

CONSTITUENT ASSEMBLY OF PAKISTAN

Thursday, the 16th February, 1956

THE Constituent Assembly of Pakistan met in the Assembly Chamber, Karachi, at Three of the Clock, in the Afternoon, Mr. Speaker (the Honourable Mr. Abdul Wahab Khan) in the Chair.

THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN—*Not concluded.*

Mr. Speaker: We resume consideration of the Constitution Bill Clause 18. The Honourable Mr. K. K. Dutta!

The Honourable Mr. Kamini Kumar Dutta (East Bengal : General) : Amendment not moved.

Mr. Peter Paul Gomez (East Bengal : General) : Mr. Speaker, I beg to move :

"That in part (b) of clause 18 of the Bill, after the word 'religious' occurring in the third line, the words 'and other' be inserted and the following be added at the end, namely :

' for promoting education and other beneficent work '."

Mr. Speaker : Motion moved :

"That in part (b) of clause 18 of the Bill, after the word 'religious' occurring in the third line, the words 'and other' be inserted and the following be added at the end, namely :

' for promoting education and other beneficent work '."

Mr. Gomez :

Mr. Peter Paul Gomez : Mr. Speaker! Sir, I do not have much to say about my amendment as it is self-explanatory. I only have to say that the different religious denominations or sects not only have their religious institutions but they also run a large number of other institutions, which in the strict sense of the word cannot be termed as "religious". For example, the Christians are running their schools, technical schools, and colleges. And not merely these, they run hospitals, dispensaries, leprosiums and other institutions which are of a beneficent nature. And people of all communities are benefited through these institutions though these institutions can in no way be termed religious institutions though run by missionaries. It would, therefore be very good if provision is specifically made in the Bill, so as to enable the religious denominations to run not only their strictly religious institutions but also other institutions like schools, colleges, dispensaries, hospitals, leprosiums, etc., which do other kinds of beneficent work.

With these few words I commend my amendment for the acceptance of the House.

Mr. Speaker : The question is :

"That in part (b) of clause 18 of the Bill, after the word 'religious' occurring in the third line, the words 'and other' be inserted and the following be added at the end, namely :

' for promoting education and other beneficent work '."

The motion was negatived.

Mr. Speaker : The question is :

“That clause 18 stand part of the Bill.”

The motion was adopted.

Clause 18 was added to the Bill.

Mr. Speaker : Now we take up clause 33A. Mr. Yusuf Haroon !

Mr. Yusuf A. Haroon (West Pakistan : Muslim) : I beg to move :

“That after clause 33 of the Bill, the following new clause be inserted :

‘33A. *Election of President or Vice-President to be conclusive.*—The validity of the election of the President or the Vice-President shall not be questioned in any Court’.”

Mr. Speaker : Motion moved :

“That after clause 33 of the Bill, the following new clause be inserted :

‘33A. *Election of President or Vice-President to be conclusive.*—The validity of the election of the President or the Vice-President shall not be questioned in any Court’.”

Mr. Zahiruddin (East Bengal : Muslim) : Mr. Speaker, Sir...

Mr. Speaker : Mr. Zahiruddin !

Mr. Zahiruddin : Sir, I have great objection to the moving of this amendment without any notice. Sir, it is a very vital clause which will change the very character of our Constitution. Had it been only a verbal amendment not affecting the character of the Constitution or substantial in nature, we would not have raised any objection. We have allowed numerous amendments moved by the Government without raising any objection from our side, but, Sir, this is an amendment which radically changes the picture of the Constitution which we had when it was placed before us. Therefore we object to the consideration of this amendment in this House just now.

The Honourable Sardar Amir Azam Khan (West Pakistan : Muslim) : May I say that there is some misunderstanding in the minds of my honourable friends. This amendment also appears in the printed list on page 15, but it appears as a new clause 35A. It is only that instead of calling it 35A, we are calling it as 33A. For this a certain verbal amendment was necessary. Therefore instead of suggesting it on the floor of the House we gave notice of this amendment in a slightly different form. It has now been cyclostyled and circulated for the advantage of the Honourable Members. So it is not just a new amendment. The only question was that instead of suggesting verbal amendments on the floor of this House, we have got it typed, cyclostyled and circulated for the benefit of all the Honourable Members of this House.

Mr. Zahiruddin : The fact remains, and it has been admitted that a new amendment containing substantial changes has been brought in.

The Honourable Sardar Amir Azam Khan : What changes ?

Mr. Zahiruddin : The change of place which is more significant. This particular clause, which has been suggested as a new clause today, has got a very strong bearing upon the whole character of the Constitution, and whatever may be the position, a fresh notice has been given only today at 12.45 noon and the net result is that we are not prepared to discuss this amendment because according to the convention that agreed in this House, the Chief Whip of the Government Party would inform the Opposition members, at least either through the Chief Whip of the Opposition Party or through their leader, that such and such amendments

were going to be taken up. Sir, you would find that we are not prepared to discuss this amendment today. As a matter of fact, we were under the impression that this amendment was not coming up and that it had been dropped, because it was not moved when it came on the printed list. So it became a dead letter, but it has appeared again.

Mr. Speaker: I find there is nothing new in the substance of this amendment. It is identical to the one originally circulated. I would, therefore, allow the amendment. I do not allow any debate now. Please take your seat.

Mr. Speaker: The question is.....

Mr. Zahiruddin: Sir, we have to speak on this.

The Honourable Pir Ali Mohammad Rashdi (West Pakistan: Muslim): You have already spoken twice.

Mr. Zahiruddin: Sir, the present amendment, which has come as clause 33A is absolutely against the principle of free election. Also it is against the principle of democracy. It is also against the principle of rule of law. All elections in all the democratic countries of the world are subject to the scrutiny of appropriate court of law. It may be an ordinary court of law in one constitution; it might be a special Election Tribunal. Sir, you know that in the Privileges Bill and the Rules of Procedure, we have a privilege of appealing to the Chair so far as the election of the Members is concerned. In the meantime you have already received certain complaints in respect of certain elections and people have applied to you for the redress of grievances they have. This amendment is in respect to the election of the highest dignitary of the State and that election must be absolutely free, fair, impartial and above board. The Honourable Prime Minister and the Law Minister, who moved this Bill, laid great stress on one issue that they were going to give a free and fair election. They have made a provision for the Election Commissioner. While making this provision they further emphasized that the provision was meant for giving a free and fair election. The basic reason which was advanced for rushing the Constitution through was that they were going to give the country a fair and free election at the earliest date. The earlier the Constitution is passed, the earlier will be the date of holding elections, but, Sir, today we are taken by surprise. We are rather amazed that the upholders of fair and free election have come to the House with a retrogressive and repulsive amendment in the shape of a proposal which will take away the election of the President, the highest dignitary of the State, from the realm of consideration by any law court. We, as a political party, believe in democracy and in fair election. Can any one accept such a retrograde proposal? Sir, this proposal will make the election of the President a farce. We have seen the history of seven years of misrule by the Muslim League; we have seen the recent history of intrigues which are much more heinous in character than what we used to read about in different courts, in novels and other history books—about the history of intrigues. Sir, this one is unique in its character. It is the forerunner of intrigues which are going to be followed during the coming election of the President, who is going to be the highest dignitary of the State. Sir, we are ridiculing the democratic principle; we are ridiculing the rule of law; we are ridiculing the whole country. The entire country is concentrating today on this Constituent Assembly. Sir, you have come after a long tour of the Continent and America and you have witnessed the fact that the entire world is now having its eyes and ears turned on this Constituent Assembly, where we are sitting

[Mr. Zahiruddin]

to frame the constitution of a free country. Sir, we have achieved this country after great struggles, after great sacrifices. Millions of people have lost their homes and hearths, lost their lives, their women and children. They have suffered tremendously to have this country. The fact is there and will continue to remain that we have achieved this free country for developing democracy and freedom of common people, but Sir, in the Constitution itself we are laying today the foundations of corruption which, if allowed to remain in the Constitution, will permeate in all the fields of election, and all the past professions and promises given by the Honourable Prime Minister and the Law Minister that they will give a fair and free election to the country will have no meaning and cannot be relied upon . . .

Mr. Speaker : Your time is up.

Mr. Zahiruddin : Sir, that is a misleading red light.

Mr. Speaker : I have to follow the time-limit very rigidly.

Mr. Zahiruddin : I will take only one or two minutes more.

Mr. Speaker : I think you have finished.

Mr. Zahiruddin : I have not yet concluded. I have yet to make one or two points.

Mr. Speaker : You have taken up your time.

Mr. Zahiruddin : I have not yet finished. I will give you fresh points. Sir, I will put forward the point from the Islamic angle.

Sir, our provision is that a person has to be a Muslim in the true sense of the word to entitle him to be the Head of the State.

Mr. Speaker : That is not relevant here. Please resume your seat.

(Interruptions.)

Mr. Zahiruddin : One more sentence.

Mr. Speaker : No. You said that you would put forward fresh points.

(Interruptions.)

Mr. Zahiruddin : If you take away the right to challenge....

(Interruptions.)

Mr. Speaker : You have had your say. Please resume your seat. Sheikh Mujibur Rahman ! You want to speak ?

Sheikh Mujibur Rahman (East Bengal : Muslim) : Many others will also speak. If the Deputy Speaker of the House gave five minutes' time it was on an assurance given to the House that if an Honourable Member made important points, the time could be extended to ten or even fifteen minutes.

Mr. Speaker : Any way ! Please speak on the point and not on the time.

Sheikh Mujibur Rahman : I am opposing the amendment of Sardar Amir Azam Khan.

The Honourable Sardar Amir Azam Khan : The amendment has been moved by Mr. Yusuf Haroon.

Sheikh Mujibur Rahman : In your name ! I do not know where from the third pilot of the Bill got this encouragement. This amendment has come before the House while we are actually framing the Constitution, and so many clauses have already been passed. It is not a question of insulting the President ; it is a question of election pure and simple. It may be that the election of the President may be unfair and the affected person must have a right to appeal to the judiciary. This provision is not for any Acting President, in which case we may have ignored. In a House of 300 representatives it is possible that there may be two, three or even four candidates for the office of the President and in the counting of votes it is just possible that there may be a mistake—may be unintentional. Well, the defeated candidate must have a right to challenge the election of the President.

How is it that they have come forward with this amendment at this stage ? Have they got any threat from a person who is likely to become the President of the Republic of Pakistan ? Perhaps that is the reason why they have come forward with the amendment that the validity of the election of the President shall not be questioned in any court of law. Can you quote a single instance from the constitutions of the world where such elections cannot be questioned in a court of law ? Well, it is question of fair and free elections. We are not insulting the President. You have provided that the House can discuss the activities of the President and here you say that his election cannot be questioned. What is your intention ? Do you want to make a farce of it and discredit Pakistan in the eyes of the world just to satisfy one or two persons ?

An Honourable Member : Why not quote some other instances ?

Sheikh Mujibur Rahman : I am not going to challenge the second pilot.

This is the position. Supposing I contest Sardar Amir Azam Khan and I am defeated. For my satisfaction I should have a right to challenge the election. It is surprising that these people come forward with anything and everything they like. God knows where they are sending Pakistan ! I would appeal to them to consider the issue and withhold the amendment. I would counsel them to consult their leaders, the Prime Minister and the Law Minister, before they come forward with such an amendment.

With these words I oppose the amendment of Honourable Sardar Amir Azam Khan, moved by Mr. Yusuf Haroon.

Mr. Mahmud Ali (East Bengal : Muslim) : Sir, I am surprised that such an obnoxious piece of proposal has been brought forward before this Honourable House. By this piece of legislation it has been sought to prevent the people to exercise their right to challenge even illegal elections.

Sir, just visualise a situation when a President who happens to be in power and seeks re-election for the second time, in order to get elected, he uses the powers of the State and thereby defeats his opponents. Suppose, Sir, you happen to contest that particular candidate but because he happens to be in an advantageous position of the President of the State, although you would be the best candidate and as a pious Mussalman the people consider you to be a better candidate, yet they would not be in a position to elect you because the electors would be prevented from voting.

Mr. Abdul Aleem (East Bengal : Muslim) : We will elect.

Mr. Mahmud Ali : Yes, you will elect, but you will have to work under certain restrictions.

Mr. Abdul Aleem : We are free.

Mr. Speaker : No interruptions.

Mr. Ataur Rahman Khan (East Bengal : Muslim) : Mr. Aleem does it, Sir.

Mr. Mahmud Ali : Sir, I am glad to hear from Mr. Aleem that he will elect. He was impressing upon me that he is independent to elect, but I know as also he knows, that he is not independent. He has not got that courage to rise to the occasion and exercise his own freewill. I am visualising that situation when members will not be able to exercise their free choice. So, Sir, if this amendment is allowed to pass, I visualise a day when there will be no democracy left in this country. Who ever will once get into power, you will never be able to remove him. He will misuse the powers at his disposal in order to get elected again and again and in this very constitution proposal has been made that the President, who is elected once, can seek re-election. Quite so. During this second term he can get the Constitution amended by misusing the powers at his disposal. There is no dearth of example in this country. So, Sir, experience leads us to the conclusion that such powers should not be given to the Head of the State or to any Government that be.

Sir, with these words I vehemently oppose this amendment moved by Honourable Mr. Yusuf Haroon.

Mr. A. H. Deldar Ahmed (East Bengal : Muslim) : Mr. Speaker, Sir, the consideration of this amendment is like putting the horse before the cart.

The Honourable Pir Ali Mohammed Rashdi : Putting the horse before the cart, or cart before the horse ?

Mr. A. H. Deldar Ahmed : Cart before the horse. Thank you.

The Honourable Pir Ali Mohammad Rashdi : Probably he has seen neither the cart nor the horse.

Mr. Abul Mansur Ahmad (East Bengal : Muslim) : How can he ; he is not a Minister !

The Honourable Pir Ali Mohammad Rashdi : Let him retain the monopoly of cart and horse.

Mr. A. H. Deldar Ahmed : The consideration of clauses 32 and 33 relates to election of President and Vice-President, but they have not yet been made. Without making provisions for the election we are here enacting a law beforehand that this election cannot be contested in a court of law, and so we are debarred from going to a court about any illegality that might be committed, in the course of election of President and Vice-President. It seems there is some motive in placing this amendment before the main clauses for election of President and Vice-President. Probably the mover of this Bill would make certain provisions about President and Vice-President which, if not challenged in a court of law, would be very injurious to the interests of the public and of the country. We have heard so much from the leader of the House as well as from the sponsor of the Bill, Mr. Chundrigar, that they would ensure that elections would be entirely free and fair and above suspicion, but what we find is that even in case

of the election of the highest dignitaries of the State, i.e., President and Vice-President, they are not going to concede free or fairness of elections to the electorate. Both the Leader of the House and sponsor of the Bill give us assurance that true democracy will be preserved in this country but, Sir, this amendment has come in the absence of the Leader of the House and the sponsor of the Bill and quite contrary to their profession that they will give us free and fair elections. It creates doubt in the mind of the people that some provision would be made relating to election of President and Vice-President which can well be questioned in the court of law. By making this provision before provision for election of President and Vice-President, they are depriving people to judge what the provisions that they will make would be. By this provision they want to anticipate something which will not be able to stand in court of law.

Dr. S. K. Sen (East Bengal : General) : Headache without a head !

Mr. A. H. Deldar Ahmed : It is just like what the doctor said, "headache without a head". We have not yet made up our mind as to the procedure of election of President and Vice-President and whether it would be free from defect or not, yet we are going to amend the clauses which have not yet come. Although it is in the shape of a new clause but it is ancillary to clauses 32 and 33. Sir, in these clauses it is proposed that no non-Muslim shall be elected but where is the guarantee that a non-Muslim will not be elected and even if a non-Muslim is elected you cannot go to the court, to contest the validity of the election. So, I humbly say that this amendment should be rejected as it is brought so late in the day.

Mr. Speaker : Mr. Abdul Khaleque !

Mr. Muhammad Abdul Khaleque (East Bengal : Muslim) : Mr. Speaker ! Sir, the other day when Mr. Mahmud Ali spoke about safeguards against illegal arrest and detention of members, the Honourable Law Minister said that all are equal in the eyes of law and there should be no discrimination and Members of Legislatures should not claim differential treatment from others. Now, the party of the Honourable Law Minister has brought in an amendment seeking that the election of President and Vice-President shall not be called in question in courts. Sir, we have had shameless acts on the part of the Government side but all their past shameless acts have been surpassed by this act. Sir, I would simply cite one example to you which will go to show how a successful candidate can be defeated in the elections.

Mr. Speaker : I am afraid you will have to withdraw that word "shameless".

Mr. Muhammad Abdul Khaleque : If it is unparliamentary, I am going to withdraw it.

Mr. Speaker : You withdraw it unconditionally.

Mr. Zahiruddin : Even if it is not unparliamentary ?

Mr. Muhammad Abdul Khaleque : Even if it is not unparliamentary. If it is unparliamentary, I withdraw it.

Mr. Speaker : Even then.

Mr. Muhammad Abdul Khaleque : I would give an example when in Municipal elections one candidate secured 32 votes and another candidate 20 votes. But 13 votes cast in favour of the person securing 32 votes were rejected and the person who got 20 votes was declared elected.

[Mr. Muhammad Abdul Khaleque]

The decision was challenged in the court of the District Judge. The District Judge decided that all the votes which were declared void were good and valid votes, and the person who was declared defeated by the returning officer was declared elected by the court. Here in this House of 80 members if there are two candidates for the post of President and one candidate gets 39 votes and another candidate gets 41 votes and if three votes secured by the person getting 41 votes are cancelled by the returning officer quite illegally, then the person who gets the lesser number of votes will be declared elected as President and the person aggrieved who gets defeated in this irregular and illegal way will have no remedy whatsoever to set the matter right. This should not be allowed to happen; at least we, as responsible members of this House should not countenance such a possibility. Sir, that is why I oppose the amendment which is not only frivolous and preposterous but it has got no parallel in the history of the world.

With these few words, Sir, I oppose the amendment.

Mr. Abul Mansur Ahmad: Sir, I oppose this amendment and in support of my opposition I will respectfully, through you, Sir, draw the attention of the Honourable Members on the other side of the House to the following fact. The presiding officer who will be presiding over the election of the President as visualised in the Schedule I, which though we have not yet considered, there should be some such schedule, will be the Chief Election Commissioner. Now, Sir, we have already passed an Article which is 145. In that Article we have provided, in spite of the amendments moved by the Opposition, that the Election Commissioner will be nominated by the President in his discretion. Sir, I respectfully draw your attention to Article 145, sub-clause (3), which lays down

“The President shall exercise his functions under this Article in his discretion.”

Now, Sir, the President in his discretion appoints an Election Commissioner and the same Election Commissioner is the presiding officer for the next presidential election. Sir, is there no chance or apprehension that that Election Commissioner may be liable to be influenced by the desire of the sitting President? We had submitted an amendment that the Election Commissioner must not be below the rank of the Judge of the Supreme Court or the High Court; it was laughed at by the other side and we had been derided and ridiculed for making such a preposterous amendment. Now, Sir, anybody can be appointed as Election Commissioner by the President; even his stooge, even a man absolutely a henchman of the President may be elected as Election Commissioner and that Election Commissioner will be in charge of the presidential election. Can you conceive in a democratic country that the President who is not only a constitutional head but who is also in the command of the Armed Forces and who is thus the upholder of the destinies of the State of Pakistan, can be elected by these unfair means? Now, his election is protected by the Constitution. How preposterous proposal it is! How could, Sir, my honourable friends on the other side who, I believe, Sir, are as keen for the ideology of democracy as we are, could come forward with such proposal? I am confident that the majority of them believe in democracy and they want to uphold the democratic principles. With all this ideology, how can they put forward such proposal that that election of the Head of the State will be immune and will not be touched by any court of law? We are going to provide some rules for the election. As the Bill stands now, Schedule I contains

as many as 22 rules and all these rules pre-suppose that they will protect the elections from corrupt practices. That is the fundamental principle of all elections. Now, Sir, if there is any corrupt practice, who will look into it? Shall we not go to the highest tribunal for protection?

Sir, with these few words, I request my honourable friend, Mr. Yusuf Abdulla Haroon, who has moved this amendment, who, I believe, is a staunch democrat and believer in democratic principle and I appeal, in the absence of the Honourable Law Minister, to him and to Sardar Amir Azam Khan to withdraw this amendment which, in my opinion, is a postposterous amendment.

The Honourable Sardar Amir Azam Khan: Sir, I want to make some proposal. Sir, I had discussions with my honourable friends here and they want that the discussion of this clause may be held over for the time being. One of the reasons which has been forwarded is that clauses 32 and 33 which deal with....

Mr. Abul Mansur Ahmad: Also Schedule I.

The Honourable Sardar Amir Azam Khan: ...the President, have not been so far disposed and I have also seen that these clauses have not yet been considered by the House. Therefore, Sir, I would propose that the consideration of this amendment and new clause 33A may also be held over for the time being and we will take it when we come to clauses 32 and 33.

Mr. Speaker: Is that the sense of the House?

Mr. Abul Mansur Ahmad: Certainly.

Several Honourable Members: Yes, yes.

Mr. Speaker: So, that is held over.

Now we pass on to clause 101. First amendment is out of order. Next amendment—Honourable Sardar Amir Azam Khan!

The Honourable Sardar Amir Azam Khan: Sir, all these amendments will be moved by Mr. Yusuf A. Haroon.

Mr. Yusuf A. Haroon: Sir, I beg to move:

"That in sub-clause (1) of clause 101 of the Bill, for the words 'special areas therein' occurring in the second line, the words 'the special areas' be substituted."

Mr. Speaker: Motion moved:

"That in sub-clause (1) of clause 101 of the Bill, for the words 'special areas therein' occurring in the second line, the words 'the special areas' be substituted."

Mr. Abul Mansur Ahmad: Sir, I beg to move:

"That in sub-clause (1) of clause 101 of the Bill, for the words 'with the previous approval of the President' occurring in the fifth and sixth lines, the words 'on the advice of the Cabinet' be substituted."

Mr. Speaker: Motion moved:

"That in sub-clause (1) of clause 101 of the Bill, for the words 'with the previous approval of the President' occurring in the fifth and sixth lines, the words 'on the advice of the Cabinet' be substituted."

Mr. Muhammad Abdul Khaleque: Sir, I beg to move:

"That in sub-clause (2) of clause 101 of the Bill, the words 'with the previous approval of the President' occurring in the first and second lines be omitted."

Mr. Speaker: Motion moved:

"That in sub-clause (2) of clause 101 of the Bill, the words 'with the previous approval of the President' occurring in the first and second lines be omitted."

Mr. Yusuf A. Haroon: Sir, I beg to move:

"That in sub-clause (3) of clause 101 of the Bill, for the word 'discharge' occurring in the fourth line, the word 'exercise' be substituted."

Mr. Speaker: Motion moved:

"That in sub-clause (3) of clause 101 of the Bill, for the word 'discharge' occurring in the fourth line, the word 'exercise' be substituted."

Mr. Abul Mansur Ahmad: Sir, I beg to move:

"That in sub-clause (3) of clause 101 of the Bill, after the word 'President' occurring in the first line, the words 'on the advice of the Cabinet' be inserted."

Mr. Speaker: Motion moved:

"That in sub-clause (3) of clause 101 of the Bill, after the word 'President' occurring in the first line, the words 'on the advice of the Cabinet' be inserted."

Mr. Yusuf A. Haroon: Sir, I beg to move:

"That in sub-clause (3) of clause 101 of the Bill, for the article 'the' occurring before the words 'Special Area' in the third line, the article 'a' be substituted."

Mr. Speaker: Motion moved:

"That in sub-clause (3) of clause 101 of the Bill, for the article 'the' occurring before the words 'Special Area' in the third line, the article 'a' be substituted."

Mr. Yusuf A. Haroon: Sir, I beg to move:

"That in sub-clause (4) of clause 101 of the Bill, for the article 'the' occurring before the words 'Special Area' in the third line, the article 'a' be substituted."

Mr. Speaker: Motion moved:

"That in sub-clause (4) of clause 101 of the Bill, for the article 'the' occurring before the words 'Special Area' in the third line, the article 'a' be substituted."

Mr. Yusuf A. Haroon: I beg to move:

"That in sub-clause (4) of clause 101 of the Bill, the words and comma 'or after the boundaries of any Special Area,' be omitted."

Mr. Speaker: Motion moved:

"That in sub-clause (4) of clause 101 of the Bill, the words and comma 'or after the boundaries of any Special Area,' be omitted."

Mr. Speaker: The question is:

"That in sub-clause (1) of clause 101 of the Bill, for the words 'Special Areas therein' occurring in the second line, the words 'the Special Areas' be substituted."

The motion was adopted.

Mr. Speaker: The question is:

"That in sub-clause (1) of clause 101 of the Bill, for the words 'with the previous approval of the President' occurring in the fifth and sixth lines, the words 'on the advice of the Cabinet' be substituted."

Mr. Abul Mansur Ahmad : Sir, before you put it shall we not be allowed to speak a few words ?

Mr. Yusuf A. Haroon : Question has been put.

Mr. Speaker : I waited for sometimes so that any member may rise and speak, but you did not catch the time by the forelock.

Mr. Abul Mansur Ahmad : The convention has been established by you as well as the Deputy Speaker that all the amendments are moved simultaneously, but the Speaker calls upon the members one by one.

Mr. Speaker : I felt that when the amendments had been moved, the member wishing to speak would rise. I can allow any of the Honourable Members to speak if he actually wants to speak before the question is put to the House. But I have already put the question. I am very sorry, I cannot allow you now.

Mr. Abul Mansur Ahmad : That is enough that you are sorry.

Mr. Speaker : The question is :

"That in sub-clause (1) of clause 101 of the Bill, for the words 'with the previous approval of the President' occurring in the fifth and sixth lines, the words 'on the advice of the Cabinet' be substituted."

The motion was negatived.

Mr. Speaker : The question is :

"That in sub-clause (2) of clause 101 of the Bill, the words 'with the previous approval of the President' occurring in the first and second lines, be omitted."

The motion was negatived.

Mr. Speaker : The question is :

"That in sub-clause (3) of clause 101 of the Bill, after the word 'President' occurring in the first line, the words 'on the advice of the Cabinet' be inserted."

The motion was negatived.

Mr. Muhammad Abdul Khaleque : Sir, how is it that even we stand up and say 'Sir' you still do not catch us ?

Mr. Speaker : The question is :

"That in sub-clause (3) of clause 101 of the Bill, for the word 'discharge' occurring in the fourth line, the word 'exercise' be substituted."

The motion was adopted.

Mr. Speaker : The question is :

"That in sub-clause (3) of clause 101 of the Bill, for the article 'the' occurring before the words 'Special Area' in the third line, the article 'a' be substituted."

The motion was adopted.

Mr. Speaker : The question is :

"That in sub-clause (4) of clause 101 of the Bill, for the article 'the' occurring before the words 'Special Area' in the second line, the article 'a' be substituted."

The motion was adopted.

Mr. Speaker : The question is :

"That in sub-clause (4) of clause 101 of the Bill, the words and comma 'or alter the boundaries of any Special Area,' be omitted."

The motion was adopted.

Mr. Speaker : The question is :

"That clause 101, as amended, stand part of the Bill."

The motion was adopted.

Clause 101, as amended, was added to the Bill.

Mr. Muhammad Abdul Khaleque : Sir, you are going on with such a speed that it appears that the business of the House would be finished in about two hours and in that case the members will have no justification to have their subsidized dinner.

Mr. Speaker : Please take your seat. Now clause 211. Mr. Mandal : The first amendment is out of order while the second is not moved. Mr. Haroon !

Mr. Yusuf A. Haroon : Sir, I beg to move :

"That for clause 211 of the Bill, the following be substituted, namely :

'211. *Definition of Scheduled Castes.*—The castes, races and tribes, and parts or groups within castes, races and tribes which, immediately before the Constitution Day, constituted the Scheduled Castes within the meaning of the Fifth Schedule to the Government of India Act, 1935, shall, for the purposes of the Constitution, be deemed to be the Scheduled Castes until Parliament by law otherwise provides'."

Mr. Speaker : The question is :

"That for clause 211 of the Bill, the following be substituted, namely :

'211. *Definition of Scheduled Castes.*—The castes, races and tribes, and parts or groups within castes, races and tribes which, immediately before the Constitution Day, constituted the Scheduled Castes within the meaning of the Fifth Schedule to the Government of India Act, 1935, shall, for the purposes of the Constitution, be deemed to be the Scheduled Castes until Parliament by law otherwise provides'."

The motion was adopted.

Mr. Speaker : The question is :

"That clause 211, as substituted, stand part of the Bill."

The motion was adopted.

Clause 211, as substituted, was added to the Bill.

Mr. Yusuf A. Haroon : I beg to move :

"That after clause 213 of the Bill, the following new clause be inserted, namely :

'213A. *Special Officer for Scheduled Castes and backward classes.*—(1) There shall be a Special Officer for the Scheduled Castes and backward classes in Pakistan, to be appointed by the President.

(2) It shall be the duty of the Special Officer to investigate all matters relating to the safeguards provided for the Scheduled Castes and backward classes by Article 212, to investigate the extent to which any recommendations of the Commission appointed under Article 213 are carried out, and to report his findings to the President at such intervals as the President may direct; and the President shall cause all such reports to be laid before the National Assembly'."

Mr. Speaker : The question is :

"That after clause 213 of the Bill, the following new clause be inserted, namely :

- '213A. *Special Officer for Scheduled Castes and backward classes.*—(1) There shall be a Special Officer for the Scheduled Castes and backward classes in Pakistan, to be appointed by the President.
- (2) It shall be the duty of the Special Officer to investigate all matters relating to the safeguards provided for the Scheduled Castes and backward classes by Article 212, to investigate the extent to which any recommendations of the Commission appointed under Article 213 are carried out, and to report his findings to the President at such intervals as the President may direct; and the President shall cause all such reports to be laid before the National Assembly'."

The motion was adopted.

Mr. Speaker : The question is :

"That new clause 213A stand part of the Bill."

The motion was adopted.

Clause 213A was added to the Bill.

Mr. Speaker : Clause 221. Maulana Abdur Rashid Tarkabagish !

Mr. Zahiruddin : Sir, he is not moving his amendment.

Mr. Speaker : Mr. Mahmud Ali !

Mr. Zahiruddin : Sir, I....

Mr. Speaker : I will not allow any intervention.

Mr. Zahiruddin : Sir, I am not intervening. I am just making a submission because this is a very short-notice amendment substituting the whole clause.

Mr. Speaker : After Mr. Mahmud Ali has finished his speech, then I will see.

Mr. Zahiruddin : But Mr. Mahmud Ali is moving his written amendment and I have got a verbal amendment.

Mr. Speaker : Order, please.

Mr. Mahmud Ali : Sir, I may be allowed to move my two amendments together.

Mr. Speaker : Yes, you can do that.

Mr. Mahmud Ali : Sir, I beg to move :

"That for clause 221 of the Bill, the following be substituted, namely :

- '221. *Language.*—The State languages of the Democratic Federal Republic of Pakistan shall be Bengali and Urdu and the process to replace English by these two languages shall begin right from the Constitution Day and shall be completed on or before the expiration of a period of not more than ten years.

Notwithstanding anything in this clause the Federal and the Unit Government shall take all possible measures for the development and growth of all national languages of Pakistan, namely, Bengali, Punjabi, Sindhi, Pushto, Baluchi and Urdu'."

Mr. Yusuf A. Haroon : Sir, I wish to raise a point of order on the amendment moved by the Honourable Member.

Mr. Speaker : What is that ?

Mr. Yusuf A. Haroon : Sir, the Honourable Member in his amendment has said the State language of the "Democratic Federal Republic of Pakistan". Now, there is no such thing as "Democratic Federal Republic of Pakistan". This should be out of order. It is totally irrelevant.

Mr. Speaker : At this stage, I cannot call it out of order. Motion moved :

"That for clause 221 of the Bill, the following be substituted, namely :

'221. *Language*.—The State languages of the Democratic Federal Republic of Pakistan shall be Bengali and Urdu and the process to replace English by these two languages shall begin right from the Constitution Day and shall be completed on or before the expiration of a period of not more than ten years.

Notwithstanding anything in this clause the Federal and the Unit Government shall take all possible measures for the development and growth of all national languages of Pakistan, namely, Bengali, Punjabi, Sindhi, Pushto, Baluchi and Urdu.'

Mr. Speaker : There is an amendment in the name of Mr. Adeluddin Ahmad for the substitution of the clause.

Mr. Adeluddin Ahmad (East Bengal : Muslim) : Sir, I beg to move :

"That for clause 221 of the Bill, the following be substituted :

'221. *State Languages*.—The State languages of the Federation of Pakistan shall be Urdu and Bengali :

Provided that for the period of twenty years from the Constitution Day, English shall continue to be used for all official purposes for which it was used in Pakistan immediately before the Constitution Day, and Parliament may by Act provide for the use of English after the expiration of the said period of twenty years, for such purposes as may be specified in that Act.

(2) On the expiration of ten years from the Constitution Day, the President shall appoint a Commission to make recommendations for the replacement of English.

(3) Nothing in this Article shall prevent a Provincial Government from replacing English by any one of the State languages for use in a Province before the expiration of the said period of twenty years.'

Mr. Speaker : Motion moved :

"That for clause 221 of the Bill, the following be substituted :

'221. *State Languages*.—The State languages of the Federation of Pakistan shall be Urdu and Bengali :

Provided that for the period of twenty years from the Constitution Day, English shall continue to be used for all official purposes for which it was used in Pakistan immediately before the Constitution Day, and Parliament may by Act provide for the use of English after the expiration of the said period of twenty years, for such purposes as may be specified in that Act.

(2) On the expiration of ten years from the Constitution Day, the President shall appoint a Commission to make recommendations for the replacement of English.

(3) Nothing in this Article shall prevent a Provincial Government from replacing English by any one of the State languages for use in a Province before the expiration of the said period of twenty years.'

Mr. Zahiruddin : Sir, we want to move verbal amendments to this amendment.

Mr. Speaker : Yes, please move them.

Mr. Zahiruddin : Sir, I beg to move :

"That in the amendment to clause 221 moved by Mr. Adeluddin Ahmad, for the words 'twenty years' the words 'ten years' be substituted."

Sir, I also move :

"That in sub-clause (2) to clause 221 of the amendment moved by Mr. Adeluddin Ahmad, for the words 'ten years' the words 'five years' be substituted."

Sir, I also move :

"That in the amendment to clause 221 moved by Mr. Adeluddin Ahmad, the word 'Bengali' in second line, be placed first and the word 'Urdu' afterwards."

Chaudhri Aziz Din (West Pakistan : Muslim) : This is too much.

Mr. Zahiruddin : Sir, I also move :

"That in the proviso to clause 221 moved by Mr. Adeluddin Ahmad, the words 'and Parliament may by Act provide for the use of English after the expiration of the said period of twenty years for such purposes as may be specified in that Act' may be omitted."

Sheikh Mujibur Rahman : Sir, I also move :

"That at the end of sub-clause (2) to clause 221 of the amendment moved by Mr. Adeluddin Ahmad the words 'by two languages, Bengali and Urdu' be inserted."

Mr. Speaker : Motion moved :

"That in the amendment to clause 221 moved by Mr. Adeluddin Ahmad, for the words 'twenty years' the words 'ten years' be substituted."

"That in sub-clause (2) to clause 221 of the amendment moved by Mr. Adeluddin Ahmad, for the words 'ten years' the words 'five years' be substituted."

"That in the amendment to clause 221 moved by Mr. Adeluddin Ahmad, the word 'Bengali' in second line, be placed first and the word 'Urdu' afterwards."

"That in the proviso to clause 221 moved by Mr. Adeluddin Ahmad, the words 'and Parliament may by Act provide for the use of English after the expiration of the said period of twenty years for such purposes as may be specified in that Act'."

and

"That at the end of sub-clause (2) to clause 221 of the amendment moved by Mr. Adeluddin Ahmad, the words 'by two languages, Bangali and Urdu' be inserted."

Mr. Mahmud Ali : Mr. Speaker ! Sir.....

Mr. Abul Mansur Ahmad : There should be another correction. The first clause should be numbered as sub-clause (1).

Mr. Speaker : Mr. Mahmud Ali !

Mr. Mahmud Ali : There are two substitution amendments before this House. As you read between the lines of the two amendments it becomes quite clear that the one intends really to make Bengali and Urdu as State languages of Pakistan and the other simply wants to shelve the question.

Sir, the principle of giving the two languages the status of State languages has been accepted not because those who happen to be in power have agreed to this principle but because under the pressure of public opinion they have got to do so and have put up, at least a show of it. In this very draft Constitution when we received the first draft, we saw how this question was further tried to be sent into the background. We have seen how it was sought to be termed as "official languages". We have seen how again in the directive principles it was

[Mr. Mahmud Ali]

sought that a national language will be developed, but, Sir, the pressure of public opinion was too great and they had to yield. Now, Sir, you will observe that in my amendment I have sought that Bengali and Urdu should be replaced by English in the course of not more than ten years and the process should start right from the Constitution Day. The people who have demanded the replacement of the State languages are not prepared to brook any delay. They want that even from today the process must start, and what is the difficulty, Sir? What is the difficulty? If the Government really desires, if those who happen to be in power really desire that English, which is a foreign language, which is the language of our erstwhile masters—and I am constrained to say that even today in a way they are our masters—if the people who are going to be a free nation today desire that their own languages should replace a foreign language, it is nothing undue. So what is the difficulty? They will put forward the question of practical difficulties, but those practical difficulties can be overcome. If there is a will—if the national languages are not to be relegated to the background; if the national languages are really to be developed—then the process of replacement of the English language must start right from now....

Mr. Yusuf A. Haroon: Why do you not speak in Bengali?

Mr. Mahmud Ali: I am speaking in English because that is the language in which I can make you understand. If I speak in Bengali you will not be able to understand what I say.

Mr. Yusuf A. Haroon: I will have it translated.

Mr. Mahmud Ali: The trouble is that you will not learn Bengali as I have learnt Urdu so that I can understand it and be able to carry on conversation with those whose mother-tongue is Urdu. You should be ashamed that you do not know Bengali.

Mr. Yusuf A. Haroon: I know . . .

Mr. Mahmud Ali: Bengali is a language which is spoken by the majority of the people of Pakistan. You should be ashamed of not knowing that language, of not understanding the language of the majority of the people of Pakistan....

Mr. Yusuf A. Haroon: I understand Bengali more than you understand Urdu.

Mr. Adeluddin Ahmad: ¹Speak in Bengali, in Bengali please; henceforth speak in Bengali.

Mr. Mahmud Ali: I am showing generosity by speaking in English so that you may understand what is my feeling.

Mr. Speaker: I think you have finished your speech now?

Mr. Mahmud Ali: I beg of you to give me a few minutes more.

Mr. Speaker: If you mind what is said from the other side, then you cannot make out any points.

Sheikh Mujibur Rahman: But we have to make our points, Sir.

Mr. Ataur Rahman Khan: Had you stopped him, this battle would not have happened like that.

¹ English translation of the Bengali interruption.

Sheikh Mujibur Rahman : He should be severely dealt with.

Mr. Mahmud Ali : Why Bengali and Urdu are going to be made the State languages of Pakistan is well known. This has been done in response to what has been said in the Press and the platform and through agitation and language movement. I need not go into that. I simply appeal to those members who have been elected by the people of East Bengal with the direct mandate—with a definite mandate—that they should not accept anything unless these two languages are made State languages. Merely by giving a definition—merely by putting in the Constitution a provision that after 20 years the process of replacement will start—will not satisfy the people of Bengal and for the matter the people of Pakistan. The people of Pakistan will not be satisfied unless Bengali and Urdu immediately replace English, at least, the process started now. They will not be satisfied with a promise that after 20 years the process will start. Sir, I will ask them to just consider this aspect of the question and provide here and now that the process of replacement will start immediately—immediately from the Constitution Day. With that end in view I gave notice for moving a motion which has been disallowed. My motion said that this Constitution—which is the fundamental document, which is the fundamental law of the country—must be placed before this House in Urdu and Bengali together with the English version, but unfortunately, Sir, my motion has been disallowed.

Sir, I am coming to the next paragraph of my amendment. In that I have sought that the Provincial and Central Governments will take steps for the development of other national languages of Pakistan, such as Punjabi, Sindhi, Pushto and Baluchi. Sir, Punjabi, Sindhi, Pushto and Baluchi are also spoken by a vast number of the people of Pakistan.

So these languages cannot be neglected. Their aspirations should be taken into consideration. Not only that, Sir. Unless the different sections of the people are allowed to be educated through the medium of their own languages, they will find difficulty in understanding things properly. Sir, you know that during the British days we fought for the medium of instruction in our own mother-tongue. You already know how difficult it is to be educated through the medium of other languages. So these languages should also be recognised and if you just realize how developed these languages are, you will grant instantly that these languages really deserve development. In Sindhi, as far as my knowledge goes, there are as many as four dailies in Karachi, two dailies in Hyderabad, forty weeklies, eighteen monthlies and so on. Besides there are so many literary organisations, such as Sindhi Adabi Board, Sindhi Adabi Sankhat, etc., which have eight branches throughout Sind. Similarly, in the Frontier, Pushtu language is quite developed. They have got several dailies and weeklies and so on and so forth. If Mian Jaffer Shah had been here he would have borne me out. He himself is a poet in Pushtu language. Therefore, all the languages of Pakistan should be developed. I say that if we really want the development of this country; if we really want that different sections of our people should develop themselves, then we must give full scope for the development of different languages in Pakistan. With these words I commend my amendment for the acceptance of the House.

Mr. Adeluddin Ahmad : Sir, I have moved my amendment. It is only a formal amendment and I need not speak on it.

Mr. Muhammad Abdul Khaleque : Mr. Speaker. Sir, I am very glad to see that at long last the claim of Bengali as one of the State languages of Pakistan has been conceded. Now, Sir, this claim has been conceded

[Mr. Muhammad Abdul Khaleque]

after a struggle over long years and this can be rightly said that it is a gift of those brave sons of East Bengal who have lost their lives in the fight for Bengali as one of the State languages and not the gift of anybody else.

Sir, the amendment by my learned colleague, Honourable Mr. Adeluddin, has been copied from amendments of our side and it has been moved only to take the credit of moving the amendment. The amendment is already there in the names of Mr. Mahmud Ali, Shaikh Mujibur Rahman and Mr. Abul Mansur Ahmad, as also others. This amendment has been moved to get credit, but this will not do. After selling all the interests of East Bengal, this amendment alone will not save our friends from the wrath of the people of East Bengal.

Mr. Adeluddin Ahmad : ¹Women have a sharp tongue.

Mr. Muhammad Abdul Khaleque : Well, you will have sold all the interests of East Bengal for a mess of pottage and now you want to reclaim your position by this. This would not do.

Mr. Speaker : Please make out your point within the time-limit. You should be aware of the time limit.

Mr. Muhammad Abdul Khaleque : Sir, I support the amendment moved by my learned colleague, Mr. Zahiruddin, to the effect that "Bengali" should precede the word "Urdu" because Bengali is the language spoken by the majority of the people of Pakistan. That is why it has got a claim of precedence over the Urdu language. Sir, I also support the amendment of my honourable colleague, Shaikh Mujibur Rahman, who has moved that after the word "English" the words "Bengali and Urdu" be placed. With these words I commend the amendments of Mr. Zahiruddin and Shaikh Mujibur Rahman for the acceptance of the House.

Mr. Zahiruddin : Mr. Deputy Speaker. Sir, I am sorry, Sir. Mr. Speaker. Sir, I rise in all humility to pay a tribute to the brave sons of Bengal, our colleagues, who laid down their lives on the 21st February for the vindication and glory of the great Bengali language and for the vindication and glory of our country. Sir, their blood has not gone in vain. Their blood has given a great victory. Sir, there goes a saying in Urdu :

Agar rahi chup zaban-e khanjar lahoon pukarega aasteen ka.

If the dagger's tongue remains silent, the blood of the sleeve will speak.

It has come true. Those brave sons of Bengal took up the fight for truth, for justice and vindication of their right, and laid down their lives. Today is the day of rejoicing for the souls of those departed ; their sacrifices have borne fruit. We all pay a tribute in all humility to them. It is no victory for us, nor is it any gift from anybody, as has been suggested ? It is the result of the glorious sacrifices that will go down in history, in the history of Bengali literature, in the history of our country, as one of the biggest and greatest sacrifices made, without the least shadow of any personal gain in the minds who laid down their lives. So, Sir, after paying a tribute, I am tracing the history of this struggle. I would place before the House that the original Bill, as it came before us, wanted to betray the sacred trust which the people had laid upon us—not only us, but those who after betraying the cause of East Bengal, have gone over

¹ English translation of Bengali interruption.

to the Treasury Benches. Sir, it is a pleasure to see that some of us who are sitting on the other side and who had the audacity to say that the State language and official language are the same, have eaten their words, and today they have surrendered to the public opinion and public demand that Bengali should be declared a State language. I do not boast here that this has been achieved by the struggle of Awami League. I do not claim any credit for that. Of course, Awami League led the fight and led the Bengal in the fight, but there were other political parties throughout the country who helped in this fight and I pay tribute to them on behalf of the Members who are in the Constituent Assembly. But, Sir, I must also submit that this amendment that has been brought here has been hatched with such conditions as would relegate the two languages which have been accepted into a secondary position, as has been suggested by my friend. We are impatient to bring these two languages before the world as two great languages adopted by a great country like Pakistan. We are not, of course, averse to English nor we are antagonistic to it and I am sure Mr. Mahmud Ali also meant the same thing. Of course the idea is, not that these two languages should be immediately brought into practice. Sir, there might be practical difficulties which might prevent us from achieving it immediately. So, Sir, we agree with his suggestion that the process should be started immediately and we in our amendment have also suggested a reasonable period to which the Government should not take any objection. On principle we are also agreeing with the amendment of Mr. Mahmud Ali that it should be immediately started but to meet the objection that might be raised by the Government about practical difficulties, we have suggested a *via media*. Being a reasonable political party we suggest a *via media* that a time of ten years should be fixed instead of twenty years. I think a period of ten years is quite sufficient. It is rather leaning on the side of too much. Instead of being sufficient, it is on the side of too much.

Secondly, I must also support the amendment of Mr. Mahmud Ali who has suggested methods and means for the promotion of these languages of West Pakistan, e.g., Sindi, Baluchi, Pushtu, etc. Sir, I have in my hand a pamphlet written by patriots of Sind and published by the Sindi Adabi Jamat, Karachi, where a vehement demand has been made for declaring Sindi as one of the State languages of West Pakistan.

Sir, may be that this demand is conceded by the West Pakistan Provincial Legislature, but I can assure my Sindi brethren from the floor of this House that so far as their struggle for the Sindhi language to prosper and flourish is concerned, we from East Bengal will always stand by them and support their demand because we think that every national group, as a nationality, has a right to preserve its own culture and its own language. Sir, our Constitution has also agreed to this and so, Sir, we would submit that sufficient means should be provided for the encouragement and prosperity of Sindhi language and also the other languages.

Sir, with these words I commend the amendments of Mr. Mahmud Ali and also my own amendments for the acceptance of the House.

Sheikh Mujibur Rahman: Sir, while speaking on the motion before the House I recall the sacrifices and sufferings undergone by the students of East Bengal as a result of which about fifteen hundred people went to jail. In the end the Government recognised their demand on account of the force of public opinion, and accepted Bengali as one of the State languages.

Sir, I can appreciate the force of the argument that it requires time to replace English, but the question is what is the period of time involved.

[Sheikh Mujibur Rahman]

If the State patronises the State languages, I do not think more than ten years are necessary. I remember to have gone to China in 1952—three years after their liberation in 1949—and was impressed by the manner in which they had substituted Chinese during that small period. The same thing could be done here. It may take two years or three years or a little more, but the target should be ten years. In the circumstances I appeal to the mover of the Bill to accept this amendment of ten years.

Sir, may I refer to sub-clause (2) of clause 221 of the Bill: "On the expiration of ten years from the Constitution Day, the President shall appoint a Commission to make recommendations for the replacement of English." This is all very vague. Everything should be categorically stated here, because God knows what will happen and we have seen many times how the people of Bengal have been cheated; how the people of Pakistan have been cheated. I hold the same views about Urdu. They also want, with us, that English should be replaced by Urdu and Bengali within ten years. They are very anxious; it is their demand. In all their meetings they are demanding the same thing. I am not speaking for Bengali alone. I am speaking for Bengali and Urdu, because these are the two State languages of Pakistan today.

Another point is that if we have accepted two languages it does not mean that the languages of Sind and the Punjab and Frontier should be finished. We want that their languages should also be developed, but it is impossible without Government help. All provisions for their development should be categorically stated here because they may not get a shock afterwards. Here in West Pakistan there are several languages which are well developed: Sindi, Pushto, Punjabi and Baluchi and there are pictures produced in those languages. If the West Pakistan Government patronises these languages, definitely it will go a long way to develop them and each one of them can be one of the best languages of the world. Every language can be developed. I have another amendment on the subject which I am not moving because I am lending my support to this amendment.

I request that if they accept this amendment of Mr. Mahmud Ali:

"Notwithstanding anything in this clause the Federal and the Unit Government shall take all possible...."

Mr. Speaker: You have already spoken.

Sheikh Mujibur Rahman: I am giving my point.

Mr. Speaker: You need not repeat.

Sheikh Mujibur Rahman:

"...measures for the development and growth of all national languages of Pakistan, namely, Bengali, Punjabi, Sindhi, Pushto, Baluchi and Urdu."

If I mention here the name of a country some of my friends may be frightened—I am speaking about Soviet Russia. That country also, Sir, helped the other states like Uzbekistan and others to develop their own languages and the Central Government of Russia is helping them. They have recognised every national language of the country and these have been developed in such a way that they are one of the best languages. Similarly we have our groups. We have made one Unit and there are three or four languages in that Unit: Sindi, Punjabi, Baluchi and Pushtu. These four languages are there. We must provide in the Constitution that the West Pakistan Government must take all steps to develop these four languages. Otherwise what will happen? It might be that a

particular province who are in a majority, may suppress the other languages of the Unit. This is the point to which I wish to draw the attention of the House. I would appeal to them to accept the amendment of Mr. Mahmud Ali and our amendments, about ten years. If I speak in Bengali they cannot follow; if they speak in Urdu, I cannot speak. But if we can develop, I will speak in Urdu and they will speak in Bengali and this will lead to greater friendship and co-operation and Pakistan will become stronger. Ten years is a sufficient period.

The Honourable Mr. Hamidul Huq Choudhury (East Bengal: Muslim): Sir, I support the amendment of Mr. Adeluddin Ahmad. In supporting this amendment I have to say that this provision is being enshrined in the Constitution of Pakistan as an expression of the will of the people of Pakistan in regard to language. It is not the victory of any section in this House that Bengali has been recognized as State language in the Constitution of Pakistan but the victory of the young men of Bengal. The United Front Party takes pride in this, as also in other matters in the constitution-making that they have been able to truly reflect the wishes of the people. They have been able, in framing the Constitution, to interpret public opinion and in democracy public opinion should be the ruling factor. Therefore, the inclusion of the language is the inclusion of the wishes—so far as Bengali is concerned—of the people of Bengal. In 1949-50 and right up to 1955 the idea of all constitutional framers was that this State shall be a single-language State. It was very unfortunate that it was pushed to extreme to the extent that a few young men in Bengal had to lose life over this. The provisions of the original draft Bill have been brought in conformity with the wishes of people due to pressure of the United Front and they convinced everybody of the real opinion of the people of East Bengal. There have been attempts before also, but they did not succeed. This is the first time that it has been recognized that Bengali must be given its rightful place.

About the original draft a certain amount of controversy was raised as a controversy is being raised today, over the question of the use of the word official language. It is a simple legalistic use of the proper word. In many countries, where there is provision for language, except Russia; the words used are "official language". It is so in Ireland, South Africa, Egypt, Indonesia, Burma, India and Syria. Everywhere they wanted to make a language official language or state language. Everywhere the word "official" has been used for this purpose. In the original draft we used the words "official language" and it would have meant nothing other than State language, but in deference to the wishes of the people we have decided to substitute the word "official" by the word "State". Now, Sir, there will be no difficulty in understanding as to what is meant by the provisions that are proposed by Mr. Adeluddin Ahmad.

The next point was what shall we do with English. Mr. Mahmud Ali said we should take steps immediately to replace English.

Mr. Mahmud Ali: Process.

The Honourable Mr. Hamidul Huq Choudhury: We have actually expressed that desire in clause (3) which says:

"Nothing in this Article shall prevent a Provincial Government from replacing English by any one of the State languages for use in a Province before the expiration of the said period of twenty years."

Sir, most of the official work of the country will be done by the Central or Provincial Governments and indeed the Provincial Governments will be operating and occupying 95 per cent. of the activities of the State so far as internal administration of the country is concerned.

[The Hon'ble Mr. Hamidul Huq Choudhury]

So 95 per cent. of the activities of the country will be governed by the language in which the Provincial Government wants to have their activities done and recorded. So not only the process will start from the day from which the Constitution comes into force but the implementation of it will be expedited according to the experience we gain and the necessity of our work and the efficiency we can still maintain so far as language can contribute towards efficiency of administration. Sir, English has been our official language, whether we willed it or not, for more than 200 years. It is the language of our education up to today and the language of official work. It is the language in which all laws are written, in which science subjects are taught and recorded. Therefore, it is not so easy to immediately replace English. Even the same desire was there and Indian people wanted to get rid of English as soon as possible, but they as practical legislators approached that problem and said that we shall not bring about a total stoppage of our State activities by a change over from one language to another without preparing the country for taking up the responsibilities of the administration of the country. So they provided that English shall continue for 15 years; without that they could not carry on their educational process, administration, etc. Already in India there is a move that this 15 years which they have provided is too short and they would be changing over to local language at the cost of progress in their education. Therefore there is a move to extend the period further. In Burma they have not placed limitation to the use of English; they have said Burmese shall be the official language together with English; so they knew that the process would be long. We have said 20 years which is our calculation, but it shall have to be for a certain number of years; English will be continued for some years. If 10 years would be sufficient for the change over of the process then the Central Government will appoint a Commission to make recommendations for the replacement of English. But so far as Provinces are concerned they can make a change over at any time they can bring about such a change. They can do even long before 10 years. Therefore the question of period is immaterial and it may at the most have propaganda value, but it is of no practical value.

Now, Sir, so far as other languages are concerned, there is no bar placed. It has been the policy of my honourable friends on the other side to say that the State shall—and when they say “State”, it includes both East and West—have only two State languages. If they want now to introduce any other language that would be not in accordance to what they said to be the mandate of electorates. For a local language, provisions are there in the fundamental rights that the languages of a community shall receive same support and encouragement and will not be discouraged or debarred. Therefore, there is also the provision for the encouragement and promotion for all the local languages and no impediment is to be placed by the Constitution on them. After all, the people of Sind and people of any other section in West Pakistan, who want to have a particular language to be encouraged, to be given encouragement by the State, will have sufficient representation in the legislature to make their influence feel. Therefore, Sir, in short, I commend to the House that this is not a controversial question and is one in which there is so little scope for raising any objection from any quarter whatsoever and I hope the House will accept it.

Mr. Speaker : The House stands adjourned for half-an hour for *Asr* Prayers.

The Assembly then adjourned for half an hour for *Asr* Prayers.

The Assembly re-assembled after Asr Prayers, at Half Past Five of the Clock, in the Evening, Honourable Deputy Speaker (the Honourable Mr. C. E. Gibbon) in the Chair.

THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN—*Not concluded.*

Honourable Deputy Speaker: We resume discussion on the amendment of Mr. Adeluddin Ahmad and the amendments to the amendment.

Chaudhri Aziz Din (West Pakistan : Muslim) : The question may now be put.

Mr. Nurur Rahman (East Bengal : Muslim) : I want to speak a few words.

Chaudhri Aziz Din: Sufficient number of speeches have already been made.

Mr. Nurur Rahman: Mr. Deputy Speaker. Sir, I am very much thankful to Honourable Mr. Hamidul Haq Choudhury for after all he has delivered a balanced speech on the floor of this House without any invectives to us, I mean the Awami Leaguers. Sir, our Honourable Foreign Minister has got a marvellously good neck in converting all dis-credits that had been earned by his party to credits and arrogate them to himself. This time he has become very generous and admitted that Bengali has been adopted as one of our State languages—due to the sacrifices made by the young Bengal, not by the effort of Mr. Hamidul Haq Choudhury or his party. This time he has become generous, I want to say Sir, that we have not forgotten that he was the stoutest supporter for Bengali to be made the official language of Pakistan. Read his statement along with clause 31 where it was stated that one national language shall have to be evolved by the State of Pakistan. Read together the present amendment also, with his boggy of the official language. What is the legalistic interpretation of the term “official language” when seen through the clause 31 that has been ultimately deleted? One can very well see through the game that was being played by the Coalition Party of which Mr. Hamidul Haq Choudhury is one of the gravest spookesmen. Sir, his activities with regard to the State language issue shall ever remain fresh in the minds of Young Bengal as long as the bungling with regard to State language shall remain. Sir, I have no quarrel with the English language as it stands now but I have misgivings that within the lapse of 20 years that has been prescribed in this present amendment many more things may happen. Sir, in Bengali there is a proverb :

¹ A dinner party of a cheat is seldom believed in before its celebration.

We have so much misgivings that anything may happen during these twenty years and we may find ourselves to be where we have been the last five years. Sir, my friend, Mr. Mahmud Ali, has stated and Mr. Hamidul Haq Choudhury has also reiterated that ultimately Urdu and Bengali shall be the State languages. But Mr. Mahmud Ali's misgiving was that if Bengali and Urdu are to be made the State languages then that process of adoption must start immediately. But as it stands now in the amendment there is no indication that the process has ever been started or there is no indication whatsoever when this process is going to be started. Sir, English carries the legacy of our slavery. This language came along with the foreign domination in our country and as long as it remains,—I have no quarrel with the English language—though this legacy of slavery remains and also the cultural domination of the foreign influence remains here. So every patriotic soul in

¹ English translation of the proverb in Bengali.

[Mr. Nurur Rahman]

Pakistan is very anxious to see that this foreign language—though it is a very rich language—should be replaced by our national languages and in this regard this amendment of Mr. Adeluddin falls far short. This has also been admitted by Mr. Hamidul Huq Choudhury in his statement that the process will be started. But as the amendment stands there is no indication when and how it will be started. Therefore, Sir, we have the misgivings and to do away with these misgivings our party has given verbal amendments that 20 years must be replaced by ten years and ten years as it stands in sub-clause (2) must be replaced by five years. Sir, in this state of uncertainty we want to be very certain and that is why I support this amendment that 20 years should be replaced by 10 years and in place of 10 years, 5 years be adopted. With these few words, I commend the verbal amendments of Mr. Zahiruddin for the acceptance of the House.

Chaudhri Aziz Din : Sir, the question may now be put.

Honourable Deputy Speaker : The closure has been moved and I will allow only one more speech.

Mr. Ataur Rahman Khan (East Bengal : Muslim) : Mr. Deputy Speaker. Sir, at long last the poor Bengali language is going to have the status of the State language. But after a tremendous struggle and huge sacrifice that was made by the people of East Bengal. This is perhaps the only one genuine demand of East Bengal people that has been favoured by the other side with recognition. I remember this day with rejoicing as well as sorrow and grief, because I have seen a number of our young boys laying their lives for the cause of this language. I also, Sir, remember with pride, because I happen to be the convener of the All-Parties State Language Committee of Action, which struggled for the last few years for Bengali to be recognized as one of the State languages of Pakistan. I can tell you, Sir, with all the emphasis at my command, that nothing can be secured without sacrifice. Apart from the struggle of the people of East Bengal and the sacrifices that they have made, they had to struggle here also for the recognition of the language and it is with great difficulty and after much unwillingness and reluctance and grave persuasion that this language has been recognised today. I can only tell you, Sir, all other demands of East Bengal have been turned down. But East Bengal people will have to give sacrifices for the purpose of acceptance of those demands also.

Mr. Zahiruddin (East Bengal : Muslim) : We will do it.

Mr. Ataur Rahman Khan : Major sacrifices still remain to be done. It is one of the sacrifices that people of East Bengal have made and I can tell the House through you, Sir, that people of East Bengal will not rest till they have realised all their legitimate demands in the Constitution even after the passing of the Constitution. They know they will have to make sacrifices. How many lives will be lost and what tremendous amount of sacrifices they may have to undergo, I do not know. But I foresee that eventually, I foresee that chaos and I foresee that revolutionary spirit coming up in the minds of the East Bengal people. They will not rest. Today the whole country is seething with unrest. In East Bengal, I may tell my friends on the other side and I may tell them frankly and sincerely that not one man in East Bengal has agreed to any of the provisions that have been put in the Constitution.

Chaudhri Aziz Din : We are discussing this clause.

Mr. Ataur Rahman Khan : This is because, Sir, most of the genuine demands of East Bengal have been refused.

Mr. Yusuf A. Haroon (West Pakistan : Muslim) : On a point of order, Sir. It is not relevant.

Mr. Ataur Rahman Khan : No point of order is necessary because I have been in order.

Honourable Deputy Speaker : Order, please. It is for me to say whether you are in order or not. What is your point of order ?

Mr. Yusuf A. Haroon : Sir, my point of order is about the relevancy of the speech of the Honourable Member.

Sheikh Mujibur Rahman (East Bengal : Muslim) : He himself is not relevant.

Mr. Yusuf A. Haroon : That was my point of order, Sir.

Honourable Deputy Speaker : Yes, you are right. The Honourable Member will please try to confine himself within the context of the amendment.

Mr. Ataur Rahman Khan : Sir, if I may be permitted to reply to my learned friend, I may say that I am....

Honourable Deputy Speaker : Yes, you can reply to him.

Mr. Ataur Rahman Khan : I may tell him that the same laws of relevancy. I have been only saying this thing, Sir, that though this tioner and my friend is not. So I am myself very much careful about relevancy. I have been only saying this thng, Sir, that though this language has been accepted today, yet we shall have to make lot of sacrifices for the acceptance of our other demands and I do not know how it was irrelevant. Any way, Sir, at the same time I share the misgivings of my friends, Mr. Nurur Rahman and Mr. Mahmud Ali. They have actually some sort of misgivings in their minds because in spite of the fact that Government of India Act provided many good things for the people of East Bengal as well as West Pakistan, but great discrimination was made between the two wings of Pakistan.

Honourable Deputy Speaker : It did not provide for extra time ?

Mr. Ataur Rahman Khan : It did not provide for any injustice to be done to East Bengal. But still, Sir, we have seen during the last 8 years, that although Urdu was not recognized as a State language, but for all intents and purposes it was given precedence over Bengali language. Therefore that is the misgiving and we hope that the ruling coterie that is governing the country will now at least give Bengali its equal status and if they have genuineness in their minds, they will treat it as a State language. But if they are not genuine and if they only want to whitewash, in that case they will actually relegate Bengali to a position that it does not deserve and to which it has been relegated for the last 8 years. That is our misgiving and that is our apprehension. But here I will also give a warning to my friends on the other side that unless they have got sincerity in their mind, this clause also will not succeed as other clauses of the Constitution have not. Regarding the continuance of English, it has been said in this House that all our official records, all our correspondence, all our documents are in English language. I do admit that, but I do not admit that if we start today the process of elimination of the language by

[Mr. Ataur Rahman Khan]

replacing that language by our two State languages of Bengali and Urdu, within the next 5 years or at the outside 10 years, we shall not be able to completely eliminate that from our official records and documents. So the long time of 20 years is not necessary for that purpose. No doubt English language has got its international position and it is known to be an international language, but there is no necessity of its insertion in the Constitution because the Constitution is for a long time, it is for eternity and for all times and it is not necessary to insert that in the Constitution. If it is going to be of a temporary character, it is not necessary that this should be at all written in the Constitution itself. I would suggest rather that that portion should be omitted altogether by a single statement that Bengali and Urdu are the two State languages of Pakistan. That is enough and other things will be left to the administrative machinery for the purpose of eliminating English because Urdu and Bengali are recognized as State languages and they will take their own course.

Honourable Deputy Speaker : Your time is up.

Mr. Ataur Rahman Khan : They will get their own place and they will see that no other language comes in. With these few words I commend the amendments of Mr. Zahiruddin for the acceptance of the House.

Honourable Deputy Speaker : The question is :

"That in the amendment to clause 221 moved by Mr. Adeluddin Ahmad, the word ' Bengali ', in second line be placed first and the word ' Urdu ' afterwards."

"That in sub-clause (2) to clause 221 of the amendment moved by Mr. Adeluddin Ahmad, for the words ' ten years ' the words ' five years ' be substituted.

"That in the proviso to clause 221 moved by Mr. Adeluddin Ahmad, the words ' and Parliament may by Act provide for the use of English after the expiration of the said period of twenty years for such purposes as may be specified in that Act ' may be omitted."

Who drafted these amendments ?

Mr. Zahiruddin : These were all verbal amendments.

Honourable Deputy Speaker : Why do you not give a proper draft ?

Mr. Zahiruddin : Sir, that amendment for substitution moved by Mr. Adeluddin Ahmad was given to us while it was being read.

The Honourable Sardar Amir Azam Khan (West Bengal : Muslim) : Sir, you were absent and they took advantage of your absence today.

Honourable Deputy Speaker (addressing Mr. Zahiruddin) : Always remember this, that the Secretariat is at the disposal of the Honourable Members to help them. If you find any difficulty in drafting amendments you can always approach one of the officers of the Secretariat and he will help you ; of course, if he has time to do it. Did you move them on the floor of the House ?

Mr. Zahiruddin : Yes, Sir. They were verbal amendments, and there was no time. We got the amendment of Mr. Adeluddin Ahmad when it was being moved.

Honourable Deputy Speaker : The question is :

"That in the amendment to clause 221 moved by Mr. Adeluddin Ahmad, the word ' Bengali ' in second line be placed first and the word ' Urdu ' afterwards."

The motion was negatived.

Honourable Deputy Speaker : The question is :

"That in the amendment to clause 221 moved by Mr. Adeluddin Ahmad, for the words 'twenty years' the words 'ten years' be substituted.

The motion was negatived.

Honourable Deputy Speaker : The question is :

"That in the proviso to clause 221 moved by Mr. Adeluddin Ahmad, the words 'and Parliament may by Act provide for the use of English after the expiration of the said period of twenty years for such purposes as may be specified in that Act may be omitted."

The motion was negatived.

Honourable Deputy Speaker : The question is :

"That in sub-clause (2) to clause 221 of the amendment moved by Mr. Adeluddin Ahmad, for the words 'ten years' the words 'five years' be substituted."

The motion was negatived.

Honourable Deputy Speaker : The question is :

"That at the end of sub-clause (2) to clause 221 of the amendment moved by Mr. Adeluddin Ahmad, the words 'by two languages Bengali and Urdu' be inserted."

The motion was negatived.

Honourable Deputy Speaker : The question is :

"That for clause 221 of the Bill the following be substituted :

'221. *State languages*.—The State languages of the Federation of Pakistan shall be Urdu and Bengali :

Provided that for the period of twenty years from the Constitution Day, English shall continue to be used for all official purposes for which it was used in Pakistan immediately before the Constitution Day, and Parliament may by Act provide for the use of English after the expiration of the said period of twenty years, for such purposes as may be specified in that Act.

(2) On the expiration of ten years from the Constitution Day, the President shall appoint a Commission to make recommendations for the replacement of English.

(3) Nothing in this Article shall prevent a Provincial Government from replacing English by any one of the State languages for use in a Province before the expiration of the said period of twenty years."

The motion was adopted.

Honourable Deputy Speaker : The question is :

"That clause 221, as amended, stand part of the Bill."

The motion was adopted.

Clause 221, as amended, was added to the Bill.

Mr. Zahiruddin : After all they have realised....

Sheikh Mujibur Rahman : Most reluctantly conceded. Thank you all the same.

The Honourable Mr. Hamidul Huq Choudhury (East Bengal : Muslim) (addressing Sheikh Mujibur Rahman) : It will be self-congratulation if we say anything. You should congratulate us on this achievement.

Sheikh Mujibur Rahman : You have no alternative but to congratulate us, because we fought for it.

Honourable Deputy Speaker : Order, please.

Mr. Mahmud Ali (East Bengal : Muslim) : Sir, what has happened to my amendment ?

Honourable Deputy Speaker : On what clause ?

Mr. Mahmud Ali : On clause 221, Sir.

The Honourable Sardar Amir Azam Khan : Sir, all of them fall through.

Mr. Mahmud Ali : Sir, I gave this amendment to the main clause...

Honourable Deputy Speaker : Which has been substituted !

Now clause 241. Yes, Mr. Yusuf Haroon !

Mr. Yusuf A. Haroon : Sir, I beg to move :

"That in sub-clauses (1) and (2) of clause 241 of the Bill, for the words 'after the Constitution Day' wherever they occur, the words 'on the Constitution Day' be substituted."

Honourable Deputy Speaker : Motion moved :

"That in sub-clauses (1) and (2) of clause 241 of the Bill, for the words 'after the Constitution Day' wherever they occur, the words 'on the Constitution Day' be substituted."

Mr. Yusuf A. Haroon : Sir, I beg to move :

"That in sub-clause (2) of clause 241 of the Bill, before the word 'Government' occurring in the fourth line, the word 'the' be inserted."

Honourable Deputy Speaker : Motion moved :

"That in sub-clause (2) of clause 241 of the Bill, before the word 'Government' occurring in the fourth line, the word 'the' be inserted."

The Honourable Sardar Amir Azam Khan : Sir, I beg to move :

"That in sub-clause (2) of clause 241 of the Bill, article 'the' occurring before the word 'purposes' in the fifth line be omitted."

Honourable Deputy Speaker : Motion moved :

"That in sub-clause (2) of clause 241 of the Bill, article 'the' occurring before the word 'purposes' in the fifth line be omitted."

Honourable Deputy Speaker : Mr. Yusuf Haroon ! do you want to speak on your amendment ?

Mr. Yusuf A. Haroon : No, Sir, I do not want to speak on it.

Honourable Deputy Speaker : Honourable Sardar Amir Azam Khan !

The Honourable Sardar Amir Azam Khan : I also do not want to speak on my amendment.

Honourable Deputy Speaker (addressing the Opposition Benches) : Any one on this side ?

Sheikh Mujibur Rahman : No, Sir.

Honourable Deputy Speaker : The question is :

"That in sub-clauses (1) and (2) of clause 241 of the Bill, for the words 'after the Constitution Day', wherever they occur, the words 'on the Constitution Day' be substituted."

The motion was adopted.

Honourable Deputy Speaker : The question is :

"That in sub-clause (2) of clause 241 of the Bill, before the word 'Government', occurring in the fourth line, the word 'the' be inserted."

The motion was adopted.

Honourable Deputy Speaker : The question is :

"That in sub-clause (2) of clause 241 of the Bill, article 'the' occurring before the word 'purposes' in the fifth line be omitted."

The motion was adopted.

Honourable Deputy Speaker : The question is :

"That clause 241, as amended, stand part of the Bill."

The motion was adopted.

Clause 241, as amended, was added to the Bill.

The Honourable Sardar Amir Azam Khan : We will now take up the Fifth Schedule.

Honourable Deputy Speaker : Fifth Schedule. Amendment by Mr. Ataur Rahman and others is out of order. Yes, Mr. Mahmud Ali.

Mr. Mahmud Ali : Mr. Deputy Speaker ! I beg to move :

"That for the Fifth Schedule to the Bill, the following be substituted, namely :

'Federal List

1. Defence,
2. Foreign Affairs, and
3. Currency.

Concurrent List

All subjects that may be enumerated by a majority vote of the total number of members of a Provincial Legislature sitting in a session.

Provincial List

All subjects except those enumerated under the Federal List'."

Honourable Deputy Speaker : Motion moved :

"That for the Fifth Schedule to the Bill, the following be substituted, namely :

'Federal List

1. Defence,
2. Foreign Affairs, and
3. Currency.

Concurrent List

All subjects that may be enumerated by a majority vote of the total number of members of a Provincial Legislature sitting in a session.

Provincial List

All subjects except those enumerated under the Federal List'."

Any other substitutions ?

(After a pause)

Honourable Deputy Speaker : I consider this as a part of a substitution motion. Mr. Abul Mansur! please move your amendment.

Mr. Abul Mansur Ahmad (East Bengal : Muslim) : Mr. Deputy Speaker, I beg to move :

"That for entry Nos. 1 to 29 of the Federal List under the Fifth Schedule to the Bill, the following be substituted, namely :

- '1. Defence of Pakistan and of every part thereof and all acts and measures connected therewith.
2. Foreign Affairs, including all matters which bring Pakistan into relation with any foreign country except foreign trade and commerce.
3. Currency, coinage and legal tender'."

Honourable Deputy Speaker : Motion moved :

"That for entry Nos. 1 to 29 of the Federal List under the Fifth Schedule to the Bill, the following be substituted, namely :

- '1. Defence of Pakistan and of every part thereof and all acts and measures connected therewith.
2. Foreign Affairs, including all matters which bring Pakistan into relation with any foreign country except foreign trade and commerce.
3. Currency, coinage and legal tender'."

(After a pause)

Honourable Deputy Speaker : I am beginning to think that both these amendments are out of order.

Chaudhri Aziz Din : These amendments have already been rejected by the House.

Honourable Deputy Speaker : Will you please stand up and address the Chair ?

Chaudhri Aziz Din : Such like amendments were rejected by the House when they were in Part VI.

Honourable Deputy Speaker : Have you anything to say, Mr. Mahmud Ali ?

Mr. Mahmud Ali : I hold that it is not out of order.

Honourable Deputy Speaker : On what ground ?

Mr. Mahmud Ali : Because I moved for substituting the entire Fifth Schedule. I have given the subjects to be substituted in the Federal List, the subjects to be enumerated by a majority vote of the Provincial Legislatures in the Concurrent List and all other subjects on the Provincial List, except those enumerated under the Federal List ; so that I have put in a composite whole.

Honourable Deputy Speaker : I understand your point.

May I understand that because clause 103 has been accepted by the House....

Chaudhri Aziz Din : Yes, Sir.

Honourable Deputy Speaker : the amendment of Mr. Mahmud Ali in its present form is out of order.

Chaudhri Aziz Din : Moreover, Sir, this very amendment was moved by Mr. Mahmud Ali and other honourable friends when Article 103 was being discussed and it was negatived by the House.

Honourable Deputy Speaker : Which was that amendment ? Sardar Amir Azam Khan ! have you any views to offer on this ?

The Honourable Sardar Amir Azam Khan: As far as I remember when this clause 103 was discussed certain amendments....

Sheikh Mujibur Rahman: Take rest.

The Honourable Sardar Amir Azam Khan: were moved.

Honourable Deputy Speaker: Yes, I know those amendments. The amendment that was moved was something like this—

“Notwithstanding anything....”

You must have got the Consolidated List of Amendments received up to the 31st January.

The Honourable Sardar Amir Azam Khan: I have got it in my office.

Honourable Deputy Speaker: Now my view is that only the first part of his amendment is out of order, that is where he talks about the Federal List. Can you show me how the two parts in the Concurrent List and the Provincial List are out of order? Will you please show me how the amendments under these parts are out of order? Advance your reasons for that.

Chaudhri Aziz Din: It is difficult just at the moment, but the substance is the same, namely, that three subjects will remain with the Centre.

Honourable Deputy Speaker: In my ruling that motion of the amendment will be out of order. I gave the mover of the amendment an opportunity to explain his position and I may tell you that that portion of the Federal List is obviously out of order.

Mr. Abul Mansur Ahmed: Your ruling, Sir, will affect my amendment also. Therefore I want a hearing.

Honourable Deputy Speaker: I will deal with your amendment separately.

The Honourable Sardar Amir Azam Khan: If it is your decision that the Federal List is out of order, then the Provincial List is also out of order, because it consists of subjects except those enumerated in the Federal List.

Mr. Zahiruddin: There is an answer to that. Even the third part may be accepted, so that the Concurrent List may go back to the Provincial List.

Honourable Deputy Speaker: That part of the amendment which is under Provincial List is also out of order. Now, we are left with the Concurrent List. By process of elimination 1, 2, 3 you are out. Mr. Abul Mansur, your amendment suffers from the same defect.

Mr. Abul Mansur Ahmad: Therefore, I want to make this submission that once a ruling has been given by the Chair....

Honourable Deputy Speaker: You have seen how I have done it by the process of elimination. Now, you will see how I deal with your amendment, and I may tell you that I will not be unfair to you. How many subjects are there in the Federal List?

Mr. Abul Mansur Ahmad: 1 to 29.

Honourable Deputy Speaker: Your amendment seeks to substitute item 1 to 29 by items 1 to 3—Defence, Foreign Affairs....

(Interruptions.)

Honourable Deputy Speaker: Mind you, all this is sugar-coating the question.

Mr. Abul Mansur Ahmad: I should be given a hearing.

Honourable Deputy Speaker: What hearing should I give you? Defence, Foreign Affairs, Currency are now out of order.

Sheikh Mujibur Rahman: Then Fifth Schedule is out of order....

Honourable Deputy Speaker: Mr. Abul Mansur Ahmad! Next amendment please.

Mr. Abul Mansur Ahmad: Sir, I beg to move:

"That in the entry No. 1 of the Federal List under the Fifth Schedule to the Bill, the words 'including civil armed forces' occurring in the seventh line and the words 'Industries connected with defence; nuclear energy and mineral resources necessary for its production' occurring in the ninth and tenth lines be omitted."

Honourable Deputy Speaker: Next amendment, Mr. Abul Mansur Ahmad!

Mr. Abul Mansur Ahmad: Mr. Deputy Speaker, Sir, I beg to move:

"That in the entry No. 2 of Federal List under the Fifth Schedule to the Bill, the words 'consular and trade representation' occurring in the third line be omitted."

Honourable Deputy Speaker: Motions moved:

"That in the entry No. 1 of the Federal List under the Fifth Schedule to the Bill, the words 'including civil armed forces' occurring in the seventh line and the words 'Industries connected with defence; nuclear energy and mineral resources necessary for its production' occurring in the ninth and tenth lines be omitted."

and

"That in the entry No. 2 of Federal List under the Fifth Schedule to the Bill, the words 'consular and trade representation' occurring in the third line be omitted."

The Honourable Sardar Amir Azam Khan: Sir, I beg to move:

"That in the last paragraph of entry No. 2 of the Fifth Schedule to the Bill, for the words 'such other certificates', the words 'other such certificates' be substituted."

Honourable Deputy Speaker: Motion moved:

"That in the last paragraph of entry No. 2 of the Fifth Schedule to the Bill, for the words 'such other certificates', the words 'other such certificates' be substituted."

Now, Mr. Abul Mansur Ahmad!

Mr. Zahiruddin: Sir, I am moving it. I beg to move:

"That the entry Nos. 3, 4, 7, to 15, 18, 19, 21 and 25 to 29 of the Federal List under the Fifth Schedule to the Bill be omitted."

Honourable Deputy Speaker: What is left?

Mr. Zahiruddin: It is for the Government to know. I am very weak in mathematics. So I cannot calculate. I leave it to the Finance Minister, who is not present in the House, to calculate it or the ex-Finance Minister of our province....

(Interruptions.)

Honourable Deputy Speaker : Motion moved :

"That the entry Nos. 3, 4, 7 to 15, 18, 19, 21 and 25 to 29 of the Federal List under the Fifth Schedule to the Bill be omitted."

Mr. A. H. Deldar Ahmed (East Bengal : Muslim) : Sir, I beg to move :

"That in the entry No. 5 of the Federal List under the Fifth Schedule to the Bill, the words ' Foreign Exchange, Negotiable instruments, banking (excluding co-operative banking) with objects and business not confined to one province' occurring in the first, second and third lines be omitted."

Honourable Deputy Speaker : Motion moved :

"That in the entry No. 5 of the Federal List under the Fifth Schedule to the Bill, the words ' Foreign Exchange, Negotiable instruments, banking (excluding co-operative banking) with objects and business not confined to one province' occurring in the first, second and third lines be omitted."

The Honourable Sardar Amir Azam Khan : Sir, I beg to move :

"That in the entry No. 8 of the Fifth Schedule to the Bill, for the words 'future markets' the words 'futures markets' be substituted."

Honourable Deputy Speaker : Would you please explain what is the meaning of that before I proceed further ?

The Honourable Sardar Amir Azam Khan : Sir, they are known as 'futures market'—business is of guessing.

Honourable Deputy Speaker : I know that much, but what business is it of yours ? Motion moved :

"That in the entry No. 7 of the Fifth Schedule to the Bill, for the words 'future markets' the words 'futures markets' be substituted."

An Honourable Member : What is the meaning ?

Honourable Deputy Speaker : You can ask him when he gets up. It is not my amendment.

The Honourable Sardar Amir Azam Khan : Sir, I beg to move :

"That in the entry No. 7 of the Fifth Schedule to the Bill, for the words and commas ', universities, municipal,' the words and comma ' or universities, or municipal' be substituted."

Honourable Deputy Speaker : Motion moved :

"That in the entry No. 8 of the Fifth Schedule to the Bill, for the words and commas ', universities, municipal,' the words and comma ' or universities, or municipal' be substituted."

The Honourable Sardar Amir Azam Khan : Sir, I beg to move :

"That in the entry No. 11 of the Fifth Schedule to the Bill, for the word 'aircrafts' the word 'aircraft' be substituted."

Honourable Deputy Speaker : Motion moved :

"That in the entry No. 11 of the Fifth Schedule to the Bill, for the word 'aircrafts' the word 'aircraft' be substituted."

The Honourable Sardar Amir Azam Khan : Sir, I beg to move :

"That for the entry No. 14 of the Fifth Schedule to the Bill, the following be substituted, namely :

'14. Industries, owned wholly or partially by the Federation, or by a Corporation set up by the Federation.'

Honourable Deputy Speaker : Motion moved :

"That for the entry No. 14 of the Fifth Schedule to the Bill, the following be substituted, namely :

'14. Industries, owned wholly or partially by the Federation, or by a Corporation set up by the Federation'."

The Honourable Sardar Amir Azam Khan : Sir, I beg to move :

"That in the entry No. 17 of the Fifth Schedule to the Bill, the word 'the' be inserted before the words 'National Assembly'."

Honourable Deputy Speaker : Motion moved :

"That in the entry No. 17 of the Fifth Schedule to the Bill, the word 'the' be inserted before the words 'National Assembly'."

Mr. Abul Mansur Ahmad : Sir, I beg to move :

"That in the entry No. 17 of the Federal List under the Fifth Schedule to the Bill, the words 'to the Provincial Assemblies' occurring in the first line be omitted."

Honourable Deputy Speaker : Motion moved :

"That in the entry No. 17 of the Federal List under the Fifth Schedule to the Bill, the words 'to the Provincial Assemblies' occurring in the first line be omitted."

The Honourable Sardar Amir Azam Khan : Sir, I beg to move :

"That in the Fifth Schedule to the Bill, the entry No. 18 of the Federal List, the words 'Measures to combat corruption' be omitted."

Honourable Deputy Speaker : Motion moved :

"That in the Fifth Schedule to the Bill, the entry No. 18 of the Federal List, the words 'Measures to combat corruption' be omitted."

The Honourable Sardar Amir Azam Khan : Sir, I beg to move :

"That for the entry No. 21 of the Fifth Schedule to the Bill, the following be substituted, namely :

'21. Federal Agencies and Federal institutions for the promotion of special studies and special research; libraries and museums financed by the Federation'."

Honourable Deputy Speaker : Before I put the amendment, what do you mean by "special research" ?

The Honourable Sardar Amir Azam Khan : "Special studies and specialised studies in certain subjects".

Mr. Zahiruddin : That should be "special favour".

Honourable Deputy Speaker : Order, please. Motion moved :

"That for the entry No. 21 of the Fifth Schedule to the Bill, the following be substituted, namely :

'21. Federal Agencies and Federal institutions for the promotion of special studies and special research; libraries and museums financed by the Federation'."

It is not my responsibility to improve the drafting !

The Honourable Sardar Amir Azam Khan : Sir, I beg to move :

"That in the entry No. 23 of the....

Honourable Deputy Speaker : What about entry No. 22 ?

Mr. Zahiruddin : Please omit it !

Honourable Deputy Speaker : Order, please—why can you not control your tongue ?

Mr. Zahiruddin : In that case they will escape the adjectives which I add every day !

The Honourable Sardar Amir Azam Khan : I beg to move :

“That in the entry No. 22 of the Fifth Schedule to the Bill, after the words ‘Federal Services’ the words ‘All-Pakistan Services’ be inserted and before the words ‘Federal Public Service Commission’ the word ‘the’ be inserted.”

Honourable Deputy Speaker : Motion moved :

“That in the entry No. 22 of the Fifth Schedule to the Bill, after the words ‘Federal Services’ the words ‘All-Pakistan Services’ be inserted and before the words ‘Federal Public Service Commission’ the word ‘the’ be inserted.”

Mr. Zahiruddin : Sir, may I submit that this amendment of Sardar Amir Azam is out of order, in view of the fact that section 191 has been adopted in the House and the House has taken a decision that item “All Services of Pakistan” is to be rejected and the clause has been deleted. It seems that the second pilot is trying pulling afast over the other pilot....

Honourable Deputy Speaker : I have asked you not to use that word.

Mr. Zahiruddin : Pardon.

Honourable Deputy Speaker : I have asked you not to use the words “first pilot”, “second pilot” or “third pilot”.

Mr. Zahiruddin : The mover of the amendment is pulling fast on his own colleagues in the Coalition Party, I mean he is going against his other colleagues of the United Front.

Honourable Deputy Speaker : I shall deal with it after *Maghrib* Prayers. The House stands adjourned for half an hour for *Maghrib* Prayers.

The House then adjourned for half an hour for *Maghrib* Prayers.

The Assembly re-assembled after *Maghrib* Prayers, at Five Minutes to Seven of the Clock, in the Evening, Honourable Deputy Speaker (the Honourable Mr. C. E. Gibbon) in the Chair.

THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN—*Not concluded*

Honourable Deputy Speaker : We resume consideration of the Fifth Schedule.

Mr. Yusuf A. Haroon (West Pakistan : Muslim) : There is too much noise in the lobby.

Honourable Deputy Speaker : Will you please see whether there is quorum ?

An Honourable Member : There are more outsiders.

Honourable Deputy Speaker : Order, please. We are dealing with the most important provisions of the Constitution Bill and I am constrained to say that Honourable Members are not taking the interest which they ought to take.

The Honourable Mr. Nurul Huq Chaudhury (East Bengal : Muslim) : We are in a holiday mood.

Honourable Deputy Speaker : There is no question of our being in a holiday mood. We must get down to business.

Mr. Zahiruddin (East Bengal : Muslim) : This is concession from Government side.

Honourable Deputy Speaker : Order, please.

Chaudhri Aziz Din (West Pakistan : Muslim) : When the master was not here, everybody was in a holiday mood.

Honourable Deputy Speaker : Order, please. (*Addressing Mr. Zahiruddin*). You were making a point of order; have you anything to say in addition to what you have already said?

Mr. Zahiruddin : Sir, I was just submitting that this is against the decision which the House has already taken.

Honourable Deputy Speaker : What decision?

The Honourable Sardar Amir Azam Khan : I am just withdrawing that amendment.

Honourable Deputy Speaker : Let me dispose it of; you cannot get away like that.

The Honourable Sardar Amir Azam Khan : Five minutes would be wasted in discussion, so I am withdrawing my amendment.

Honourable Deputy Speaker : Let me hear what he has to say.

Mr. Zahiruddin : My submission is that since the House has already taken a decision....

Chaudhri Aziz Din : He is already withdrawing it.

Honourable Deputy Speaker : Whether he is withdrawing it or not, is not before the House at present. A point of order has been made.

Mr. Zahiruddin : Clause 191 reads as follows :

"Parliament may by law provide for the establishment of any All-Pakistan Service, and regulate the recruitment and condition of service of persons appointed to that service."

This has been rejected by the House. As a matter of fact an Honourable Member of the Government side opposed it.

Honourable Deputy Speaker : I cannot allow you to argue; make your point.

Mr. Zahiruddin : This has been disposed of and deleted. Now, Sir, the amendment brings back from back-door the All-Pakistan Service and so I submit that this is out of order.

Honourable Deputy Speaker : Will you please answer one question? What is to happen to those who already belong to the All-Pakistan Services?

Mr. Zahiruddin : It is for the Government to provide. There is already C. S. P. Service and by this they want to create a new cadre.

Honourable Deputy Speaker : Is there, or is there not an All-Pakistan Service ?

Mr. Zahiruddin : There is not.

The Honourable Sardar Amir Azam Khan : With your permission, I would like to withdraw the first part of the amendment, which concerns with the All-Pakistan Services.

Honourable Deputy Speaker : Will you please answer my question ? Is there or is there not an All-Pakistan Service ?

The Honourable Sardar Amir Azam Khan : There is.

Honourable Deputy Speaker : If there is, then there will be no provision for the protection of such employees.

The Honourable Sardar Amir Azam Khan : If it is the wish of the House that such a provision should go, it will go.

Honourable Deputy Speaker : Is there or is there not existing All-Pakistan Services ? What will happen to that after this is passed ? Should it be drowned in the Arabian Sea ? What is your view, Mr. Abdus Sattar ?

Mr. Abdus Sattar (East Bengal : Muslim) : So far as this case is concerned, in view of the fact that the mover of this amendment is withdrawing the portion relating to "All Pakistan Services"—as a matter of fact section 191 was opposed by me with a view to avoid the confusion that it might create. Now, the only point is that the existing Civil Service should be continued, but, Sir, we have not as yet disposed of section 190 which deals with the Civil Service of Pakistan. Therefore, Sir, I think, in order to avoid all that confusion, this portion should be omitted from the Schedule. Necessary provision can be made in section 190 to continue the existing Services.

Mr. Abul Mansur Ahmad (East Bengal : Muslim) : Or in section 87.

Mr. Abdus Sattar : Yes.

Honourable Deputy Speaker : Has the Honourable Sardar Amir Azam the permission of the House to withdraw the words "All-Pakistan Services" appearing in his amendment ?

Several Honourable Members : Yes, yes.

The words "All-Pakistan Services" were, by leave of the House, withdrawn.

Honourable Deputy Speaker : Motion moved :

"That in the entry No. 22 of the Fifth Schedule to the Bill, before the words 'Federal Public Service Commission' the word 'the' be inserted."

The Honourable Sardar Amir Azam Khan : Sir, I beg to move :

"That in the entry No. 23 of the Fifth Schedule to the Bill, for the words 'salaries and allowances' wherever they occur, the word 'remuneration' be substituted and before the word 'President' the word 'the' be inserted."

Honourable Deputy Speaker : Motion moved :

"That in the entry No. 23 of the Fifth Schedule to the Bill, for the words 'salaries and allowances' wherever they occur, the word 'remuneration' be substituted and before the word 'President' the word 'the' be inserted."

The Honourable Sardar Amir Azam Khan : Sir, I beg to move :

"That after the entry No. 23 of the Fifth Schedule to the Bill, the following new entry be inserted, namely :

'23A. Privileges and immunities of the President and Governors ;'."

Honourable Deputy Speaker : How does it form a subject ? You mean you can legislate for that ?

The Honourable Sardar Amir Azam Khan : Yes, Sir. Privileges and immunities of the President and Governors will have to be included in the Federal List.

Honourable Deputy Speaker : Do you mean to say that these are the only two persons who will be entitled to privileges and immunities ?

The Honourable Sardar Amir Azam Khan : Others will also have, but as we have not made any particular provision in the Constitution such as we have done in the case of President and Governors, it is not necessary to specify them here. This is done in accordance with the principle as is found in all other constitutions of the world. We have given this power to the future Parliament to legislate in case where they feel it is necessary, they may pass such a law.

Honourable Deputy Speaker : Motion moved :

"That after the entry No. 23 of the Fifth Schedule to the Bill, the following new entry be inserted, namely :

'23A. Privileges and immunities of the President and Governors ;'."

The Honourable Sardar Amir Azam Khan : Sir, I beg to move :

"That in the entry No. 25 of the Fifth Schedule to the Bill, before the words 'capital value' occurring in the fifth line, the word 'the' be inserted and the word and comma 'railway,' occurring in the eighth line be omitted."

Honourable Deputy Speaker : Motion moved :

"That in the entry No. 25 of the Fifth Schedule to the Bill, before the words 'capital value' occurring in the fifth line, the word 'the' be inserted and the word and comma 'railway,' occurring in the eighth line be omitted."

The Honourable Sardar Amir Azam Khan : Sir, I beg to move :

"That in the entry No. 28 of the Fifth Schedule to the Bill, the word 'the' be inserted before the words 'Supreme Court'."

Honourable Deputy Speaker : Motion moved :

"That in the entry No. 28 of the Fifth Schedule to the Bill, the word 'the' be inserted before the words 'Supreme Court'."

Yes, Mr. Abul Mansur Ahmad !

Mr. Abul Mansur Ahmad : Sir, I beg to move....

Honourable Deputy Speaker : Order, please. You can now speak on the amendment you have moved. We are taking the Federal List for the present.

Mr. Abul Mansur Ahmad : Mr. Deputy Speaker. Sir, in support of my amendments and other amendments moved by my learned colleagues on behalf of the Awami League Party, I want to submit that we have tried to amend the Federal List in such a way as to bring the Federal List and its size as nearly as possible to the 21-Point Programme. Sir, we had, before we came to this House, given our pledged words to our electors that we shall make a Constitution in which we shall give to the Centre only three

subjects. Now, Sir, we have failed in our attempts as we are fighting with a set of members who are determined not to part with the power that they have been enjoying at the Centre, under 1935 Act we are fighting, if I am permitted by you to say, to the last ditch and inch by inch. Sir, we cannot forget our people who have voted us to this House; we cannot forget the pledges we gave them; we cannot forget the hopes and aspirations that we have raised in their minds. They really hoped that their representatives would be true to their pledged words and give them a Constitution which would provide for the maintenance of the rights of the people instead of protecting the rights of the privileged classes who have been exploiting the people. I am not referring to the period before the achievement of Pakistan. Even after the achievement of Pakistan, the masses are being exploited by a set of people who appear to have forgotten that in this House they are really representing the people and not their own interest.

Honourable Deputy Speaker: And the exploitation has taken place through the civil armed forces. Is it so?

Mr. Abul Mansur Ahmad: Certainly.

(After a pause.)

Mr. Abul Mansur Ahmad: Civil armed forces have got nothing to do with the armed forces. From East Pakistan the demand of the people is that they must be allowed to raise territorial forces and in fact East Pakistan Government had already raised Ansar Force. We have promised to our people that these Ansar Forces which now are a sort of quasi-police or semi-armed forces whose number is about three lakhs shall be fully armed by us with arms and ammunitions and uniforms. This demand of the people of East Bengal was incorporated in 21-Point Programme. So that was our promise. But by putting this item in the Federal list persons who have imperialistic bent of mind, and this attitude pervades throughout the mind of the framers of the Constitution, have tried to forestall one thing. They could foresee that if these Ansar Forces are armed and uniformed they may turn into a strong territorial army of East Pakistan. Therefore, they have added these clauses in Defence Services in spite of the fact that 1935 Act does not include any such clauses in the Defence item.

Honourable Deputy Speaker: Are you amending the 1935 Act?

Mr. Abul Mansur Ahmad: I am submitting that they have not even given that much of power to the Provinces which they enjoyed under the 1935 Act. Not only this. They have gone further and the things which were not incorporated in Federal List of the Government of India Act, 1935, have also been taken to the Federal list of our Constitution. Therefore, I have suggested that at least East Pakistan which is a far-flung Province and 1,500 miles away from the Federal Capital may be possessed of some forces which may defend its territory in case of emergency.

Honourable Deputy Speaker: You will have the moral force.

Mr. Abul Mansur Ahmad: Certainly, Sir. So far as our country is concerned, we shall be perfectly armed in our homefront with our family members by our moral and religious force to stop aggressors. But it is very reasonable that as our armed forces are all stationed in the western part of our country if an attack is made on us from the eastern side where the Communists are advancing very rapidly....

Honourable Deputy Speaker: Where did you get this information from?

Mr. Abul Mansur Ahmad : Burma is almost half Communist ; China is Communist.

Honourable Deputy Speaker : From where did you get this information that the Communists are coming in from that side ?

Mr. Abul Mansur Ahmad : It is in the newspapers. Of course, we have not gone there to see for ourselves but our Foreign Minister says that China is a Communist country. We have learnt it from him.

Now, Sir, if we are to wait for the arrival of our armed forces from Rawalpindi or Risalpur to come to East Pakistan to protect us, we must be in possession of some sort of territorial force to defend our country in the meantime. Therefore, Sir, it is the demand of East Pakistan that even if the Defence army is left in West Pakistan, we must have some quasi-military force in our midst on the spot.

Honourable Deputy Speaker : Order, please. Your amendment centres round the civil armed forces.

Mr. Abul Mansur Ahmad : To be excluded from the Federal List. By these amendments I want to suggest that this item should go to the Provincial List instead of in the Federal List.

Honourable Deputy Speaker : Why did you not so say in the beginning ?

Mr. Abul Mansur Ahmad : Because I have moved amendment to the Federal List only. I want its exclusion from the Federal List and thereby I want to take this out of the Federal List so that....

Honourable Deputy Speaker : It goes to the Provincial List. Next point.

Mr. Abul Mansur Ahmad : The next point is with regard to the industries connected with the Defence. Sir, Defence will be a Central subject. Industry connected with defence may be construed to include industry right up to a handloom. If we incorporate the words "industry connected with Defence", the Centre may on that plea encroach upon any industry, including handloom and cottage industries as well, because they may say that it is an industry which is necessary for defence. Sir, I have a great suspicion....

Honourable Deputy Speaker : Your time is up.

Mr. Abul Mansur Ahmad : We have got many amendments.

Honourable Deputy Speaker : Because you have got so many amendments, it means that you will take all the time of the House.

Mr. Abul Mansur Ahmad : Certainly not, Sir. What I want to submit is that industries connected with Defence can conveniently remain with the Provinces.

Honourable Deputy Speaker : Why should it go to the Provincial List ? What is your argument ?

Mr. Abul Mansur Ahmad : Because at the time of war, Centre will have the right to marshal all the forces in the country including man-power. Why then man-power is not a Central subject ? Marriage which is the main source of armed forces should then go to the Centre ! Procreation without which there cannot be armed forces should go to the Centre ! Therefore, I am trying to save our matrimonial relation from the encroachment of the Centre.

Mr. Abdus Sattar : What is your suggestion? Whether it should remain in the concurrent list?

Mr. Abul Mansur Ahmad : Centre must have the right to procreate?

Honourable Deputy Speaker : Where do you like marriage to go? Do you want to keep it in the Concurrent list?

Mr. Abul Mansur Ahmad : No, Sir. Marriage, if confined only to one wife, should go to the Provinces and the marriage of those persons who have got more than one wife should go to the Central (*laughter*), because there is no instance where Provincial Ministers have got more than one wife. But there are instances where Central Ministers have married more than one wife. Therefore, it should be a Central subject. I have no claim over double marriage.

Now, Sir, I have by another amendment suggested that trade and consular representation should be with the Provinces.

Honourable Deputy Speaker : Will you please wind up with that?

Mr. Abul Mansur Ahmad : Yes, Sir, I am winding up. I have suggested that trade and consular relationship should go to the Provinces instead of remaining in the Federal List, because I have said that trade, export and import all these things should go from the Centre to the provinces. Therefore, trade relationship should be the business of the Province instead of the Centre. Therefore, Sir, I have tried by these amendments to bring the Federal List as near as possible to the 21-Point Programme as much lies in the power of the Opposition Party which consists of only 12 to 13 members as against the array and alignments of so many forces who are determined to deprive the people of East Pakistan from any autonomy whatsoever. With these few words, Sir, I commend these amendments to the acceptance of the House.

Mr. Zahiruddin : Mr. Deputy Speaker. Sir, the long list of amendments to the Fifth Schedule indicates the depth of feeling and the amount of conviction which the Opposition Party have on the issue of regional autonomy and distribution of subjects. Sir, I do not want to go over all the arguments that have been placed by my learned colleague on this subject. But I would draw the attention of the House and request them to study the speeches delivered on the floor of this House when we were discussing the One-Unit Bill. Sir, the basic argument behind all the speeches and specially in that memorable speech of Mian Mumtaz Daultana was that unless unity was created here, the scheme of Federation with full regional autonomy will not be possible.

Honourable Deputy Speaker : You said that you do not want to go over all those arguments. But what are you doing now?

Mr. Zahiruddin : I am just making a passing reference because after all unless we remind a man that he has made a promise, how can he be conscious of that. So I am just reminding the other side of the House, which is the same as was a few months ago, that the House unanimously made a promise that full regional autonomy is coming and success of the Federal scheme would be on the unification, which will be the fore-runner of regional autonomy. I have said, Sir, times without number in this House that we do not have any faith in your promises.

Honourable Deputy Speaker : Then why are you reminding them of it?

Mr. Zahiruddin : My next sentence will clear that, Sir. Sir, the world exists on faith and hope. Unless and until the last ray of hope is eliminated, we will continue to strive to bring them to the path of truth and honesty and ask them to fulfil their promises. Sir, I recollect having recited a verse :

Hazar bar kahoonga main lakh bar "nahin" ;

Nahin, nahin, teray wadon ka aitbar nahin.

I shall keep on repeating, not a thousand but a hundred-thousand times ;

That I put no trust in your promises.

Several Honourable Members : ¹Hear, hear.

The Honourable Pir Ali Mohammad Rashdi (West Pakistan : Muslim) : He is well-versed in love lore.

Mr. Zahiruddin : Sir, this repetition is an indication that there is some hope that they may come back to their promises and fulfil them. Sir, this is a last ditch fight on the issue of regional autonomy. We have not given up hope that truth will dawn upon them, that on this will be the creditable success of the Federation scheme. I most respectfully submit, Sir, without any feeling of animosity towards my brothers from the Western Pakistan that do not misunderstand us. We are crying for regional autonomy not for ourselves but for you also ; not for ourselves only but for the success of this unique scheme of Pakistan. If we are deprived, or if one part of the country is deprived of its legitimate share, the result will be that seed of disaffection which has already been sown and which has really taken root in East Pakistan and which manifested itself in the complete route of the ruling Party, will grow into a very big tree and when it will bear fruit, the fruit will be very bitter for my friends on this side of my country. Sir, my submission is that our fight is a fight for the strength, solidarity and integrity of Pakistan and you are mistaking us for a set of parochial people. No ! we are not that because we believe that full-fledged regional autonomy will create complete confidence in the minds of the people of East, in their brothers in the West and it is really that on this confidence, on this solidarity and oneness of mind will depend the success of the scheme of Pakistan. If you do not realise this now, a time will come, as I have said, when I am afraid you will lose the opportunity. It will be too late then. Sir, there are forces on both sides of our borders who are really watching for an opportunity or as my friend has made a reference to some foreign countries which have been termed by the Foreign Minister as Communist or semi-Communist and the world is divided into two camps—reds and non-reds.

Honourable Deputy Speaker : What has all that got to do with this ?

Mr. Zahiruddin : Sir, I am coming to the geographical position of the country.

The Honourable Pir Ali Mohammad Rashdi : Beginning with intimidation !

Mr. Zahiruddin : My submission is that we belong to a country of free people and we like to align ourselves with the free world. But, Sir, this disaffection and discontentment that has come into the minds of people of East Pakistan, we believe, will lead them on the path which none of us will like them to treat. But, Sir, if this treatment is meted out to them by this type of Constitution in which the Federal List has been swelled into 29 subjects and each subject in itself is a tin of condensed

¹ English translation of the interruption in Urdu.

milk containing so many other subjects and which is just going to deceive them, people of East Pakistan will not relish it. You have already lost so many friends—the Awami League, the Congress, the Ganatantri Dal and some other friends are already feeling chary about it and even those who are with you have registered their protests on certain provisions of this Constitution. So you have got the clear picture before you and truth is coming out and it is not too late even now. But if you do not listen to us, if you do not listen to our warning and do not see the light which we are showing to you, it will not be our fault. My submission, Sir, is that our friends have gone astray and this is our prayer to them and, of course, it is our last hope that good sense will dawn on them and they will see truth and do justice and accept our amendments which want to place three subjects in the Federal List and the rest go to the Provinces. We have also brought out amendments that there should be a Concurrent List which will contain subjects which would be placed in it by the joint agreement of two parts of Pakistan. There is no third Party in Pakistan and why are you afraid of it, the two parts should agree to put those subjects in the Concurrent List. Let this be done by mutual agreement. So my submission is that all these subjects in the Federal List must be deleted except the three subjects which we have agreed to put in the Federal List.

Honourable Deputy Speaker: Your time is up.

Mr. Zahiruddin: Here, Sir, I must make a special reference to ninth amendment on the printed list moved by Honourable Sardar Amir Azam Khan. Sir, my friends have said that we are making an Islamic Constitution and this Constitution embodies the spirit of Islam. Let us look into this amendment and, of course, this is a correction. But, Sir, I will specially refer to entry No. 7. At first the words were "future market", but now they have been substituted by the words "futures markets". Sir, the sum and substance of this particular item which has been placed in the Federal List is speculation. May I ask the champions of Islamic Constitution if speculation is allowed in Islam?

Mr. Yusuf A. Haroon: It is not speculation.

Mr. Zahiruddin: Sir, we do not want this item for the provincial list and I would appeal to them to drop it from the Federal List also.

Sir, I also draw your special attention to amendment No. 12* moved by Sardar Amir Azam. If you see the original list, it mentions "Industries, owned or set up by the Federation", but in the amendment it says "Industries, owned wholly or partially by the Federation, or by a Corporation set up by the Federation". Sir, my friends have been saying that we are giving you regional autonomy. The other day Mr. Hamidul Huq Choudhury, the Foreign Minister, said that "you wanted industries, we have given you industries". Then, Sir, His Excellency Mr. Mushtaq Ahmad Gurmani said "How can industries grow unless Government helps". Sir, let us combine these statements of these two Honourable Members and find out what is the result. The net result is that in every industry Government will have some share. Just see the amendment No. 12* which says "Industries, owned wholly or partially by the Federation or by a Corporation set up by Federation". Sir, every industry that will grow will have, according to His Excellency Mr. Gurmani and the Foreign Minister, some share of the Federal Government. The net result will be that all industries that will grow will become Central subjects. Then what are the "Industries" that have been given to the Provinces. Sir, the subject of "Industries" that has been given in the Provincial List is a sham gift because foreign exchange will be under the control of the Central Government.

* In the consolidated final printed List of Amendments received up to 15th February, 1956.—Ed. of Deb.

Honourable Deputy Speaker : Order, please. How many seconds in your minute ?

Mr. Zahiruddin : So far as this is concerned it is elastic, Sir. My submission is that giving of Industries in the other list is a farce, because everything is concentrated here. Moreover, the Foreign Exchange is under the Federal Government, according to the list. Whatever schemes we might have, we cannot establish any industry unless we have sufficient foreign exchange at our disposal, and, therefore, it will be a Federal subject for all practical purposes. It is only to whitewash the whole thing that it has been placed there.

Honourable Deputy Speaker : Your time is up.

Mr. Zahiruddin : Sir, I would appeal to them to accept our amendments and do justice to the people of East Pakistan. With these words, I commend our amendments for acceptance of the House.

(At this stage Mr. A. H. Deldar Ahmed rose in his seat and was seen by the Honourable Deputy Speaker.)

Honourable Deputy Speaker : After this long speech what is left for Mr. Deldar Ahmed to say ?

Mr. A. H. Deldar Ahmed : Sir, I will confine myself to my own amendment. My amendment is a simple, modest and humble amendment.

Mr. Yusuf A. Haroon : As modest as he is !

Mr. A. H. Deldar Ahmed : Sir, in my amendment I have mentioned Foreign Exchange, Negotiable instruments and banking, which I want to be deleted from the Federal List and given to the Provinces.

Honourable Deputy Speaker : Order, please. If it were to stay with the Centre, it will be un-Islamic, but if it goes to the Provinces it becomes Islamic ? Is that the case ?

Mr. A. H. Deldar Ahmed : Sir, he said about the future trading.

Honourable Deputy Speaker : So, only the future trade becomes un-Islamic ?

Mr. A. H. Deldar Ahmed : Yes, Sir. Speculation is not allowed. Sir, item No. 39 in the Provincial List is "Industries," but without Foreign Exchange it is not possible for any Province to develop industries. Sir, we have heard in this House that East Bengal is a poorer part of Pakistan and Mr. Gurmani said that its earning is a small fraction of the total income of the State. If, as they say, Sir, the foreign exchange earned by East Bengal is small, it can very well be given to the province without detriment to the Central Exchequer. The poor people of Bengal can legitimately claim that in order to develop their industries they should be allowed to utilise that portion of their income. There is no reason why this foreign exchange earning of East Bengal should not be given to East Bengal and West Pakistan can have its due share in the Foreign Exchange earnings. Therefore, Sir, there will be no harm in accepting my amendment that this Foreign Exchange should go out of the Federal List. Negotiable instruments is a small thing, and then the State Bank. Sir, there are examples in other countries of the world that different provinces have got State Banks....

Honourable Deputy Speaker : You have not said in your amendment that the State Bank of Pakistan should be omitted.

Mr. Abdus Sattar : Sir, I do not seriously mean it.

Honourable Deputy Speaker : Banking is somewhat different.

Mr. A. H. Deldar Ahmed : Sir, that will bring the State Bank in the Provincial List.

Honourable Deputy Speaker : It will not.

Sheikh Mujibur Rahman (East Bengal : Muslim) : Yes, Sir, it will.

Mr. A. H. Deldar Ahmed : Sir, there are examples in different democratic countries of the world that they have given State Bank....

Honourable Deputy Speaker : Do you envisage that all Banks will belong to the State ? There will be no private enterprise ?

Mr. A. H. Deldar Ahmed : Sir, they will be under the control of the Provincial Government. Banking for the inter-provincial trade should also go to the provinces. But, Sir, if item 5 of the Federal List remains there and if, by virtue of that, Foreign Exchange goes to the Federal List, then no industries can grow in any province. Sir, these are very simple items that we have demanded....

Honourable Deputy Speaker : If they are small items, why are you worrying about them ? Will they grow in stature if they are in the Provincial List ?

Mr. A. H. Deldar Ahmed : Sir, the other side says East Bengal is a poor province and they contribute very small quota to the State revenue. So, I say in view of that, in view of what His Excellency Mr. Gurmani says, if East Bengal contributes small portion, then why are they eager to keep that small portion ? It can go to the province.

So, in that view of the case, as I have stated, we want our foreign exchange and because you have given us industries, it is no use giving us Industries as a provincial subject without foreign exchange.

With these few words, I humbly request the other side to accept this amendment.

Honourable Deputy Speaker : Sardar Amir Azam Khan !

The Honourable Sardar Amir Azam Khan : ¹Sir, certain doubts have been raised by one of our friends regarding the entry about Civil Armed Forces in the Federal List, as they feel that by this entry the Central Government will ultimately take over the East Pakistan Rifles and such other Armed Police Forces as are at present at the disposal of the Province.

Sir, the term "Civil Armed Forces" is used for an entirely different force other than the Border Police or the Police Armed Force as we have got in the shape of E. P. R. in Bengal....

Mr. Zahiruddin : Have you defined the term ?

The Honourable Sardar Amir Azam Khan : ¹and for the information of my friend, I will tell him that at present we have got a large number of Civil Armed Forces which are operating in the Tribal Area of the late North-West Frontier Province and their duty is to guard the border in the Tribal Belt and they are mainly manned by the tribal people. They are known as "Civil Armed Forces" : they are neither Police nor an Army and they have no Police power whatsoever. They are of no use for any other purpose, except to guard the borders on the Tribal Areas, on which a very large amount of money is spent every year by the Central Government, but to remove, Sir, this doubt, we are now proposing to even make another entry in the Provincial List and if

¹ Speech not corrected by the Honourable Member.

[The Honourable Sardar Amir Azam Khan].

my friends will look to amendment No. 30, standing in my name on page 53* they will find that in entry No. 3, where Police has been provided in the Provincial List, after the word "including" the words and comma "armed police" are to be inserted.

Mr. Abul Mansur Ahmad : Armed Police is already there.

The Honourable Sardar Amir Azam Khan : 'That is why I wanted you to make a distinction between the Civil Armed Forces and the Border Police, which is known as E. P. R. in Bengal and known as Border Police in West Pakistan. There is a large number of Border Police which is used to operate in Punjab and Bahawalpur and now it is operating in the province of West Pakistan and it is similar to the E. P. R. So, there is no question of our getting control over E. P. R. or Border Police as has been asserted by our friends and to make it beyond any doubt this new entry is now being made in the provincial list.

Now, Sir, about Industries some statements have been made. It has been said that the item "Industries" has been placed in the provincial list but that all its effects have been taken away by making this entry No. 14 in the federal list. Sir, entry No. 14 deals with only those industries which are owned by the Federation.

Mr. Zahiruddin : Wholly or partly ?

The Honourable Sardar Amir Azam Khan : 'Wholly or partly, but no other industry and as soon as the shares are sold out, the industries will pass under the jurisdiction of the provincial Government. After all, even in the provinces these industries are not owned by the provincial Government and so in the case of the Centre or the Federation all the industries are not owned by the Federation, but at present most of the industries are being controlled by the Central Government and under the new Constitution the control over all those industries, in which the Government of the Federation is not a shareholder, will completely pass into the hands of the provincial Government and they will be about 90 per cent. of the industries. After all, there are industries, such as the steel industry or some other big important industries which cannot be established only by merely private enterprise or in our country as we saw previously there were many profitable industries, but the private capital was not coming forward and many industries were set up by the Central Government by the corporation known as the P. I. D. C. and later on passed on to private enterprise and they are no more the property of the Federation or of the Corporation, but there was a certain term, as has been pointed out by Mr. Zahiruddin and as we had certain doubts about it—No. 14—Industries, owned or set up by the Federation—we thought that in future some advantage might be taken of these words "set up"; so to remove all those doubts now we have moved this amendment—Amendment No. 12*—That for entry No. 14 the following be substituted, namely :

"14. Industries, owned wholly or partially by the Federation, or by a Corporation set up by the Federation."

Sir, we have taken away the words "set up" to assure complete provincial autonomy in the field of industries and I can assure my friends that all these doubts which had been expressed by them are completely unfounded. The Central Government or the Federation will have interest in the factory or industry only to the stage when it is either wholly owner of it or partly owner of it, but as soon as the shares

* In the consolidated final printed List of Amendments received up to 15th February, 1956.—*Ed. of Deb.*

¹ Speech not corrected by the Honourable Member.

are disposed of the control will pass on to the provincial Government. Then Centre will have nothing to do with those industries and those things are being retained only because most of the industries are established by borrowed money, which can be borrowed only by the Central Government from abroad. After all, ours is not a very developed country, not a very rich country, and we are now in the process of development and we will need a lot of money to invest and the Government has been borrowing even in the past and will be borrowing in the future to develop the national wealth of this country. After all, our friends have been demanding that development should be made in the province of East Bengal and it is only to develop that province....

Sheikh Mujibur Rahman: Absolutely nothing has been given to the Province.

The Honourable Sardar Amir Azam Khan: 'The industrial resources that the Cenetral Government will have will come forward and help the development of those industries and as soon as those industries will be developed they will be passed into the private hands. The Central Government will come out and they will pass on to the jurisdiction of the Provincial Government.

Mr. Zahiruddin: What a renunciation, sublime !

The Honourable Sardar Amir Azam Khan: 'Moreover, you will find in the provision (206) which deals with the National Economic Council, that it has been provided that the development of every part of the country will be on a uniform basis and uniform standards will be attained in the economic development of all parts of Pakistan. They expressed their doubts and said : "Well, if the Federation will establish industries, they will have some share and will have to control," but, Sir, whenever Federation will establish an industry, it will have to be established either in the province of East Pakistan or in West Pakistan, but our friends like that no industry should be established by the Federal Government in East Pakistan and all the industries should be established in West Pakistan, because they fear that by establishing industries in East Pakistan, they will interfere into the fields of provincial autonomy. No person in East Pakistan will ever talk in these terms. I think, Sir, these were the only two important points which were raised by our friends. Several other points raised by them were mere repetitions of all those arguments which they have been repeating for the last one month. I need not go into them. With these words I commend all the amendments which have been moved by our side for the acceptance of the House.

Honourable Deputy Speaker: They want to be given an assurance that you will not interfere with the manufacture of "cosmetics".

The Honourable Mr. Abdul Latif Biswas (East Bengal : Muslim) : Cosmetics for whom ?

Sheikh Mujibur Rahman: For the Ministers.

The Honourable Sardar Amir Azam Khan: 'Sir, the number of amendments on the Federal List is very large. Sir, it would be very convenient if you indicate the number of amendments in case you do not read out every amendment.

Honourable Deputy Speaker: Yes. In that case Honourable Members will please pay attention.

[Honourable Deputy Speaker]

The question is :

"That in the entry No. 1 of the Federal List under the Fifth Schedule to the Bill, the words 'including civil armed forces' occurring in the seventh line and the words 'Industries connected with defence; nuclear energy and mineral resources necessary for its production' occurring in the ninth and tenth lines be omitted."

The motion was negatived.

Honourable Deputy Speaker : The question is :

"That in the entry No. 2 of Federal List under the Fifth Schedule to the Bill, the words 'consular and trade representation' occurring in the third line be omitted."

The motion was negatived.

Honourable Deputy Speaker : The question is :

"That in the last paragraph of entry No. 2 of the Fifth Schedule to the Bill, for the words 'such other certificates' the words 'other such certificates' be substituted."

The motion was adopted.

Honourable Deputy Speaker : The question is :

"That the entry Nos. 3, 4, 7 to 15, 18, 19, 21 and 25 to 29 of the Federal List under the Fifth Schedule to the Bill be omitted."

The motion was negatived.

Honourable Deputy Speaker : The question is :

"That in the entry No. 5 of the Federal List under the Fifth Schedule to the Bill, the words 'Foreign Exchange, Negotiable instruments, banking (excluding co-operative banking) with objects and business not confined to one province' occurring in the first, second and third lines be omitted."

The motion was negatived.

Honourable Deputy Speaker : The question is :

"That in the entry No. 7 of the Fifth Schedule to the Bill, for the words 'future' the words 'futures markets' be substituted."

The motion was adopted.

Honourable Deputy Speaker : The question is :

"That in the entry No. 8 of the Fifth Schedule to the Bill, for the words and commas ', universities, municipal' the words and commas ', universities, or municipal' be substituted."

The motion was adopted.

Honourable Deputy Speaker : The question is :

"That in the entry No. 11 of the Fifth Schedule to the Bill, for the word 'aircrafts' the word 'aircraft' be substituted."

The motion was adopted.

Honourable Deputy Speaker : The question is :

"That for the entry No. 14 of the Fifth Schedule to the Bill, the following be substituted, namely :

' 14. Industries, owned wholly or partially by the Federation, or by a Corporation set up by the Federation '."

The motion was adopted.

Honourable Deputy Speaker : The question is :

"That in the entry No. 17 of the Fifth Schedule to the Bill, the word 'the' be inserted before the words 'National Assembly'."

The motion was adopted.

Honourable Deputy Speaker : The question is :

"That in the entry No. 17 of the Federal List under the Fifth Schedule to the Bill, the words 'to the Provincial Assemblies' occurring in the first line be omitted."

The motion was negatived.

Honourable Deputy Speaker : The question is :

"That in the Fifth Schedule to the Bill, in entry No. 18 of the Federal List, the words 'Measures to combat corruption' be omitted."

The motion was adopted.

Honourable Deputy Speaker : The question is :

"That for the entry No. 21 of the Fifth Schedule to the Bill, the following be substituted, namely :

'21. Federal agencies and Federal institutions for the promotion of special studies and special research ; libraries and museums financed by the Federation '."

The motion was adopted.

Honourable Deputy Speaker : The question is :

"That in the entry No. 22 of the Fifth Schedule to the Bill, before the words 'Federal Public Service Commission' the word 'the' be inserted."

The motion was adopted.

Honourable Deputy Speaker : The question is :

"That in the entry No. 23 of the Fifth Schedule to the Bill, for the words 'salaries and allowances' wherever they occur, the word 'remuneration' be substituted and before the word 'President' the word 'the' be inserted."

The motion was adopted.

Honourable Deputy Speaker : The question is :

"That after the entry No. 23 of the Fifth Schedule to the Bill, the following new entry be inserted, namely :

'23A. Privileges and immunities of the President and Governors ;'."

The motion was adopted.

Honourable Deputy Speaker : The question is :

"That in the entry No. 25 of the Fifth Schedule to the Bill, before the words 'capital value' occurring in the fifth line, the word 'the' be inserted and the word and comma 'railway,' occurring in the eighth line, be omitted."

The motion was adopted.

Honourable Deputy Speaker : The question is :

"That in the entry No. 28 of the Fifth Schedule to the Bill, the word 'the' be inserted before the words 'Supreme Court'."

The motion was adopted.

Honourable Deputy Speaker : The question is :

"That the Federal List of the Fifth Schedule, as amended, stand part of the Bill."

I think the Ayes have it.

Honourable Members on the Opposition Benches : The Noes have it.

Honourable Deputy Speaker : Division. The question is :

" That the Federal List of the Fifth Schedule, as amended, stand part of the Bill."

I think the Ayes have it.

Honourable Members of the Opposition : The Noes have it.

Honourable Deputy Speaker : Ayes to my right ; Noes to my left. Divide.

AYES—33

Mr. Abdul Aleem.
Mr. Abdul Karim.
The Honourable Mr. Abdul Latif Biswas.
Mr. Abdus Sattar.
Mr. Adeluddin Ahmad.
The Honourable Mr. Akshay Kumar Das.
Mr. Fazlur Rahman.
The Honourable Mr. Hamidul Huq Choudhury.
The Honourable Mr. Kamini Kumar Dutta.
The Honourable Mr. Lutfur Rahman Khan.
Syed Mahfuzul Huq.
The Honourable Mohd. Nurul Huq Choudhury.
Chaudhry Abdul Ghani Ghuman.
Soofi Abdul Hamid Khan.
The Honourable Sardar Amir Azam Khan.
Malik Amir Mohammad Khan.

Chaudhri Aziz Din.
Chaudhry Muhammad Hussain Chatha.
The Honourable Mian Mumtaz Muhammad Khan Daultana.
Syed Mohyuddin Lal Badshah.
Sardar Abdur Rashid Khan.
Mian Jaffer Shah.
Khan Mohammad Jalaluddin Khan.
The Honourable Mr. M. R. Kayani.
The Honourable Pir Ali Mohammad Rashdi.
Mir Ghulam Ali Khan Talpur.
The Honourable Mr. M. A. Khuhro.
Mr. Siroomal KirpalDas.
Mr. Yusuf A. Haroon.
Mirza Mumtaz Hassan Kizilbash.
Major-General M. A. H. Jahan Zeb.
Malik Jehangir Khan Madda Khel Wazir.
K. B. Haji Malik Mehruil Khan Mahsud.

NOES—18

Mr. Muhammad Abdul Khaleque.
Mr. Abdur Rahman Khan.
Moulana Abdur Rashid Tarkabagish.
Mr. Abul Mansur Ahmad.
Mr. Ataur Rahman Khan.
The Honourable Mr. Basanta Kumar Das.
Mr. Bhupendra Kumar Dutta.
Mr. Canteswar Barman.
Mr. A. H. Deldar Ahmed.

Mr. Mahmud Ali.
Mr. Moslem Ali Molla.
Sheikh Mujibur Rahman.
Mr. Muzaffar Ahmad.
Mr. Nurur Rahman.
Mr. Peter Paul Gomez.
Dr. S. K. Sen.
Mr. H. S. Suhrawardy.
Mr. Zahiruddin.

Honourable Deputy Speaker : Order, order. The House has divided : Ayes 33 ; Noes 18.

The motion was adopted.

The Federal List of the Fifth Schedule, as amended, was added to the Bill.

Mr. Abul Mansur Ahmad : Sir, I beg to move :

“That for entries Nos. 1 to 22 of the Concurrent List under the Fifth Schedule to the Bill, the following be substituted, namely :

‘Any subject agreed upon between a province and the Federation by Law passed by the Provincial Legislature concerned and the National Assembly’.”

Honourable Deputy Speaker : Will you please tell me whether your amendment is in order ?

Mr. Abul Mansur Ahmad : The only thing that we have decided in clause 103 is :

“Notwithstanding anything in clause (3) the Parliament shall have power to make laws with respect to any of the matters enumerated in the Concurrent List.”

Now, Sir, my amendment does not militate against sub-clause (2) of clause 103. I have provided that any matter which will be decided upon by the Provincial Legislature and the National Assembly will form the Concurrent List. It does not go against the provision that we have already made.

Honourable Deputy Speaker : I am afraid your amendment is out of order.

Mr. Abul Mansur Ahmad : Is that your ruling ?

Honourable Deputy Speaker : Yes.

Mr. Abul Mansur Ahmad : I was submitting that the word “enumerated” in the Concurrent List does not mean that you cannot provide for any other list, in the Draft Bill. It cannot be said that I cannot change the form of the Concurrent List.

Honourable Deputy Speaker : Read sub-clause (1) of section 103 which says :

“Notwithstanding anything in the two next succeeding clauses.”

Mr. Abul Mansur Ahmad : In the next two succeeding clauses, the Parliament shall have exclusive power to make laws with respect to any of the matters enumerated in the Federal List. We have disposed it of. Now the question remains what will be the subjects....

Honourable Deputy Speaker : Now that we have adopted Federal List.

Mr. Abul Mansur Ahmad : Sir, I do not say in my amendment : “including those already included in the Federal List.”

Honourable Deputy Speaker : You do say “any subjects agreed upon”, that means every subject.

Mr. Abul Mansur Ahmad : No, Sir.

Honourable Deputy Speaker : “Any subject” means “every subject”.

Mr. Abul Mansur Ahmad : No, Sir.

Honourable Deputy Speaker : Yes.

Mr. Abul Mansur Ahmad : “Any” will be governed by the list we have already provided.

Honourable Deputy Speaker : If you accept that, it is all right.

Mr. Abul Mansur Ahmad : It is not necessary that the subsequent clauses....

Honourable Deputy Speaker : But you have not used the word "Except, etc."

Mr. Abul Mansur Ahmad : No need to say that, Sir.

Honourable Deputy Speaker : Why not ?

Mr. Abul Mansur Ahmad : Because we have provided in the Federal List that these will be the exclusive concern of the Centre.

Honourable Deputy Speaker : That is the restriction....

Mr. Abul Mansur Ahmad : That goes without saying that the matters which are for the exclusive legislation of the National Assembly cannot be included into any other list. "Any subject" means entirely other than those included in the Federal List.

Mr. Zahiruddin : Sir, there is no quorum.

The Honourable Mr. Lutfur Rahman Khan (East Pakistan : Muslim) : Sir, it is dinner time.

Honourable Deputy Speaker : Ring the Bell.

(The Bell was then rung. The quorum was completed.)

Mr. Yusuf A. Haroon : Sir, may I submit that it was decided when His Excellency Mr. Gurmani was in the Chair that at dinner time between 8 and 9, nobody will ask, neither the Opposition nor we on this side, for a quorum....

Honourable Deputy Speaker : I cannot be a party to such a decision.

Mr. Yusuf A. Haroon : That was the decision....

Honourable Deputy Speaker : There can be no understanding in direct contravention of the Rules of Procedure of this House. It is an indignity to the House ; I am sorry that such an arrangement was ever thought of. Why did you not move a straightforward amendment asking for an adjournment for fifteen minutes ?

Mr. Yusuf A. Haroon : Sir, it is the practice in the House of Commons.

Honourable Deputy Speaker : This is an indignity to the House.

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Honourable Deputy Speaker : Mr. Abul Mansur ! you may move your amendment.

Mr. Abul Mansur Ahmad : Sir, I beg to move :

"That for entries Nos. 1 to 22 of the Concurrent List under the Fifth Schedule to the Bill, the following be substituted, namely :

'Any subject agreed upon between a Province and the Federation by law passed by the Provincial Legislature concerned and the National Assembly'."

¹ Expunged under orders of the House, vide page 3215 in the C. A. P. Debates, dated the 17th February, 1956.—Ed. of Deb.

Honourable Deputy Speaker : Motion moved :

"That for entries Nos. 1 to 22 of the Concurrent List under the Fifth Schedule to the Bill, the following be substituted, namely :

' Any subject agreed upon between a province and the Federation by Law passed by the Provincial Legislature concerned and the National Assembly '."

M. Zahiruddin : Sir, with your permission, I beg to move :

"That for the Concurrent List under the Fifth Schedule to the Bill, the following be substituted, namely :

' Any subject or subjects desired by a Provincial Legislature by a resolution and approved by the National Assembly '."

Honourable Deputy Speaker : Motion moved :

"That for the Concurrent List under the Fifth Schedule to the Bill, the following be substituted, namely :

' Any subject or subjects desired by a Provincial Legislature by a resolution and approved by the National Assembly '."

The Honourable Sardar Amir Azam Khan : Sir, I beg to move :

"That in the entry No. 1 of the Concurrent List under the Fifth Schedule to the Bill, the word 'the' be inserted after the word 'including' occurring in the first line, for the 'minor' occurring in the second line, the word 'minors' be substituted, that for the word 'Trust' occurring in the penultimate line the word 'Trusts' be substituted, and that the words 'Lunacy', 'Administrator General' and 'Zakat' be omitted."

Honourable Deputy Speaker : Motion moved :

"That in the entry No. 1 of the Concurrent List under the Fifth Schedule to the Bill, the word 'the' be inserted after the word 'including' occurring in the first line, for the 'minor' occurring in the second line, the word 'minors' be substituted, that for the word 'Trust' occurring in the penultimate line the word 'Trusts' be substituted, and that the words 'Lunacy', 'Administrator General' and 'Zakat' be omitted."

The Honourable Sardar Amir Azam Khan : Sir, I beg to move :

"That the entries Nos. 5, 7, 9 and 13 of the Concurrent List under the Fifth Schedule to the Bill, be omitted."

Honourable Deputy Speaker : Motion moved :

"That the entries Nos. 5, 7, 9 and 13 of the Concurrent List under the Fifth Schedule to the Bill, be omitted."

The Honourable Sardar Amir Azam Khan : Sir, I beg to move :

"That for the entry No. 14 of the Concurrent List under the Fifth Schedule to the Bill, the following be substituted, namely :

' 14. Inter-provincial migration and quarantine '."

Honourable Deputy Speaker : Motion moved :

"That for the entry No. 14 of the Concurrent List under the Fifth Schedule to the Bill, the following be substituted, namely :

' 14. Inter-provincial migration and quarantine '."

The Honourable Sardar Amir Azam Khan : Sir, there is one more amendment in my name. May I move that amendment with your permission, Sir ?

Honourable Deputy Speaker : Yes, you may.

The Honourable Sardar Amir Azam Khan : Sir, I beg to move :

"That in the Fifth Schedule to the Bill, in entry No. 18 of the Federal List, the words 'Measures to combat corruption' be omitted."

Honourable Deputy Speaker : Motion moved :

"That in the Fifth Schedule to the Bill, in entry No. 18 of the Federal List, the words 'Measures to combat corruption' be omitted."

Mr. Abul Mansur Ahmad : Mr. Deputy Speaker. Sir, the amendment that I have moved is based upon the idea of a Federation. In all Federal Constitutions, the subjects are divided, between the federating units and the Federation and it is so clearly and definitely divided that ordinarily there cannot be any confusion and misunderstanding as to the respective jurisdiction, I mean, respective jurisdictions of the two Governments; the Unit Governments and the Federal Government. Now, Sir, taking the very best and the finest example of Federation, which the Constitution of U.S.A. is, you will find that the subjects are clearly and definitely enumerated in the Federal List and those subjects are small in number and clearly defined. Beyond that list, Federation has got nothing to do. Now, Sir, instead of doing that, unfortunately in spite of and in the teeth of opposition from our side, provision has been made for three lists; one is the Federal List, another is the Provincial List and there is also a provision for another list which is the Concurrent List. The House has adopted the principle in clause 103 for deciding what should comprise the Concurrent List. Now, Sir, their respective spheres should be clearly understood and there should not be any misunderstanding between the Unit Governments and the Federal Government about their respective jurisdiction. Federation is based upon voluntary association by the federating units. If there is any room for doubt left in the Constitution about their respective jurisdiction, there will be no end of quarrel between the Unit Governments and the Federal Government. We have of course provided by clause 125 that all disputes between the Federating units and the Federation will be decided by an arbitrator appointed by the Chief Justice of Pakistan. Now, Sir, there is no doubt these will be all civil disputes and decided in a civil manner. But if there are repeated misunderstandings between the Federating Units and the Federal Government, there cannot be any smooth and peaceful working of the Federal structure. Therefore, Sir, in the Constitution, everything must be so definitely provided that there cannot be any misunderstanding between the Federating Units *inter se* or between the Federating Units and the Federation. Therefore, Sir, I have suggested that it should not be provided that there should be heaps of subjects in the Concurrent List on which there may be constant quarrels between the federating units and the Federation; one legislating upon one subject, another legislating upon the same subject and there will always be quarrels. We have provided that if there is a prior legislation by the federating units and if it has been reserved for the assent of the President and if the President has given his assent, even if it is a provincial legislation, it will prevail upon the Central legislation. Why, Sir, should we put our national Assembly to such a position? Therefore, Sir, there should be clearly defined spheres of activities; Units must know that this is their jurisdiction, beyond that they cannot go; Federation should know that this is his jurisdiction, beyond that he cannot go. This is not derogatory to the supremacy and sovereignty of the Federation. Even in case of joint families, duties and functions of *pater familias* are defined. Fathers know what is their duty. If the father distributes duties of the family members amongst his sons and daughters and if the sons and daughters perform their duties within their respective spheres, it is presumed that this has been done under the authority of the father. Father should not encroach upon the son's duty and take away the duty which is

[Mr. Abul Mansur Ahmad]

his son's. If that is done no peaceful family can be maintained. Likewise the Federal Government is a family and a family like, if I am permitted to use the word, the joint family system. In a Hindu joint family, all members of the family by their birth become inheritors or successors of the State. But they perform their duty under the *pater familia*,—that is the father—on the head of the family. Now, Sir, in a better Federal structure.....

Honourable Deputy Speaker : Your time is up.

Mr. Abul Mansur Ahmad : I am just winding up. So, Sir, in a Federal structure as I was going to submit, there should be clearly defined jurisdiction. Therefore I submit that when a Province decides that in a certain sphere although it is within the Provincial jurisdiction, it must seek the help of the Federation and it passes a resolution to that effect and the National Assembly agrees to it then there is the concurrent list. In this amendment it has been clearly visualised that there will always be agreement between the Federating units and the Federation so far as the concurrent list is concerned. If you do not do that and if we retain these general powers contained in this concurrent list without defining Part I and Part II there will be constant troubles. This Part I and Part II are in the Government of India Act, 1935, in which it has been provided that the matters contained in Part I will have certain character and the matter contained in Part II will have another character. The framers of this draft have copied the concurrent list from the Government of India Act, 1935, defining the distinction between Part I and II. That is how the present Draftsman has failed to perform his duty. I submit, Sir, that this concurrent list is a jumbled up list without giving any consideration whatsoever to the subjects mentioned therein. They have dealt with these subjects like a hungry man trying to swallow everything before him without having regard to the capacity of his belly or throat. That is how this list has been prepared. Therefore, I would request the House that this should not be accepted and instead my amendment should be accepted by the House. With these few words, Sir, I commend my amendment for the acceptance of the House.

Mr. Zahiruddin : Mr. Deputy Speaker. Sir, the principle of Federation has been accepted by this House. But, Sir, Federation as understood in modern political science upon which the modern Federations are based is and there is very definite opinion that there should be clear division of power between the Federation and the Federating Units. Sir, for the success of a Federation, clarity in division of powers is absolutely essential. We have, Sir, noticed today that so far as the Federal list is concerned, majority of the members from Bengal present in the House have voted against it because, Sir, the Federal List has encroached upon the provincial autonomy. Now, Sir, we are faced with Concurrent List. If you see the Concurrent List, our fears which we had when we debated the Federal List are confirmed. The Concurrent List has been placed in the Constitution in a manner which will really mean that the matters placed in the Concurrent List are really Federal subjects. Sir, while debating on the various sections of the Constitution, we made a pointed reference to the fact that the inroads that have been made on provincial autonomy and the different clauses that have been provided wherein the Central will always be having supreme or *veto* powers *vis-a-vis* the Concurrent List, ultimately means that the Concurrent List is a Federal subject. In my opinion, Sir, the whole of the Concurrent List in view of the sections that have been adopted should be ruled out of order because, Sir, there as a matter of

[Mr. Zahiruddin]

fact we have grabbed practically all powers from the Federation. If, Sir, this is the position, my submission is that the House must realise and time has come for it to realise that this Concurrent List is not acceptable to the other side of the country in view of the fact that we have already provided sufficient subjects for the Federal List. Any more addition through this backdoor method through the Concurrent List will never be acceptable to it. Sir, if the Concurrent List, as it is, is accepted, we find that 22 subjects have been provided in it and according to the clauses which we have already adopted if Province makes any law on those subjects and there is another law passed by the Federation the same subject, the law passed by the Federation will prevail. If this is the position, then the ultimate meaning of this particular part of our Constitution that is the Concurrent List in the Fifth Schedule are Federal subjects. Now, Sir, if in reality and in substance, they are Federal subjects, then they have no place in the Concurrent List. My submission is that we have had meant the Concurrent List to be there and if we had given real power to the Provinces to legislate upon this Concurrent List, then there would have been some meaning in having three division list powers. Sir, we have, therefore, suggested in our amendments and I have suggested on behalf of my Party that the Concurrent List be made so that it may have an agreement of the Centre and the Provinces for having any subject in the Concurrent List. Sir, if we take the approval of Provinces on any subject of the Concurrent List, then any legislation by the Central Government will never come in conflict with any legislation made by the Provincial Legislature. Hence our amendments, Sir, are in conformity with the idea of regional autonomy and they are also in conformity with the modern concept of Federation, wherein powers are clearly defined between the Federation and the Units and Federal List is as a matter of fact a real Federal List wherein there can be no addition either in the shape of something snatched from the Concurrent List or something snatched from the Provincial List. Sir, with these few words, I would request the Members of this House to pay attention to this because, Sir, the feeling in this country that has been properly reflected tonight in the clear rejection by majority members of East Bengal on the idea of having a Federal List—though, of course, we have been defeated by the overall majority and we accepted the decision as it has been taken, but yet there is time to modify and rectify the mistakes that we have committed and that can be done by at least eliminating the Concurrent List and by accepting our amendments. With these few words, Sir, I commend my amendment to the acceptance of the House.

The Honourable Sardar Amir Azam Khan : Sir, I do not intend to make any speech on this.

Honourable Deputy Speaker : The question is :

"That for entries Nos. 1 to 22 of the Concurrent List under the Fifth Schedule to the Bill, the following be substituted :

'Any subject agreed upon between a province and the Federation by law passed by the Provincial Legislature concerned and the National Assembly'."

The motion was negatived.

Honourable Deputy Speaker : The question is :

"That for the Concurrent List under the Fifth Schedule to the Bill, the following be substituted, namely :

'Any subject or subjects desired by a Provincial Legislature by a resolution and approved by the National Assembly'."

The motion was negatived.

Honourable Deputy Speaker: The question is :

"That in the entry No. 1 of the Concurrent List under the Fifth Schedule to the Bill, the word 'the' be inserted after the word 'including' occurring in the first line; for the word 'minor' occurring in the second line, the word 'minors' be substituted; that for the word 'Trust' occurring in the penultimate line, the word 'Trusts' be substituted, and that the words 'lunacy', 'Administrator General' and 'Zakat' be omitted."

The motion was adopted.

Honourable Deputy Speaker: The question is :

"That the entries Nos. 5, 7, 9 and 13 of the Concurrent List under the Fifth Schedule to the Bill be omitted."

The motion was adopted.

Honourable Deputy Speaker: The question is :

"That for the entry No. 14 of the Concurrent List under the Fifth Schedule to the Bill, the following be substituted, namely :

'14. Inter-Provincial migration and quarantine'."

The motion was adopted.

Honourable Deputy Speaker: The question is :

"That in the Fifth Schedule to the Bill, after entry No. 6 under Part II of the Concurrent List, the following new entry be inserted, namely :

'6A. Measures to combat corruption'."

The motion was adopted.

Honourable Deputy Speaker: The question is :

"That Concurrent List of the Fifth Schedule, as amended, stand part of the Bill."

The motion was adopted.

The Concurrent List of the Fifth Schedule, as amended, was added to the Bill.

Honourable Deputy Speaker: Now the Provincial List. Yes, Mr. Abul Mansur Ahmad.

Mr. Zahiruddin: Sir, I will move this amendment.

Mr. Abdus Sattar: Sir, this is out of order.

Sheikh Mujibur Rahman: Let the Chair decide it.

Mr. Abdus Sattar: We can raise a point of order.

Honourable Deputy Speaker: Yes, you can raise a point of order.

Mr. Abdus Sattar: Sir, the Federal List and the Concurrent List having been adopted, this amendment and the next amendment both are out of order, because if these are now adopted, they will come in conflict with the decisions already arrived at by the House.

Honourable Deputy Speaker: Quite correct.

Honourable Deputy Speaker: The Honourable Sardar Amir Azam Khan!

(At this stage Honourable Deputy Speaker vacated the Chair, which was then occupied by the Honourable Member, Mr. Abdus Sattar, a Member on the Panel of Chairmen.)

The Honourable Sardar Amir Azam Khan : Sir, I beg to move :

"That in the entry No. 3 of the Provincial List under the Fifth Schedule to the Bill, after the word 'including' the words and comma 'armed police,' be inserted."

Mr. Chairman (Mr. Abdus Sattar) : Motion moved :

"That in the entry No. 3 of the Provincial List under the Fifth Schedule to the Bill, after the word 'including' the words and comma 'armed police,' be inserted."

The Honourable Sardar Amir Azam Khan : Sir, there is a slight change in this amendment. I want to omit some words. I will move it in an amendment form.

Mr. Chairman (Mr. Abdus Sattar) : Yes, please move it.

The Honourable Sardar Amir Azam Khan : Sir, I beg to move :

"That in the Fifth Schedule to the Bill, for entry No. 5 in the Provincial List, the following be substituted, namely :

'5. Preventive detention for reasons connected with the maintenance of public order; persons subjected to such detention'."

Mr. Chairman (Mr. Abdus Sattar) : Do you want to add "and" before the word "persons" there ?

The Honourable Sardar Amir Azam Khan : No, Sir. The semi-colon will be there.

Mr. Chairman (Mr. Abdus Sattar) : All right. Motion moved :

"That in the Fifth Schedule to the Bill, for entry No. 5 in the Provincial List, the following be substituted, namely :

'5. Preventive detention for reasons connected with the maintenance of public order; persons subjected to such detention'."

The Honourable Sardar Amir Azam Khan : Now, the rest are all my amendments. I will move all of them.

Mr. Chairman (Mr. Abdus Sattar) : Yes, please move them all and then I will put all of them to the House.

The Honourable Sardar Amir Azam Khan : Sir, I beg to move :

"That in the entry No. 9 of the Provincial List under the Fifth Schedule to the Bill, the word 'the' be inserted before the word 'relation' occurring in the second line."

Sir, I beg to move :

"That in the entry No. 29 of the Provincial List under the Fifth Schedule to the Bill, for the words 'not being corporations specified in Federal List or universities', the words and comma ', subject to Federal List' be substituted."

Sir, I beg to move :

"That after entry No. 24 of the Provincial List under the Fifth Schedule to the Bill, the following new entry be inserted, namely :

'24A. Sanctioning of cinematograph films for exhibition'."

Sir, I beg to move :

"That the entry No. 29 of the Provincial List under the Fifth Schedule to the Bill be omitted."

Sir, I beg to move :

"That after the entry No. 39 of the Provincial List under the Fifth Schedule to the Bill, the following new entry be inserted, namely :

'39A. Factories and Boilers'."

Sir, I beg to move :

"That in the entry No. 42 of the Provincial List under the Fifth Schedule to the Bill, the word ' manufacture ' be inserted after the word ' production '."

Sir, I beg to move :

"That the entry No. 43 of the Provincial List under the Fifth Schedule to the Bill be omitted."

Sir, I beg to move :

"That after the entry No. 62 of the Provincial List under the Fifth Schedule to the Bill, the following new entries be inserted, namely :

'62A. Administrator-General.

62B. Zakat.

62C. Charities and charitable institutions ; charitable and religious endowments.

62D. Lunacy'."

Sir, I beg to move :

"That in the entry No. 63 of the Provincial List under the Fifth Schedule to the Bill, the word ' the ' be inserted before the words ' Advocate General '."

Sir, I beg to move :

"That for the entry No. 67 of the Provincial List under the Fifth Schedule to the Bill, the following be substituted, namely :

'67. Taxes on agricultural income and on the capital value of agricultural land'."

Sir, I beg to move :

"That after the entry No. 68 of the Provincial List under the Fifth Schedule to the Bill, the following new entry be inserted, namely :

68....

Mr. A. H. Deldar Ahmed : On a point of order, Sir. If this amendment is accepted as it is, then there will be two entries for 68.

The Honourable Sardar Amir Azam Khan : Sir, he is right. It should be 68A. Now I will move the amendment.

Sir, I beg to move :

"That after the entry No. 68 of the Provincial List under the Fifth Schedule to the Bill, the following new entry be inserted, namely :

'68A. Stamp duty including stamp duty on negotiable instruments and insurance policies'."

Sir, I beg to move :

"That after the entry No. 83 of the Provincial List under the Fifth Schedule to the Bill, the following new entry be inserted, namely :

'83A. Terminal taxes on goods or passengers carried by railway'."

Sir, I beg to move :

"That after entry No. 87 in the Provincial List of the Fifth Schedule to the Bill, the following new entry be added, namely :

'87A. Inquiries and statistics for the purpose of any of the matters in this List'."

Mr. Chairman (Mr. Abdus Sattar) : Now, let me put the amendments.

Mr. A. H. Deldar Ahmed : Sir, I want to speak on one of the amendments.

Mr. Chairman (Mr. Abdus Sattar) : Let me move the amendments first and then I will give you a chance to speak :

Motion moved :

"That in the entry No. 8 of the Provincial List under the Fifth Schedule to the Bill, the word 'the' be inserted before the word 'relation' occurring in the second line."

Motion moved :

"That in the entry No. 9 of the Provincial List under the Fifth Schedule to the Bill, for the words 'not being corporations specified in Federal List or universities', the words and comma ', subject to Federal List' be substituted."

Motion moved :

"That after entry No. 24 of the Provincial List under the Fifth Schedule to the Bill, the following new entry be inserted, namely :

'24A. Sanctioning of cinematograph films for exhibition'."

Motion moved :

"That the entry No. 29 of the Provincial List under the Fifth Schedule to the Bill be omitted."

Motion moved :

"That after the entry No. 39 of the Provincial List under the Fifth Schedule to the Bill, the word 'manufacture' be inserted after the word 'production'."

'39A. Factories and Boilers'."

Motion moved :

"That in the entry No. 42 of the Provincial List under the Fifth Schedule to the Bill, the word 'manufacture' be inserted after the word 'production'."

Motion moved :

"That the entry No. 43 of the Provincial List under the Fifth Schedule to the Bill be omitted."

Motion moved :

"That after the entry No. 62 of the Provincial List under the Fifth Schedule to the Bill, the following new entries be inserted, namely :

'62A. Administrator-General.

62B. Zakat.

62C. Charities and charitable institutions ; charitable and religious endowments.

62D. Lunacy'."

Motion moved :

"That in the entry No. 63 of the Provincial List under the Fifth Schedule to the Bill, the word 'the' be inserted before the words 'Advocate General'."

Motion moved :

"That for the entry No. 67 of the Provincial List under the Fifth Schedule to the Bill, the following be substituted, namely :

'67. Taxes on agricultural income and on the capital value of agricultural land'."

Motion moved :

"That after the entry No. 68 of the Provincial List under the Fifth Schedule to the Bill, the following new entry be inserted, namely :

'68A. Stamp duty including stamp duty on negotiable instruments and insurance policies'."

Motion moved :

"That after the entry No. 83 of the Provincial List under the Fifth Schedule to the Bill, the following new entry be inserted, namely :

'83A. Terminal taxes on goods or passengers carried by railway'."

Motion moved :

"That after entry No. 87 in the Provincial List of the Fifth Schedule to the Bill, the following new entry be added, namely :

'87A. Inquiries and statistics for the purpose of any of the matters in this List'."

Yes, Mr. Deldar Ahmed ! you may speak now.

Mr. A. H. Deldar Ahmed : Sir, I want to point out that an amendment moved by Honourable Sardar Amir 'Azam Khan, proposes to omit entry No. 29 of the Provincial List in the Fifth Schedule. Sir, this entry No. 29 is in respect of "shipping and navigation on inland waterways"...

The Honourable Sardar Amir Azam Khan : Sir, may I point out one thing to him ? If you look to the Bill and the entry, I will explain it to you right now. Would you please take the Bill ?

Mr. A. H. Deldar Ahmed : Yes, I have got the Bill.

The Honourable Sardar Amir Azam Khan : If you look to entry No. 28 you will find "inland waterways and traffic thereon" included there and you will find "Shipping and navigation on tidal waters" under entry No. 30, so that to have item No. 29 - "Shipping and navigation on inland waterways" did not appear necessary and that is why I have asked for entry No. 29 to be omitted.

Mr. Chairman (Mr. Abdus Sattar) : If you read entries 28 and 30 together you will find that 29 is included in that.

The Honourable Sardar Amir Azam Khan : Everything has been covered.

Mr. Chairman (Mr. Abdus Sattar) : Is that all right, Mr. Deldar Ahmed ?

Mr. A. H. Deldar Ahmed : Yes.

Mr. Chairman (Mr. Abdus Sattar) : So I can put the amendments now.

The question is :

"That in the entry No. 3 of the Provincial List under the Fifth Schedule to the Bill, after the word 'including' the words and comma 'armed police,' be inserted."

The motion was adopted.

Mr. Chairman (Mr. Abdus Sattar) : The question is :

"That in the Fifth Schedule to the Bill, for entry No. 5 in the Provincial List, the following be substituted, namely :

'5. Preventive detention for reasons connected with the maintenance of public order ; persons subjected to such detention'."

The motion was adopted.

Mr. Chairman (Mr. Abdus Sattar) : The question is :

"That in the entry No. 8 of the Provincial List under the Fifth Schedule to the Bill, the word 'the' be inserted before the word 'relation' occurring in the second line."

The motion was adopted.

Mr. Chairman (Mr. Abdus Sattar) : The question is :

"That in the entry No. 9 of the Provincial List under the Fifth Schedule to the Bill, for the words 'not being corporations specified in Federal List or universities', the words and comma "subject to Federal List" be substituted."

The motion was adopted.

Mr. Chairman (Mr. Abdus Sattar) : The question is :

"That after entry No. 24 of the Provincial List under the Fifth Schedule to the Bill, the following new entry be inserted, namely :

'24A. Sanctioning of cinematograph films for exhibition'."

The motion was adopted.

Mr. Chairman (Mr. Abdus Sattar) : The question is :

"That the entry No. 29 of the Provincial List under the Fifth Schedule to the Bill be omitted."

The motion was adopted.

Mr. Chairman (Mr. Abdus Sattar) : The question is :

"That after the entry No. 39 of the Provincial List, under the Fifth Schedule to the Bill, the following new entry be inserted, namely :

'39A. Factories and Boilers'."

The motion was adopted.

Mr. Chairman (Mr. Abdus Sattar) : The question is :

"That in the entry No. 42 of the Provincial List under the Fifth Schedule to the Bill, the word 'manufacture' be inserted after the word 'production'."

The motion was adopted.

Mr. Chairman (Mr. Abdus Sattar) : The question is :

"That the entry No. 43 of the Provincial List under the Fifth Schedule to the Bill be omitted."

The motion was adopted.

Mr. Chairman (Mr. Abdus Sattar) : The question is :

"That after the entry No. 62 of the Provincial List under the Fifth Schedule to the Bill, the following new entries be inserted, namely :

'62A. Administrator-General.

62B. Zakat.

62C. Charities and charitable institutions ; charitable and religious endowments.

62D. Lunacy'."

The motion was adopted.

Mr. Chairman (Mr. Abdus Sattar) : The question is :

"That in the entry No. 63 of the Provincial List under the Fifth Schedule to the Bill, the word 'the' be inserted before the words 'Advocate-General'."

The motion was adopted.

Mr. Chairman (Mr. Abdus Sattar) : The question is :

"That for the entry No. 67 of the Provincial List under the Fifth Schedule to the Bill, the following be substituted, namely :

'67. Taxes on agricultural income and on the capital value of agricultural land'."

The motion was adopted.

Mr. Chairman (Mr. Abdus Sattar) : The question is :

"That after the entry No. 68 of the Provincial List under the Fifth Schedule to the Bill, the following new entry be inserted, namely :

'68A. Stamp duty including stamp duty on negotiable instruments and insurance policies'."

The motion was adopted.

Mr. Chairman (Mr. Abdus Sattar) : The question is :

"That after the entry No. 83 of the Provincial List under the Fifth Schedule to the Bill, the following new entry be inserted, namely :

'83A. Terminal taxes on goods or passengers carried by railway'."

The motion was adopted.

Mr. Chairman (Mr. Abdus Sattar) : The question is :

"That after entry No. 87 in the Provincial List of the Fifth Schedule to the Bill, the following new entry be added, namely :

'87A. Inquiries and statistics for the purpose of any of the matters in this List'."

The motion was adopted.

Mr. Chairman (Mr. Abdus Sattar) : The question is :

"That the Provincial List of the Fifth Schedule, as amended, stand part of the Bill."

The motion was adopted.

The Provincial List of the Fifth Schedule, as amended, was added to the Bill.

Mr. Chairman (Mr. Abdus Sattar) : The question is :

"That the Fifth Schedule, as amended, stand part of the Bill."

The motion was adopted.

The Fifth Schedule, as amended, was added to the Bill.

Mr. Yusuf A. Haroon : Mr. Chairman, I beg to move :

"That the hour of eleven be suspended for tonight and the House should adjourn till tomorrow the 17th February at 3 p.m."

Sheikh Mujibur Rahman : You are not a lady !

Chaudhri Aziz Din : For your sake !

Mr. Chairman : Is that agreed ?

Many Honourable Members : Yes.

Mr. Chairman (Mr. Abdus Sattar) : The House stands adjourned till 3 p.m. on Friday, the 17th February 1956.

The Assembly then adjourned till Three of the Clock, in the Afternoon, on Friday, the 17th February, 1956.