

REGISTERED No. ese

EXTRAORDINARY:  
PUBLISHED BY AUTHORITY

et — i -\_\_—}

ISLAMABAD, SLNDAY, JANUARY 9,

PART |

NATEONAL ASSEMBLY SECRETARIAT  
fsleniciadd, the She faanary, €977

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

ACT Na. | ne igpy

+

ait Aerio provide tor taveten of agricultural income and ta giv effect fo ober  
freaci protects af the Jederal Covernam 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 lirst 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 sektion 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  
f244 Ex, Gaz.]

te

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 appearing ,

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 sectian 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 fisr the time being in iacee \* shall he added.

3. Repeal—The 'Iransier 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

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

It is hereby enaced 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  
affice " 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 imprisement for a lor  
which may extend to seven years, or with fine. vr with both,

(2) A holder af representative office ts sail lo commit the offence of misconduct—

fay if he uccépts vor obains or ageees to accept or atiempls to obtain from any person for himself or for amy vather person amy 'legal gratification usa motive or reward far doing or for bearing to do any olfigial act or for showing or Ter bearing to show, in thy exercise of his official fune-uns, fuvour or disfavour to any person, or for rendering ot utlemping ta render any service or disservice ls any person, with the Federal Government or any Provincial Government or Parliament or a Pra-vingit] Assembis. or with any public servant, as such. or

ib) i he aevepis or obtains or ultempis to obtain [ur bimself or for any utter person, uoy valuable thing without cons'deration or for a consideration which he knows to be inadequate or unlawful from any person whom he kr lows to brave bee. ur ta be. ar lo be likely to be concerned wl any preceeding ar business transacted or abou: to he transugted by him. or having any conneeiion with his offieiu functions, or irom any person whon he knows &o he interested in or related to the persun sv concerned, ur

fe) if he dishonestly ot fraudulenlly misappropriates ar othetwise converts fur hi, own use any properly entrusted to him or under his control as a holder of representative office er wilfully allow. aw: other per-son \$0 lo do. vr

(dj if he. by corrupt. dishunest or level wicums ob.ains for himself or for any other persan any valuable thing ur pecuniary advarilage, or

fe) if he. or any alher person on his behall, is in possession, for which the holder of representative office cunmmt reasanably account. of pecuniary resuurees or ut property disproportionate is his known sources of ingame,

(3) In any trial or an offence punishable under clause eo) of sub-section (2) the fact that the accused person or any other person on his behalf is in posses-sion, for which the accused person cunnod salisfuciurs ackount, wl pecuniary resources OT properly disraportemate to his kneawn sources af income may be proved, and on such proof the court shall presume, unless ihe contrary is proved. that the accused person is zulity of misconduct and huis conviction therefor shall noi be invalid by reason only that :t is Based solely em such presumption,

i4) A person, other than a person referred lo im puragraph (a) of clause &1) bf Acticle 271 of the Consctuiien or paragraph cul of cluuse 1) of Article 273 Iheteof of a person who had made oath ws a member of the Senate before the fourteenth day of August, 1973, whe is cunvielec for iin offence punishable under subesccrion &1} shall be disqualified, until the holding ai the nest generel elections to the National Assembly, from being elected or chosen as. and [rom being, a member of Partiamenc or of a Provincial Assembly,

(S\$) Vhe provisions of this section shall be in addivan to. and nz in deroga-Gen al, any other Jaw for the time being in force, and nothing contained herethn shall exempt any hakder of represcatative office [rom wir, proceeding which might,

apart from this section, be instituted against him :

Provided that any holder of representative office who has been found guilty of 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.

96 THE GAZETTE OF PAKISTAN.

4. No arrest without warrant—Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V 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), or in 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 nearly as possible in accordance with the procedure provided in the Code of Criminal Procedure, 1893 Act V of 1893, for trial before a High Court.

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

(a) 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 ;

(b) 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 while holding which he is alleged to have committed the offence, 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.

da) he shall not be called as a witness except on his own request.

fh) his future to give evidence shall not be made the subject of any communication by the prosecutor or give this to stick PCS LUT PLL aPALLISL him or any person charged together with him at the same trial,

fc) he shall not be asked, and if asked shall not be required to answer, any question lending 10 show that he hay committed or been convicted ul any afleunce olher than the atfence with which he is charged, or is of bad character. unieess -

(i) the proof that he has commilted or been convicted of such olfence is admissible evidence to show thal he is guilty of the offence with which: he is ehargerd, or

ful he has personall ar by bis pleader ished questions from epy witness for the prosecution wilh a view 1 establish his own good churacir, or has given evidence af his sood charucler, or the mature ar conduct of the defence is such as to involve imputa- tans an ihe character of the prosecutor ar of any witness for the praseucion, or

fj) he has given evidence against uny alher person charged with the sucue olfenee.

Acr Nu, \ oO: 1O??

An Act to provide for te disgtatification et certac: persons from being clected or chosen as. and front being, a member of Parfiaoeat or a Provincial Assembly

WHEREAS It is expedient IO provide for the disquulification of certain per- sons from being elected or chosen as, and from being. a member of Farliament or a Provincial Assembly :

Tr is hereby enacted as follows :--

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

(2) Tt extends to the whole of Pakistan.

(3) Te shall come into force at onec.

2. Definitions,—In this Act, unless there i: anything repugnant in the sub- lect of context.—

fa} “misconduct™ means corraption ar 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 (VIT of 1974}, and sentenced to imprisonment for a term which is not less than lwo years; ar

(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.