

REGISTERED No. ese

EXTRAORDINARY:
PUBLISHED BY AUTHORITY

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ISLAMABAD, SLNDAY, JANUARY 9,

PART |

NATEONAL ASSEMBLY SECRETARIAT
fsleniciadd, the She faanary, €977

The following Acizs of Parlitment received the assent of the President on
the 9th Junuary, L877. anc wre hereby published for general inforoiation —

ACT Na. | ne igpy

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ait Aerio provide tor taveten of agricultural income and ta giv effect fo ober

freaci protects af the Federal Governam ar.

WHEREAS 1 is eXpedicns to provide for raxation of agricultural income is
the country on a uniform basis and w give effect to other financial proposals af
the Federal Government :

It as hereby cnacted as follows :

L. Shirt difle and commencement. iL) This Act may be called the Finance
(Supplementary) Act, 1977.

(2) Jt extend. luo the whole of Pakislin.

\$3) Th shall came inte force at ane. so however thal income te which the

Sixth Schedule applies, shall be liable to tax for Une first time in any assessment
for the year beginning on ihe first day ol duty, 1997.

2. Amendment of Act X1 wf (922. The followme amendments shall be made
in the Income-tax Act, 1922 (XI of 1922), numely ;—

(1) tn section 2. in clause (1) in sub-cluuse (a)

(h) after the words “used for agricultural purposes” a full-stop shall
be added, anil

(Ui} the words “and is cither assessed ta land revenue in Pakistan or
Subject te a local rule assessed and enliected by allivers of abe
Government as such.” shall be omitted ;

(77)

Pete: Ey. GG

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ACT Na. WI nr ess

An det fe amend the Prenster ol bvacuee band (Katehi Afiadiy Aci, #972

WHPRbas ats especie amen the brave oat Laacuee Land tate he
Abadi) Act. 1972 CXL of EVP 21 dar the purpose hereinafter uppearing ,

It is hereby enacted as follows :

1. Short title and commencement. (1) (his Act may be calied the Pransier
of Evucuee (and (Keie fii Abadi) (Amendment) Act, 1977,

(2) \$e shall come inte farce ul once and shalk be deemed io huve tiken
effect on the eighteenth guy if September, 1977.

2. Antendment of section 2, Act XIM of 1972.) Tn the Vransler at Evacuees
Land (Katehi Ahadiy Act, (72 eX of 1972). in section 2, in clause (a), after
the brackels, figures and word "(XT oof P9571 the commas and words
"l including any land. plat ur vacant site alkuted, transferred ar otherwise
disposed of by the Chief Settlement Commissioner or any other authority under
either of the Acts or any olher law fir the time being in iacee * shall he added.

3. Repeal—The 'lransier of Fvacuee Land (Ketch! dthecdiy Amendments
Ordinance, JOT? (1 at 1977) is hereby repealed.

Act No. IM or Tazz

An Act to make effective provision for the prevention et oniseceduct geese
holders of representative offices

Wrieeas it is espedient to make cffeclive provision for the prevention of
misconduct amongst holders af representative offices ç

It is hereby enacied ay follows: -

1. Short title, exient and commencement.) This Act may be catled the
Holders of Representative Offices (Prevention of Misconduct) Acl, 1976

(2) ft extends to the whole of Pakistan and applies 10 all holders of represen.
tative offices wherever they inay be,

(3) It shall come mto force at once.

2. Inierpretation—Far the purposes of dais Act, "holder ul representative
office " means a person who is holding the office of Federal Minister. Minister
of State, Provincial Minister, Parliamentary Secretary ar member of Parliament

or of a Provincial Assembly. but does not include the Prime Minister or a Chief . .

Ministcr,

3. Misonnduct.- (1) Ary holder of representative office who commits of
altenipts 19 commit misconduct shall be punishable with impriscement for a lor
which may extend to seven years, or with fine. vr with both,

(2) A holder of representative office shall not commit the offence of misconduct—

if he accepts or obtains or agrees to accept or attempts to obtain from any person for himself or for any other person any legal gratification or a bribe or reward for doing or for bearing to do any official act or for showing or for bearing to show, in the exercise of his official functions, favour or disfavour to any person, or for rendering or attempting to render any service or disservice to any person, with the Federal Government or any Provincial Government or Parliament or a Provincial Assembly or with any public servant, as such, or

(b) if he accepts or obtains or attempts to obtain for himself or for any other person, any valuable thing without consideration or for a consideration which he knows to be inadequate or unlawful from any person whom he knows to be likely to be concerned with any proceeding or business transacted or about to be transacted by him, or having any connection with his official functions, or from any person whom he knows to be interested in or related to the person so concerned, or

(c) if he dishonestly or fraudulently misappropriates or otherwise converts for his own use any property entrusted to him or under his control as a holder of representative office or wilfully allows any other person to do so.

(d) if he, by corrupt, dishonest or illegal means obtains for himself or for any other person any valuable thing or pecuniary advantage, or

(e) if he, or any other person on his behalf, is in possession, for which the holder of representative office cannot reasonably account, of pecuniary resources or of property disproportionate to his known sources of income,

(3) In any trial for an offence punishable under clause (e) of sub-section (2) the fact that the accused person or any other person on his behalf is in possession, for which the accused person cannot satisfactorily account, of pecuniary resources or property disproportionate to his known sources of income may be proved, and on such proof the court shall presume, unless the contrary is proved, that the accused person is guilty of misconduct and his conviction therefor shall not be invalid by reason only that it is based solely on such presumption,

(4) A person, other than a person referred to in paragraph (a) of clause (1) of Article 271 of the Constitution or paragraph (c) of clause (1) of Article 273 of the Constitution who had made oath as a member of the Senate before the fourteenth day of August, 1973, who is convicted for an offence punishable under sub-section (1) shall be disqualified, until the holding of the next general elections to the National Assembly, from being elected or chosen as, and from being, a member of Parliament or of a Provincial Assembly,

(5) The provisions of this section shall be in addition to, and not in derogation of, any other law for the time being in force, and nothing contained herein shall exempt any holder of representative office from any proceeding which might,

apart from this section, be instituted against him :

Provided that a holder of representative office who is liable for an offence punishable under this section shall not be liable to be proceeded against under the Parliament and Provincial Assembly (Disqualification for Membership) Act, 1976.

4. No arrest without warrant—Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act VY of 1898), no officer other than an officer authorised by a general or special order of the Federal Government: shall investigate any offence punishable under section 3 or make any arrest therefor without warrant,

5. Offence to be tried by Division Bench of High Court,—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), under any other law for the time being in force, an offence punishable under section 3 shall be tried exclusively by a Bench of the High Court composed of not less than two Judges.

Explanation, In this sub-section, "High Court" means the High Court within the jurisdiction of which the place from which the holder of representative office proceeded against was elected as a member of Parliament or of a Provincial Assembly is situated or, if such place is situated in the Federally Administered Tribal Areas, the Peshawar High Court.

(2) The High Court shall not take cognizance of an offence punishable under section 3 except with the previous sanction of the Prime Minister.

(3) A trial under this Act shall be held as near as may be in accordance with the procedure provided in the Code of Criminal Procedure, 1898 Act V of 1898, for trial before a High Court.

6. No prosecution after certain period.—No prosecution of a holder of representative office for an offence punishable under section 3 shall be instituted. -

(g) in the case of a member of the National Assembly or a Provincial Assembly, on or after the day of the first meeting of the National Assembly or, as the case may be, Provincial Assembly next following the Assembly while being a member of which he is alleged to have committed the offence ;

(h) in the case of a member of the Senate, after the expiration of the term for which he was elected or chosen ; and

(c) in the case of a Federal Minister, Minister of State, Provincial Minister or Parliamentary Secretary, on or after the first meeting of the National Assembly or, as the case may be, Provincial Assembly next following the Assembly while being a member of which he is alleged to have committed the offence or after the expiration of thirty days from the day on which he ceases to hold the office whichever first occurs.

7. Accused person to be competent witness.—Any person charged with an offence punishable under section 3 shall be a competent witness for the defence and may give evidence on oath in disproof of the charges made against him or any person charged together with him at the same trial:

Provided that

da) he shall not be called as a witness execept on lis ow request.

fh) his future to give evidence shall nor Pe made the suseect of any
commen by the prasecuuen or give Tisg to stik PCS LUT PLL aPALLISL
him or any person charged toeelher wath lenis st the same lerdal,

fc) he shall not be asked, and if asked shall not be required to answer, any question tending to show that he has committed or been convicted of any offence other than the offence with which he is charged, or is of bad character, unless -

(i) the proof that he has committed or been convicted of such offence is admissible evidence to show that he is guilty of the offence with which he is charged, or

that he has personally answered questions from any witness for the prosecution with a view to establish his own good character, or has given evidence of his good character, or the nature and conduct of the defence is such as to involve imputations on the character of the prosecutor or of any witness for the prosecution, or

fj) he has given evidence against any other person charged with the same offence.

Act No. 10 of 1976

An Act to provide for the disqualification of certain persons from being elected or chosen as, and from being, a member of Parliament or a Provincial Assembly

WHEREAS It is expedient to provide for the disqualification of certain persons from being elected or chosen as, and from being, a member of Parliament or a Provincial Assembly :

It is hereby enacted as follows :--

1. Short title, extent and commencement,—(1) This Act may be called the Parliament and Provincial Assemblies (Disqualification for Membership) Act, 1976.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Definitions,—In this Act, unless there is anything repugnant in the subject or context.—

“misconduct” means corruption or bribery:

Explanation —A person shall be deemed to be guilty of corruption if he —

(i) is convicted under the Prevention of Anti-national Activities Act, 1974 (XVI of 1974), and sentenced to imprisonment for a term which is not less than two years; or

(ii) by corrupt, dishonest or illegal means obtains for himself or for any other person any valuable thing or pecuniary advantage: and

(b) “respondent” means the person in respect of whom a reference is

made under sub-section (2) of section 3.