillotine comes, it falls on me. So, Sir, I would rather sit down.

Mr. Acting Speaker : All right, I give you eight minutes.

Mr. Akhtaruddin Ahmad : With due deference, I will sit down. I will say only the last sentence :

মায়ের চেয়ে মাসীর দরদ বেশী হলে, তাকে বলে ডাইনী

It means that when an aunt has more love for the child, then the mother becomes a witch, and this is the case with the jute trade and the Central Government, because they are showing more affection to the jute traders than the Provincial Government.

Mr. Acting Speaker : Mr. Mashiur Rahman. Now, having given the floor to Mr. Mashiur Rahman, I adjourn the House to re-assemble at 9 a.m. tomorrow. But I would like to make one thing clear. I would conclude discussion on this Resolution before we adjourn tomorrow at 12 o'clock tomorrow being Friday. I would give half an hour to the Honourable Minister to wind up the debate.

Mr. Farid Ahmad : What about my adjournment about cement ?

Mr. Acting Speaker : We will fix up time for it.

The Assembly adjourned till nine of the clock, in the morning, on Friday, the 13th December, 1963.