

ASSEMBLY DEBATES

NATIONAL ASSEMBLY OF PAKISTAN

Thursday, the 9th April, 1964

The National Assembly of Pakistan met in the Assembly Chamber (Ayub Hall), Rawalpindi, at half past eight of the clock, in the morning, Mr. Chairman (Mr. Hassan Ali) in the Chair.

(Recitation from the Holy Quran)

STARRED QUESTIONS AND ANSWERS

RIGHTS OF DISPLACED PERSONS ON LAND

343. ***Mr. Jalil Ahmed Khan** (put by Mr. Akhtaruddin Ahmad): Will the Minister for Rehabilitation and Works be pleased to state whether it is a fact that an Ordinance has been issued by the West Pakistan Government conferring permanent rights upon the displaced persons on land?

Mr. Abdul Khaleque Ahmed: Yes. The Government of West Pakistan have amended the Punjab Land Revenue Act, 1887, by the Punjab Land Revenue (West Pakistan Amendment) Ordinance, 1963, so as to provide that where any interest in evacuee land is acquired by the Central or the Provincial Government and such interest is transferred to a claimant in pursuance of the Displaced Persons (Land Settlement) Act, the provisions of sub-section (3) of section 33, section 34, section 35 and section 37 of the Punjab Land Revenue Act shall be suspended and the entries required to be made in the record of rights or the annual record shall be made directly without observing the procedure prescribed by sub-section (3) of section 33, section 34, section 35 and section 37 of that Act.

Under the amended law double mutation has been eliminated, and entries from the Settlement records are incorporated directly in the record of rights.

TIME-LIMIT FOR FILING CLAIMS

344. ***Mr. Jalil Ahmed Khan** (put by Mr. Akhtaruddin Ahmad): (a) Will the Minister for Rehabilitation and Works be pleased to state the time-limit fixed for filing claims by the refugee land claimants from the rural areas of East Punjab and the States, and the number of times the time-limit was extended?

(b) What time-limit was fixed for filing U. R. I. forms by the urban land claimants from the East Punjab and the States, and was this time-limit ever extended? If not, why not?

Mr. Abdul Khaleque Ahmed : (a) The date for registering claims for rural agricultural land by displaced persons from the agreed areas under the Registration of Claims Act, 1949, was extended from time to time and the last date was fixed as 31st August, 1958.

(b) U. R. I. applications were originally to be registered up to 30th September, 1959; and in cases verified after that date, within one month from the date of order of verification excluding the time spent in obtaining copies of the orders. This date was extended from time to time and the last extension was up to 31st May, 1960.

VERIFICATION OF URBAN LAND CLAIMS

345. ***Mr. Jalil Ahmed Khan** (put by Mr. Akhtaruddin Ahmad): (a) Will the Minister for Rehabilitation and Works be pleased to state whether it is a fact that the urban land claims of the displaced persons from East Punjab and the States were verified from the records of the urban agricultural lands known as 'Special Jamabandi'?

(b) Is it a fact that, after verification, the claimants were required to file a form, U. R. I., within fifteen days of the verification?

(c) Do Government propose to consider the desirability of considering the claims of those persons who failed to file the U. R. I. within fifteen days if their land is certified by the East Punjab Government through the 'Special Jamabandi'?

Mr. Abdul Khaleque Ahmed : (a) Yes. In cases where such records had been received from India, the claims were verified with the Special Jamabandies, but in other cases, they were verified on the basis of evidence by the officers appointed under the Registration of Claims (Displaced Persons) Act.

(b) No. The claimants were first required to file applications in form U. R. I. for preparation of entitlements by the 30th September, 1959, and in other cases of verification after that date, within one month of the order of verification. This period was subsequently reduced to 15 days, but again as a result of orders passed by the High Court in a writ petition, all applications received within one month of the order of verification were entertained. The date 30th September, 1959, was also extended from time to time till 31st May, 1960.

(c) In view of the fact that enough opportunity has already been afforded for filing such applications, it is not proposed to reopen the limitation for cases filed as time-barred.

ALLOTMENT OF URBAN LAND TO CLAIMANTS

346. ***Mr. Muhammad Abdul Haque :** (a) Will the Minister for Rehabilitation and Works be pleased to state whether it is a fact that allotment of urban land has been stopped by the Allotment Committee, Rahim Yar Khan, for over nine months on the ground that the R. L. II Register has been lying with the Anti-Corruption Department?

(1) Is it a fact that the Chairman, Allotment Committee, Malik Abdul Ghafoor, has allotted the bus stand of Rahim Yar Khan, an evacuee property, to one, Fazal-ur-Rahman, without the R. L. II Register

and that he refuses to entertain the claims of other claimants for evacuee property on the ground of non-availability of the R. L. II Register from the Anti-Corruption Department ?

(c) If the answers to (a) and (b) above be in the affirmative, do Government propose to take any action in the matter ? If so, what ? If not, why not ?

Mr. Abdul Khaleque Ahmed : (a) No.

(b) An area of 6 kanals and 12 marlas, near bus stand, Rahim Yar Khan, was allotted to Rao Fazal-ur-Rahman Khan, an urban land claimant, on the 26th October, 1963. This area is shown as Nahri Garden (partly) in the relevant *Jamabandi*, and not as bus stand. The other claimants are not being refused allotments on the ground of non-availability of R. L. II Register.

(c) Does not arise.

Mr. Muhammad Abdül Haque : Will the Parliamentary Secretary please state whether in the case of Rao Fazal-ur-Rahman Khan, R. L. II Register was available ?

Mr. Abdul Khaleque Ahmed : Yes.

Rana Abdul Hameed Khan : The position is that the Anti-Corruption Department had the R. L. II Register and it has not yet been returned. The Deputy Commissioner ordered for a fresh R. L. II Register, which was prepared, and all the cases are being entertained. The original register is still with the Anti-Corruption Department.

Mr. Chairman : Next question.

ARREARS OF INCOME TAX

347. ***Mr. Mansural Hoq :** Will the Minister for Finance be pleased to state the amount of arrears of income-tax which fell due to the different assesseees on the 31st December, 1963, and also the Sales Tax on that date ?

Mr. Mohammad Haneef Khan : It is presumed that information is required as to the arrears due "from" and not "to" assesseees. If so, the figures are Rs. 50.7 and 8.62 crores respectively.

Mr. Mansural Hoq : Will the Parliamentary Secretary please state whether this figure includes the amount for which appeals have been preferred in different higher courts ?

Mr. Mohammad Haneef Khan : I require notice for that.

Mr. Chairman : Next question.

PAKISTANIS HOLDING FOREIGN AWARDS

348. ***Mr. Mansural Hoq :** Will the Minister for Home Affairs be pleased to state the number and the names of the Pakistanis holding foreign awards ?

Mr. Hamid Raza Gilani Mukhdumzada Syed : The required information is being collected and will be placed on the table of the House in due course.

PERSONS EXPELLED FROM PAKISTAN

349. ***Mr. Mansural Hoq :** Will the Minister for Home Affairs be pleased to state whether any person has been expelled from Pakistan for anti-State activities ? If so, who are they ?

Mr. Hamid Raza Gilani Mukhdumzada Syed : There is no law to expel Pakistanis. As regards foreigners, the required information is being collected and will be placed on the table of the House in due course.

SURRENDER OF LAND BY DISPLACED PERSONS

350. ***Mr. Jalil Ahmed Khan :** (a) Will the Minister for Rehabilitation and Works be pleased to state the quantity of agricultural land surrendered so far by the displaced persons from the non-agreed areas ?

(b) Do Government propose to allot those lands to the displaced persons whose claims have not so far been satisfied ?

Mr. Abdul Khaleque Ahmed : (a) 608,254 acres.

(b) Land surrendered under Martial Law Regulation 89 vests in the Government of West Pakistan and is to be disposed of by that Government by sale to the allottees or, if they do not wish to purchase it, by sale to the sitting tenants of the land. This land cannot be allotted to claimants.

Mr. Akhtaruddin Ahmad : Will the Parliamentary Secretary please state whether in view of the fact that there has been a strong representation against the discrimination between the agreed and the non-agreed areas, the Government propose to remove this discrimination as far as the refugee rehabilitation is concerned ?

Mr. Abdul Khaleque Ahmed : No.

Mr. Akhtaruddin Ahmad : May we know the reasons and justification for not removing this discrimination ?

Mr. Abdul Khaleque Ahmed : These lands belong to the West Pakistan Government and the Central Government has no say in it.

Mr. Akhtaruddin Ahmad : Is it not a fact that the refugee rehabilitation is a Central subject and not a Provincial subject, and if so, why are they not interested in this work ?

Rana Abdul Hameed Khan : I may add for your information that there was a difference in the procedure of verification between the agreed and the non-agreed area people. As you know *Jamabandis* were received as far as agreed areas were concerned and the claims were verified from those *Jamabandis*. As far as the non-agreed areas are concerned, no *Jamabandis* were received, but it was just done on the oral evidence of the people. We now find that about 90% of the claims, which were

verified, were not according to the *Jamabandis* and the claims were not correct. So, it was impossible to verify lakhs of claims that we have received. A formula was evolved by the martial law authorities and, according to that formula, the claims were verified.

Mr. Akhtaruddin Ahmad : Is it not a fact that, according to that formula, there were certain adjustments about the so-called inflated claims ?

Rana Abdul Hameed Khan : Please repeat.

Mr. Akhtaruddin Ahmad : Your Parliamentary Secretary has understood the question and he is answering it.

Rana Abdul Hameed Khan : No, he is not.

Mr. Akhtaruddin Ahmad : My question is that the Government, after further verification, has ascertained and corrected certain claims of the non-agreed areas, but even in those cases there have not been any proper allocation so far. If so, why ?

Rana Abdul Hameed Khan : We have separate procedure for verification of the claimants for the agreed and non-agreed areas, and they are being dealt with under the Martial Law Regulations.

Mr. Jalil Ahmed Khan : Is it a fact that thousands of people from the agreed areas have not been allotted land so far ? If so, why are these lands being held up instead of being allotted to the claimants ?

Rana Abdul Hameed Khan : These lands were transferred to the Provincial Government under the Martial Law Regulations and therefore, the Central Government has no power to distribute them to the claimants.

Mr. Jalil Ahmed Khan : Sir, the answer to my question is not complete. May I ask the honourable Minister that since the land is an evacuee property and the evacuee property vests in the Central Government, and the resettlement of refugees is also the responsibility of the Central Government, will the Central Government consider that as thousands of claimants have not been allotted land, will he resume these lands and allot them to the claimants ?

Rana Abdul Hameed Khan : The Central Government had decided to transfer it to the Provincial Government.

Mr. Jalil Ahmed Khan : Why has the Central Government transferred these lands to the West Pakistan Government ?

Rana Abdul Hameed Khan : Already an answer has been given.

[At this stage, Mr. Deputy Speaker (Ch. Muhammad Afzal Cheema) occupied the Chair].

Rana Abdul Hameed Khan : I will tell you for your information that when the refugees came here, the former Punjab Government had claimed 18 to 19 crore of rupees from the Central Government for the settlement of those refugees ; that was a claim on the compensation pool. So that was a claim on our compensation pool. In lieu of that claim, that land was transferred to them.

Mr. Jalil Ahmed Khan : Is the Minister aware that the amount of the refugee tax and the court fee collected from the refugees and three times the amount of land revenue and other taxes collected from them are much more than this amount which has been spent on the refugees?

Rana Abdul Hameed Khan : Well, it is a separate question. If the honourable Member gives notice, we can enquire into it.

TRUST LANDS

351. ***Mr. Jalil Ahmed Khan :** (a) Will the Minister for Rehabilitation and Works be pleased to state the quantity of agricultural land declared evacuee trust property so far?

(b) What is the quantity of such land proposed to be allotted to the displaced persons from the agreed areas?

(c) Is it a fact that the land allotted to the displaced persons has been cancelled and handed over to the Evacuee Trust Board and that no show cause notice has been given to the allottees concerned? If so, why?

(d) Is it a fact that no appeal or revision is provided for against the decision of the Evacuee Trust Board to declare an evacuee property as trust property? If so, do Government propose to consider the desirability of providing for appeals and revisions in such cases?

Mr. Abdul Khaleque Ahmed : (a) 82,162 acres and 5 kanals.

(b) There is no proposal for allotment of trust agricultural land to displaced persons from agreed areas.

(c) Agricultural land attached to charitable, religious or educational trusts or institutions does not form part of the compensation pool and cannot be allotted to displaced persons against their verified claims. In case of any allotment of trust land, all legal formalities were presumably observed for withdrawing such allotments.

(d) The power to declare a property as trust evacuee property vests in civil courts and their orders are appealable in the normal way.

Mr. Jalil Ahmed Khan : Will the Parliamentary Secretary please state whether the trust agricultural land, which was allotted to the Jammu and Kashmir refugees, has been sold to them at Rs. 8 per unit, but the same concession has not been extended to the refugees from agreed areas or non-agreed areas?

Mr. Deputy Speaker : This would be a separate question. I would not mind if the honourable Minister wants to answer. It would not be a proper supplementary. If the Minister wants to answer it, I have no objection. (Pause). Any other supplementary. (Interruption). No.

Rana Abdul Hameed Khan : He can give notice of a separate question.

Mr. Jalil Ahmed Khan : Regarding (d) wherein it is said that the power to declare evacuee property as trust property vests in the civil courts, is it a fact that actually the Evacuee Trust Board declares the evacuee property as Waqf property and not the civil courts?

Rana Abdul Hameed Khan : What ?

Mr. Jalil Ahmed Khan : I want to ask whether this declaration is given by the Board or the civil court ?

Rana Abdul Hameed Khan : Trust properties cannot be allotted to any other person.

Mr. Deputy Speaker : The question is whether it is the function of the Evacuee Board to declare trust property or whether it is the function of the civil court in the first instance.

Rana Abdul Hameed Khan : Evacuee Trust Board just scrutinises and declares the evacuee property as trust property but if any person wants to contest this, he can go to the civil court and get a declaration that it is not a trust property.

Mr. Jalil Ahmed Khan : My question was whether any appeal, review, or revision lies against that order ; against the order of the Evacuee Trust Board ?

Rana Abdul Hameed Khan : The appeal lies to the civil court. The aggrieved person can file an appeal in the civil court for declaration that it is not trust property.

Mr. Deputy Speaker : Next question—Rana Ghulam Sabir Khan.

RETRENCHMENT OF CENTRAL RECORD OFFICE STAFF

352. ***Mr. Ghulam Sabir Khan Rana :** Will the Minister for Rehabilitation and Works be pleased to state :

(a) whether it is a fact that the officials of the Central Records Office, who hold no lien anywhere, are being retrenched or reverted to lower grades and that those who hold permanent posts in the districts are being retained ;

(b) whether it is a fact that there are standing instructions that, at the time of retrenchment in temporary offices, those who hold permanent lien in districts should first be relieved of their posts ; and

(c) the steps Government have taken to absorb permanently the displaced Government servants ?

Mr. Abdul Khaleque Ahmed : (a) No reduction in staff has been made recently. Periodical retrenchment is effected due to decrease in work-load. Only the efficient and experienced staff is retained whether they have lien elsewhere or not.

(b) There are no such instructions.

(c) Efforts will be made to absorb as much surplus staff whose record is good as is possible.

Mr. Deputy Speaker : Next question.

ARREARS OF TRANSFER PRICE OF BUNGALOW No. SXX-1. S. 9

353. ***Mr. Abdul Aziz** (put by Mr. Qamarul Ahsan): Will the Minister for Rehabilitation and Works be pleased to state:

(a) whether it is a fact that by his d.o. letter No. 3241-SC (P) 363, dated the 24th November, 1963, the Settlement Commissioner (Policy) has instructed the Additional Settlement Commissioner (Administration), Faridkot House, Lahore, to recover from the transferee of bungalow No. SXX-1.S. 9, Canal Park, Lahore, a certain amount on account of arrears of transfer price of the said bungalow; if so, the amount to be so recovered; and

(b) whether the said arrears of the transfer price have been worked out on the basis of the bungalow's evaluation as made on the basis of its annual rent or gross annual rent; if not, the reason therefor?

Mr. Abdul Khaleque Ahmed: (a) Yes. Rs. 10,560 is to be recovered as arrears of transfer price.

(b) The arrears have been worked out on the basis of the gross annual rent minus 10% rebate allowed in all cases of Lahore Division.

INCREASE IN PENSIONS

354. ***Syed Abdus Sultan** (put by Mr. Qamarul Ahsan): (a) Will the Minister for Finance be pleased to state whether it is a fact that the Pay and Services Commission has recommended an increase in the pension? If so, what is it and when do Government propose to give effect to it?

(b) Is it a fact that the Commission has also recommended an increase in the pension to all the existing pensioners irrespective of their dates of retirement? If so, have Government accepted the said recommendation?

Mr. Mohammad Haneef Khan: (a) and (b) The recommendations made by the Pay and Services Commission are under consideration and decisions are likely to be taken shortly.

Mr. Mahbubul Huq: Will the Parliamentary Secretary be pleased to state that when the report of the Pay and Services Commission with regard to the salary of non-gazetted staff has already been implemented, why are the recommendations relating to pensions not being disposed of in that light?

Mr. Mohammad Haneef Khan: The matter, as I have replied, is under consideration of the Government and when the Structure Committee makes its recommendation, it will be finalized. At that time the Government will take up the matter and decide to implement it.

Mr. Mahbubul Huq: Is it a fact that the Government have already disposed of the recommendations of the Commission with regard to the salary of the non-gazetted employees and this analysis is so far as the non-gazetted staff is concerned?

Mr. Deputy Speaker: I think this should be good enough.

Mr. Mohammad Haneef Khan: The Government has disposed of the question of pension of non-gazetted and Class IV staff. This does not mean that Government should do nothing. As regards Class I servants and others, Government has not taken a decision on that up to this time.

Mr. Mahbubul Huq : Will the Parliamentary Secretary be pleased to state the time when they expect this Committee to finalize its report? May I put it the other way—when will the word ‘shortly’ according to them materialize?

Mr. Mohammad Haneef Khan : As soon as possible. We are honestly giving due consideration to the matter and we are also very much on the road to give final shape as soon as possible.

Mr. Deputy Speaker : Honestly giving due consideration.

Mr. Mahbubul Huq : What does this, ‘honestly’ mean?

Mr. Mohammad Haneef Khan : ‘Honestly’ means honestly.

Mr. Mahbubul Huq : Will the Parliamentary Secretary be pleased to state whether it is not a fact that the recommendations of the Pay and Services Commission are being held up because the vested interest is opposing the unification of services?

Mr. Deputy Speaker : No, the honourable Parliamentary Secretary has already replied that the Government is honestly considering. I think that should be good enough to set at rest all the doubts.

Mr. Mohammad Haneef Khan : May I reply, Sir. I deny that allegation and say that this is incorrect, baseless and without foundation.

Mr. Deputy Speaker : It is incorrect, baseless and without any foundation.

A Member : Yes, Sir.

Mr. Mahbubul Huq : My supplementary is that since the Commission had submitted the report in June, 1962, and even after about three years, they have not finalized a decision on it, do they propose to take another three years to implement it; what is going to happen with regard to the unification?

Mr. Deputy Speaker : Disallowed; this is a speech. It is no question.

Mr. Mahbubul Huq : My supplementary is simple. It is that the Commission had submitted its report in 1962 and the Government announced in the middle of 1964 that they are still considering it. What will happen to the staff who would otherwise be benefited through the recommendations of this Commission, if they in the meanwhile retire?

(Interruptions)

Mr. Mohammad Haneef Khan : I have not properly followed the question.

A Member : The Minister-in-Charge is also there.

Mr. Deputy Speaker : Since the recommendation of the Pay and Services Commission has not been implemented *in toto*, if in the meanwhile some officials retire, what is going to happen to their cases? How are they going to be benefited? Would you give retrospective effect?

Mr. Mohammad Haneef Khan : In certain cases definitely it will be given retrospective effect.

Mr. Deputy Speaker : (Addressing Mr. Mahbubul Huq) That is going to be kept in view.

Mr. Mizanur Rahman Choudhury : May I know from the Parliamentary Secretary whether there is any bar in accepting the recommendations of that Commission ?

Mr. Mohammad Haneef Khan : No bar. I think the honourable Member must be knowing that there is a bar of competency. I have already replied that the Government always cuts the coat according to the cloth. We are not bound by the recommendations of the Pay and Services Commission.

(Interruptions)

Mr. Deputy Speaker : Order please, order.

Mr. Mansural Hoq : Will the Parliamentary Secretary please state whether the word 'shortly' has got its own separate interpretation so far as the consideration of the Pay and Services Commission's Report is concerned ?

Mr. Mohammad Haneef Khan : By 'shortly' I mean that no sooner than we get the report, the decision will be taken.

Mr. Mahbubul Huq : Will the Parliamentary Secretary please state the name of the Committee which is now examining the recommendations—the first Committee of the C. S. P. Officers, or the second Committee of the Technical Officers, or the third Committee of the Cabinet Members ; which Committee is now examining it ?

Mr. Mohammad Haneef Khan : The Structure Committee is considering the matter, Sir.

Mr. Mahbubul Huq : I could not understand which Committee ? He said there was a Committee of C.S.P. Officers.

Mr. Deputy Speaker : He said that ?

Mr. Mizanur Rahman Choudhury : May I know the names of the members of that Committee which is now considering it ?

Mr. Mohammad Haneef Khan : Structure Committee.

Mr. Deputy Speaker : Names of the members of the Structure Committee. Is it possible ?

Mr. Mohammad Haneef Khan : No, Sir. I am sorry. I will require notice for that.

Mr. Mahbubul Huq : Is it a fact that the Committee, which is now examining the recommendations of the Pay and Services Commission, consists of the C.S.P. Officers alone ?

Mr. Mohammad Haneef Khan : After the first Committee has considered the report of the Commission, that Committee gave it to the other Committee and now there is no such Committee. We have got only two Committees—the Structure Committee and the Implementation Unit.

Mr. Deputy Speaker : He says Structure Committee. Now, he says . . .

Mr. Mahbubul Huq : Probably the honourable Parliamentary Secretary did not understand the question. The supplementary question was whether the honourable Parliamentary Secretary has any idea that the Structure Committee is dominated by the C.S.P. Officers?

Mr. Mohammad Haneef Khan : It might be, Sir.

Mr. Mahbubul Huq : Will the Parliamentary Secretary please state whether it is not a fact that the Commission passed certain strong remarks against the C.S.P. ? Is it fair that the same C.S.P. Officers are to examine the same recommendation ?

Mr. Mohammad Haneef Khan : The report of the Pay and Services Commission has not been published. I do not know the source of information of the honourable Member.

Mr. Mahbubul Huq : I have my own source. Please say whether it is correct ?

Mr. Deputy Speaker : Next question. Syed Abdus Sultan.

SALE OF GOVERNMENT QUARTERS IN KARACHI

355. ***Syed Abdus Sultan** (put by Mr. Qamarul Ahsan) : (a) Will the Minister for Rehabilitation and Works be pleased to state whether it is a fact that Government have set up a Committee for going into the question of disposal of the Government property in Karachi inclusive of Government quarters ?

(b) Is it a fact that the Committee has favoured the disposal of the Government quarters to the Government servants, who have been in occupation of the said quarters for the longest period ?

(c) If the answer to (b) above be in the affirmative, have Government accepted the recommendation of the Committee ? If so, when do Government propose to give effect to it and on what terms ?

Mr. Abdul Khaleque Ahmed : (a) Government set up a Committee after an assurance given by the Minister for Agriculture and Works to examine the proposal made by Mr. Siddique Dawood in his non-official Bill for sale of Government quarters in Karachi to the occupant Government servants.

(b) Government has not yet received the report of the Committee.

(c) Does not arise.

Jam Mir Ghulam Qadir Khan Jam Saheb of Lashela : Will the Parliamentary Secretary please state the names of the members of the Committee ?

Mr. Deputy Speaker : I think everybody should have recourse to that.

Mr. Abdul Khaleque Ahmed : There are no names, but I can give the designations, Sir.

Mr. Deputy Speaker : Even otherwise, it should be acceptable to the honourable Member because the honourable Member will recollect that a Private Bill was moved by Mr. Siddique Dawood, an honourable Member of this House and it was referred to a Committee.

Mr. Akhtaruddin Ahmad : Not of this House.

Jam Mir Ghulam Qadir Khan Jam Saheb of Lasbela : Whether it is a Committee of this House ?

Mr. Abdul Khaleque Ahmed : No.

Rana Abdul Hameed Khan : Mr. Siddique Dawood brought a non-official Bill in the House and, on my assurance, he withdrew the Bill and on that withdrawal, I appointed a Committee and the members of that Committee which Jam Saheb wants to know are :

1. Chief Engineer, Pakistan Public Works Department,
2. Deputy Secretary-in-Charge of the Estate Office, Karachi,
3. A representative from the Ministry of Finance,
4. A representative of the Government of West Pakistan,
5. Estate Officer, Karachi who is to be Secretary non-official, and
6. Mr. Siddique Dawood, M.N.A. and the representative of the employees who were living there.

Jam Mir Ghulam Qadir Khan Jam Saheb of Lasbela : When is the Committee to submit its report ? May I hope that the honourable Minister will consider the point in the next Committee also ?

Rana Abdul Hameed Khan : They have not sent the report as yet.

Mr. Akhtaruddin Ahmad : Why any honourable Member of this House was not taken in the Committee except Mr. Siddique Dawood ?

Mr. Deputy Speaker : The question is why only one honourable Member was associated with that Committee ?

Rana Abdul Hameed Khan : Because the Bill was sponsored by him and he withdrew it.

Mr. Mahbubul Huq : In view of this fact whether Central Government quarters of Karachi are to be sold to the Central Government employees ?

Rana Abdul Hameed Khan : They are not to be sold. Sir, that is a wrong presumption.

Mr. Mahbubul Huq : In view of the answer given by the honourable Minister that there is a representative of the Government of West Pakistan on the Committee, why is it that there is no representative from the Government of East Pakistan, since the Karachi property belonged to the Central Government, there being equal right to the East and West Pakistan ?

Rana Abdul Hameed Khan : Sir, I have not been able to understand the question. It is a lecture.

Mr. Mahbubul Huq : Please try to understand. Why is it that there is a representative from only the Government of West Pakistan and not from East Pakistan on that Committee ?

Rana Abdul Hameed Khan : Sir, Karachi was handed over to the West Pakistan Government. Therefore, only the West Pakistan Government is interested in it.

Mr. Mahbubul Huq : Whether this Committee will dispose of the quarters to the employees in any way ?

Rana Abdul Hameed Khan : Sir, nobody is going to dispose of those quarters. This was only a Committee of members.

Mr. Mahbubul Huq : What does the word 'disposal' of the Government quarters mean ? Are you going to make a gift ?

Rana Abdul Hameed Khan : No disposal.

Mr. Shah Nawaz : Will the honourable Minister be pleased to state whether it is a fact that the present regime of the industrialists . . .

Mr. Deputy Speaker : Order please, order. Disallowed.

Mr. Mahbubul Huq : What I came to know from Mr. Siddique Dawood is that he has offered . . .

Mr. Deputy Speaker : Order please, order. Since the original question is addressed to the honourable Minister, a supplementary question to an honourable Member would not be proper.

Jam Mir Ghulam Qadir Khan Jam Saheb of Lashela : Sir, we can put a supplementary to a Member also.

Mr. Deputy Speaker : But when you put the original question to the Member.

Anyway, I have no objection if Mr. Siddique Dawood volunteers to answer that question.

Mr. Siddique Dawood : Mr. Speaker, Sir, the Committee is still considering the question. The Committee was appointed under the instructions of the Minister for Rehabilitation and Works. I am a Member of that Committee. The Committee is still considering the question and the report will be submitted in a couple of months' time. I will be here up to the end of this month and hence two months' time.

Mr. S. Zaman : Will it be submitted to the House ?

(No reply)

Jam Mir Ghulam Qadir Khan Jam Saheb of Lashela : He gave an assurance in Karachi that when he will attend the session, he will put the question before the Government.

Mr. Mahbubul Haq : Why are they eligible so far as this House is concerned ?

RETENTION OF STAFF IN THE REHABILITATION AND WORKS DIVISION

356. ***Mr. Qamarul Ahsan :** (a) Will the Minister for Rehabilitation and Works be pleased to state whether it is a fact that an officiating Upper Division Clerk was promoted as Assistant in 1960, in his Division ?

(b) Is it a fact that some permanent Upper Division Clerks were officiating as Assistants before the introduction of the Section Officers' Scheme in his Division ?

(c) Is it a fact that the persons mentioned in (b) above were declared surplus as Assistants due to the introduction of the Section Officers' Scheme and that they were subsequently retained as stenotypists ?

(d) Is it a fact that the person mentioned in (a) above was a permanent Lower Division Clerk, he was promoted as Assistant in 1960, and retained as such and that the permanent Upper Division Clerks, who were officiating as Assistants and subsequently retained as stenotypists in 1959, in that Division, were declared surplus for the purpose of retention as Assistants ?

(e) Is it a fact that the surplus Lower Division Clerks/Upper Division Clerks of the Cabinet Division who were absorbed as stenotypists have already been promoted as Assistants in that Division ? If so, why has the same treatment not been given to the surplus officials of his Division who were absorbed as stenotypists ?

(f) Is it a fact that some Assistants were screened and reverted as Upper Division Clerks in his Division ?

(g) If the answers to (a), (b), (c), (d) and (f) above be in the affirmative, does he propose to take any action in the matter ? If so, what and when ? If not, why not ?

Mr. Abdul Khaleque Ahmed : (a) Yes.

(b) Yes.

(c) They were not declared surplus but were reverted to the lower substantive posts, viz., Upper Division Clerks. This cadre was, however, abolished and, therefore, some of them opted to serve as stenotypists in the Division and were absorbed in that cadre.

(d) The promotion of Upper Division Clerk as Assistant in a specified Branch took place long after the reversion of permanent hands as stenotypists on being declared surplus as a result of the introduction of Section Officers' Scheme in 1959.

(e) The position of vacancies of Assistants being not uniformly the same in all Divisions, the surplus Upper Division Clerks were not promoted as Assistants in this Division for want of vacant posts.

(f) Yes, this was in accordance with rules.

(g) No wrong has been done to any official.

SENIORITY OF STAFF IN THE REHABILITATION AND WORKS DIVISION

357. ***Syed Mohammad Habibul Haq** : (put by Mr. Qamarul Ahsan) : (a) Will the Minister for Rehabilitation and Works be pleased to state whether it is a fact that permanent Upper Division Clerks who were officiating as Assistants were declared surplus and absorbed as stenotypists in his Division in 1959 ?

(b) Is it a fact that they were declared purely temporary stenotypists in the seniority list and that their names were not shown in the seniority list of permanent Upper Division Clerks circulated in 1963 ?

(c) If the answers to (a) and (b) above be in the affirmative, does he propose to take any action in the matter ? If so, what and when ? If not, why not ?

Mr. Abdul Khaleque Ahmed : (a) Yes.

(b) On being declared surplus they were absorbed against temporary posts of stenotypist. They will be confirmed against permanent vacancies as they arise. Their names were shown in the seniority list of Upper Division Clerks issued in 1962. Thereafter only one Upper Division Clerk has been placed in the seniority list of permanent Upper Division Clerks.

(c) No wrong has been done. The surplus staff will be absorbed against permanent vacancies as and when they occur.

Mr. Mizanur Rahman Choudhury : May I know from the honourable Parliamentary Secretary the length of service of these Upper Division Clerks after which they were retrenched or declared surplus ?

Mr. Abdul Khaleque Ahmed : I cannot say that off-hand.

Mr. Deputy Speaker : That might differ from man to man. It will be difficult to answer that question off-hand.

Mr. Mizanur Rahman Choudhury : The maximum and minimum length of service he can tell.

(No reply)

CORRUPTION CHARGES AGAINST OFFICERS OF LABOUR AND SOCIAL WELFARE DIVISION

358. ***Mr. Mansurul Hoq** : Will the Minister for Labour and Social Welfare be pleased to state whether the report of Mr. Wali Mohammad Khan, Deputy Secretary, against the two Class I officers of his Division on the charges of corruption and misuse of official power, has since been examined ? If so, what action has he taken or proposes to take against those two officers ? If not, why not ?

Mr. A. K. Fazlul Hoque : Yes. The reports submitted by Mr. Wali Mohammad Khan against the two Class I officers were examined. As a result, it has since been decided with the approval of the President to institute fresh proceedings against one of these Class I officers. A senior official has, therefore, been appointed to conduct fresh enquiries against him in accordance with the provisions of the Government Servants (Efficiency and Discipline) Rules. The report against the other officer has been examined and the matter is under consideration.

Mr. Mansurul Hoq : Will the Parliamentary Secretary please state the necessity of initiating a fresh enquiry in view of the fact that one, Mr. Wali Mohammad Khan, has already submitted his reports ?

Mr. A. K. Fazlul Hoque : Government Servants (Efficiency and Discipline) Rules provide that the approval of the President is necessary at every step of proceedings against a Class I officer. But while Mr. Wali Mohammad Khan conducted the enquiry, the approval of the President was not obtained. So, it has been decided, with the approval of the President, to conduct a fresh enquiry.

Mr. Mahbubul Huq : How is it that the report of Mr. Wali Mohammad Khan with regard to the second officer is being disposed of without a formal enquiry being instituted ? He has said with regard to one officer that President's sanction was not there. How could they proceed with regard to the second officer ?

Mr. A. K. Fazlul Hoque : There are two distinct files. With regard to Lt. Col. Abdul Hakim Khan, the matter is being examined by the Minister for final orders.

Mr. Mahbubul Huq : If the enquiry was held by Mr. Wali Mohammad Khan, and if the sanction of the President was not available for such enquiry with regard to one Class I officer for whom another enquiry is being held, how was the enquiry held in the case of the other officer of the same class without the sanction of the President ?

Mr. Deputy Speaker : That supplementary is based on an assumption. You should, in the first instance, seek the clarification in regard to the action taken against the other officer.

Mr. Mahbubul Huq : Enquiry is one thing ; action is another.

Mr. Deputy Speaker : The question is that Mr. Wali Mohammad Khan submitted a report in respect of two Class I officers. In regard to one it has been decided that the sanction of the President is necessary to institute a fresh enquiry. What happened to the other officer ?

Mr. A. K. Fazlul Hoque : With regard to Lt. Col. Abdul Hakim Khan, the matter is under the consideration of the Minister.

Mr. Mahbubul Huq : My question was simple. If the report is one and . . .

Al-haj Abd-Allah Zahcer-ud-deen : These are two distinct and separate files.

Mr. Mahbubul Huq : Is it a fact that, in the second enquiry, the sanction of the President was available to Mr. Wali Mohammad Khan ?

Mr. Deputy Speaker : The honourable Member does not seem to have correctly appreciated the answer given.

Mr. Mahbubul Huq : My supplementary is : Was sanction of the President available to enquire into the affairs of the second Class I officer against whom a decision is awaiting ?

Al-haj Abd-Allah Zahcer-ud-deen : The file of Lt. Col. Abdul Hakim Khan is with me and it is under my consideration. If I consider it necessary, I will consult the President for formal sanction for re-starting an enquiry.

Mr. Mansurul Hoq : Will the Minister be pleased to state the period after the receipt of the report of Mr. Wali Mohammad Khan when Government thought it necessary to initiate a fresh enquiry against one officer ?

Mr. A. K. Fazlul Hoq : I have no information. Fresh notice is necessary.

Mr. Deputy Speaker : The question is, when were the reports received and when was the fresh enquiry started ?

Mr. A. K. Fazlul Hoq : I want notice for this.

Mr. S. Zaman : Can an enquiry be held against a Class I officer on a serious charge of corruption informally, because they say informal investigation was started ?

(No reply)

Mr. S. Zaman : We insist for an answer.

Mr. A. K. Fazlul Hoq : What is your question ?

Mr. Deputy Speaker : Kindly look into the question.

Mr. S. Zaman : Whether an enquiry on serious charges of corruption can be made against a Class I officer informally ?

Mr. Abdus Sobur Khan : What is its meaning ?

Mr. S. Zaman : It is for you to find out the meaning of 'informally'.

Mr. A. K. Fazlul Hoq : Government Servants (Efficiency and Discipline) Rules provide that at the very first instance departmental action is necessary.

Mr. Mahbubul Huq : Is it a fact that no enquiry against an officer can be instituted unless *prima facie* a case is established under the Government Servants (Efficiency and Discipline) Rules ?

Al-haj Abd-Allah Zaheer-ud-deen : Yes, yes.

Ch. Fazal Elahi : Will the honourable Minister please state the reasons why the report of Mr. Wali Mohammad Khan was not accepted in the case of the other officer ?

Mr. A. K. Fazlul Hoque : I have already replied.

Mr. Ghulam Sabir Khan Rana : *Sir, the report against the officer has been examined and is stated to be under consideration. I would like to know how long would it remain under consideration ?

Mr. Deputy Speaker : *It seems that the question is about the word 'against', and not about the officer concerned.

(Laughter)

Mr. Mizanur Rahman Choudhury : In view of the answer given here that Mr. Wali Mohammad Khan has submitted a report against two officers, may we know why in the case of one, the matter is under consideration of the Minister-in-Charge and what has happened to the case of other ?

Mr. A. K. Fazlul Hoq : I have already replied.

Mr. Deputy Speaker : It is quite clear.

Mr. Akhtaruddin Ahmad : Why two standards of rules ?

REVISION PETITIONS

359. ***Mr. Akhtaruddin Ahmad :** Will the Minister for Rehabilitation and Works be pleased to state whether the Settlement and Rehabilitation Commissioner is empowered to hear second revision petitions, records of which were not called for prior to the 13th January, 1962 ? If not, why are notices still being issued to the parties for such revisions under the signature of the Commissioner's Reader ?

Mr. Abdul Khaleque Ahmed : After the amendment of section 20 of the Displaced Persons (Compensation and Rehabilitation) Act, a provision exists only for one revision to be heard by a Settlement Commissioner against an order passed by a lower Settlement authority. No second revision instituted before 13th January, 1962, was affected, but those instituted after that date do not lie as clarified by Ordinance 13 of 1962. No case of the kind referred to by the Member has come to Government's notice. The affected persons can seek relief in the relevant court as the competency of a revision petition is a legal issue on which the court concerned has to give a finding.

Mr. Akhtaruddin Ahmad : Is the Government aware that in disposed of cases, if fresh notices are issued, the parties are liable to incur a great loss and subjected to great harassment ?

Mr. Deputy Speaker : It would not be a proper supplementary. If there are certain cases in the knowledge of the honourable Member, he can straight-away refer to them.

Mr. Akhtaruddin Ahmad : I will refer to them. The cases which have come to my notice are of individual nature. The file is not with me, but, in the meantime, is the Government prepared to investigate the matter about this report and the incident ?

Mr. Abdul Khaleque Ahmed : No.

Mr. Akhtaruddin Ahmad : Is the Government aware on my definite assurance that there have been positive cases of fresh notice being issued in respect of a large number of cases ? Is the Government prepared to investigate the matter ?

Mr. Abdul Khaleque Ahmed : I cannot say off-hand.

Mr. Deputy Speaker : But could not you give assurance that you are prepared to look into such cases in which people have been put to some unnecessary hardship ?

Rana Abdul Hameed Khan : It has already been answered. If the honourable Member bring to our notice any case, we will certainly look into it.

Mr. Deputy Speaker : That is all right.

Mr. Mizanur Rahman Choudhury : May I know from the honourable Minister whether it is proposed to bring all these people into the Convention Muslim League ?

Mr. Deputy Speaker : Disallowed.

Mr. Mahbubul Huq : How long are they going to continue with this bungling of the refugee property ?

Mr. Deputy Speaker : Disallowed.

Mr. Mahbubul Huq : But you know bungling is there.

Mr. Deputy Speaker : Disallowed. Questions over.

POINT OF ORDER

Mr. Mahbubul Huq : Mr. Speaker, Sir, on a point of order. Sir, for three days we did not have question hour. The question hour was suspended for three days and you may kindly put those questions, which were fixed for those days, for to-morrow.

Mr. Deputy Speaker : Actually the decision taken in regard to such questions as were not put on the floor of the House was that they shall be incorporated in the proceedings of the House.

Mr. Mahbubul Huq : For two or three days the question hour was suspended altogether. Those questions have not been reported.

Ch. Fazal Elahi : Sir, I find from the Bill which is circulated to-day—Bill to provide for the constitution of the Electoral College of Pakistan—that there is a note at the end. . .

Mr. Deputy Speaker : Has a fresh Bill been circulated ?

Ch. Fazal Elahi : The same Bill. A copy of the Bill has been circulated to-day. There is a note at the end that, under Article 47 of the Constitution of the Islamic Republic of Pakistan, the President has been pleased to recommend the introduction of the Bill in the National Assembly.

Mr. Akhtaruddin Ahmad : When did it come ?

Ch. Fazal Elahi : To-day. Now, Sir, the copy which was circulated previously when the Bill was introduced and when it was discussed for ten days, and even later on, did not contain that note . . .

(Interruptions)

Ch. Fazal Elahi : It appears, Sir, that at the time of the introduction of the Bill about two weeks ago, and even during the discussion on the Bill, the requisite approval—recommendation—of the President for the introduction of the Bill had not been obtained . . .

Mr. Akhtaruddin Ahmad : Yes.

Ch. Fazal Elahi : . . . and as it is a money Bill, because under this Bill some amount of money is to be spent on the machinery which is being set up. Under Article 47 of the Constitution, it is absolutely necessary that, before a Bill is introduced in the Assembly, the recommendation of the President should be there. So, the Bill that we have been discussing for so many days had not been introduced with the recommendation of the President. Therefore, that Bill was not fit to be passed or discussed by the House.

Now, for the first time, to-day they have brought a Bill which is based on the recommendation of the President under Article 47. *(Interruptions)*. Therefore, if this proper Bill is introduced to-day, then all the stages of the Bill must be gone through by this House. This is a legal and constitutional point, Sir, and I hope that the provisions of the Constitution will be safeguarded by the Speaker.

Mr. Mahbubul Huq : It should be moved afresh.

Mr. Akhtaruddin Ahmad : Yes. *(Interruptions)* Sir, the Law Minister is a complete failure, and his party-men, too. Mr. Speaker, Sir . . .

(Interruptions)

Mr. Deputy Speaker : Order please.

Mr. Mahbubul Huq : Sir, there should be a charge-sheet against the Ministry of Law.

Ch. Fazal Elahi : The Law Minister should be charge-sheeted.

Mr. Mizanur Rahman Choudhury : The Law Minister has absconded.

Mr. Deputy Speaker : A very important point of order has been raised by an honourable Member, Chaudhri Fazal Elahi. May I have the views of the Government on this? Could we have the honourable Law Minister? This is a very important point of order.

Mr. Akhtaruddin Ahmad : He has absconded, Sir.

Mr. Deputy Speaker : In the absence of the honourable the Law Minister, is any other honourable Minister or Parliamentary Secretary in a position to enlighten the House and give his point of view on the point of order that has been raised?

Mr. Akhtaruddin Ahmad : I don't think, Sir.

Mr. Deputy Speaker : Order please, order.

Mr. Mohammad Haneef Khan : The point of order raised by the honourable Member from Gujrat is a very weighty one, Sir, and very important too.

Mr. Deputy Speaker : It is very weighty ?

Mr. Mohammad Haneef Khan : Yes, Sir. My submission is that this is highly technical.

(Rana Abdul Hameed Khan was engaged in conversation with some officials sitting in the Officials, Gallery)

Mr. Mahbubul Huq : Sir, some transaction is going on beside the Officials' Gallery. What is this transaction ?

Mr. Deputy Speaker : Order please, order.

Mr. Mohammad Haneef Khan : As far as I remember, Sir, I think it was Mr. Speaker who was in the Chair when this point was raised.

Mr. Deputy Speaker : No ; this is a different point.

Mr. Mohammad Haneef Khan : Yes, Sir. I am coming to this point. The point was raised by the same honourable Member, and the Speaker was pleased to give the ruling . . .

Mr. Akhtaruddin Ahmad : No, no.

Mr. Mohammad Haneef Khan : . . . that under the Rules of Procedure, Rule 25 . . .

Mr. Deputy Speaker : Rule 25 ?

Mr. Mohammad Haneef Khan : Yes, Sir. Sub-rule (2)—

“Save as otherwise provided by these Rules . . .

No, Sir, I am sorry.

Mr. Muhammad Qasim Malik : On a point of order, Sir.

Mr. Mohammad Haneef Khan : Rule 54, Sir.

(Interruptions)

Mr. Deputy Speaker : Order please, order. I have given the floor to the honourable Parliamentary Secretary.

Mr. Muhammad Qasim Malik : I am on a point of order, Sir.

Mr. Deputy Speaker : No : let him finish.

Mr. Muhammad Qasim Malik : I am on a point of order, Sir.

Mr. Deputy Speaker : That doesn't matter. It does not mean that straight-away, after rising on a point of order, the honourable Member is entitled to have the floor. Kindly resume your seat. Let him finish.

Mr. Mohammad Haneef Khan : Under Rule 54, Sir, sub-rule (2) . . .

(Interruptions)

Mr. Deputy Speaker : Order please, order. The honourable Parliamentary Secretary is referring to Rule 54.

(Interruptions)

Mr. Deputy Speaker : Order please, order. Order, order. It is a very important matter ; a very weighty point of order has been raised. The honourable Parliamentary Secretary is going to reply to this question. Will you kindly listen ? *(Interruptions)* Order. *(Addressing Mr. Mohammad Haneef Khan)* Yes.

Mr. Mohammad Haneef Khan : Sir, the Speaker was pleased to give ruling under Rule 54 (2) by allowing this Bill to be introduced in the House.

Syed Husain Mansur : On a point of order, Sir.

Mr. Deputy Speaker : Order please, order. I will give you the floor.

Mr. Mohammad Haneef Khan : Sir, a point was also raised that this concerned the Private Member's Bill, and the Speaker was pleased to rule that point out of order. I think it to . . .

Mr. Deputy Speaker : Is that all ?

Mr. Mohammad Haneef Khan : So, now the point has come before the House which has been raised by the honourable Member from Gujrat. There can be only two results out of this. No. 1, if the contention of the first ruling of the Speaker is not considered, Sir, then if the President had given assent to this Bill to-day, then the introduction of this Bill will start from today. No. 2 if the ruling of the Speaker stands, then my submission is that the Bill will stand introduced from that day when the Speaker had given his ruling in favour of the introduction of this Bill, if the Law Minister has complied with and has taken the permission of the President, then, on that day, the ruling was given in favour of the introduction of the Bill, the permission was granted, and the Law Minister was very much keen to comply with this provision also, and he has taken the consent of the President, then the constitutional provision, which has been expressly provided, has also been complied with, and on that day on which the Bill was introduced by the permission of the Speaker, it stands valid and introduced from that day. I don't think, Sir, there is any contradiction because, on that day, the permission was granted by the honourable the Speaker, and now that assent has been given by the President. So, Sir, there is no contradiction. On that day the Speaker granted the permission, and now we have sought the permission of the President.

(Law Minister, Mr. Khursheed Ahmad had, in the meantime, entered the House)

Mr. Mohammad Haneef Khan : The Law Minister will further enlighten the House more elaborately, Sir.

Mr. S. Zaman : Mr. Speaker, Sir !

Mr. Mahbubul Huq : My question has not been understood. To hold an enquiry, he says, against a Class I officer, sanction of the President is necessary. My supplementary was whether the sanction was obtained with regard to the second officer ?

Al-haj Abd-Allah Zaheer-ud-deen : No.

Mr. Mahbubul Huq : Is it not improper that enquiry was conducted . . .

Mr. Deputy Speaker : Actually the supplementary question of the honourable Member seems to be based on a wrong assumption.

Mr. Mahbubul Huq : He says, President's sanction is necessary.

Mr. Deputy Speaker : It is simple. Two reports were submitted. In regard to one it was thought necessary to institute a fresh enquiry and for that the approval of the President has been obtained. In regard to the other, the matter is before the honourable Minister.

Mr. Mahbubul Huq : His reply was so clear.

Al-haj Abd-Allah Zaheer-ud-deen : It was done before I assumed the charge.

Mr. Mahbubul Huq : You are not to be blamed. He said clearly that the President's sanction was essential for any enquiry to be held against a I officer and because that sanction was not there, the report of Mr. Wali Mohammad Khan could not be taken into consideration and a fresh committee came into being. If that is the case with regard to (a), why is it different with regard to (b) ?

Mr. Deputy Speaker : Will you kindly explain whether the approval of the President has been obtained right from the beginning or it is only with regard to fresh enquiry ?

Mr. A. K. Fazlul Hoque : Yes.

Mr. Mahbubul Huq : If that is the case, what has happened with regard to (b) ?

Mr. A. K. Fazlul Hoque : It is receiving the attention of the Minister.

Mr. Mahbubul Huq : Was sanction of the President obtained so far as enquiry against (b) is concerned ?

Mr. A. K. Fazlul Hoque : It will be obtained if necessary.

Mr. Deputy Speaker : The position is that in regard to the report against one of the officers, it was not considered to be complete in all respects and, as such, a fresh enquiry was considered necessary and, for that matter, the approval of the President was obtained.

Mr. Mahbubul Huq : He said that the President's sanction was necessary to hold an enquiry.

Mr. Abdus Sobur Khan : It is not easy to be a Parliamentary Secretary.

Mr. Deputy Speaker : Kindly resume your seat for a while.

The honourable Parliamentary Secretary has not been able to appreciate the point of order. The position that he has explained to-day is quite different. As a matter of fact, he seems to be confusing Article 26 and Article 47 of the Constitution—two different Articles of the Constitution. Under Article 47 it is the recommendation of the President. In Article 26 it is the previous consent of the President. This is altogether a different position. As such it has no bearing or relevancy to the point raised by the honourable Member Ch. Fazal Elahi. Further, in so far as his reference to sub-rule 3 of Rule 54 of the Rules of Procedure is concerned, that is equally irrelevant. Sub-rule 3 of Rule 54 deals with Private Members' Bill and secondly, it pertains to a question where there is some doubt as to whether the previous consent of the President would be necessary or not. As such, that could not be invoked in so far as the consideration of this point of order is concerned. Now, I had promised the floor to honourable Malik Muhammad Qasim. He wanted to raise some point.

Mr. Muhammad Qasim Malik : I think, Sir, it is very late. The legal expert has come and he will explain it.

Mr. Deputy Speaker : Yes, I had promised the floor to Syed Husain Mansur also.

Syed Husain Mansur : Sir, in reply to the Parliamentary Secretary . . .

Mr. Deputy Speaker : I don't think any reply will be necessary.

(Interruptions)

Mr. Deputy Speaker : No, that would be wholly irrelevant.

Syed Husain Mansur : As you have just observed . . .

Mr. Deputy Speaker : It is not at all necessary. This will all be irrelevant.

Syed Husain Mansur : That point you have already clarified.

(Interruptions)

Mr. Deputy Speaker : Order please, order. To place the honourable Law Minister in the picture, a point of order has been raised by the honourable Member, Ch. Fazal Elahi, when the honourable Law Minister was not present in the House. Ch. Fazal Elahi has been pleased to refer to the note appended at the end of the Bill—these copies seem to have been circulated afresh with the note appended at the end, and on inquiry from the Secretariat, I find a letter addressed to the Secretariat saying :—

“I beg to inform that the President has been pleased to concur his recommendation to the introduction of the aforesaid Bill under Article 47 of the Constitution.”

Now, the point raised by the honourable Member, Ch. Fazal Elahi, is that this assent|recommendation seems to have been received only recently and that all the proceedings, which have taken place earlier in regard to the

consideration of this Bill, would be null and void, since this recommendation was not forthcoming when we took up the consideration of the Bill. That is the point that has been raised by the honourable Member. I would request the honourable Law Minister to kindly enlighten the House and assist me in coming to a finding.

Mr. Khursheed Ahmad : Sir, the other day when this question was raised, I made my submissions . . .

Mr. Deputy Speaker : That question was different.

Mr. Khursheed Ahmad : I do know it was different. I think I have been tortured enough on this question and I know how it has been brought to the present position. I say, something has been imputed to me . . .

Mr. Deputy Speaker : Tortured by whom ?

Mr. Akhtaruddin Ahmad : Self-inflicted torture.

(Interruptions)

Mr. Deputy Speaker : Order please, order.

Mr. Khursheed Ahmad : Sir, the position which is posed is this . . .

(Interruptions)

Mr. Khursheed Ahmad : Very Well, Sir, go on and try your luck. It will be your kindness to enter that field also where you will show your superiority. We are prepared for that.

The question which was posed was in relation to Article 27. This Article requires . . .

Mr. Deputy Speaker : That was Article 26.

Mr. Khursheed Ahmad : 26. It reads thus :—

“No Bill, or amendment of a Bill, providing for or relating to preventive detention shall be introduced or moved in the National Assembly without the previous consent of the President.”

The intention of this is . . .

Mr. Deputy Speaker : No, I am sorry to interrupt you, this is a matter which has already been explained to and argued before the honourable the Speaker and he is going to dispose it of when he gives his ruling on both these questions.

Mr. Khursheed Ahmad : Sir, now what is the question then ?

Mr. Deputy Speaker : This is exactly what I wanted to explain to the Law Minister when he said that he has been sufficiently tortured. I was drawing his attention to the note which has been appended at the

[Mr. Deputy Speaker]

end of the fresh copies of the Bill circulated today. I would read it out again :—

“Under Article 47 of the Constitution of the Islamic Republic of Pakistan, the President has been pleased to recommend the introduction of the Bill in the National Assembly.”

While referring to this note, the point raised by honourable Member, Ch. Fazal Elahi, is that this is a recommendation which has been received only today and that all the proceedings in regard to the consideration of this Bill prior to this recommendation, according to him, would be null and void because if at all it was necessary (that is the view of the honourable Member), this recommendation should have been forthcoming at the very outset. This is the point. I would be grateful if the Law Minister explains that.

Mr. Khursheed Ahmad : Sir, the Government is confronted with this. I would like the Chair to appreciate one position. We represent here only the President. As a Minister of the Government party, I represent the President only. I moved this Bill as President's Minister. They want to confront us with the position that I have not his consent to move this Bill. All antecedent recommendations or consent to provisions of this nature are required as a check against the introduction of these Bills which might be moved without the permission of the Government that is to say the President. Now, here I am being confronted with the position that I, as the representative of the Government, have not moved this Bill with the permission of the President. There is no formality required. You will appreciate that, under the Constitution, no formality is required as to how that consent or earlier recommendation or antecedent approval is to be incorporated.

Mr. Akhtaruddin Ahmad : Question.

Mr. Khursheed Ahmad : Nothing is required. The intention of this is that no Private Member should be able to introduce a measure of this nature . . .

Mr. Akhtaruddin Ahmad : Question.

Mr. Khursheed Ahmad : . . . without the antecedent approval of the President.

Mr. Mahbubul Huq : Question.

Mr. Deputy Speaker : Let him proceed.

Mr. Khursheed Ahmad : I, being the Minister of the Government party, have moved this Bill. This Article is probably the protection against an inroad by a Member who is not identified with the policies of the Government. I represent here only the policies of the Government. In the presence of this fact whether there is support from this side or that side—assume it, Sir, that the whole House might not be associated with the policies of the Government, still I would be entitled to introduce a Bill and—for the introduction of a Bill, there is possibly no room for doubt that the President has not approved it, and I make

this statement here that this Bill has been introduced with the antecedent approval, consent and recommendation or all types of agreements, which the Constitution could have conceded to the President, and I should be taken on my words. This question did not arise earlier and I should be contradicted by somebody if I say that I have moved this Bill with the antecedent approval of the President under Article 26 or any other Article which requires the antecedent approval of the President. If I am to be contradicted and they are entitled to contradict me, and if you are pleased to find that this consent or recommendation is not available, then you kindly give a ruling. That should conclude the matter so far as we are concerned, and I represent none except the President.

(Interruptions)

Mr. Deputy Speaker : Order please, order. Let me try to analyse the Government's position as explained by the honourable Law Minister. If I understood the honourable Law Minister correctly, what he means to say is that, in the first instance, the use of the word 'Bill' in Article 26 as well as in Article 47 covers all kinds of Bills, official as well as non-official, and, according to him, since no regular procedure for obtaining or communicating the recommendation or the consent of the President is laid down anywhere, as such, he being a Minister of the President, holding his office during the pleasure of the President, it could safely be presumed that he has the recommendation and the previous consent of the President in so far as his legislative measures are concerned. Since no formality has been laid down anywhere, as such the point of the honourable Law Minister is that it may be safely presumed that he has the recommendation or the consent of the President in regard to the present Bill. The mere fact that it was not communicated to this House earlier, or it was not laid down anywhere in black and white that this Bill has the consent of the President and the recommendation of the President as desired under Articles 26 and 47 of the Constitution, it is the communication of this consent or recommendation, which has been made today, which has created this complication or this sort of misgiving in the minds of the honourable Members.

Mr. Abul Quasem : Sir, in the absence of any clear-cut rules with regard to the recommendation of the President, the convention is to be observed. Sir, the convention is that when a recommendation of the President is to be taken, it must be mentioned that, without the recommendation of the President, this Bill is being introduced. In the case of Budget, it is the Finance Minister, who prepares the Budget. But he has to mention that, on the recommendation of the President, these sums may be granted by this House, or the expenditure of such and such money for such and such purpose. It shows the procedure adopted in regard to that matter and the House should be informed that the President has given this recommendation. And in this case while the clear-cut provision is not there, this convention ought to have been followed, must be followed, as it is followed in all the Legislatures in India as well as other parts of the world. When recommendation is essential, it is mentioned that the recommendation of the President or the Governor has been taken. We have introduced such Bills in different legislatures and we know that the procedure followed is that unless there are rules, the convention is to be observed.

The next point is whether the Speaker has got no say in such matters. Sir, you are bound by the Constitution and the Rules. Your Constitution gives you the right that if the recommendation is essential, you must see

[Mr. Abul Quasem]

that that recommendation is there. It is to be seen. You will only then treat that the Bill is introduced. Since the recommendation came today, the Bill be treated as to have been introduced today. You cannot give a back date. Even if the Minister's contention that there is no rule as to how it should be mentioned is accepted, then what was the necessity of mentioning it today. He may have avoided it all through and the Bill could be passed. When he has given this note that the recommendation of the President has been obtained, that shows that the consent of the President has been obtained now. This is a new Bill, Sir, as Speaker, you have no right to give any other ruling. You will find, Sir, according to Article 47 of the Constitution, the recommendation of the President is essential and the Government did not get any recommendation on any other day, excepting this day. The recommendation has been made that this Bill is to be introduced this day and no other day. Today you cannot do away with the formalities of introduction stage, clause by clause, reading stage and the third reading stage on the Bill which has already been introduced. There is no other way. So, Sir, the Chair has got no right to give a different ruling altogether, because this is a Constitutional provision and as given in the provisions of the Rules of Procedure. The Opposition has raised such a point where the Chair has no discretion. The Chair here is a symbol of impartiality and here we expect that justice will be done.

Ch. Fazal Elahi: Sir, will you allow me to speak?

Mr. Deputy Speaker: I will certainly allow you, but let me meet the points raised by the honourable the other Deputy Speaker.

Even if I agree that the arguments advanced by the honourable the other Deputy Speaker are cogent, I am afraid, I cannot agree when he challenges the authority of the Chair, to pronounce a ruling. How are we going to take a decision in regard to this dispute or difference of opinion? Who is going to decide, if there is some difference of opinion, if there is a dispute to the correct application of a certain Article of the Constitution? Who is going to decide this point whether we should consider the Bill as having been circulated afresh or we should hold valid what has already preceded ever since the introduction of the Bill and how and by what method? It is entirely and exclusively the sole responsibility of the Chair to give a ruling one way or the other, otherwise I cannot allow a dispute to hang on, I mean in so far as that question is concerned, I do not see eye to eye with the other Deputy Speaker.

Several Members: On a point of order, Sir.

Mr. Deputy Speaker: I presume, I agreed to give the floor to the honourable Ch. Fazal Elahi.

Ch. Fazal Elahi: Now, Sir, the language of Article 47 is very clear. I will read the relevant portion:—

“47. (1) Except on the recommendation of the President, no Bill or amendment shall be introduced or moved in the National Assembly if—

(a) it would, if enacted and brought into operation, involve expenditure from the revenues or other moneys of the Central Government;”

This is such a Bill which involves expenditure from the revenues of the Government. Therefore, the Constitution has made a very clear provision that whenever a money Bill is to be introduced, then the recommendations of the President should be there before its introduction, otherwise it cannot be introduced in the House.

Now, Article 47 makes no distinction between a Private Member's Bill and a Government Bill. Sir, the argument of my friend, the honourable Law Minister, that he is the Minister of the President and whatever he does, should be presumed to have been done with the consent of the President or with the recommendation of the President or with the approval of the President, will not hold good, because the President himself in his capacity as the Constitutional head of the Republic of Pakistan, stands on a much higher footing; he is much above everything. Whenever a Bill is introduced and it is passed, we presume that it is being done with the approval of the President, but still we have to wait for his assent to that Bill and unless he gives a formal assent, that Bill cannot become a law. Similarly, when a Bill has to be introduced with the prior approval of the President, it is no argument to say that because a Minister of the President has introduced a Bill, it should be presumed that his recommendation was there. It may be that a Bill is introduced by a Minister and discussed in the House, but the President, after having seen the Bill, may not agree to that Bill. Since, however, there is a very clear provision in the Constitution and we have followed certain formalities, in this House, the prior recommendation of the President is essential. To say that his own Minister has introduced a Bill will not validate the Bill, and will not be complete without the recommendation of the President. Now, if this were not so, why has this recommendation been brought at all?

Mr. Deputy Speaker : This has already been argued by the other Deputy Speaker.

Ch. Fazal Elahi : When this Bill has already passed the third stage, this recommendation has been brought. It is printed at the back of the Bill, which is circulated today, because it was felt that this recommendation should have been there. Now, you may be pleased to see the letter which has been sent by the President to the Assembly. If that letter bears a date prior to the date on which the Bill was originally introduced, we can presume then that the recommendation of the President was there. But if that letter bears a later date, it clearly means that when the Bill was originally introduced in this House, the recommendation of the President was not there. Therefore, Sir, I feel that if we have to follow the Constitution, if we have to follow the Rules of Procedure and if we have to conduct the business of this House in accordance with those formalities, which are essential according to the Constitution, then it should be taken that the recommendation of the President has been received today, and for the first time today this Bill is being introduced.

Ch. Jahan Khan Busal : On a point of order, Sir.

Mr. Deputy Speaker : Yes.

Ch. Jahan Khan Busal : *I have to make a submission.

*English translation of a sentence in Urdu.

Mr. Deputy Speaker : *But there should be no personal remark about Chaudhri Saheb.

Ch. Jahan Khan Busal : *I was submitting, Sir, that this Bill was introduced on the 26th. The point that it required the previous consent of the President should have been raised on that very day under the Rules. They should have raised this point on that day, and said that this item could not be taken up.

Mr. Deputy Speaker : *With due respect to your wide parliamentary experience and the services you have rendered I would say that these are legal points and that you have not been able to appreciate them correctly.

I will give you the floor Mr. Akhtaruddin. The position has been fully explained and I have both the points in view. I am now going to give my ruling.

Mr. S. Zaman : I have only one point and that is the constitutional aspect of the Minister's position, if you will listen to me for a second.

Mr. Deputy Speaker : I am sorry, I cannot allow. Order please, order. Before I give a ruling on this question, I want to ask further clarification from the honourable Law Minister. This letter which has been received by the National Assembly Secretariat and which informs us about the recommendation of the President to this Bill, is dated 8th April, 1964. (*Interruptions*). Order please, order. Firstly, I wish to know whether the honourable Minister presumes that since he is a Minister of the President and holds his office during his pleasure, as such any official Bill that is piloted by him requiring either previous consent or the recommendation of the President, should be presumed to have been recommended or consented to by the President, or he had obtained an expressed previous consent and recommendation of the President as required under Articles 26 and 47 of the Constitution—that is No. 1. Secondly, if he had obtained the express consent and recommendation of the President, whether he received that prior to the introduction or some time during the introduction and consideration of the Bill or on the 8th April, 1964, as it is indicated by this communication?

Mr. Khurshid Ahmad : Mr. Speaker, Sir, I refer you to the Rules of Business wherein it is laid down that whenever a question of legislation arises, that matter is to be processed through the Cabinet or the President might suspend the rules. No legislative measure can be introduced on behalf of the Government in this House without the prior approval of the President. It should be presumed that the Bill was processed in accordance with the Rules of Business—and I am giving a solemn statement here—that I introduced this Bill with the consent and prior approval of the President and that I have been in close touch with him personally in regard to many details and points which arose before and after its introduction in the House; I had specific approval and consent of the President and I have moved this Bill as a Minister of the Government of Pakistan and I represent as a Minister of the President in this House. And further I will invite respectfully your attention to Rules 54 and 55 of the Rules of Procedure. You will please look at Rule 54; this chapter deals with 'The Introduction of Bills'.

Mr. Deputy Speaker : Section (A) Private Members' Bill.

* English translation of sentences in Urdu.

Mr. Khursheed Ahmad : If a Private Member moves a Bill—it can be on the Government side or on that side.

Mr. Akhtaruddin Ahmad : You are not a Private Member.

Mr. Khursheed Ahmad : I have not moved this Bill under Rule 54. Sub-rule (3) of Rule 54 says, "If a question arises whether a Bill does or does not require the previous consent of the President, the question shall be decided by the Speaker." Other specific provision is materially different.

[At this stage Mr. Speaker (Mr. A. K. M. Fazlul Quader Chowdhury) occupied the Chair]

Mr. Khursheed Ahmad : In your absence a question had arisen and I had made a statement on the floor of the House.

Mr. Akhtaruddin Ahmad : On a point of order, Sir. The honourable Deputy Speaker was seized of a very important point of order which has got a bearing on the Constitution. So, we would very much appreciate if that point of order is decided by the honourable Deputy Speaker and . . .

Mr. Speaker : Honourable Law Minister ?

Mr. S. Zaman : I would request you to give us time to plead before you because you have not been here.

Mr. Speaker : Honourable Law Minister !

Mr. Khursheed Ahmad : Sir, I have been asked to explain whether this Bill had been introduced in this House with the prior consent of the President or not. I made a categorical statement that I introduced this Bill in this House with the prior approval and consent of the President.

Mr. Speaker : Consent is required or recommendation ?

Mr. Khursheed Ahmad : Consent.

Under Article 26, the language used is that:—

"No Bill, or amendment of a Bill, providing for or relating to preventive detention shall be introduced or moved without the consent of the President."

A Member : That was disposed of the other day. There is no controversy about it.

Mr. Speaker : Did I not dispose of that matter ?

Ch. Fazal Elahi : Sir, Article 26 relates to preventive detention. The present Bill involves expenditure, and under Article 47, previous recommendation of the President is required, before introduction. It could

[Ch. Fazal Elahi]

only be introduced if the recommendation had been given by or obtained from the President. So, the important point is that this Bill could not be discussed without the recommendation of the President. If the recommendation of the President has been received today, then it should be deemed to have been introduced today and it should be discussed as such.

Mr. Speaker : Well, now come to Article 26.

Ch. Fazal Elahi : Sir, Article 26 is wholly irrelevant in this case ; that relates to preventive detention. I do not know why it has been referred to at all.

Mr. A. T. M. Mustafa : Mr. Speaker, Sir . . .

Mr. Speaker : Kindly take your seat.

Ch. Fazal Elahi : The Law Minister has accepted that this is a money Bill. It involves raising of money.

Mr. Speaker : When he has accepted that this is a money Bill, you will have to argue in respect of Article 47 only. (To Mr. Khursheed Ahmad) You will have to explain the word 'recommendation'.

Mr. Khursheed Ahmad : When I made the statement earlier, I said that whatever legislation is introduced in this House on behalf of the Government under the Rules of Business of the Government of Pakistan, it is to be processed through the Cabinet, and if the Cabinet cannot meet, then with the concurrence of the President alone, and I made the statement that this Bill has been processed, made and drafted with the approval and recommendation of the President and I have moved this Bill only as a Minister, and then I referred to Rule 54. May you be pleased to look at Rules 54 and 55 which relate to the Private Members' Bills. A Private Member whether he belongs to this side or that side of the House is one who is not a Minister. Now, so far as the question of prior consent or recommendation in regard to the Bill which is sought to be introduced by the Private Members is concerned, Rule 54, sub-rule (3) may kindly be looked at. It says, "If a question arises whether a Bill does or does not require the previous consent of the President, the question shall be decided by the Speaker."

Mr. Speaker : Here the question is of ruling and not consent.

Mr. Khursheed Ahmad : I am coming to that. The words used are "Government Bills" and that is given in section (B) which starts from Rule 56: "A Minister or a Parliamentary Secretary may introduce a Bill after giving to the Secretary a written notice of his intention to do so." Only it is said here that notice shall be given. You will find that there is no corresponding situation conceived by the Rules because a Minister by the Constitution and by Rules is entitled only to represent the Government and none else. And I have made a statement that this Bill which has been introduced, has been introduced with the prior consent and recommendation of the President and I have moved it as a Minister. Now, the other question arises whether there is any formality under the Constitution which prescribes that that recommendation or previous consent is to be enacted in a certain formal manner, and that if

that formal manner be not observed, proceedings shall be vitiated. If the Constitution had gone to that extent, then there should have been some document, communicating that this position should be accepted because we are Ministers under the present pattern of the Government where we represent the Government alone, and this remains our privilege as regards legislative initiation as against such initiation by persons who are Members or Private Members of the House.

Mr. Speaker : Can this House take into consideration the Rules of Business of the Presidential Cabinet ?

Mr. Khursheed Ahmad : I have made and I am making a solemn statement that this has been moved and introduced with the prior approval and consent and recommendation of the President. I have made that statement and I again make that statement.

A Member : Where is that recommendation ?

Mr. Khursheed Ahmad : Now, the question arises, is any formality required, and if so, is that formality mandatory or directory ? The Constitution is silent and there is no direction incorporated in it. The provision is that no financial Bill can be introduced by a Private Member and that no Bill, which seeks to deal with matters relating to preventive detention, shall be moved or introduced in the House without the prior consent of the President. It is a protection sought against individual initiative so far as such legislative measures are concerned, and I made a statement and then posed the question if there be anything erroneous or wrong contained in my statement, it may be placed before you and you might determine the issue. I made the statement that if they think and feel that I have not got the recommendation, I have not got the consent, then they should prove to the contrary. I would also emphasize, Sir, that in this House, I represent the President.

Mr. Speaker : I refer you to Article 110 of the Constitution.

Mr. Khursheed Ahmad : Subject to the Constitution . . .

Mr. Speaker : Have you read, " Subject to the Constitution . . . " ?

Mr. Khursheed Ahmad : Sir, I have read. All the powers to be exercised and all the privileges enjoyed by this House or by the Speaker are subject to the Constitution. I know this and I do appreciate, Sir . . .

Mr. Speaker : What about Article 47 ? Is this a provision in the Rules of Procedure or in the Constitution ?

Mr. Khursheed Ahmad : Sir, I may submit that it is required by the Constitution that such type of Bills shall be introduced with the prior consent and recommendation of the President, and I have never doubted that position. I might have been misunderstood, but it appeared to me that what I said was that what is the intention of these two protective rules ? The intention is that there should be no private legislation on these subjects without the prior consent or recommendation of the President. Then submission No. 2 is that I have moved this and introduced this as President's Minister. It is an official Bill. It is not a private Bill, and I have made this statement that I have done it with the approval and recommendation of the President. I, therefore, respectively invite your

[Mr. Khursheed Ahmad]

attention to the absence of any provision in the Constitution which requires that the approval and the recommendation is to be communicated in a certain formal form. If the Constitution had gone to that extent . . .

Mr. Speaker : Kindly resume your seat.

A Member : May I reply to him on this point ?

Mr. Speaker : Order please, order. I have heard him. Your contention is that the Bill could not be introduced, unless it was recommended by the President and that is the provision in Article 47 of the Constitution.

A Member : That is also followed in this House.

Mr. Speaker : It has got to be followed, must be followed. Now, the point made out by Mr. Fazal Elahi, honourable Mr. Quasem and Mr. Akhtar-uddin is that money Bill could not be introduced in this House unless it was recommended by the President of Pakistan and that the Law Minister has not disputed the fact that this is also a money Bill.

Mr. Khursheed Ahmad : Sir, for argument's sake I said that.

Mr. Speaker : It has not been raised in my presence.

(Interruptions)

Mr. Speaker : All right.

(Interruptions)

Mr. Speaker : I think, this letter shows that he has already said this : there is no dispute about it. Now, let me have the letter and I will give my ruling.

(Pause)

Mr. Speaker : The letter is here I will read verbatim what is written here :

"Ministry of Law and Parliamentary Affairs (Law Division)
Rawalpindi, the 8th April, 1964 . . ."

When the Bill was introduced ?

A Member : On the 26th of March.

Mr. Speaker : " . . . From

Mr. Aminul Islam,
Joint Secretary to the Government
of Pakistan.

SUBJECT :—*Introduction of the Electoral College Bill, 1954 . . .*"

*Oh, here instead of 1964, it is written 1954 ! This I am seeing with my glasses !

(Interruptions)

Mr. Speaker : Order please, order.

. . . Sir.

I beg to inform that the President has been pleased to accord his recommendation to the introduction of the aforesaid Bill under Article 47 of the Constitution"

Then it does not leave any doubt that it is being treated by the Law Ministry as a money Bill.

" . . . Your obedient servant.

Sd - Aminul Islam.

Joint Secretary to the Government of Pakistan."

I hold that when the Law Minister would introduce or any honourable Member would introduce a money Bill, it must have the recommendation of the President. Now, the question is when have the recommendations been made? This is an information about the recommendation—this is not the order of recommendation. It is dated 8th April. We do not know when the recommendation was made. It was made earlier—must have been made earlier. But we know, in Pakistan, there are people who are lazy. Some time they type letters with mistakes. So, after the solemn statement of the Law Minister, I hold that the recommendation has been made before the introduction of the Bill. I hold the point to be out of order.

Had it been a letter of the President dated 8th April, I would have held that the introduction was illegal. This is not his letter: this is an information by the Joint Secretary, Ministry of Law. So, the recommendation must have been made earlier and in view of the solemn statement by the Law Minister, I cannot disbelieve him. It must have been made before introduction of the Bill. So, I am afraid, I have got to rule the point out of order.

House adjourned. Will meet at 11 o'clock this morning.

(The Assembly then adjourned till 11 a.m.)

The Assembly reassembled at 11 a.m., Mr. Deputy Speaker (Ch. Muhammad Afzal Cheema) in the Chair.

POINT OF ORDER

Mr. Abdul Bari : Mr. Speaker, Sir.

Mr. Deputy Speaker : Yes, Sir.

Mr. Abdul Bari : Sir, with regard to the point of order raised by Ch. Fazal Elahi in respect of the requirements of the . . .

Mr. Deputy Speaker : I am sorry to interrupt . . .

Mr. Abdul Bari : Let me finish, Sir.

Mr. Deputy Speaker : No, kindly listen.

Mr. Abdul Bari : Then with regard to the ruling as a protest . . .

Mr. Deputy Speaker : Kindly listen to me.

Mr. Abdul Bari : . . . the Opposition is walking out. As a protest we are walking out.

Mr. Deputy Speaker : Order, order.

(Interruptions)

Syed Husain Mansur : We are walking out as a protest against the ruling of the Chair.

(The Opposition then walked out)

Mr. Muhammad Qasim Malik : This is disgraceful. This is the second time that they have done this. Once they did it in the case of your ruling.

Mr. Deputy Speaker : Will you kindly go to your seat in the first instance ?

Mr. Muhammad Qasim Malik : Mr. Speaker, Sir, I want to bring on record the feelings of the Members of this House who are present in the House with regard to the walk-out which has been staged by the Opposition with regard to the ruling of the Speaker. Mr. Speaker, this is the second instance that they have done it. They call themselves democratic. They say that they have good principles but it shows that my friends on the other side have no principles.

(Interruptions)

Mr. Deputy Speaker : Order please, order.

Mr. Mashiur Rahman : On a point of order, Sir.

Mr. Deputy Speaker : I will give you the floor. Kindly resume your seat. I would request the honourable Parliamentary Secretary Mr. Muhammad Qasim Malik to withdraw these words "they have no principles". *(Interruptions)*. Order please, order. Straightaway kindly withdraw.

Mr. Muhammad Qasim Malik : Sir, I withdraw these words.

Mr. Deputy Speaker : Thank you.

Mr. Akhtaruddin Ahamad : ***

Mr. Deputy Speaker : Order please, order. *(Interruptions)*. Order. Order.

Mr. Akhtaruddin Ahmad : How long will you stay, we will see it.

*** Expunged as ordered by the Deputy Speaker.

Mr. Deputy Speaker : I would request the honourable Member Mr. Akhtaruddin to withdraw this expression.

Mr. Akhtaruddin Ahmad : That has been used by the highest office.

Mr. Deputy Speaker : It may be so but I will request you to kindly withdraw it. Kindly withdraw this.

Mr. Akhtaruddin Ahmad : If it is unparliamentary, I withdraw.

Mr. Deputy Speaker : I do consider it unparliamentary.

Mr. Akhtaruddin Ahmad : If you say that this is unparliamentary, I withdraw it.

Mr. Deputy Speaker : I am positive about it. It is also derogatory to the prestige of the House.

Syed Mohammad Habibul Haq : Mr. Speaker, Sir.

Mr. Muhammad Qasim Malik : I am already in possession of the House. If he is on a point of order, it is a different matter.

Mr. Deputy Speaker : Order please, order. I have given the floor to Mr. Muhammad Qasim Malik.

Mr. Akhtaruddin Ahmad : Has he withdrawn his words ?

Mr. Deputy Speaker : He has.

Mr. Muhammad Qasim Malik : I have done it at your express order, Sir.

(Interruptions)

Mr. Deputy Speaker : Order please, order.

Mr. Muhammad Qasim Malik : If I profess a certain thing, if I say that these are the principles—good principles—which should be adopted by the people of this country and for that matter the Members of this House, if I profess a certain thing and then if I go against it, I do not know what parliamentary language to use to express that feeling. That is what happened in this House today.

Mr. Mashiur Rahman : What have we professed ?

(Interruptions)

Mr. Deputy Speaker : Order please, order. Order please, order. Now, let us go to the legislative business.

Syed Mohammad Habibul Haq : I want to explain one thing, Sir.

Mr. Deputy Speaker : Do you want to get the floor on a point of personal explanation ?

Syed Mohammad Habibul Haq : Sir, I want to explain one thing with regard to the hired mules.

Mr. Deputy Speaker : I am afraid, I cannot give the floor on that account.

Syed Mohammad Habibul Haq : I am not calling them hired mules or anything like that. I refrain from phrases like this.

Mr. Deputy Speaker : Order please, order. It has got nothing to do with the proceedings of the House. (*Interruptions*). Order. Order. Mr. Mohammad Habibul Haq, kindly resume your seat. Will you kindly?

(*After a pause*)

Mr. Deputy Speaker : Thank you.

Mr. Mahbubul Huq : What about the ruling?

Mr. Deputy Speaker : Which ruling?

Mr. Mahbubul Huq : You adjourned the House yesterday because it was becoming impossible to have the legislative business conducted unless that ruling was forthcoming. Now, I think it is better and proper that we should have the ruling first before we proceed further.

Mr. Deputy Speaker : I understand that ruling will be given very shortly.

Mr. Mashiur Rahman : Till the ruling is given, the House should be adjourned. You yourself were of the view that, in the absence of the ruling, it is very difficult to continue with the legislative business.

Mr. Deputy Speaker : I fully agree.

Mr. Mashiur Rahman : If you agree, then please adjourn the House.

Mr. Deputy Speaker : That is also my feeling. It is not so easy to proceed with the discussion of the Bill unless the position is clarified one way or the other. However, in so far as the provisions which are completely non-controversial in nature, we could proceed with them.

Mr. Mashiur Rahman : No, Sir. When you agree and when this is your opinion also, then controversial or non-controversial, this question does not arise. The question is whether the ruling should be given or the discussion should be kept pending till the ruling is given. I think, Sir, the House should be adjourned.

(*After a pause*)

Mr. Mashiur Rahman : Rasputin has been planted in the Chamber.

Syed Mohammad Habibul Haq : They have most notoriously inducted the Rasputin.

(*Interruptions*)

Mr. Deputy Speaker : I fully agree with the views expressed by the honourable Members and particularly honourable Member, Mr. Mashiur Rahman. It is not so easy to proceed with the discussion of the Bill in the absence of the ruling because almost every third amendment that we have to

deal with involves the question of the Election Authority or the Election Commission. As such it is rather difficult and I have referred the matter to the honourable the Speaker and I hope he will be in a position to tell us as to when precisely he will be giving his ruling.

Mr. Mashiur Rahman : So the House should be adjourned.

Mr. Deputy Speaker : In a minute's time I will be getting the reply.

Mr. Mashiur Rahman : If the ruling goes in our favour, Sir, then the whole Bill will have to be taken up *de novo*. So, what is the use in spending energy in discussing it now. Let the Speaker first give his ruling and we hope that it will be in our favour because it was a legal question accepted by all. So, Sir, it is better that we do not spend our energy, and wait for the ruling.

Mr. Deputy Speaker : It is always better to be optimistic.

Mr. Mashiur Rahman : But we are not that optimistic because we know that Rasputin has been planted in the Chamber.

Mr. Akhtaruddin Ahmad : But for the intervention of the Rasputin, we were sure that the decision will be in our favour.

Mr. Abdul Bari : Mr. Speaker, Sir.

Mr. Deputy Speaker : Yes, Mian Bari.

Mr. Abdul Bari : The Law Minister is again not present in the House as he did last night. What will happen? What is the use of this discussion, if he is not there? And my idea is, Sir, that he has gone to the room of the Speaker to persuade him to get his ruling against our view point.

(Interruptions)

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

Mr. Abdul Bari : He should be called.

Mr. Deputy Speaker : I am very sorry to give you the floor. *(Interruptions)*. Order, please. Order. I am very sorry to observe *(Interruptions)*. Order please, order. Should the chosen representatives of the people, the Members of the National Assembly of Pakistan conduct themselves in a way they are doing? I am very sorry to see.

Mr. Mashiur Rahman : This is the lesson to be learnt. We are not only the Members of the highest Assembly, but we are the chosen representatives of the people.

Mr. Deputy Speaker : It has pained me to hear an uncharitable observation from no less a person than honourable Mian Abdul Bari, for whom I have my greatest regards. The honourable Member, being one of the most experienced Parliamentarians in this House, of whom we are all proud, should not have gone to the extent of casting such an aspersion. *(Interruptions)*. Order please, order. This is most unfortunate that the Member should cast aspersion on the integrity of the Chair.

Several Members : No, Sir. No, Sir.

Mr. Deputy Speaker : Order please, order. Nothing could be more derogatory to the prestige and honour of this august House than such statements made on the floor of the House. This is not a healthy practice. Even if some honourable Members do not agree with the ruling of the Chair, they may differ. There is always room for honest difference of opinion, but the way the honourable Members have protested against it and have demonstrated their displeasure, is contrary to all parliamentary practices and conventions. *(Interruptions)* Order please, order. I give the floor to the honourable the Leader of the House.

Mr. Abdus Sobur Khan : Mr. Speaker, Sir . . .

Mr. S. Zaman : The House should be adjourned.

Mr. Deputy Speaker : I will keep that in mind.

Mr. Abdus Sobur Khan : . . . as you have very correctly observed that there is every room for an honest difference of opinion, is not altogether unknown in the parliamentary sphere of this country and in the past, the Opposition were within their legitimate right to stage a walk-out. I do not mean that, Sir. But the thing, which pains me, is the remarks which were made by Mr. Abdul Bari, I completely . . .

Mr. Mashiur Rahman : After this thing has been discussed and closed by the Deputy Speaker, is there any scope for the Leader of the House to discuss that particular point ?

Mr. Deputy Speaker : Mr. Abdus Sobur Khan, will you kindly address the honourable Member as Main Abdul Bari ? A better mode of addressing is to refer to the honourable Member by mentioning his constituency.

Mr. Abdus Sobur Khan : Sir, I have tried to honour the views and the wishes of my esteemed colleagues in the Opposition. I have never been offensive to them nor have I tried to incur their displeasure. I will appeal to their reasoning . . .

(Interruptions)

Mr. Deputy Speaker : He is only appealing to the honourable Members . . . *(Interruptions)*. Order please, order. The House stands adjourned to reassemble at twelve of the clock.

(The Assembly then adjourned to reassemble at twelve of the clock.)

The Assembly reassembled after twenty minutes, Mr. Speaker (Mr. A. K. M. Fazlul Quader Chowdhury) in the Chair.

Mr. Speaker : Yes, Mr. Zaman.

Mr. S. Zaman : What, Sir ?

Mr. Speaker : You should move your amendment No. 34, on page 7.

Mr. S. Zaman : Sir, I also had another item No. 23 (a).

Mr. Speaker : The other amendments were deferred. You can now move No. 34.

Mr. Nasrullah Khan : What about the ruling, Sir ?

Mr. Speaker : On item 34, is any ruling called for ?

Mr. Nasrullah Khan : I want to know whether the Chair will be pleased to give ruling now or later on.

Mr. Speaker : All right, when it will be called for, I will.

Mr. Saifur Rahman Arbab : Point of order, Sir. What about my amendment No. 39 ?

Mr. Speaker : It will come to that later on.

Mr. Mashiur Rahman : Point of order, Sir.

Mr. Speaker : Yes.

Mr. Mashiur Rahman : The Deputy Speaker before adjourning the House told that the discussion on the Bill should proceed after the ruling of the Chair, and on that he also said that if the ruling was not available, it would be very difficult to proceed. Sir, do you please change the ruling of the Deputy Speaker or you want us to continue with the amendments. That is my point.

Ch. Muhammad Afzal Cheema : On a point of personal explanation, Sir. The honourable Member has made a reference to an observation made by me when I occupied the Chair. I agreed with the honourable Members that in the absence of the ruling, one way or the other, it was not easy to proceed with the discussion of the Bill, as almost every alternative amendment of which notices were given pertained, one way or the other, to the Election Commission on which the ruling of the Chair is being awaited. It was not a ruling by me as such from the Chair.

Mr. Speaker : In view of what has been stated by the honourable senior Deputy Speaker, that was not the ruling.

Mr. Mashiur Rahman : Yes, Sir. When something is being spoken from the Chair, any observation or any advice is given from the Chair, we accept it as a decision of the Chair. That was most probably the confusion in my mind which I failed to express correctly. So, it is up to you to take a decision now.

Mr. Speaker : I would like to get the benefit of the wisdom of the House about the scope of points of order which could be raised in this House. Any gentleman on my left would enlighten me ?

Mr. Abul Quasem : Regarding general scope ?

Mr. Speaker : About the scope of points of order which could be raised in this House.

Mr. Abul Quasem : It is covered by the Rules.

Mr. Speaker : Rule 156 ?

Mr. Abul Quasem : There are no details.

Mr. Speaker : May I take it that the points of order could be only regarding breach or violation of the Rules of this House ? It might be the interpretation or enforcement of these Rules.

Mr. Qamarul Ahsan : It also relates to any breach of the parliamentary convention established in the House.

Mr. Speaker : Yes, but will the point of order raised by Mr. Akhtaruddin come within the scope of the interpretation of the point of order ? Will Mr. Akhtaruddin Ahmad enlighten me on this point ? Or will anybody on my left or on my right enlighten me ?

Mr. Akhtaruddin Ahmad : Since you have been very kind to ask me to assist you in the matter of the scope of the points of order, I would be very glad to do so. As you have referred to Rule 156, a Member may at any time submit a point of order for the decision of the Speaker, but in doing so he shall confine himself to stating the point. That I have already done. The Speaker shall decide all points of order which may arise and his decision shall be final. That is the relevant Rule in the Rules of Procedure.

Mr. Speaker : Supposing you raise a point of order that the honourable Ministers should come to this House with shirt and shorts. What shall I decide ? Will it be a point of order for the decision of the Speaker ?

Mr. Akhtaruddin Ahmad : We are concerned with the decision of the Speaker only with regard to the proceedings of this House, and when I raised a point of order, that was relating to the Bill under discussion and in that matter it would not be relevant to point out whether the Ministers should come to this House in shirts or without shirts. So far as the scope of the Bill is concerned, it is the privilege of every Member of this House to raise a point of order and you will be guarding our rights and privileges as the custodian of this House where we point out such things, and we have already pointed out that this Bill clearly and categorically violates the provisions of the Constitution. These Rules have been framed under the Constitution, and they are subject to the Constitution. So, if I could satisfy you that the relevant Bill has violated the provisions of the Constitution, then this Rule 156 is invoked, and your duty comes in this way that "The Speaker shall decide all points of order . . ." It becomes mandatory on your part, and to invoke the jurisdiction of ours, we have sought your ruling in the matter whether in the presence of a clear and categorical provision of Election Commission in the Constitution, another parallel or secondary or similar institution can be created.

The Constitution clearly provides that the Election Commission shall be the sole authority for running the elections, and for purposes stated in Article 153.

Mr. Speaker : Yes ; your point of order is that I must interpret the Constitution. Isn't that so ?

Mr. Akhtaruddin Ahmad : No, Sir ; that is far from it. My point of order is not for the interpretation of the Constitution. My point of order is that the Bill is not according to the Constitution, and if it does not fulfil it, he cannot introduce it in this House without fulfilling the constitutional requirements and the Rules of Procedure of the House. Sir, it is not the Rules of Procedure which I am directly invoking ; but what I am trying to invoke, with your assistance or with your help, is the constitutional provision. No interpretation is required as far as the Constitution is concerned. That will be the subject-matter, or that may be the subject-matter of a Court of Law.

Mr. Speaker : To interpret the Constitution. You agree there ?

Mr. Akhtaruddin Ahmad : In the particular case my point is that here no interpretation of the Constitution is required.

Mr. Speaker : Neither is it the duty of anybody in this House ?

Mr. Akhtaruddin Ahmad : No, Sir. If the interpretation has been so asked from you, then you should have said, " In this particular case, I am not going to interpret. "

Mr. Speaker : No, no. You are resiling from your position. You consider that it is not a question of interpretation. Had it been a matter of interpretation of the Constitution, then it would be the duty of the court to interpret the Constitution. That is what you have said earlier.

Mr. Akhtaruddin Ahmad : Sir, it will be the duty of each and every Member . . .

Mr. Speaker : Mr. Akhtaruddin Ahmad, you are eating your own words.

Mr. Akhtaruddin Ahmad : I am not eating, Sir.

Mr. Speaker : You see, you told me just now that the Court of Law will be interpreting the Constitution, and that your point of order relates to something else. Now, what is that " something else " ?

Mr. Akhtaruddin Ahmad : " Something else " is, Sir, that the law clearly envisages that the Election Commission should be the proper authority for conducting all kinds of election—the election of the President, the election of the Assemblies, and for conducting the referendum—and the election for the electoral college is a part of the general election of these three categories that I have mentioned. This is a preliminary stage of the main elections, and without this basic election, there can be no election to the office of the President or to the offices of the Members of the Assemblies and there cannot be any referendum. So, this is the basis of the formation of electoral college, and this primary election is a part and parcel and a constitutional feature of the election as envisaged in Article 153 and subsequent Articles which I was going to explain ; but I could not finish my argument or my submission before you on that day ; you were asking other Members also, and you assured me that you would allow me time to conclude my submission.

Mr. Speaker : Which is that Article in the Constitution ?

Mr. Akhtaruddin Ahmad : 153, Sir.

Mr. Speaker : Will you kindly read ?

Mr. Akhtaruddin Ahmad : Yes, Sir. Article 153 reads thus :

“(1) For the purposes of—

- (a) each election for the office of President ;
 - (b) each general election of the Members of an Assembly ; and
 - (c) each referendum required to be held under this Constitution,
- an Election Commission shall be constituted in accordance with this Article.”

So, Sir, three types of elections are meant here, and the electoral college which is envisaged under Article 155, forms the basis and part and parcel of all these elections.

Mr. Speaker : (a) “ each election for the office of President ” ;

Mr. Akhtaruddin Ahmad : Yes, Sir.

Mr. Speaker : Whenever the question of the election of the President will come, Election Commission will come in.

Mr. Akhtaruddin Ahmad : Yes, Sir, then the Election Commission will come in.

Mr. Speaker : “ Each general election of the Members of an Assembly ”. Is there any interpretation given of the words ‘ general election ’ ?

Mr. Akhtaruddin Ahmad : Sir, in the general election. I will refer. I have got no doubts in my mind.

Mr. Speaker : No question of doubt.

Mr. Akhtaruddin Ahmad : For assisting you I am just quoting by way of reference to two lines from the report of the Franchise Commission, which has also dealt with this matter at length, but what they conclude, we are not bound by that ; we may take it by way of reference, whether it is relevant or not.

Mr. Speaker : Do you mean to say that you are not bound by that, but just by way of reference you are referring to it ?

Mr. Akhtaruddin Ahmad : That is for the purpose of citing the precedents and decisions. We are not bound unless you are bound by superior authority ; but in this case there is no superior authority than you . . .

Mr. Speaker : All right.

Mr. Akhtaruddin Ahmad : . . . , because you might say that your decision is final.

Mr. Speaker : I don't say that. The Rules say so.

Mr. Akhtaruddin Ahmad : I think I am saying in accordance with the Rules.

Mr. Speaker : All right. Please go on.

Mr. Akhtaruddin Ahmad : Sir, you are supreme as far as Pakistan is concerned, and once you give a ruling, it will not only have effect for today, but for generations to come. That is what we are concerned about. I do not care whether I die or live, but I must think about my future generations, and that is the duty with which you have been entrusted, Sir.

Now, Sir, by way of reference, may I just read one sentence from the Franchise Commission's Report, page 27 ?

Mr. Khursheed Ahmad : Is it a constitutional document ?

Mr. Akhtaruddin Ahmad : By way of reference, as you decide cases in the Courts of Law. You are a lawyer ; you should know better than me.

Mr. Speaker : Are you not tired now ?

Mr. Akhtaruddin Ahmad : Sir, we are very much tired.

Mr. Speaker : Yes, Mr. Akhtaruddin, page 24.

Mr. Akhtaruddin Ahmad : If the Government agrees to the proposal of direct elections, I will stop talking right now.

Mr. Speaker : I don't want that much. You must go on talking.

Mr. Akhtaruddin Ahmad : We will achieve the end one day.

Mr. Speaker : It is not good that you stop somebody to talk.

Mr. Akhtaruddin Ahmad : Especially with Mr. Khursheed I have . . .

Mr. Speaker : All right, page 24.

Mr. Akhtaruddin Ahmad : Page 27, Sir ; just over the middle—

“ . . . To hold and conduct elections to the office of President and that of Members of the Assemblies, including a primary election in the indirect system is the sole responsibility of the Election Commission under Article 153 . . . ”

Sole responsibility, Sir. That is the word used here. Article 153, Sir, may I read that again—

“ . . . To hold and conduct elections to the office of President and that of Members of the Assemblies, including a primary election in the indirect system is the sole responsibility of the Election Commission under Article 153 of the Constitution. The primary election being very important in the indirect system, it shall be necessary for the Commission to carry out every item of work in connection with such election with meticulous care and strictly according to laws and rules as in the case of direct elections.

[Mr. Akhtaruddin Ahmad]

So, Sir, they have also thought over this proposition, and they have come to the decision—eminent people: High Court Judges, Chief Election Commissioner, and honourable Members of this House, Mr. Salahuddin and Mr. Hassan Ali: very distinguished people all they are. They have pondered and thought over all the pros and cons of this, and they have come to this decision that this entire responsibility starting from the electoral college, referendum and Presidential Election in between, all is the sole responsibility of the Election Commission. If that is so, Sir, there is no room for doubt, there is no room for interpretation. The only question is whether the Government has complied with this or not. Sir, the Government is not in any embarrassing position. You may think that if you give a ruling in our favour, or if the ruling is against you, it might embarrass the position. Before a bad doctor, Sir, we cannot ask for a very serious operation. We want good doctors for the country. So, if that is their fault, Sir, let them suffer; let not the country suffer for that.

Mr. Speaker : We don't want operation at all. It is a very bad thing.

Mr. Akhtaruddin Ahmad : Sir, it is going to be a major operation on the country. You are taking out glands—very important glands—out of the body of this country. Sir. You are denying them their rights. You might say that this gland is not necessary to be inside the body. But that is a different matter. But you are taking out important glands from the body of the country. You are denying them the right of vote. We cannot be silenced on this matter, and that is why sometimes we become agitated, and sometimes we possibly unintentionally show our agitation.

Mr. Speaker : When does the election start?

Mr. Akhtaruddin Ahmad : Reaction starts out of . . .

Mr. Speaker : I say, when does the election of the President start?

Mr. Akhtaruddin Ahmad : With the preparation of the electoral roll . . .

Mr. Speaker : Or from the date when the Election Commissioner will call upon a constituency to elect Members or President.

(Interruptions)

Mr. Akhtaruddin Ahmad : Sir, since this Constitution came into being from the 8th of June, the election is a continuing process. It has started from the 8th June. It will never stop till this Constitution is there. It is a continuing process, and we are guarding it. I am fighting for the constitutional rights, not for favour from them, Sir. If it was a question of favour, I would have begged of them. But we have not gone . . .

Mr. Speaker : We don't want you to go anywhere begging from anybody.

Mr. Akhtaruddin Ahmad : Except before Almighty Allah.

Mr. Speaker : Yes, yes, of course.

Mr. Akhtaruddin Ahmad : Because there we cannot do anything but begging. So, Sir, the question is that the Franchise Commission also dealt with it.

Mr. Speaker : In any case a general election is not defined in the Constitution.

Mr. Akhtaruddin Ahmad : I am coming to that, Sir.

Ch. Fazal Elahi : Will you give me one minute after him ?

Mr. Speaker : Yes. This is a very important matter and Mr. Akhtaruddin has already alerted me about its impact on posterity.

Mr. Akhtaruddin Ahmad : Yes, Sir, I am sure you are conscious of that. I have no doubt in my mind.

Mr. Speaker : If you had doubts, you would not have put me in this Chair.

Mr. Akhtaruddin Ahmad : We want to go with this impression out of this House that our doubts were put right before you in the right time.

Mr. Speaker : Impression is flexible. Still . . .

(Interruptions)

Mr. Akhtaruddin Ahmad : In this connection I have also taken you to Article 160 . . .

Mr. Speaker : 160 ?

Mr. Akhtaruddin Ahmad : . . . and 161 where the same Commissioner who, under Article 153, gets the power of election, divides the constituencies that far and no further. I am taking the refuge of Article 160 for Provincial constituencies and 161 for Central constituencies.

Mr. Speaker : Do you mean delimitation ?

Mr. Akhtaruddin Ahmad : Yes, Sir, as far as these two Articles are concerned. Then it comes to Article 165 which reads thus :—

“The election for the office of the President shall be decided by the votes of the Members of the electoral college”.

Here is, Sir, the relationship with the election. The electoral college is being raised according to the Government by the Election Authority. How can the President be elected by the same electoral college whose sole responsibility lies on the Election Commission ? Sir, the Election Commission is entrusted with the duty of electing the incumbent for the office of the President and as such, the raising of the electoral college is also the primary duty, not only the sole responsibility, of the Election Commission. So, the electoral college and the election of the President is connected now. Article 53 as you pointed out the other day that it categorically did not say the election of the electoral college but this has been connected by Article 165. Again, Sir, Article 168 says :—

“The election of a person to a seat (not being a seat reserved exclusively for women) in the National Assembly or Provincial

[Mr. Akhtaruddin Ahmad]

Assembly shall be decided by the votes of the constituents for that seat."

And these constituents are . . .

Mr. Speaker : Supposing this Bill . . .

Mr. Akhtaruddin Ahmad : Yes, Sir.

Mr. Speaker : Have you gone through the chit ?

Mr. Akhtaruddin Ahmad : No, Sir. It is all right. Yes, Sir.

Mr. Speaker : Supposing this Bill, as introduced by the honourable Law Minister, is treated as a Bill by the Law Minister and he says that it is a Bill and it is passed. Has the Speaker any authority to say that the Bill is not passed ?

Mr. Akhtaruddin Ahmad : I have understood the point.

Mr. Speaker : Please reply. If you have understood, then please reply.

Mr. Akhtaruddin Ahmad : I will be brief and try to explain in my humble way. The Bill can be passed by the House only with the required number of votes—in case of ordinary Bills, it will be simple majority and in case of a Constitutional Bill, it is to be 104 and no less. That is clear, Sir. So, after you have got 104 votes for a constitutional amendment, you can say that this Bill is passed, and in case of an ordinary Bill, only simple majority will do.

Mr. Speaker : Yes, if he says this is an ordinary Bill ?

Mr. Akhtaruddin Ahmad : If he says that it is an ordinary Bill, then simple majority is required.

Mr. Speaker : If he says that it is an ordinary Bill and an ordinary Bill needs the majority of the House to get it passed, has the Speaker any power to tell him, "No, you are wrong" ?

Mr. Akhtaruddin Ahmad : Yes, Sir. You have got the powers.

Mr. Speaker : Show me the authority.

Mr. Akhtaruddin Ahmad : I am coming to that, Sir. In this connection, Sir, while we have raised the question of Election Authority . . .

Mr. Speaker : Have I got powers to tell him, "No, you do not need three votes, you require five votes" ?

Mr. Akhtaruddin Ahmad : Before I forget and it is jumbled up, I would refer to you also Article 163 and thereby my submission will be synonymous with the functions of the Election Authority, and if it is so, the Constitution never intended that any other authority will come.

Mr. Speaker : No, no. Mr. Akhtaruddin it is no use going there. Kindly tell me and satisfy me that I have got powers to tell the Law Minister, 'no'.

Mr. Qamarul Ahsan : Mr. Speaker, Sir, may I answer this question in one word ?

Mr. Speaker : Tell me if I have the power to sit over him and tell him that what the Law Ministry has done is all wrong. Can I act as a Super Law Minister ? I want to know that.

Mr. Qamarul Ahsan : May I reply it ?

Mr. Speaker : Please do. I need the wisdom of everybody. It is a very important question.

Mr. Qamarul Ahsan : My submission is that . . .

Mr. Speaker : Yes.

Mr. Akhtaruddin Ahmad : I have not yet finished, Sir.

Mr. Speaker : You have not finished ? Then the floor belongs to Mr. Akhtaruddin Ahmad.

Mr. Akhtaruddin Ahmad : Sir, before I sit down I want to point out to you the powers of the Election Authority and the powers of . . .

Mr. Speaker : Please explain to me how I have the power to . . .

Mr. Akhtaruddin Ahmad : Sir, if you look to the procedure for the constitutional amendments, it is in Article 75.

Mr. Speaker : Article 75 of the Constitution of Pakistan ?

Mr. Akhtaruddin Ahmad : Rules of Procedure. I am sorry if I could not make myself clear.

Mr. Speaker : Mr. Akhtaruddin . . .

Mr. Akhtaruddin Ahmad : Sir, you are volleying so many questions at a time that I got mixed up. I am trying in my humble way to explain the position.

Mr. Speaker : I need your wisdom.

Mr. Akhtaruddin Ahmad : I do not know whether I have any wisdom or not, but I am trying to help you in my humble way.

Mr. Speaker : Rule 75.

Mr. Akhtaruddin Ahmad : The wise man is he who talks less and as I have to talk much, I do not know whether I am wise or not.

Mr. Speaker : It does not hold good always, otherwise you would not have talked so much.

Mr. Akhtaruddin Ahmad : Sir, Rule 75 reads thus :—

“In respect of a Bill seeking to amend the Constitution, the following special rules shall apply in addition to the Rules of Procedure relating to all Bills in so far as they are not inconsistent with any provision of the special rules ;

(i) The Bill shall be put to the Assembly clause by clause.”

Mr. Speaker : Kindly go through Article 175 of the Constitution first. I am a little slow. My eyes are not working 100%.

Mr. Akhtaruddin Ahmad : I am sorry, Sir.

Mr. Speaker : What are we to do ?

Mr. Akhtaruddin Ahmad : In respect of a Bill . . .

Mr. Speaker : Of a Bill.

Mr. Akhtaruddin Ahmad : . . . seeking to amend the Constitution, the following special rules . . .

Mr. Speaker : ‘Seeking’. Has this Bill sought the amendment of the Constitution ?

Mr. Akhtaruddin Ahmad : Yes, Sir.

Mr. Speaker : How ? Please enlighten me.

Mr. Akhtaruddin Ahmad : That is my whole submission before you, Sir.

Mr. Speaker : What am I to do ?

The honourable Law Minister says he did not seek amendment of the Constitution. He says, “I have said that this Bill should go through”. Show me any Rule under which I can interfere.

Mr. Akhtaruddin Ahmad : Sir, if the Law Minister said that man has become woman, it does not make man a woman.

Mr. Speaker : What did you say ?

Mr. Akhtaruddin Ahmad : I am sorry, I cannot tell further. Sir, it is in fact seeking the amendment of the Constitution. Whether he says so or not, it does not matter.

Mr. Speaker : Whether he says or not, can I say that you are seeking the amendment of the Constitution ?

Mr. Akhtaruddin Ahmad : No, Sir. The question is that he is trying to put this as a simple Bill.

Mr. Speaker : He says, it is a simple Bill, and Rule 75 says, “In respect of Bill seeking to amend”

Mr. Akhtaruddin Ahmad : Yes, Sir, he says it is a Bill. But if according to the Constitution . . .

(Interruptions)

Mr. Speaker : He is the honourable Minister-in-Charge of Law. He says, it is all right according to law. Can I act as a Super Law Minister in this House? Satisfy me about that. Then certainly I shall act. I shall not disturb my reputation to posterity for which you have reminded me so often.

Mr. Akhtaruddin Ahmad : Sir, if I cannot satisfy you, I do not want a ruling from you.

Mr. Speaker : It is difficult for one to refuse to be satisfied when it is said that he has more powers. Everybody would like to know that he has more powers but the question is, please put up something which will convince everybody in the House.

Mr. Akhtaruddin Ahmad : Sir, the question is that he is bringing, according to you, a simple law.

Mr. Speaker : Not according to me. Mr. Law Minister, you kindly reiterate your stand.

Mr. Khursheed Ahmad : Sir, the Bill does not seek amendment of the Constitution. This is an ordinary legislation.

Mr. Speaker : Mr. Khursheed, kindly resume your seat.

Syed Abdul Sultan : Sir, one fact is very clear—as clear as broad daylight. The point at issue before you is whether it is a constitutional amendment or not. The Law Minister, in his own interest, is putting forward the argument that it is a simple Bill, requiring a simple majority for the passage and it is not a constitutional amendment. We, on this side, have raised an objection that it is a constitutional amendment Bill. Sir, that is the crux of the whole thing.

Mr. Speaker : Yes. Please satisfy me. I am not here to help the Law Minister. The Law Minister brings a Bill, the Law Minister knows that if the Bill gets through and if it amounts to an amendment of the Constitution, we shall not stand judicial scrutiny. Is that correct or not?

Mr. Akhtaruddin Ahmad : Yes, Sir.

Mr. Speaker : Or what is the implications of a Bill that he has introduced? Please satisfy me.

Syed Abdul Sultan : Sir, a point of order is always against something which is going on in the House. There can be no point of order . . .

Mr. Speaker : Point of order, in my opinion, generally speaking, is something involving a breach of order. If there is anything against this, you kindly show citing some precedents of any parliament anywhere.

A Member : Just to say the point of order . . .

Mr. Speaker : Just a second. As far as I know, you raised a point of order that this Bill has taken away the rights of the people. This Bill is so

[Mr. Speaker]

harsh that it is taking away the rights of the Members. Please decide. Can I do it?

A Member : You would excuse me, Sir, if I want a further clarification from the Chair.

(Interruptions)

Mr. Speaker : Order please, order.

Syed Abdus Sultan : Sir, if a point of order is raised, it is to be decided by the Speaker whether it is a point of order or not. If it is a point of order, it needs a ruling from the Chair. Now, Mr. Speaker, a point of order, in order that it may be sustained as a point of order, must relate to something which is going on the floor of the House and it cannot be a point against vacuum. So far as this point of order which is raised by Mr. Akhtaruddin is concerned, the relevant matter going on the floor of the House at the time was the consideration of the Electoral College Bill. So, the relevant matter going on at the time on the floor of the House, when the point of order was raised by Mr. Akhtaruddin, was the consideration of the Electoral College Bill and Mr. Speaker, I shall most respectfully submit to you that a point of order must be raised with a complaint or allegation against some sort of irregularity, breach of order, breach of convention, or breach of some provision of the Rules or of the Constitution, and points of order have to be decided in reference to the Constitution and in reference to the Rules, where they are available; but where there is no clear provision, it should be decided by parliamentary conventions.

Mr. Speaker : I refer you to the oath taken by the Speaker. Kindly see that.

Syed Abdus Sultan : It is page 135—Speaker of the National Assembly.

Mr. Speaker : I draw the attention of the august House to page 135.

Syed Abdus Sultan : The oath prescribed in the Constitution for the Speaker runs thus :

“That, as Speaker of the National Assembly of Pakistan and whenever I am called upon to act as the President of Pakistan, I will discharge my duties and perform my functions honestly to the best of my ability, faithfully in accordance with the Constitution and the law (and as Speaker of the Assembly, in accordance with its Rules) and always in the interest of solidarity, integrity, well-being and prosperity of Pakistan.”

Mr. Speaker : What is about the Speaker? I shall only carry out the Rules.

Syed Abdus Sultan : Mr. Speaker, I shall most respectfully submit that as Speaker by your oath, you are bound to discharge your duties and perform your function honestly to the best of your ability, faithfully in accordance with the Constitution plus Rules . . .

Mr. Speaker : As Speaker of the House, in accordance with its Rules.

Syed Abdus Sultan : . . . which means that when you discharge your duty as Speaker, in addition to the provisions of the Constitution, you are also bound by the Rules.

Mr. Speaker : If you say, I must act according to the Constitution, I quote Article 110 of the Constitution which empowers the President to promulgate Rules of Procedure. If the word "Constitution" is there, then these two sentences were not necessary.

Syed Abdus Sultan : Mr. Speaker, what I beg to submit, Sir, is that if you are the Speaker, only then you are bound by law, by conventions, by the provisions of the Constitution, and also the Rules which are exclusively meant for conducting the affairs in the House.

"That, as Speaker of the National Assembly", "and whenever . . ."—these two things are not disjointed. What exactly follows is that you will work both as Speaker and sometimes as President. "That, as Speaker of the National Assembly", "and whenever I am called upon to act as President" means that you are to function not as President, but only when occasion may sometimes demand of you. But when you are acting as Speaker, and also when you would act as President, then you are bound by this application of law, "discharge my duties and perform my function honestly to the best of my ability, faithfully and in accordance with the Constitution and the law".

Mr. Speaker : Then.

Syed Abdus Sultan : Otherwise you are bound to do as Speaker of the National Assembly. I would draw your attention to the first part of the oath "as Speaker of the National Assembly of Pakistan and whenever I am called upon to act as President of Pakistan and so far as the rules are concerned". It applies to you in addition to this thing only when you are concerned in conducting the affairs of the House.

Mr. Speaker : Now, let us see what are the Articles given in the Constitution, because I have to abide by the Constitution. Mr. Rahman, just point out.

Mr. Mashiur Rahman : Article 108.

Syed Abdus Sultan : Mr. Speaker, at page 59, I would draw your attention to Article 110—Rules of Procedure, quorum, etc.

"Subject to this Constitution—

- (a) the procedure of an Assembly shall be regulated by Rules of Procedure made by the Assembly ;
- (b) a decision in an Assembly shall be taken by a majority of the votes of the Members present and voting, but the person presiding shall not vote except when there is an equality of votes, in which case he shall exercise a casting vote ;
- (c) an Assembly may act notwithstanding any vacancy in its membership ; and
- (d) no proceeding in an Assembly shall be invalid by reason only that a person who was not entitled to do so was present at or voted or otherwise participated in the proceedings."

Mr. Speaker : That is all right.

Syed Abdus Sultan : So, Mr. Speaker, it is very clear in Article 110 that *whatever may be done by you as Speaker of the National Assembly under the Rules of Procedure shall be subject to the Constitution.*

Mr. Speaker : That is all right.

Syed Abdus Sultan : In the present case . . .

Mr. Speaker : Now, tell me about my powers under the Rules of Procedure. In such matters can I act where there is no specific provision ?

Syed Abdus Sultan : At any time there is bound to be some occasion where you and we on our side may not find a specific provision either in the Constitution or in the Rules but it is never intended that a dispute should not be decided by the Speaker; a decision has to be found by the Speaker. In this case where a specific provision in the Constitution or in the Rules of Procedure is absent, what will the Speaker has to do ? The Speaker will observe parliamentary conventions and lastly he shall act according to his own discretion.

Mr. Speaker : Will you refer to Article 114 of the Constitution sub-clause (2) ?

Syed Abdus Sultan : 'No Act of the Central Legislature or of a Provincial Legislature, and no provision in any such Act, shall be invalid by reason only that some previous consent or recommendation required by this Constitution was not given or made if that Act was assented to in accordance with this Constitution.'

Mr. Speaker : This presupposes that there can be an occasion where a Bill has been introduced in the House without the previous consent of the President, and that under the provisions of the Constitution, it is necessary to take the consent; but if it has been subsequently consented to, then it will be a validated law. What was the necessity of putting this provision. had it been that the Speaker could throw it out ?

Syed Abdus Sultan : Now, this clearly envisages an occasion which has been caused by an accomplished fact in respect of a legislation. For instance, a Bill passes through different stages, then it becomes an Act—an accomplished fact—as law of the land. Then, Mr. Speaker, if it could be pointed out that the Bill has been illegally introduced in this House . . .

Mr. Speaker : This provision was not necessary.

Syed Abdus Sultan : I shall respectfully state that an Act or a provision is not an Act as such so long as it is a Bill.

Mr. Speaker : That is what I say.

Syed Abdus Sultan : Suppose a motion is brought which needed consent or the recommendation of the President previous to its introduction in this House, and this provision, if it had been so, the Bill goes through as subsequent consent will validate it as law. There might be an occasion in the House when such a thing could be done: such could be an Act of the Legislature, probably it could not go to the High Court for further scrutiny that the Speaker cannot go into legality of introduction of any law or in any matter . . .

Mr. Speaker : Where is the safety valve of the citizens that anything could be got through if they have a majority: the Court of Law is there to nullify any illegal Act of the Government.

Mr. Qamarul Ahsan : On a point of order, Sir.

Mr. Speaker : Yes.

Mr. Qamarul Ahsan : The issue before us is very simple. A Bill has been introduced and if it is a simple Bill, it requires a simple majority of votes and if it is not a simple Bill—supposing some of us think that it is an amendment to the Constitution—then it will require two-third majority of votes to become an Act. It is up to the Speaker to decide whether this Bill requires two-third majority or a simple majority. You are the person and no other persons can decide this issue. Secondly, I submit that points of order arise whenever there is a breach of the Rule or there is any departure from the established parliamentary conventions.

Mr. Speaker : Or breach of order. I think I would draw the kind attention of the House—to what I stated earlier and request the honourable Members to show me any precedent in any parliament where such a problem arose and the Speaker decided that the Minister or the Government should act in a particular manner while introducing this Bill.

Syed Abdus Sultan : I have not finished ; I was replying to your question.

Mr. Speaker : Mr. Qamarul Ahsan is in possession of the House.

Ch. Fazal Elahi : One Member is in the midst of his arguments.

Mr. Speaker : He sat down for his friend.

Syed Abdus Sultan : He was on a point of order and you allowed him.

Mr. Speaker : You are also on a point of order.

Syed Abdus Sultan : No, Sir. I was in the midst of a motion and you put a pointed question and I was duty and honour bound to reply, but you left me in the midst of an ocean.

Mr. Speaker : You are not a bad swimmer. All right, all right.

Syed Abdus Sultan : You have referred to clause (2) of Article 114 of the Constitution. Now, Mr. Speaker, in the first place I shall submit that so far as the point of order raised by Mr. Akhtaruddin is concerned, well it awaits a decision by you ; it does not relate to this provision. The second thing is that I shall try to reply to the point that has been raised by you. The two things can be very sharply and clearly distinguished. One case may be that a Bill was introduced it has passed through the necessary stages, it formed into a law and become an Act ; it has as this stage become an accomplished fact.

Mr. Speaker : How could the Bill—when the Speaker has no power to indicate . . .

(Interruptions)

Syed Abdus Sultan : In case a point was not raised by anybody and it was not brought to the notice of the Speaker that there is such an irregularity or illegality then it gets through somehow or the other.

Mr. Speaker : It is a good argument, I must say.

Syed Abdus Sultan : A law has to go through many stages and if at the final stage the question arises that this law has to be thrown away because of the consent needed of the President which was not taken in time then for the mere absence of the President's consent the Act shall not be invalidated. This is the position. Another position, Mr. Speaker, may be that the law is passing through its different stages of procedure, different stages of its passage and, at some stage, if a question is raised by a Member of the House that there is some irregularity or some illegality or some violation of constitutional principle or Principle of Law-making for which reason it should not be proceeded with, then it is not be decided and it shall have to be decided whether the introduction of the Bill is irregular or regular. If it is irregular, then it shall not validate the irregular introduction of the Bill. The point raised by Mr. Akhtaruddin Ahmad that in fact we are going to put the cart before the horse seems to be justified because the entire provisions contained under part VII of the Constitution deal with matters relating to elections. . .

Mr. Speaker : You need not argue all that. You will argue only one point; I have understood the rest—whether I have powers to interfere. I do not want to hear anything else. Only discuss this point. (*Interruption*). I recognize Mr. Fazal Elahi.

Syed Abdus Sultan : One word more and I have finished.

Mr. Speaker : All right.

Syed Abdus Sultan : What I submit is that when this point has been raised by Mr. Akhtaruddin, on the ground that it is a violation of the constitutional provision, then it needs a decision from the Chair, and you have every power to give a decision.

Mr. Speaker : Mr. Mustafa.

A Member : Fazal Elahi is rising.

Ch. Fazal Elahi : The simple point that requires decision at this stage appears to be whether, on a point of order being raised that the provisions of the Bill, which is before the House, go against the Constitution, you, as Speaker, can decide that the Bill is against the provisions of the Constitution or not. This is the simple question.

Mr. Speaker : No, that is not the question. Unfortunately, that is not the question.

Ch. Fazal Elahi : Mr. Akhtaruddin's point of order is that a ruling is called for on the point whether the Electoral College Bill of 1964 amounts to an amendment of the Constitution or not. That is the ruling he has sought.

Mr. Speaker : He is not telling that; he is telling a different thing.

Ch. Fazal Elahi : It amounts to the same thing.

Mr. Speaker : It might amount to the same thing, but the words do matter.

Ch. Fazal Elahi : Sir, the Law Minister has introduced a simple Bill. Our contention is that it is an amendment of the Constitution. If so, it clearly means that it goes against the provisions of the Constitution. This is the simple question before us.

Mr. Speaker : Just a second. How does that go against the Constitution even if it is supposed that it amounts to an amendment of the Constitution? (*Interruption*). One by one you have already told me Mr. Fazal Elahi, that this Bill goes against the Constitution, that this is not a simple Bill, and that this amounts to an amendment of the Constitution. Is there anything like a simple Bill or a Bill to amend the Constitution? (*Interruption*). All Bills are Bills. A Bill seeking to amend the Constitution is also a Bill. A Bill seeking to pass ordinary legislation is also a Bill.

Ch. Fazal Elahi : Sir, You have seen that we passed the first amendment Bill of the Constitution. And they have also introduced a second Bill to amend the Constitution. Sir, is there anything in the Bill showing that it is an amendment of the Constitution?

Mr. Speaker : That is only a matter of drafting. But supposing it amounts to an amendment, then does it go against the Constitution?

Ch. Fazal Elahi : If you permit me five minutes, I will make my point.

A Member : I am the last man to do that.

Ch. Fazal Elahi : The point is whether, as Speaker, you have to follow the Rules of Procedure or to see that a Bill is according to the Constitution or not. Sir, now I refer you to Rule 78(2) of the Rules of Procedure—it is about resolutions.

(1) "A resolution shall be in the form of a declaration of opinion by the Assembly.

(2) It shall relate to a matter which is primarily the concern of the Central Government."

Now, when this question arises, you will have to refer to the Constitution to see whether this resolution is within the provincial or central sphere of activity, which means that the constitutional provision will have to be interpreted by the Speaker as to whether the resolution, which is moved in this House, pertains to the central sphere or the provincial sphere.

Mr. Speaker : This is a very good point. But, unfortunately, this is in relation to a resolution.

Ch. Fazal Elahi : Sir, the point is that the Constitution has to be seen to find out whether it is a provincial or a central matter. It can only be decided by reference to the Constitution.

Mr. Speaker : Rules have told me so. But where have the Rules told me that I have to interpret whether the Bill is this or that.

Ch. Fazal Elahi : It is only in the Constitution that you find what is a provincial or a central matter; there is no other document for this purpose. The Speaker has *prima facie* to see that.

Mr. Speaker : Yes, in case of resolution, all right. If there is a resolution, I have a right.

Ch. Fazal Elahi : Now, let us go to the Bill.

Mr. Speaker : Yes, let us come to this Bill.

Ch. Fazal Elahi : I refer you to Article 158 under which this Bill has been introduced in this Assembly. This Bill is being introduced under the provisions of Article 158.

Mr. Speaker : Yes. No, say about 158.

Ch. Fazal Elahi : Now, under all these Articles, it is very clear that "the persons enrolled on the electoral roll of an electoral unit shall, in accordance with law, from time to time, elect (the word elect is important), from amongst themselves a person who is not less than 25 years of age, who shall be known as the elector for that unit". Those persons who are enrolled have to elect a person who will be called 'elector'. The word 'elect' is important. Now, Sir, you see the definition of election in this Constitution which is given on page 127.

Mr. Speaker : Yes, show me.

Ch. Fazal Elahi : Under this definition, it is only in the case of the election of the Speaker and the Deputy Speakers, which is to be conducted in this House, that the Election Commission has nothing to do with it; all other elections have been included in the word 'election'. Now, when the Members have been enrolled and the constituents have to elect an elector, it means an election; it is not nomination, and in an election . . .

Mr. Speaker : I have already heard that this said while Cheema Sahib was in the Chair.

It is all right; I know it. I do not want to tie down. Now, say about 164. If you want to say even before me that we have powers, you can do so. Show me that I have powers.

Ch. Fazal Elahi : Sir, Article 164 is very clear.

Mr. Speaker : Article 164 of the Constitution—Election and referendum required to be held under this Constitution. Mr. Fazal Elahi, I would earnestly request you not to go into that. You may not agree with me, that is a different matter, but you will have to show that I have powers. In respect of resolution, you have shown that I have power to distinguish which resolution is concerned with provincial and which concerns the central subjects. Now, show me something in these Rules wherein it is stated that I could do the same thing in respect of Bills.

Ch. Fazal Elahi : This is a three line Article.

Mr. Speaker : You have displayed your knowledge Choudhri Sahib. I do not want to go into that. (*Interruption*). Sir, You must satisfy me that I have powers.

Ch. Fazal Elahi : I have to build my argument from certain premises. "Elections . . . required to be held under this Constitution, shall subject to this Constitution be conducted and decided in such manner as may be provided by law." So far as election is concerned, it is the Election Commission which is to conduct these elections when electors have to be elected. I have read Article 158 wherein the word 'elect' has been used, so that election has to be conducted by the Election Commission. Under this Bill another authority is being created and our submission before you is that this Constitution provides that all elections should be held under the supervision of the Election Commission. Now, this Bill provides for a separate authority which is not subordinate to or in any way connected with the Election Commission. The Bill says, the election will be supervised by the Election Authority created by the Central Government and instructions will be given by the Central Government. This is a clear violation of the Constitution and if it is a violation of the Constitution, then it means that they are amending the Constitution to provide machinery for election through another agency.

Mr. Speaker : All right.

Ch. Fazal Elahi : Now, Sir, as Speaker, you have to see so many things—Rules of Procedure and constitutional provisions. You have to interpret this constitutional provision, as I have said in the case of a resolution. It is to be seen whether the Constitution brings the resolution within the central sphere or not. In other matters you have to see whether the consent of the President has been given or not. A Bill for which consent is required, you have to decide and you have to see the Constitution and interpret it. But if there is some complicated matter and you are in grave doubt, that is a different matter. In that case Article 59 provides a suitable machinery for the Government to get the opinion of the Supreme Court in such a matter.

(Interruptions)

Mr. Speaker : Please do not interfere. A very important point is being discussed.

Ch. Fazal Elahi : The Law Minister says that this is not an amendment of the Constitution; this does not go against the Constitution. Now, in a matter like this which is so clear that the elections must be conducted by the Election Commission, the President is creating another machinery; let them get the advisory opinion of the Supreme Court. That is the proper procedure for that. Why do they just rush through this Bill and reverse the process of election by conducting it through their own agency? Why do they give the impression that elections are not being held fairly in this country? The electors would elect the President, the electors would elect the National Assembly and the Provincial Assemblies. Now, for the election of President, an electoral college is being created and the same President is exercising executive power in this country. His nominees in the centre sit here as Ministers or other functionaries. Under this Bill they will issue instructions for the election of their boss. This will create a very bad impression everywhere. This would not be a fair election. I know the result will be the same in both the cases—whether the election is held by the Commission or the new Authority—but why create a bad impression?

Mr. Speaker : Thank you. Kindly resume your seat. Mr. Abul Quasem !

Mr. Abul Quasem : Sir, I would directly say that you have got the power under Rule 3 of the Rules of Procedure. There you will find that the Speaker shall decide all the points of order; you are empowered to decide all points of order. Where there is any matter for settlement, or any breach has been committed, any Member would raise a point of order.

Mr. Speaker : I am satisfied that I have got power to decide points of order.

Mr. Abul Quasem : Now, the point that has been raised is whether the provisions in the Bill are of a constitutional nature or of an ordinary law. So, you have to decide whether this is an ordinary law or a law which required constitutional amendment. The Government might say that it is only an ordinary law to be passed by a simple majority. I may point out to you that though it has been brought before the House as an ordinary law, it goes against the provisions of the Constitution and Sir, you have taken the oath to defend the Constitution and also not only the Rules but you have also promised to follow the procedure according to the Rules. Sir, regarding the procedure for passing of a Bill . . .

(Interruptions)

Mr. Speaker : Order please, order. Very important point is being made by the honourable Deputy Speaker.

Mr. Abul Quasem : Now, Sir, there is a separate set of Rules for an ordinary Bill and for the constitutional Bill. If you feel that the Bill that has been brought before this House is not an ordinary Bill, but it is going to amend the Constitution, then I say it is for you to declare that this should have two-third majority. Moreover, Sir, your position has also been altered substantially after passing of the First Constitution Amendment Bill because, at that time, whatever was passed by the Legislature would have been accepted by the courts without any question. But now, Sir, this House has given authority to the judiciary to see whether a particular law violates the provisions of the Constitution or the fundamental rights, whether it should be declared. . . .

Mr. Speaker : What power has been given to the courts ?

Mr. Abul Quasem : For justiciability. Then the court will be in a position to decide about it. Now, Sir, you are the custodian of the House. If a law is passed by this House and it is declared by a court to be *ultra vires* of the Constitution or of the fundamental rights, then the prestige of the country would suffer. As custodian of the House, it is your duty to protect the prestige of this House. It is for you to declare whether this law goes against the provisions of the Constitution or not.

Mr. Speaker : In view of this, we cannot ignore the question.

Mr. Abul Quasem : We are clear in our mind that this is a law which goes against the constitutional provision. We cannot allow it to be passed by a simple majority. We must examine it here. You are the custodian and you have to declare whether it is a Bill requiring constitutional amendment or an ordinary Bill. You have full powers. You know it is a convention that the Speaker has the inherent right which cannot be challenged. It is also

possible when circumstances so demand that you should exercise your own discretion in such matters. You have to decide for the sake of the prestige of the country and this House. You have to take a decision. You are fully empowered to decide whether this is a constitutional Bill or an ordinary one.

Mr. Speaker : Mr. Qamarul Ahsan. Only two minutes.

Mr. Qamarul Ahsan : I will not take more than two minutes. Sir, I refer to Article 41 of the Constitution. It mentions certain procedure of Assembly in relation to Annual Budget Statement. Now, what I want to submit is that supposing a Finance Minister presents Budget which does not comply with the provisions of this Article and somebody objects to it, then what will happen? Who will decide this point? The Speaker alone can decide the point. So, the Speaker has got powers—immense powers—within the bounds of the Constitution and within the bounds of the Rules. To cite a parliamentary precedent, when you were a Member of the East Pakistan Assembly in 1954, what happened there? The Speaker of the Provincial Assembly threw out the Budget because it was not presented to the Assembly according to the Rules. So, I submit, Sir . . .

Mr. Speaker : I think the Speaker was killed later.

Mr. Qamarul Ahsan : No, the Deputy Speaker.

Mr. Speaker : I stand corrected.

Mr. Qamarul Ahsan : You know, Sir, that that ruling was not challenged in any Court of Law and that ruling still stands.

Mr. Speaker : Does not matter whether the man lives or dies!

Syed Mohammad Habibul Haq : Sir, let us for a moment forget the motion of Mr. Akhtaruddin. Let us forget the whole thing.

Mr. Speaker : Forget the whole thing!

Syed Mohammad Habibul Haq : Sir, let us for the time being concern ourselves with your powers; whether you can say that this is out of order as it seeks to amend the Constitution.

I would draw an analogy and refer to Rule 143, "Except as otherwise provided for by the Rules, a motion shall not raise a question substantially identical with one on which the Assembly has given a decision in the same session." Sir, I moved a motion during the Dacca session. Previous to that another motion was accepted and as such, my motion was held out of order because my motion had infringed the Rules of Procedure.

I now come to Rule 75. The same analogy is applicable here. Now, in this Bill, it is not said that it seeks to amend the Constitution, but actually it does. I would appeal to the honourable Law Minister to read the General Clauses Act and try to apply the provisions specifically and see as to what is the intention of the Bill. We have to find out the intention. It is quite clear that it seeks to amend the Constitution, as it infringes the Constitution itself and each and every provision of it is *ultra vires* . . .

Mr. Speaker : It is *ultra vires* of the Constitution!

Syed Mohammad Habibul Haq : Provided they fail to muster 2/3rd majority to have it passed. I am subject to correction.

May be the Law Minister can have it passed. If it is passed, as I have referred to an identical situation, it would be against the law.

Mr. Speaker : How ?

Syed Mohammad Habibul Haq : Because it would be against the conventions.

Mr. Speaker : Which Rule you are referring to ?

Syed Mohammad Habibul Haq : I wanted to . . .

Mr. Speaker : That is a request !

Syed Mohammad Habibul Haq : It is no request.

Mr. Speaker : Is it a general remark ?

Syed Mohammad Habibul Haq : If you have held one particular motion out of order because it was a repetition, you can hold this one so. You have the powers . . .

Mr. Speaker : Which one I have declared out of order ?

Syed Mohammad Habibul Haq : I mean the Senior Deputy Speaker ; it was a Bill relating to the Capital of Pakistan—Islamabad. An Ordinance was moved by the Government.

Mr. Speaker : That is approving an Ordinance !

Syed Mohammad Habibul Haq : Even a Bill is tabled in this House by way of a motion.

Mr. Speaker : You are not very clear. Please resume your seat. Mr. Mashiur Rahman !

Mr. Mashiur Rahman : Sir, fortunately or unfortunately I am not a lawyer nor can I understand the intricacies of law ; but from the discussion and the way you have asked questions from the honourable Members from both sides, I have gathered two main points. No. 1, whether the Speaker can act as a Super Law Minister or not and whether the Speaker is to be used as a rubber stamp for anything which is passed by the majority in the House.

I want to pose a question. If today it is the constitutional provision that the term of the present President will expire after three years and sixty days, and the Law Minister brings a Bill that the President's term should be extended by five years, and if he wants to say that this Bill be passed by a simple majority—the Government has a majority—would the Speaker accept just what the Law Minister says ; shall the House accept it ? Would it not be a violation and would it not amount to an amendment of the Constitution ?

No. 2, I know that you have taken an oath and you asked Mr. Sultan to read it. The oath of office clearly says "That I will not allow my personal interest to influence my official conduct or my final decision; that I will preserve, protect and defend the Constitution."

The Constitution is in the form of a book. Preserve, protect and defend means protecting the provisions of the Constitution—it is not protecting the book by keeping it here. You want to protect the provisions. If by a majority anybody wants to violate the provisions of the Constitution, as Speaker who has taken the oath—solemnly—to protect, defend and preserve the Constitution, you are duty bound to protect the provisions of the Constitution and save it from anybody who tries to violate it within the Assembly. Of course you have acted as President; but within the Assembly you are above politics and you are to protect and defend the Constitution.

If the Law Minister, as Law Minister, willingly or unwillingly or under compulsion of circumstances brings anything which clearly violates the Constitution—the point is—that you, as Speaker, can stop or not. That is the decision you are to take because you have taken the oath to protect and defend the Constitution. So, it is not the opinion or the wisdom of the Opposition Members or the Government party, but it is your wisdom and your opinion—according to the oath you have taken—that will guide you. And you know, the Speaker is the most respected man, not only in the House, but in the outside world as well. As soon as a man becomes a Speaker, his position is elevated and he is above controversy. The whole country speaks against the President, for the President, but nobody should speak against the Speaker because he and the Chief Justice are two persons who are above controversy.

Sir, I have no apprehensions. What I mean to say is that the wisdom you wanted and the advice you wanted from this House, should not be the basis of your decision. The basis of your decision should be the oath of office you have taken and you have promised to protect. If a majority palpably violates the Constitution, it is you to stop it, and you can say that this is a clear violation of the Constitution.

Mr. Speaker : Will you repeat your earlier sentence ?

Mr. Mashiur Rahman : Palpable violation. And this palpable violation is best known to everybody in his heart of heart that this is a clear violation. I have heard whispering that the man who has brought the Bill also feels that there is violation. So, let us not discuss about the palpability.

Mr. Speaker : I think I have got the right and privilege to protect the right and privilege of every honourable Member. If the Law Minister has told you something privately, it should not be disclosed here.

Mr. Mashiur Rahman : But who says that he has told me ? I have heard the whispering of the Members outside.

Mr. Speaker : It is not his whispering ?

Mr. Mashiur Rahman : No, Sir. Why should he do it ? It is his baby. How can he whisper against that ? My humble submission to you is that

[Mr. Mashiur Rahman]

you are the authority within the National Assembly to interpret the Constitution. Outside the National Assembly, when it will have the force of law, force of an Act, of course, High Court comes there. But so long as the Bill under discussion is concerned, you have got the inherent right, according to the oath of office you have taken, to interpret, to stop, and to defend, so that nobody can infringe the provisions of the Constitution. So, Sir, the question of Speaker's having the power to interpret the Constitution is not only inherent, but it is also in the oath of office that he has taken. That is all my submission. Although I could not quote any law, but this is what I could feel from the discussion.

(Mr. Muhammad Qasim Malik stood up)

Mr. Speaker : After the honourable Minister has spoken, I will give you the floor.

Mr. A. T. M. Mustafa : What started as an academic debate seems to me now to have turned into a clarion call of defence of this and other provisions of the Constitution. The honourable Members have posed problems ; I am posing the problem again. This Constitution has defined legislative functions and judicial functions. The problem is whether the judiciary can arrogate to itself the function of the legislature or the legislature can arrogate to itself the function of the judiciary. The problem is, I say this in humility with utmost respect, merely a legal problem and legal interpretation has to be given. The honourable Member was pleased to observe, if I heard him correctly—he will correct me if I am wrong—that you would be graciously pleased to interpret the Constitution. It is my respectful submission, Sir, that the function of this House is to make laws. It is the function of the courts . . .

Mr. Mashiur Rahman : According to the provision of the Constitution.

Mr. A. T. M. Mustafa : . . . according to the provision of the Constitution, according to the Rules that this honourable House was pleased to make. But interpretation of the Constitution is the function of the courts ; it is within the exclusive jurisdiction of the courts. Assuming, for argument's sake, what the honourable Deputy Speaker was pleased to observe and rightly too that the fundamental rights have become justiciable. What does it mean ? It means that if there is any law passed by this House and the House is competent to pass any law, even an illegal law, . . .

Mr. Mashiur Rahman : No, Sir.

Mr. A. T. M. Mustafa : I am saying for argument's sake. Nobody excepting the Court of Law is competent to sit on judgment. If, for example, this august House, in its wisdom, makes or passes a law, and it so happens that it is violative of some provision of the Constitution, some fundamental right, who is to decide it ? It is only the superior courts of the country. You go by way of a writ petition before the High Court, a writ of mandamus, for example.

Mr. Mashiur Rahman : When it is passed ?

Mr. A. T. M. Mustafa : These are matters which may not be within his knowledge, but these are well-known principles.

Mr. Mabbubul Huq : Point of order, Sir. These are matters of superwisdom. My point of order is that it is not contempt of the Speaker to say that any illegal law can be passed and Speaker would be only a rubber stamp ?

Mr. A. T. M. Mustafa : I was arguing that, assuming for argument's sake, that a perfectly good law is passed by this House. Have I got the jurisdiction . . .

Mr. Speaker : I would request the honourable Member to talk of the Bill, not of the law. *Law relates to something outside. You may please talk of what is inside the House.

Mr. A. T. M. Mustafa : I am talking of the Bill. Law relates to the Bill. Can a Bill which is before the House and to which the honourable House, in its wisdom, can give sanction for the passing of the Bill with the support of the majority in the House, whether that ultimately becomes good law or bad law, whether it is violative of the Constitution or not, whether it is *ultra vires* of any particular right or *intra vires* of any particular right, the jurisdiction. I repeat, Sir, under this Constitution which you are being called upon to defend, to protect, to preserve, to perpetuate, does not belong to this House, but to the courts of proper jurisdiction. It is only a court of proper jurisdiction, a High Court or a Supreme Court, which can sit on judgment and say that this law has or has not violated any provision of the Constitution, and this or that law has or has not violated any of the fundamental rights. But, Sir, I respectfully submit, the powers of this House are confined to legislative powers. Sir, you, in your wisdom, would guide the proceedings of this House subject to the Rules of the House which, of course, are subject to the Constitution. The Rules provide that if a certain Bill is introduced, certain formalities have to be observed. It is entirely your responsibility, Sir. There is no manner of doubt that you will be graciously pleased to see that these formalities are observed, but beyond that about the virus of law . . .

Mr. Speaker : Nothing so far as law is concerned.

Mr. A. T. M. Mustafa : . . . whether it is *ultra vires* or *intra vires* of the Constitution. I respectfully submit, Sir, I hope, I would not be misunderstood, is beyond your jurisdiction.

Mr. Speaker : There is nothing *intra vires* of the Bill.

Mr. A. T. M. Mustafa : I am sorry. That is the reason I was using the word 'law'. If you are so pleased, I withdraw. The point I am trying to make and argue is that when a Bill is introduced, you have to follow the formalities. There is no doubt about that. But if the majority of the Members of this august House decide that it is a good Bill and they want to pass the Bill, the formalities having been observed, there is no check to stop the majority from passing it. If any individual, any citizen of Pakistan, out of 100 million, feels aggrieved about this law, his remedy is not here, but in a Court of Law. Sir, the clarion call that was given was to protect the Constitution . . .

Mr. Speaker : Who certifies that the Bill stand passed ?

*English translation of a sentence in Urdu.

Mr. A. T. M. Mustafa : In the usual course of business, I presume.

Mr. Abdullah-al-Mahmood : The Speaker certifies.

Mr. A. T. M. Mustafa : In the usual course of business the formalities which have to be gone through, the legal requirements which have to be gone through, have to be gone through.

Mr. Speaker : Formalities which are to be gone through ?

Mr. A. T. M. Mustafa : Yes, Sir.

Mr. Speaker : That has got to be decided by the Speaker as to what type of formalities have got to be gone through. Who will decide ?

Mr. A. T. M. Mustafa : Sir, the Rules are there.

Mr. Speaker : That is all right.

Mr. A. T. M. Mustafa : Does the Rule say. . .

Mr. Speaker : No, no, no.

Mr. A. T. M. Mustafa : . . . that this Bill is violative of the Constitution ? Does this Bill say that this law violates the fundamental rights which inhere in the citizens ? Is this Chair—I am sorry, Sir, I am using this language—competent to assume and encroach upon the powers of the judiciary ? The Constitution has clearly defined the powers. (*Interruptions*). The judiciary is there, the legislature is there, the executive is there. In the present concept . . .

Mr. Speaker : Ministers are there ; Bills are there. They are all separately defined.

Mr. A. T. M. Mustafa : Yes, Sir ; yes, Sir. This is the constitutional edifice that we have built for ourselves, and this is the Constitution that we have been called upon to defend and protect. Sir, all that I shall respectfully submit again . . .

Mr. Mahbubul Huq : Sir, the time is up. I think the House should be adjourned.

Mr. Speaker : You kindly resume your seat. For the last half-hour probably you are feeling hungry. (Addressing Mr. A. T. M. Mustafa) Any new point ?

Mr. A. T. M. Mustafa : All I shall plead is this, Sir. Thank you, Sir.

Mr. Speaker : This is a very important discussion. This is no joke that every time you will say "Point of order ; time is up."

Mr. Mohammad Hameed Khan : Mr. Speaker, Sir.

Mr. Speaker : You have already reminded me of my responsibilities.

Mr. Muhammad Qasim Malik : Mr. Speaker, Sir !

Mr. Speaker : Mr. Muhammad Qasim !

Mr. Muhammad Qasim Malik : Mr. Speaker, Sir, I will refer only to what Mr. Mashiur Rahman has said, and that is about the oath which the Speaker has to take, and under that oath he has to interpret or he has to defend or preserve the Constitution. Mr. Speaker, there is no doubt about it that under that oath you have to defend the Constitution ; but you have also to preserve what is given in the Constitution. Mr. Speaker, if you take upon yourself in an enthusiasm to defend the provisions of this Constitution which are not in your power, then you are not defending the Constitution ; you are violating the Constitution.

Mr. Speaker : “ Aray bhai, hamaray ooper kayoon gir gaya hai. ”

Mr. Muhammad Qasim Malik : That is what I am submitting, Sir.

Mr. Speaker : I quite appreciate your enthusiasm.

Mr. Muhammad Qasim Malik : No. Sir, the point is that . . .

Mr. Speaker : I quite appreciate your enthusiasm.

Mr. Muhammad Qasim Malik : No, Sir. I have only one enthusiasm, and that is that, under this Constitution, and the Rules to which you refer, Sir, you have no power to adjudicate upon this thing. The Law Minister has moved a Bill, and he seeks that this Bill should be passed as an ordinary Bill. But if he seeks to . . . (*Interruptions*). This is not the question. The question is, as you pointed out yourself, Sir, that if the Law Minister, while bringing in an amendment to the Constitution, says that this Bill is a simple one and I just want it to be passed by a simple majority, then, Mr. Speaker, under this Constitution for which you have taken oath to preserve and to defend, Sir, you have no power. And if you interpret that this law is to be passed by a simple majority, or it is an amendment to the Constitution, if you take that upon yourself, Sir, then you are violating the Constitution.

Mr. Speaker : Now, order, order. I will use my power to ask you to kindly resume your seat. Mr. Haneef !

Mr. Mohammad Haneef Khan : Sir, the question has been given full consideration, and I will not repeat the arguments submitted by other honourable Members.

My first point is, as you have put, whether you can decide this question of point of order raised by Mr. Akhtaruddin, the honourable Member from Bakerganj, or not. Sir, I will only submit, starting my argument from this phrase, that the point of order of the honourable Member, Mr. Akhtaruddin, is out of order, and on this occasion when the Bill has gone through first stage, the point of order raised by the honourable Member is totally out of order, and your honour will be pleased to preserve and see when I will refer to the ruling, and I will quote that, at this stage, this point of order cannot be taken into consideration. You were pleased to observe and put a question to the honourable Members of the House that . . .

(*Pause*)

* Brother, why are you dragging me in ?

Mr. Speaker : Yes, Mr. Haneef !

Mr. Mohammad Haneef Khan : I was submitting, Sir, that you observe whether this point of order is in order or not. My submission is that there is a limit to a point of order, and the point of order is only in regard and in relation to the orderly business going on in the House. There is no disorder created, Sir, by processing of this Bill, and the only point of order, the arguments given by the honourable Member in his point of order, is that this Bill envisages some constitutional amendments. So, Sir, this, according to my humble submission, cannot come within the definition of the point of order. I will submit, Sir, that a point of order has got its limitations, and might well be taken to suggest that the question that may be raised on a point of order could not have been intended to include important question of law of a far-reaching character relating to the interpretation of the Government of India Act. (*Interruptions*). I am quoting, Sir, Selections from the Decisions of the Chair. This is ruling No. 395 about Bills.

Mr. Speaker : By ?

Mr. Nasrullah Khan : Lok Sabha.

Mr. Mohammad Haneef Khan : Legislative Central Assembly. No. No, Sir. I will submit this book, Sir.

So, Sir, now we are faced with the problem that whether this is a constitutional amendment or this is a simple Bill. The Act of 1935 has been discussed here, Sir, for which we can substitute our own Constitution—Constitution of the Republic of Pakistan. So, my point which I want to submit is that, at this stage, the point of order raised by the honourable Member, which involves interpretation of the Constitution, is out of order, and that ruling is very much elaborate, and I will submit that further it is said—"The President's responsibility, in fact, is to see that the business of the House is conducted in an orderly manner, and in accordance with the rules and standing orders, and that if any Member thinks that the proceedings are not being so conducted in any respect, he is given the right to draw the attention of the Chair to the matter on a point of order and obtain his ruling as promptly as possible, so that the proceedings may go on without further difficulty."

Mr. Speaker : Have you got More's practice and Procedure of Indian Parliament, page 114 ?

Mr. Mohammad Haneef Khan : That is the point of order regarding . . .

Mr. Speaker : Yes, will you read ?

Mr. Mohammad Haneef Khan : "The point of order must be regarding some breach or violation of order in the House. A point of order shall relate to the interpretation or enforcement of these Rules or such Articles of the Constitution as regulate the business of the House, and shall raise a question which is within the cognizance of the Speaker."

Mr. Speaker : Yes, then.

Mr. Mohammad Haneef Khan : " This statement covers the entire ground. But most frequently the point of order referred to matters of procedure. There are Members, however, who, at certain stages, of the debate seem to become unable to distinguish between a point of order and points of subsistence and the Chair has to deal with them firmly. There are also occasions when Members out of deliberate design or ignorance rise of points of order which are not genuine points of order. Rules and rulings have enumerated several matters regarding which no point of order can be validly raised. A Member shall not raise a point of order to ask for information, to explain his position, or a Member rising on a point of order and then going to an explanation of the subject under discussion, the President ruled that the honourable Member wished to put a point of order, he is not entitled to explain his position under the guise of rising on a point of order ". So, I am also supported by these, Sir. Your honour will be very much competent to decide matters under the Constitution which are procedural and when there is a confusion about the interpretation of the Constitution, that point of order will be out of order on the 10th or 11th day, Sir.

(After a pause)

Mr. Speaker : Yes, please go on Mr. Haneef.

Mr. Mohammad Haneef Khan : Sir, my submission is that the Bill has come before the House. Question has arisen whether this is a constitutional amendment or not. The very fact that we have debated this matter for two days without reaching any conclusion shows that nobody is certain and clear about it whether it is a constitutional amendment or not.

Mr. Abdul Bari : No. No. We are certain.

Mr. Mohammad Haneef Khan : Majority holds one opinion, minority holds the other opinion.

Mr. Speaker : I have not yet ascertained that.

Mr. Mohammad Haneef Khan : No, Sir. I was saying this on their voice in reply to the honourable Mian Sahib.

Mr. Speaker : Who knows Mian Sahib may be in majority? How do you say that?

Mr. Mohammad Haneef Khan : My submission is that when such a position is there, Sir, it is only for the Courts of Law to interpret whether this is a constitutional amendment or not. This is a lengthy ruling and I will submit, Sir, your honour may go through it.

Mr. Speaker : All right. I will go through it.

Mr. Mohammad Haneef Khan : Only one point. I would like to reply to honourable Mr. Mashiur Rahman that the Speaker is always there to preserve the Constitution no doubt, but when there is a doubt about it, the Speaker can refer the matter to the House and if still anybody feels wrong, he can go to a Court of Law.

Mr. Mashiur Rahman : Does he mean that this is also about the constitutional interpretation of the Speaker?

Mr. Speaker : Please say that. You are a very senior Member. You should express your view. You may please rise to say what you were saying while sitting.

(Interruptions)

Mr. Speaker : Order. Order please. The honourable Industries Minister is in possession of the House.

Mr. Abdullah-al-Mahmood : In my humble way I tried to help the Honourable Minister-in-Charge and the matter that has been referred to by Mr. Haneef was just in front of my table and I submit, Sir, I will not lengthen my arguments.

Mr. Speaker : Please don't.

Mr. Abdullah-al-Mahmood : I will just try to say that the Speaker is here to conduct the business of the House according to the Rules of Procedure as to whether there is any breach of the Rules. Secondly, as my friend, Mr. Mashiur Rahman, has said that whether palpably it is effected, whether any provision of the law hits palpably...

Mr. Speaker : Law or Constitution?

Mr. Abdullah-al-Mahmood : Whether this Bill palpably hits any provision of the Constitution. So, Sir, there is difference between going into intricacies and the provision of the Bill that this might be interpreted this way or that might be interpreted in that way. That, I submit, Sir, will not be within the jurisdiction or the scope of the Speaker. Therefore, Sir, I submit that if any provision of the Bill *prima facie* affects any provision of the Constitution, then your honour has got the power to throw it out.

(Interruptions)

Mr. Mashiur Rahman : You admit.

Mr. Abdullah-al-Mahmood : But, Sir, I should again submit and I put emphasis on the word which my friend, Mr. Mashiur Rahman, has expressed namely 'palpably' whether it violates any provision of the Constitution. The court will go your honour...

Mr. Speaker : *If you go on speaking, we shall feel embarrassed. So, kindly resume your seat.

Mr. Abdullah-al-Mahmood : So, Sir, I was saying that their view is different to ours. It is a question of interpretation. *Prima facie* no provision of the Constitution is hit by the present Bill that is before the House. So, I submit, Sir...

Mr. Mashiur Rahman : That is another thing.

Mr. Abdullah-al-Mahmood : . . . that, according to Mr. Mashiur Rahman's own suggestion, your honour will find that it does not interfere with the proceedings of the business under consideration of the House.

Syed Abdus Sultan : This is not only palpable but culpable also.

Mr. Abdullah-al-Mahmood : According to your interpretation.

Mr. Mashiur Rahman : According to yours also provided you are sincere.

Mr. Speaker : Here is a book which has been written by the clerks of the House of Commons :—

“ Failure to comply with the Rules whether on the part of a Minister of the Crown or of a private member may result in the withdrawal of the Bill when the Speaker's attention is called to the point.”

A Member : They must withdraw the Bill.

Mr. Speaker : I must now draw the kind attention of the august House . . . (*Interruptions*). Order please, order. I have heard how much powers I enjoy in this House and I have heard also how much powers I do not enjoy in this House. Now, I have got to decide what should be and what is really my power to decide points of order in this House and what should be the scope of a point of order to be raised by the honourable Members. There had been enough discussion on these points. Books of authority have been consulted by the distinguished Members in this House and I do realise my responsibilities on this occasion today that whatever I would do will be a precedent in the constitutional history of the world, and I am grateful to the honourable Members that I am reminded times without number of my responsibilities to posterity and I always remember that I must act in a manner to the best of my conscience and try to defend the oath I have taken before God. There is nothing to be excited about it. It pains me when I hear that sometime today there was extraordinary enthusiasm on behalf of individual Members to raise points of order. This is National Assembly of Pakistan. Intellectual discussion will take place and everything will be decided on intellectual level because each and every honourable Member is supposed to be a responsible Member, a distinguished Member and a champion of the rights of the people he represents. At this stage so much heat ought not to have been generated in the discussion of an amendment. When I would have taken votes, the motion would have been put to vote and I would have called for Ayes and Noes. Then, probably, the question could be raised, Sir, if you find out whether such a Bill could be declared as passed with how many votes? That would have been quite relevant. At this stage to generate heat to waste time, I do not think, was very very desirable. I really do not find reason how I can explain to the people we represent. It is a waste of time and money—that had to be wasted unnecessarily. (*Interruptions*). Order please. Order. I must say both sides of the House debated this important point, with passions, with great knowledge and learning and sometimes also with wit and humour, otherwise proceedings would have been very boring. I am the custodian of everybody, including my distinguished friend, Malik Muhammad Qasim. Let us cool down a bit, have good lunch, have little rest. We meet at 5 o'clock this evening. I will give my ruling at 7-00 p.m. to-day.

(The Assembly adjourned till 5 p.m.)

The Assembly reassembled at 5 p.m., Mr. Deputy Speaker (Ch. Muhammad Afzal Cheema) in the Chair.

Mr. Deputy Speaker : The House is not in quorum and obviously we cannot go on. The House stands adjourned for 15 minutes for lack of quorum.

(The Assembly adjourned for fifteen minutes)

The Assembly reassembled after fifteen minutes. Mr. Deputy Speaker (Ch. Muhammad Afzal Cheema) in the Chair.

Syed Mohammad Habibul Haq : Mr. Deputy Speaker, Sir, it is very regrettable to point out that there is no quorum. If you will permit for two minutes, we have to express our grievances.

Mr. Deputy Speaker : You have to do what ?

Syed Mohammad Habibul Haq : We want to express our grievances.

Mr. Deputy Speaker : In the first instance, the honourable Member is drawing attention of the Chair to lack of quorum in the House, and on the other he wishes to say something.

Syed Mohammad Habibul Haq : Sir, we come here at eight of the clock in the morning. By the time we reach our destinations, it is 3 p.m. and just after lunch we return in the evening at 4 o'clock and remain here till 9 p.m. or 10 p.m. It is exhausting.

Mr. Deputy Speaker : I am afraid, since the attention of the Chair has been drawn to lack of quorum in the House, I am left with no other alternative but to adjourn the House.

Syed Mohammad Habibul Haq : We request you kindly to be a little bit sympathetic towards us so far as the evening session is concerned and there is no quorum at the moment.

Mr. Deputy Speaker : I adjourn the House till such time the House is in quorum. The House stands adjourned.

(The Assembly adjourned till such time the House was in quorum).

The Assembly reassembled after short adjournment, Mr. Deputy Speaker (Ch. Muhammad Afzal Cheema) in the Chair.

THE ELECTORAL COLLEGE BILL, 1964—*continued.*

Mr. Deputy Speaker : The meeting is called to order.

May I know whether the honourable Member, Mr. Saeeduzzaman, had actually moved his amendment No. 34 ?

Mr. S. Zaman : Not moved, Sir, because the question was to be taken up . . .

Mr. Deputy Speaker : Couldn't we discuss it ? You better move it, and let us discuss it.

Mr. S. Zaman : (after looking up his papers) Sir, our papers have been removed.

Mr. Nasrullah Khan : Sir, practically every amendment has been removed.

Mr. S. Zaman : Mr. Speaker, Sir, before I move this amendment, I would like to draw your attention that this concerns the Election Authority, and if the Election Authority is the bone of contention between the two sides—as you know, Sir, the whole discussion centred on that—then this item cannot be taken up until we know the decision of the Speaker, because it directly concerns the Election Authority.

Mr. Deputy Speaker : So, you don't like to move at the moment ?

Mr. S. Zaman : Sir, it is up to you, Sir. That was the decision.

Mr. Deputy Speaker : No ; I think let us take it up.

Mr. S. Zaman : If you want to take it up, I have no objection.

Mr. Deputy Speaker : Yes, you better move it. Let us proceed with it.

Mr. S. Zaman : I beg to move that in clause 4 of the Bill, the full stop occurring in the third line be omitted and the following be inserted, namely :—

“and all those officers and authorities deputed for any duty under this Act shall be exclusively under the administrative control of that Authority”.

Here you will find that we are concerned with three different authorities. First the Government of course, the original authority for election was the Election Commission—now the Government has become an authority because Government will be appointing the Election Authority. So there are three parties concerned here.

Mr. A. H. M. Kamruzzaman : Point of order, Sir.

Mr. Deputy Speaker : Yes.

Mr. A. H. M. Kamruzzaman : Sir, this is in connection with the Election Authority. Already there are other amendments which are kept in abeyance pending the ruling of the Speaker. If those amendments are accepted, then it would be superfluous. So, unless these amendments are taken up, discussed and disposed of, this amendment is superfluous and it should not be taken up now.

Mr. Mohammad Haneef Khan : We are not accepting it.

Mr. A. H. M. Kamruzzaman : It is a different thing whether you accept it or not.

Mr. Mohammad Haneef Khan : It can be disposed of.

Mr. Akhtaruddin Ahmad : No.

Mr. Deputy Speaker : Now, No. 35 seeks omission of Chapter III as a whole. This would obviously have the effect of a negative vote. The amendment seeks the abolition of the entire chapter III of the Bill. That having the effect of a negative vote, I do not think it will be in order.

Syed Husain Mansur : It concerns clauses 5 and 6 which relate to the Election Authority. So, this may also be kept in abeyance.

Mr. A. H. M. Kamruzzaman : Mr. Speaker, Sir.

Mr. Deputy Speaker : In so far as clause 5 is concerned, it does not make any mention of the Election Authority.

Mr. A. H. M. Kamruzzaman : But clauses 6 and 7 relate to it.

Mr. Deputy Speaker : All right. Let us take up No. 36 which is purely of a non-controversial nature, because the expression 'Election Authority' does not find any mention in it. There is no reference to Election Authority or to the Election Commission as such. It is No. 36 standing in the names of honourable Members Mr. A. K. Md. Yusuf, Mr. Shamsur Rahman, Mr. Abbas Ali Khan, Mr. Akhtaruddin Ahmad and Mr. S. Zaman.

Mr. Shamsur Rahman : Mr. Speaker, Sir, I beg to move that in clause 5 of the Bill, the word "forty" occurring in the second line, be substituted by the words "four hundred".

*Mr. Speaker, Sir, the present Electoral College Bill may well be termed as an erroneous copy of the Basic Democracies Order of 1959. According to the Basic Democracies Order of 1959, each province was divided into 40 thousand Electoral College units and each elector was elected from each such unit. Through these elected persons the last general election was held. These electors not only elected the Members of National and Provincial Assemblies but even the President of the Islamic Republic of Pakistan has to obtain a vote of confidence from the 40 thousand electors, representing each province. Mr. Speaker, Sir, holding of general elections on the basis of Universal Adult Franchise is the demand of the people all over the country.

That the Electoral College formed in each province with 40 thousand electors and the indirect system of elections held recently did not fulfil the hopes and aspirations of the people, has been admitted by even the framer of

* English translation of corrected speech in Bengali.

the present Constitution, Field Marshal Mohammad Ayub Khan. And a few days after he had secured a vote of confidence he disclosed it in his speech that in the near future this number of electors be raised in each Province from 40 thousand to at least 60 thousand. Moreover, that this indirect system is not the desired objective of the people has also been admitted by the framer of the Constitution and President of Pakistan and his admission led to the formation of a Franchise Commission. This Franchise Commission have very clearly passed the opinion that the people should have the general voting right. In the last Budget Session, even after the passage of the Budget, the session of the Assembly was allowed to run for a period of one and a half month more. At that time, the only object was to present before the House a Bill prepared on the basis of the Report of the Franchise Commission.

Towards the beginning of July and after the passage of the Budget on 29th June, the Members of the House were told that it would require a long time to consider the Franchise Bill and as such, it was necessary to grant them leave for enabling them to visit their respective home during this intervening period. Accordingly the House was adjourned for about 12 days so that the Members may avail of the opportunity to visit their respective home. There was no reason to extend the session from July to the 16th of August including the adjournment of the session for 12 days other than to move before the House, a Bill suitable and acceptable to the people giving them their right to vote and frame on the basis of the Franchise Commission Report. It is a pity, Sir, that the honourable Law Minister, Mr. Khurshed Ahmad, moved before the House the Franchise Commissions Report with the warrant in his pocket to adjourn the session of the Assembly *sine die* on 16th August. After that, many a days passed by. After a categorical statement a House Committee was formed in the last session with this assurance that the Franchise Bill would provide for Universal Adult Franchise as recommended by the Franchise Commission.

Mr. Deputy Speaker : The honourable Member should kindly come to the point. You need not trace the historical background. Kindly just try to advance the arguments in favour of the increase in number—why the number should be increased from 40,000 to 400,000.

Mr. Shamsur Rahman : *Why is it 400 and not 40? What is the reason? What is the reason for the consideration of the amendment motion by unnecessarily wasting the valuable time of the House? It is necessary to do this question. That is why I am asking it and I am compelled to ask it only to show its necessity. The House Committee formed during the last Dacca Session was not certainly for making farce. The explicit purpose behind its formation was to prepare a Bill on the basis of the Franchise Commission's Report. Had it not been so, it was neither impossible nor difficult to bring this Bill during the last Dacca Session. But it is a matter of great regret that so long all Members of Government side were also unanimous on the point that it was unfair to hold elections with this 40 thousand electoral units in each province. Since they were one in their opinion on this point, a House Committee was formed and the consideration behind holding the meeting of that House Committee, meant for considering the Franchise Commission's Report, was that it was not fair to hold general elections on the basis of 40 thousand electoral units representing each province. The people have made it clear that they do not want to face general elections through the Electoral College and through a limited number of people. The people categorically wanted adult franchise and in response to the signature campaign launched by the Jamaat-i-Islami party, some nine lakhs of people have made it clear through their signatures that they

* English translation of corrected speech in Bengali.

[Mr. Shamsur Rahman]

were not agreeable to any other system for holding general elections other than that of adult franchise. Because, at that time the Jamaat-i-Islami party being the legally constituted Organisation echoed the hopes and aspirations of the people. In order to bring an undemocratic and undesirable Bill of this nature then the Government in a hurry declared the Jamaat-i-Islami party as an unlawful organisation. That too, was done by the Provincial Government at the instigation of the Central Government and the act of putting the leaders of the Jamaat-i-Islami behind the prison bar clearly manifests the cowardliness of the Central Government.

Mr. Muhammad Shehabullah : In discussing this amendment, the honourable Member is dragging in the question of banning a political party. Is it relevant ?

Mr. Akhtaruddin Ahmad : That is a fact.

Mr. Deputy Speaker : Will you kindly listen to me ? I have every sympathy for the honourable Member that he could not get the floor during the 1st reading at the introduction stage in the general debate, but he has got to be strictly relevant while discussing his amendment. At the moment, in the context of his amendment, the mode of election is very much relevant. He has only to support his contention by mean of arguments as to why this number of 40,000 should be increased to 400,000.

Mr. Shamsur Rahman : *Sir, I have moved this amendment only to make the figure 400 in place of 40. I say all this to make the position clear, because I feel it is necessary to do so.

Mr. Speaker, Sir, the people's demand is adult franchise. Holding elections through 40 thousand electoral units is not the people's demand. Their demand is for a greater number of voters. The popular demand is that a greater number of people should enjoy this right. In a bid to put forward this demand clearly, the Jamaat-i-Islami party made arrangement to hold its annual session at Lahore but Government could not even tolerate that.

(Interruptions)

Mr. Shamsur Rahman : *Microphones were not allowed to be used for holding the annual conference of a legally constituted political party. Kindly see how attempts are being made to gag the voice of the people from all fronts and suppressions are going on . . .

(Interruptions)

Mr. Deputy Speaker : Order please, order. I would request the honourable Member to kindly come to the point.

Mr. Shamsur Rahman : *Sir, I am saying why I have proposed to change the figure from 40 to 400. 400 are not the demand of the people rather their demand consisted in allowing 4 crores out of a total of 10 crores people of Pakistan to enjoy the right to vote. But, I wonder, under the influence of which star the Law Minister has changed his stand over night and has succeeded in bringing this Bill.

Mr. Khursheed Ahmad : Sir, on a point of order. Sir, I think the distinguished Member is attributing something to me. It is absolutely wrong.

* English translation of corrected speech in Bengali.

Mr. Deputy Speaker : The Minister should not be perturbed and feel upset. He is attributing something to me which he has overheard.

Mr. Shamsur Rahman : *Mr. Speaker, Sir, the popular demand is not only to change the figure of 40 thousand into that of 4 hundred thousand, but the most sincere and humble demand of 10 crores of people, beginning from the Khyber Pass right to Cox's Bazar, is to secure for every adult citizen has right to vote and to hold elections for their long cherished National and the Provincial Assemblies on the basis of their right to vote and also to hold the election for the country's Chief Executive, the President, on that basis.

The present authorities did not deny this demand of the people ; they have accepted it and this acceptance has led to the formation of the Franchise Commission and also to that of the House Committee. None could dare to show the cowardliness to deny this popular demand. Nevertheless it is difficult to understand why they have changed their stand over night and have succeeded in bringing about this Bill of 40 thousand electoral units before this House. In pursuance of the Basic Democracy Order of 1959, 40 thousand Basic Democrats were elected in each province. This number of 40 thousand Basic Democrats was not sufficient to normally run these institutions. Our President felt the magnitude of this issue and appointed 20 thousand more people by nominations, to run these institutions and he has repeatedly declared that this smaller number will not do and as such this number will be increased at an opportunate moment to 1½ times a measure to organise these Basic Democracies Institutions in the next term.

In a country, where 4 crores of people ought to have had the right to vote, the proposal of allowing only 40 thousand people the right to vote in each province, i.e., in all, 80 thousand people in both the wings is nothing but ridiculous and is, beyond doubt, a matter of great regret.

Mr. Speaker : Order please, order.

Mr. Shamsur Rahman : *Only one or two points and not more, Sir. For an unknown reason, our authorities are bent upon adopting system of "indirect elections" and not "direct elections". I believe, those who are blindly lending their support to the Government . . .

Mr. Khursheed Ahmad : That quarter claims moral superiority over the rest of the party. I should expect that there should be moral superiority in practice also. My esteemed and distinguished friend, Mian Abdul Bari, alleged to have said that I was in the Speaker's Chamber and I was trying to argue the ruling. You will agree and appreciate that if something is imputed to a man which is erroneous, he has a right to say that it is not correct. It was stated when I was absent in the forenoon from the Assembly : I was not in the Chamber of the Speaker, nor in the premises of the Assembly. I state that the allegation is erroneous : I was not arguing before the Speaker in his Chamber nor I was present there : I was physically away from the Assembly premises and Mian Sahib may please withdraw it. Something is being repeated by the same quarter again and I, therefore, rise in self-defence that I should be protected against allegations which have no basis. They are saying all this in order to gain moral superiority, but they should not repeat it.

Mr. Mashiur Rahman : In the morning, Miah Sahib referred to a Rasputin and not you.

* English translation of corrected speech in Bengali.

Mr. Deputy Speaker : I think the honourable Member has sufficiently explained his point.

Mr. Shamsur Rahman : *No, Sir, I have still one or two points to submit. Mr. Speaker, Sir, I believe that those in the Government side lending their blind support to the Government will definitely get the answer, if they ask their minds that in this country . . .

Syed Husain Mansur : His point is not yet complete.

Mr. A. K. M. Ziaul Ameen : He is speaking as if the Bill is at the general discussion stage. He has mentioned 40,000 and I think it is four crore who are participating in the elections.

Mr. Anwaruddin Sikdar : The entire speech is irrelevant ; he stated about the mode of the election and he is not speaking on the scope of amendment.

Mr. Deputy Speaker : I think the honourable Member has sufficiently and very elaborately . . .

Sardar Rashid Ahmed : He is talking of the support of the Government and against the Government ; he is not talking on the amendment at all.

Mr. A. H. M. Kamruzzaman : *Perhaps, he fails to understand Bengali and that is why he is speaking in that vein.

Mr. Mashiur Rahman : *Deferring the discussion for the time being, I would like to submit that our honourable Member, returned from Kasur, has stated it unjustly and that, if I discuss it, I think, it would be helpful to pass remarks.

Mr. Deputy Speaker : I have not been able to follow. (*Interruptions*) Order please, order.

Mr. Anwaruddin Sikdar : The honourable Member was making insinuations against the supporters of the Government party and this is not relevant to the amendment which is being moved. He was telling that this section of the House is blindly supporting the Government.

Mr. Deputy Speaker : I would request the honourable Member now to resume his seat.

Mr. Shamsur Rahman : I am coming to that, Sir.

Mr. Deputy Speaker : I think you have explained the whole position.

Mr. Anwaruddin Sikdar : The honourable Member was making insinuations against the supporters of the Government.

Mr. Deputy Speaker : Order please, order.

Mr. Shamsur Rahman : I am coming to the point, Sir.

Mr. Deputy Speaker : Order please, order.

Mr. Shamsur Rahman : *I have not yet covered all my points, Sir.

* English translation of corrected speech in Bengali.

Mr. Deputy Speaker : I think you have explained the whole position.

Mr. Shamsur Rahman : *Only a few points more. Mr. Speaker, Sir . . .

Mr. Deputy Speaker : The honourable Member has been actually pleading that the scope of clause 5 should be widened at least 10 times. He wants the number of Members to be raised from 40,000 to 400,000. You have sufficiently explained your position. I think that should be good enough.

(Interruptions)

Mr. Deputy Speaker : Order please, order. *(Interruptions)*. You will kindly bear with me for a minute. There are other motions which are materially identical. I hope the honourable Member will kindly appreciate that he is just one of the movers. There are co-sponsors of the same amendment.

Mr. Akhtaruddin Ahmad : I give my time to him.

Mr. A. H. M. Kamruzzaman : We also would like to speak, although we are not co-sponsors.

Mr. Deputy Speaker : That is why I am requesting the honourable Member that he should wind up now. I am not denying floor to anybody. They have a right to speak as co-movers and co-sponsors.

Mr. Shamsur Rahman : *No, Sir, I have not yet finished my points.

Mr. Deputy Speaker : You have finished.

Mr. Shamsur Rahman : *I have not yet stated my points, Sir.

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

Mr. Shamsur Rahman : *I have still to state my points. They are interrupting me. Mr. Speaker, Sir, those in the Treasury Bench and those supporting the Government . . .

Mr. Deputy Speaker : It is not the Treasury Benches which are under discussion.

Mr. Shamsur Rahman : I am appealing to the Treasury Benches.

Mr. Deputy Speaker : You may very well do that. The honourable Member is appealing to the Members sitting on this (Government) side.

Mr. Shamsur Rahman : *I have something more to submit, Sir. They have failed to understand me. If they have the courage to deny the right to vote in its spirit, in that case I would like to suggest: Please accept adult franchise, or in the alternative, please expand the electoral college and increase the number of the Basic Democrats.

I still maintain that there cannot be anything acceptable without voting rights for the people. But since you are not prepared to accept that view because of your intransigence, I am just submitting this proposal.

* English translation of corrected speech in Bengali.

Mr. Akhtaruddin Ahmad : Mr. Speaker, Sir, on a point of order. It is time for prayers.

Mr. Deputy Speaker : The House stands adjourned to reassemble at 7 p. m.

A Member : Sir, are his two minutes over ?

Mr. Deputy Speaker : Yes.

(The Assembly adjourned to reassemble at 7 p.m.)

The Assembly reassembled after *Maghreb* prayers, Mr. Deputy Speaker (Ch. Muhammad Afzal Cheema) in the Chair.

Mr. Deputy Speaker : I know the honourable Members are disappointed at my sudden appearance. This gesture was rather disappointing and quite unexpected, too. But I would not keep you waiting for long. I hope, Mr. Shamsur Rahman was on his last legs and his two minutes were almost over.

Mr. Khursheed Ahmad : Sir, you must rule that the two minutes' time of the distinguished Member was over probably half an hour ago.

Mr. Deputy Speaker : I think the Chair has made sufficient amends for not having given the floor to the honourable Member during the general discussion at the introduction stage. That should be the end of it. You kindly finish it now because there are no other co-sponsors of the same amendment No. 37 is materially identical with the present amendment. Kindly finish it in one minute.

Mr. Shamsur Rahman : Mr. Speaker, Sir, in spirit, they could not deny the adult franchise and at heart they feel that adult franchise is the only cherished desire of the people but because of obstinacy, they are not in a position to accept this popular demand. I appeal to them and request them to accept the amendment motion I have moved and thereby to allow a greater number of people the right to vote. Kindly allow the right to vote to 4 lakhs of people in place of 40 thousand people so that the people may not be totally deprived of their voting right even though they do not have the adult franchise in its entirety. It is my firm conviction that with this Bill in hand no Member will be able to go to his own constituency and to face the people. So, please amend it so as to make it acceptable and please do it before it is too late.

Mr. Deputy Speaker : Will you kindly resume your seat now, Maulana ? Order please, order.

[At this stage Mr. Speaker (Mr. A. K. M. Fazlul Quader Chowdhury) occupied the Chair].

Mr. Speaker : At the very outset before I announce my ruling on the points of order raised in this House in respect of the Electoral College Bill, 1964, introduced by the honourable Law Minister, I would like to draw the kind attention of the august House to a ruling of the Chair of the Indian Lok Sabha. This is necessary in view of the fact that this is my solemn duty to remind the honourable Members about the decency and decorum to be maintained in this House in the interest of the dignity of the House and in the interest of dignity of individual distinguished Member of the National Assembly of Pakistan. It so happened on June 18, 1952, a Member of the Lok Sabha protested against the ruling of the Chair. The Speaker, thereupon, observed "that the Member should know that no honourable Member has a right to protest against the ruling of the Speaker. A Member's first and only duty is to submit to it, and if he is dissatisfied, he has other remedies under the Rules. He can move a motion for the removal of the Speaker or some other things, but that is a different matter." On November 9, 1953, some Members staged a walk-out against the ruling of the Chair. The Leader of the House suggested that the names of those who had walked out, might be noted down. Some Members submitted that the Members have a right to disagree with the ruling of the Chair and also the further democratic right of recording the protests by silently walking out. The Chair remarked "Members have no right to protest against my ruling. If any Member says so, then it is a protest, and it means that the gentleman wants me to go against my ruling or change my ruling merely because he refuses to accept my ruling." That was very much discouraged by the ruling of the Chair of the Lok Sabha in 1953. I consider it my duty to remind the honourable Members of the House about the convention that is being developed in other countries in respect of ruling of the Chair, and how that should be taken by the honourable Members of the House. It comes to this. Nobody can challenge a ruling from the Chair; neither a ruling by the Chair can be criticized or discussed in the House. This also I am quoting from the "Conventions of the Lok Sabha."

Mr. S. Zaman : May I know, Sir, whether the ruling of Lok Sabha is binding on us ?

(Interruptions)

A Member : Don't shout.

(Interruptions)

Mr. Mashiur Rahman : Don't shout. Maintain the decorum and dignity of the House.

Mr. Speaker : I believe honourable Member, Mr. Akhtaruddin, raised the point of order. (*Addressing Mr. Akhtaruddin Ahmad*) You first raised it ? The honourable Member Mr. Akhtaruddin Ahmad at first raised the point of order seeking my ruling in respect of the Electoral College Bill, 1964, as was introduced by the honourable the Law Minister. It was introduced on the 26th of March, and he sought in his point of order a ruling from the Chair whether this Bill should be treated as an amendment to the Constitution or should be treated in the ordinary way. The honourable Law Minister told the House that he wants it to be treated as an ordinary Bill, and mechanics of processing an ordinary Bill should be observed in respect of getting this Bill through the House. Mr. Akhtaruddin was followed by other distinguished Members, and many of them contended, and tried to impress on me that a ruling is very much called for, in view of the fact that the Speaker is the guardian of the rights and privileges of the House, and unless the Speaker jealously guards the rights and privileges of the House, and sees that the

[Mr. Speaker]

Constitution is observed, there will be chaos in the House and no Rule and no Article of the Constitution will be observed. I entirely agree that it is the solemn duty of the Speaker of the House to see that the decency and decorum of the House is observed. Constitution is not flouted, and Rules of Business are strictly adhered to. I hold that it is within the jurisdiction of the Speaker to give a ruling on these points.

Now, I come to the point of order itself. The honourable Members, if I remember a right, talking in a general manner, raised three objections in regard to the Electoral College Bill, which is under the consideration of the House. First, it has been contended that this Bill is a violation of the Constitution. Second, that the Bill could not be moved without the previous consent of the President under Article 26 of the Constitution. Thirdly, that the Bill involves amendment of the Constitution, and it does need two-third majority for its passage. Ancillary to these points, a question was also raised whether these objections could be raised on a point of order, and whether the Speaker is competent to give a decision in the matter.

As regards the first point, I made it abundantly clear the other day that the decision whether a Bill is a violation of the Constitution or in conflict with the Constitution, unless it is *prima facie* clear that it is so, is beyond the jurisdiction of the Speaker. No ruling on this point is, therefore, called for.

In regard to the second point, I have given my consent to the introduction of the Bill. The fact of my giving consent meant that I did not hold that the Bill comes within the purview of Article 26 of the Constitution. And even if, for argument's sake, it is taken that it does come within the purview of Article 26 of the Constitution, I have got the inherent power where there is no specific mention in the Rules of Procedure, to allow it. The point may be argued, "Sir, how could you allow it?" The power that has been given to the Speaker under Rules of Procedure would be like this—

"Any matter arising in connection with the business of the Assembly for which no specific provision exists in the Rules, shall be decided by the Speaker in conformity with the tenor and spirit of these Rules."

"In conformity with the tenor and spirit of the Rules." In respect of Private Members, the distinguished Member Mr. Akhtaruddin Ahmad conceded, "Yes; Speaker has the right to allow a Bill to be moved, had it been a Private Member's Bill." But following the tenor of the Rules, I take it upon myself that I can exercise my power, and I can allow any Bill to be moved which needed the previous consent of the President. So, I have followed Rule 171, and also I have followed the tenor of the Rule which empowers the Speaker to allow a Private Member to move a Bill which needed the prior consent of the President. I do not propose further to discuss Article 26 or what the words "relating to" mean, because it is not called for. In view of what I have stated earlier, when I have acted under that Rule which empowers me to give a ruling on any matter where there is no specific provision in the Rules of Procedure, and that also must be according to the tenor of the Rules. As I have indicated to the august House that there is Rule in respect of Private Members that the Speaker could waive the consent of the President, and could allow a Member to move a Bill, that is disposed of.

The third point on which my ruling has been sought is whether the proposed Electoral College Bill amounts to an amendment of the Constitution. As a corollary to this question, two further questions have been posed—one, whether such a question can be raised on a point of order; and two, whether the Speaker is competent to give a ruling in this behalf. As regards the scope of the point of order, our Rules of Procedure have not defined or prescribed the limits. We will, therefore, have to rely on parliamentary practice and precedents in other Legislatures. According to S. S. More—

“A point of order shall relate to the interpretation or enforcement of the Rules or such Articles of the Constitution as regulate the business of the House.”

The test whether a point of order is a point of order or not is whether it involves an interpretation of the Rules, standing orders, and various parts of the Constitution that regulate the business of the House, and whether it raises a question which the Chair alone can decide. This view was held in the Indian Legislative Assembly in 1930, and this ruling was given by President V. J. Patel, the distinguished President of the Indian Legislative Assembly. I hold the same view. I, therefore, hold that a point of order raising the question of the procedure and mechanic of the passage of a Bill is within the ambit of a point of order, and Speaker is not only competent but bound to give a ruling, if sought for.

Now, I come to the last point as to whether the Bill amounts to an amendment of the Constitution or not. The honourable Member, Mr. Mashiur Rahman, and the honourable Minister of Industries, Mr. Abdullah-al-Mahmood, very senior Members, agreed that, if palpably anything offends any Article of the Constitution, the Speaker shall intervene and shall give a ruling. Let us now examine whether this Bill or any provision of the Bill has offended palpably any provision of the Constitution. If it does, well, I have got to act; if it does not, it is beyond me.

Now, the provision that has been under fire in this Bill. Which provision is it?

Mr. Abul Quasem : Clause 3, Election Authority.

Mr. Speaker : Clause 3. Election Authority. It is stated here in clause 3. sub-clause (1):—

“For the purpose of this Act, the Central Government shall, by notification in the official Gazette, appoint an Election Authority for the whole of Pakistan.”

And the purpose of the Bill is to provide for the constitution of the Electoral College in Pakistan. Now, let us see whether this provision in the Bill that the Central Government shall by notification in the official Gazette appoint an Election Authority for the whole of Pakistan to provide for the constitution of the Electoral College of Pakistan offends any provision of the Constitution of Pakistan.

Honourable Member, Mr. Fazal Elahi, has relied on Article 153 of the Constitution to bring the provision of the Bill into collision with this Article of the Constitution. What is the function of an Election

[Mr. Speaker]

Commission and the Chief Election Commissioner. I read out Article 153 clause (1) which has been so much relied upon by the distinguished Member, Mr. Fazal Elahi, in order to attract my ruling as according to him clause (3) of the Bill offends Article 153 of the Constitution and so this Bill under consideration will amount to an amendment of the Constitution. Article 153 of the Constitution runs thus :—

“For the purposes of—

- (a) each election for the office of the President ;
- (b) each general election of the members of an Assembly ; and
- (c) each referendum required to be held under this Constitution,

an Election Commission shall be constituted in accordance with this Article—Article 153.”

Of course, in clause (2) you have :—

“An Election Commission shall consist of—

- (a) the Commissioner, who shall be Chairman of the Commission ; and
- (b) a Judge of the High Court of the Province of East Pakistan and a Judge of the High Court of the Province of West Pakistan, each of whom shall be appointed by the President after consultation with the Chief Justice of the High Court concerned”

Now, the Article is Article 153. As Speaker of the House, I do not sit here as the Chief Justice of Pakistan. As Speaker of the House, I feel I have got to see if any provision of this Bill does offend *prima facie* any Article of the Constitution. If it offends, as has been pointed out by Mr. Mashur Rahman and Mr. Abdullah-al-Mahmood, I have no other alternative but to act and do what I am supposed to do as a Speaker in order to regulate the business of the House according to the Constitution and according to the Rules of Procedure. The Bill is Electoral College Bill of Pakistan. The Election Commission would be according to Article 153 of the Constitution appointed for (a) each election for the office of the President, (b) each general election of the members of the Assembly, (c) each referendum required to be held under the Constitution. Honourable Mr. Fazal Elahi tried to explain to me the meaning of the words “for the purpose of” used in Article 153. May I inform my distinguished colleagues that I shall only take the literal meaning of what is stated in Article 153 of the Constitution. I shall not go into the allegory or into interpretation of words used in that Article. Literal meaning is one thing, interpretation is another. The word ‘interpretation’ means according to dictionary ‘expounding’. I am not here to expound any provision or any word of the Constitution. I am here to accept the literal meaning of what is stated there. In the absence of the fact that the word “Electoral College of Pakistan” is not in the list of those subjects which have been stated to be the function of the Election Commission or the Chief Election Commissioner, I cannot hold that clause 3 of the Bill offends the provision of Article 153 of the Constitution. I, therefore, hold that the point of order raised by Mr. Akhtaruddin will call for a ruling from me and the ruling is this :—

“This Bill in the absence of any provision which will offend any Article of the Constitution may be treated as an ordinary Bill and may be processed as an ordinary Bill in this House.”

Mr. Mashiur Rahman : Mr. Speaker, Sir, on a point of order.

Mr. Speaker : Yes.

Mr. Mashiur Rahman : Sir, we have very patiently and anxiously heard your learned ruling on this subject and also the previous ruling you have kindly referred to that no Member has got the right to walk-out against a ruling of the Speaker. Sir, we appreciate the difficulty that has been expressed by the honourable Speaker, we fully endorse the trouble and we appreciate the trouble you have taken in pronouncing this ruling. But, Sir, we thought that the Government will not violate the provision of the Constitution and in view of this palpable and culpable violation of the Constitution as pointed out by us, the Government will take notice of it, they will try to withdraw it. As a protest I want to walk-out against the Government's attitude.

Mr. Speaker : Just a second please. You heard a portion of my ruling. I have not yet finished.

Mr. Akhtaruddin Ahmad : We have nothing to say against the ruling.

Mr. Speaker : No, no. No question of that. I would request the honourable Members to hear my ruling. Kindly take your seat.

(Most of the Members of the Opposition walked out).

Mr. Mashiur Rahman : We shall come back.

Mr. Speaker : For the information of the honourable Members I must quote another very important precedent in the Indian Legislative Assembly. A question was raised in the conference of Presidents and Deputy Presidents of Legislature in India in 1926 whether the President that is the Presiding Officer of the Legislature has the right to give a ruling on the question as to whether the Bill requires previous sanction and what is his position regarding the amendments to the Bill which may require sanction. I quote below the decision taken in that conference presided by President Patel. I quote :—

“After further discussion the general view of the conference was that if the President was clearly of the opinion that an amendment required previous sanction, he should, in the absence of some such sanction, rule the amendment out of order. If, however, it was doubtful whether the amendment did or did not require previous sanction, the President should give the benefit of the doubt to the mover of the amendment and allow it to be moved.”

This is the decision arrived at in the conference of Presidents and Deputy Presidents of all the Legislatures in India presided over by famous Mr. Patel of the Indian Legislative Assembly. It is not secret to you what was the quality of the great President Patel. So, this is for information of the honourable Members and I have, more or less, followed the precedents in other Legislatures, and I have told you there is nothing within the four corners of the Constitution that Chief Election Commissioner shall conduct the election of the Electoral College. Is it for me to interpret the Rules; is it for me to interpret and expound laws? Am I

[Mr. Speaker]

the Chief Justice of Pakistan? I have got only to see whether any clause of the Bill, any provision of the Bill, palpably offends the provisions of the Constitution. In the absence of that I have no other alternative but to rule that it should be processed as an ordinary law. I cannot arrogate to myself as an interpreter of law and Constitution which is the monopoly of the judiciary in Pakistan. We want judiciary to be independent. Legislatures do not want encroachment upon the rights of the judiciary. By giving this ruling, I think, I will record for history that this Legislature has shown respect for the judiciary of the country and did not arrogate to itself the function of the judiciary of Pakistan. My ruling has not prejudiced anybody. Nobody has been prejudiced. It is all right, if it does not appear to me palpably that this Bill does offend any Article of the Constitution. It is not for the Speaker to interpret the Constitution. That is for the judiciary to do so. Speaker's duty is only limited. The Speaker is neither invested with powers to interpret the Constitution under our Rules, nor is there any precedent in any Legislature of the world where the Speaker is required to perform the functions of the judiciary. This is a fundamental question and cannot be hedged in by hypothetical propositions or by invoking any doctrine of implied powers. The function of the Speaker is to regulate business in the Assembly according to the Rules and the Constitution, and this does not include interpretation of the Constitution or expounding the implied meaning of any word used in the Constitution. Speaker will only take the words used in the Constitution in their primary or usual sense, and never go into the implied meaning of any word or Article in the Constitution, if there be any.

I accordingly hold that the question being raised is one of interpretation of the Constitution, and is beyond the jurisdiction of the Speaker. As such, the Electoral College Bill, as moved, will be processed in the House as an ordinary Bill and not as a Bill amending the Constitution.

Mr. Mashiur Rahman : Sir, on a point of order.

Mr. Speaker : I am very sorry, Honourable Mr. Mashiur Rahman has said "If it does palpably". I have only relied on Mr. Mashiur Rahman's advice. I have relied on him and I thought a senior Member like Mr. Mashiur Rahman has advised me correctly. I did not know that his colleagues did not like it.

Mr. Mashiur Rahman : Sir, on a point of order.

Mr. Speaker : Now, move the amendments.

Mr. Mashiur Rahman : Sir, my point of order is on a personal explanation.

Mr. Speaker : Your point of order should not relate to the ruling.

Mr. Mashiur Rahman : No, Sir, it does not relate to the ruling.

Mr. Speaker : All right. All right.

Mr. Mashiur Rahman : * * *

Mr. Speaker : This is expunged. This shall not be reported in the Press (*Interruptions*). Order, order.

Mr. Mashiur Rahman : * * *

Mr. Speaker : Nothing shall go out to the Press. It shall not be entered in the proceedings. Appeal, an appeal to the Press to print my ruling in full. This is a request and an appeal, I make to the Press. This is a very important ruling. I would request them not to print it in full, if they want to do justice to the rights and privileges of this House. I have not read out from any copy. I have asked my Stenographers (Reporters) to type. They will supply it, and, I am sure, they are very efficient journalists (Reporters). They have already taken it down.

Now, Ch. Fazal Elahi Sahib's amendment.

Mr. Khursheed Ahmad : He is absent.

Mr. Speaker : Amendment No 23—not moved.

23 (A)—Mr. S. Zaman.

Mr. S. Zaman : Mr. Speaker, before I start with this, I would like to say that we all feel very exhausted. You see the temperaments have greatly changed due to the tension in this House. It would be wise and proper to adjourn so that we could start with fresh mind.

Mr. Khursheed Ahmad : No, Sir. No, Sir. Move the amendments.

(Interruptions)

Mr. Speaker : Order. Order. Order. You mean to say that you all are very exhausted.

Mr. S. Zaman : Let us start afresh tomorrow.

Mr. Speaker : You strain yourself by coming and going. Why do you walk-out to strain your legs?

Mr. S. Zaman : Yes, Sir. Let us go home and take rest.

Mr. Speaker : I have a feeling that a distinguished Member on my right raised a point of order. Mr. Law Minister, are you on a point of order?

Mr. Khursheed Ahmad : Yes, Sir. Personally, I would submit that the House should resume consideration of this Bill from the point at which it was interrupted by the point of order.

Mr. Speaker : Yes. So, you don't want to oppose.

Mr. Khursheed Ahmad : I shall respectfully oppose the suggestion which my esteemed friend has placed just now. I do not want that we should sit round the clock. We should transact some business, which is in the Orders of the Day. I think, it would not be to the credit of the House that the House met twice only to deal with the points of order.

Mr. Speaker : What is the opinion of the distinguished Members on my left *(Interruptions)*. Order. Order, please.

Mr. Akhtaruddin Ahmad : I will support the proposal made by honourable Mr. S. Zaman and also I add that as you have also been strained and our mind

[Mr. Akhtaruddin Ahmad]

is also strained, so I would request you to adjourn the House to meet tomorrow and also, Sir, we should have fixed time. We should not continue indefinitely. After all, we are human beings.

Mr. Speaker : Yes, Mr. Habibul Haq, what is your advice ?

Syed Mohammad Habibul Haq : Sir, as all of us know that we come here at 8-30 a.m., work up to 2-30 p.m., reach our homes and have lunch at 3-30 or 4-30, and then rush back to this Assembly at 4-30 or 5-00 p.m. This is, Sir, I most humbly submit, a punishment on us, and I feel this is also the sense of the House. I hope, the honourable the Leader of the House will agree that there should be no more evening sessions.

Mr. Speaker : Kindly resume your seat. Talk of this evening.

Syed Mohammad Habibul Haq : This House should be adjourned. This will be a strain on us. I feel so tired that I cannot talk properly.

Mr. Speaker : If you are tired, you kindly sit down, otherwise it will disturb your health. Mr. Mahbubul Huq, do you want to say something ?

Mr. Mahbubul Huq : I do not want to say anything. I have no opinion. I am prepared to work.

Mr. Speaker : Please, Mr. Mahbubul Huq, you give your opinion.

Mr. Mahbubul Huq : I have no opinion. Thank you very much.

Mr. Speaker : You tell me. Why do you feel diffident ?

Mr. Mahbubul Huq : Because, Sir, we do not enjoy the privileges as the honourable Members on the other side enjoy.

Mr. Speaker : Mr. Mahbubul Huq, you tell your opinion. You kindly give your opinion.

Mr. Mahbubul Huq : For us to sit from 8-30, go out at 2-00 p.m, come back at 5-00 p.m. and to go at midnight, not to have our food—well it is something which we should be accustomed to, because we somehow represent the suffering side. Therefore, Sir, it will not carry any weight.

Mr. Speaker : What about the adjournment of the House ?

Mr. Mahbubul Huq : As a matter of fact we should have a fixed time here.

Mr. Speaker : So, you prefer that it should be adjourned now. One honourable Member feels that his opinion does not carry any weight in this House ; I say that his opinion counts and with the approval of the House, I adjourn the House to meet at 8-30 tomorrow.

The Assembly adjourned till half past eight of the clock, in the morning, on Friday, the 10th April, 1964.

ANNEX. TO THE NATIONAL ASSEMBLY DEBATES FOR THE 9TH APRIL, 1964

Information promised in reply to starred question No. 348, asked by Mr. Mansural Hoq, M.N.A., on the 9th April, 1964. (Received on 1st July, 1965).

NUMBER AND NAMES OF PAKISTANIS HOLDING FOREIGN AWARDS

S. No.	Name	Designation
1	2	3
1.	F. M. Mohanmad Ayub Khan	... President.
2.	Mr. Mohammad Shoaib ...	... Finance Minister.
3.	Mr. Z. A. Bhutto ...	... Foreign Minister.
4.	Mr. Mohammad Zafarullah Khan	... Judge. International Court of Justice.
5.	Maj. Gen. N. A. M. Raza ...	... Ambassador.
6.	Mr. S. K. Delhvi, P. F. S. ...	... Do.
7.	Mr. Hamid Nawaz Khan, P. F. S. ...	... Do.
8.	Mrs. Hamid Nawaz Khan ...	...
9.	Mr. Agha Hilaly, P. F. S. ...	... Ambassador.
10.	Dr. O. H. Malik ...	... Ex. Ambassador.
11.	Begum Raana Liaqut Ali Khan	... Ambassador.
12.	Lt. Gen. W. A. Burki ...	... Do.
13.	Mr. Q. U. Shahab, CSP ...	... Do.
14.	Mr Iqbal Athar, P. F. S ...	... Do.
15.	Dr. A. M. Malik ...	... Do.
16.	Mr. M. S. A. Baig, P. F. S. ...	... Do.
17.	Mr. Abdur Rehman Khan, P. F. S. ...	... Do.
18.	Mr. J. A. Rahim, P. F. S ...	... Do.
19.	Mr. Akhtar Hussain, P. F. S. ...	... Do.
20.	Mr. Wahajuddin ...	... Do.
21.	Late Mr. Ikramullah, P. F. S. ...	... Ex-Ambassador.
22.	Pir A. M. Rashidi ...	... Do.
23.	Mr. Habibur Rehman ...	... Ambassador.
24.	Mian Ziauddin ...	... Ex-Ambassador.
25.	Mr. Mohd. Ayub, CSP ...	... Ambassador.
26.	Mr. Mohd. Mir Khan ...	... Ex-Ambassador.
27.	Late Nasim Hussain... ...	... Ambassador.
28.	Late S. L. S. Bokhari ...	... Ex-Ambassador.
29.	Mr. S. Tayyeb Hussain ...	... Ambassador.
30.	Mr. M. S. Shaikh ...	... Do.

2	3
31. Air. Com. M. Rabb	Ambassador.
32. Mr. S. M. Burke	Ex-Ambassador.
33. the (Late) Mir Ghulam Ali Talpur ...	Ambassador.
34. Mr. Iskander Mirza	Ex-President.
35. the late Mr. H. S. Suhrawardy ...	Ex-Prime Minister.
36. Malik Feroze Khan Noon	Do.
37. Prince H.A. Abbasi, P.F.S	First Secretary.
38. Mir, Mohd. Jamal Khan	Mir of Hunza.
39. Maj. Gen. Mian Gul Sahib Abdul Haque Sahib Jahanzeb.	Ruler of Swat.
40. Gen. Mohammad Musa.	C-in-C, Pak. Army.
41. Air. Marshal Asghar Khan	C-in-C, Pak. Air Force.
42. Mr. Mushtaq Ahmad	Comptroller & Auditor Gen.
43. Mr. S.A. Hasnie	Governor, State Bank of Pak.
44. Mr. M. Azfar, CSP	Secretary.
45. Mr. Mosarrat Hussain Zuberi, CSP ...	Do.
46. Dr. V. A. Hamdani, P. F. S.	Minister.
47. Mr. Imdad Hussain, P. F. S	Since resigned from Government service.
48. Mr. S. A. Vahid	
49. Mr. A. R. Khan, P. F. S.	Counsellor.
50. Vice Admiral A. R. Khan	C-in-C, Pak. Navy.
51. Mr. Mumtaz Hasan	Chairman, Scientific Research.
52. Mr. M. U. Qureshi	Military Secretary to the President.
53. Lt. Gen. Altaf Qadir	Lt. General.
54. Lt. Gen. Bakhtiar Rana	Do.
55. Mr. Feroze Nana Ghulam Ally ...	Judge, High Court.
56. Mr. S. M. Ikram	Member, West Pakistan Board of Revenue.
57. Vice Admiral H. M. S. Choudry (Rtd.)	Ex-C-in-C, Pak. Navy.
58. Air Commodore M. M. Piracha ...	Administrative Director, P. I. A.
59. Air Vice Marshal M. Nur Khan ...	
60. Commodore S. B. Salimi	Commodore, Commanding P. N. Flotilla.
61. Rear Admiral S. M. Ahsan	Chairman, IWTA, Dacca.
62. Zahoorul Haq	Press Attache, Pakistan Embassy, D' Jakarta.
63. Mr. S. M. Hassan, P.F.S.	
64. Mr. G. Faruque	
65. Mr. A. A. Farooq, P. F. S.	Counsellor.
66. Dr. A. H. Irfani	Former Press Attache, Pakistan Embassy, Tehran.
67. Mr. M. Sadiq	Pak. Military Attache in Iran.
68. Commodore Khalid Jamil (Rtd.) ...	—

1	2	3
69.	Mr. A. Hamid	D. G. T. & T.
70.	Mr. Akhtar Hamid Khan	Director, Pak. Academy for Village Development, Comilla.
71.	Dr. F. A. Khan	Director of Archaeology.
72.	Mr. M. Afzal	Agriculture Development Commissioner.
73.	Mr. S. A. Suhrawardy	Chairman, Railway Board.
74.	Mr. Salimuzzaman Siddiqui	Director, Chairman Council of Scientific and Industrial Research.
75.	Maj. Gen. M. M. Hussain	—
76.	Maj. Gen. Mohd. Yusuf	Maj. General.
77.	Maj. Gen. Mohd. Attiqur Rehman	Do.
78.	Maj. Gen. M. Hayauddin	Do.
79.	Maj. Gen. Mohd. Habibullah	Do.
80.	Maj. Gen. Sarfraz Khan	Do.
81.	Maj. Gen. Sher Ali Khan	Do.
82.	Maj. Gen. Wisal Mohd. Khan	Do.
83.	Brig. Abrar Hussain	Brig.
84.	Brig. Bahadur Sher	Do.
85.	Brig. Gulzar Ahmad	Do.
86.	Brig. Gul Nawaz Khan	Do.
87.	Brig. Hamid Hussain	Do.
88.	Brig. Khawaja Wasiuddin	Do.
89.	Maj. Gen. Mian Ghulam Jilani	—
90.	Brig. Mohd. Nawaz	Brig.
91.	Brig. N. A. K. Raza	Do.
92.	Brig. Riazul Karim	Do.
93.	Brig. Rakhman Gul	Do.
94.	Brig. Sardar Ali	Do.
95.	Brig. Tor Gul	Do.
96.	Brig. Mohd. Ahmad	Do.
97.	Brig. A. A. K. Niazi	Do.
98.	Brig. Mohd. Aslam Khan	Do.
99.	Brig. Afif Khan	Col. Pak. Army.
100.	Brig. Ahmad Khaleeli	Do.
101.	Col. Fazle Rahim Khilji	Do.
102.	Col. H. U. Qureshi	Do.
103.	Col. Mohd. Ataullah	Do.
104.	Col. Muzaffar Khan	Do.
105.	Col. M. Sarwar	Do.
106.	Col. Mohd. Shamin Ansari	Do.
107.	Col. Mohd. Sharif	Do.

1	2	3
108. Col. Mohd. Zarif Khan ...	...	Col. Pak. Army.
109. Col. M. A. K. Durrain ...	...	Do.
110. Col. M. K. Faridi ...	...	Do.
111. Col. Jalal Shah ...	...	Do.
112. Col. S. B. Irani ...	...	Do.
113. Col. Mohd. Sharif Khan ...	...	Col. Comd.
114. Lt. Col. Arham Khan Effandi ...	...	Lt. Col.
115. Lt. Col. Fazal Rahim ...	...	Do.
116. Lt. Col. Fazal Rehman ...	...	Do.
117. Lt. Col. Fazal Karim ...	...	Do.
118. Lt. Commander Hamid Rab ...	...	—
119. Lt. Col. Iftikhar Ahmed Choudhry ...	...	Lt.- Col.
120. Lt. Col. Irshad Rashid ...	...	Do.
121. Lt. Col. Izazuddin Ahmad Khan ...	...	Do.
122. Lt. Col. K. A. Rashid ...	...	Do.
123. Commander Syed Mazhar Ahmad ...	...	Director of Naval Intelligence.
124. Lt. Col. Mian Zafar Abdullah ...	...	Lt. Col.
125. Lt. Col. Mohd. Aslam (EBR) ...	...	Do.
126. Lt. Col. Mohd. Aslam (Arty.) ...	...	Do.
127. Lt. Col. Mansar Hussain ...	...	Do. (Baluch).
128. Lt. Col. Mian Fazle Wahid ...	...	Do.
129. Lt. Col. Nazar Hussain ...	...	Do.
130. Lt. Col. Riaz Hussain, ...	...	Lt. Col.
131. Lt. Col. Syed Ghaffar Mehdi ..	...	Do.
132. Lt. Col. Hamid Hajeerbhoy ...	...	Do.
133. Lt. Col. Seroze Jal Bomanji ...	...	Do.
134. Wing Commander S. M. Ahmad ...	...	Wing Comdr.
135. Maj. Amjad Hussain Syed ...	...	Major
136. Maj. Ahmad Saeed ...	...	Do.
137. Maj. Ahmad Hussain Sheikh ...	...	Do.
138. Maj. Ejaz Azim ...	...	Do.
139. Maj. Hussain Abdul Khaliq ...	...	Do.
140. Maj. Khalid Hussain ...	...	Do.
141. Maj. Ghaffar Ahmad Salahuddin ...	...	Do.
142. Sadiq Nawaz Khan ...	...	Do.
143. Sadiq Anwar ...	...	Do.
144. Maj. Shah Dad ...	...	Do.
145. Maj. Zamir Ahmad Khan Baluch ...	...	Do.
146. Mr. N. M. Uqaili ..	...	General Manager, PIC & IC Ltd.
147. Mr. M. M. Hussain ...	...	Engineer, T. & T. Deptt.
148. Moulvi Mohd. Shafi ...	...	Leader of Pakistan Cultural Mission in Iran.
149. Capt. Din Ahmad ...	...	Captain.

1	2	3
150.	Capt. Arshad Ahmad	Captain
151.	Capt. Ghulam Hussain	Do.
152.	Capt. Abdul Aziz Sheikh	Do.
153.	Capt. Mohd. Mazhar Iqbal	Do.
154.	Capt. Mirza Iqbal Beg	Captain (Army Band and President's Body Guard).
155.	Capt. Shaukat Ali Qureshi	Do.
156.	Capt. Saiyed Naim Haider Rizvi	Do.
157.	Group Capt. S. A. Aziz	Group Capt.
158.	Capt. Zafar Ali	Captain.
159.	Zahid Amin Minhas	Do.
160.	Capt. Abdul Razzaq	Do.
161.	Lt. Col. Syed Arshad Ahmad	Lt. Capt.
162.	Fl. Lt. Abdul Halim	Flt. Lt. & A.D.C. to President
163.	Lt. Commander J.F. Squand	
164.	Sq. Ldr. E. Rabbani	
165.	R. Maj. Ghulam Nabi	Risalder Major (Army Band and President's Body Guard).
166.	R. Maj. Ghulam Mohd.	Risaldar Major.
167.	Lt. Commander (S) M. N. Enver	Supply Office PNS Babur.
168.	Sgt. Maj. Noor Khan	Sgt. Major.
169.	Swr. Dost. Mohd.	Swr. (Army Band and President's Body Guard.)
170.	Swr. Fayyaz Ali	Do.
171.	Swr. Taj Mohd.	Do.
172.	Daf. Atta Mohd.	Dafedar (Army Band and President's Body Guard).
173.	Hav. Sikandir Khan	Havaldar (Army Band and President's Body Guard).
174.	L/Dfr. Mian Mohd.	L/ Dfr. Do
175.	Mr. Hafizur Rehman	—
176.	Mr. Hamid Raza Muhajan	—
177.	Mr. I. A. Sheikh	Manager, Lebanon PIA.
178.	Mr. Joshua Fazaluddin	—
179.	Mr. Jamal Din	—
180.	Mr. J. A. Mistry	—
181.	Lt. Col. Liaqat Saeed Khan	—
182.	Mr. M. A. Haleem Khan	—
183.	Dr. Mohmood Hassan	—
184.	M. A. Malik	—
185.	Mr. M. A. Ghayur	—
186.	Mr. Mohd. Ali Rangoonwala	Businessman.
187.	Moulvi Tebarakullah	—
188.	Mr. Merdin Karam Ali	—

189.	Mr. Mir Khan	...	...	—
190.	Abid Hussain	...	...	—
191.	Mr. Ahmad E. H. Jaffar	...	...	Businessman
192.	Late Abdur Rehman	...	...	—
193.	Mr. Amir Ali Hassan Ali Fancy	...	...	—
194.	Mr. Amir Mehdi Khan	...	...	—
195.	Mr. Abdul Ghani	...	...	—
196.	Mr. Arthur Sequeria			
197.	Miss Aurora Rodrigues			Artist Radio Pakistan.
198.	Mr. A. B. Rajput.			Director, Films and Publication Department, Karachi.
199.	Mr. Barkatullah Qureshi			
200.	Mr. C. M. Aslam			
201.	Mr. F. A. Choudhry, P. F. S.			Second Secretary, Tehran.
202.	Mr. Faiz Ahmad Faiz			Pakistan Art Council, Lahore.
203.	Mr. Fowdala			
204.	Mr. Ghulam Hussain			
205.	Mr. Morid Hussain			
206.	Mr. Mohd. Ibrahim			
207.	Mr. Mohd. Din			
208.	Mr. N. D. Ahmad			Political Secy. CENTO. Sectt.
209.	Mrs. N. F. Halim			Nursing Adviser (Health Deptt).
210.	Pir Hassamuddin Rashidi			
211.	Dr. Riaz Ali Shah			
212.	Dr. Raziuddin Siddiqi			
213.	Mr. Rehman Khan Musim Madham			
219.	Brig. Sadiqullah Khan			
220.	Mr. S. A. A. K. Durrani, P. F. S.			Minister, Peking.
221.	Mr. Sarfaaz Khan			First Secretary.
222.	Mr. S. A. H. Ahsani			
223.	Sub-Maj. Sher Zaman Khan			Yard Foreman, Office of the Coutroller of Telegraph Stores.
224.	Mr. S. M. Hassan			
225.	Sheikh Ahmad			
226.	Mr. S. M. Akhtar			
227.	Mr. W. A. Sheikh			
228.	Mirza Maqbool Badakhshani			
229.	Mr. Babar Ali			
230.	Mr. Sifat Gul			Driver.
231.	Mr. M. M. Agha			Honorary Counsel for Norway and Sweden in Chittagong.
232.	Khan Mohd. Khan			
233.	Nabi Ahmed Kallat			Pak. Hockey Coach.