

The Gazette |

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PART I

Acts, Ordinances, President's Orders and Regulations

NATIONALE ASSEMBLY SECRETARIAT

Islamabad, the 30th April, 1974

The following Acts of Parliament received the assent of the President on the 24th April, 1974, and are hereby published for general information :—

ACT No. XXV OF 1974

An Act further to amend certain laws relating to criminal procedure

WueREAS it is expedient to amend certain laws relating to criminal procedure for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

1. Short title and commencement.—(1) This Act may be called the Criminal Procedure (Amendment) Act, 1974.

(2) It shall come into force at once and shall, except item 7 and sub-item (ii) of item 18 and the items relating to amendments in the Law Reforms Ordinance, 1972 (XII of 1972), of the Schedule, be deemed to have taken effect on the 13th day of April, 1972.

2. Amendment of certain laws.—(1) The laws specified in the Schedule are hereby amended to the extent and in the manner specified in the fourth _ column thereof.

(2) Where this Act requires that in any specified law, or in any section or

other portion thereof, certain words shall be substituted for certain other words, or that certain words shall be omitted, the substitution or omission, as the case

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notified by the State Bank of Pakistan from time to time. The Bonds shall be negotiable and shall also be eligible as security for advances :

Provided that, in formulating the redemption programme, the Federal Government may make provisions for preferential redemption of the bonds of such class of persons who are of meagre means and the amount of compensation payable to whom does not exceed such maximum amount, as the Federal Government may deem fit.”.

4. Repeal—The Economic Reforms (Amendment) Ordinance, 1974 (IV of 1974), is hereby repealed.

ACT No. XXVH of 1974

An Act to consolidate and amend the law relating to salaries and allowances of members of Parliament and to provide for certain privileges of the Leaders of the House and the Leaders of the Opposition in the two Houses of Parliament.

WHEREAS it is expedient to consolidate and amend the law relating to the salaries and allowances of members of Parliament and to provide for certain privileges of the Leaders of the House and the Leaders of the Opposition in the two Houses of Parliament ;

It is hereby enacted as follows :—

1. Short title and commencement.—(1) This Act may be called the Members of Parliament (Salaries and Allowances) Act, 1974.

(2) It shall come into force at once.

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

(a) “Assembly” means the National Assembly ;

(b) “committee” means a Standing Committee, a Select Committee or any other committee set up by or under the authority of a House or a joint sitting in connection with the business of that House or, as the case may be, the joint sitting ;

(c) “House” means the Senate or the Assembly ;

(a) “Joint sitting” means a joint sitting of the two Houses and includes both Houses assembled together under Article 56 of the Constitution ;

(©) “Leader of the House ” means a member of a House who is appointed by the Prime Minister to be the Leader of the House ;

(f) “Leader of the Opposition’ means a member of a House who, in

the opinion of the Speaker of the Assembly or, as the case may be, the Chairman of the Senate, is for the time being the leader of the members in opposition to the Government in that House ;

(g) "member" means—

- (i) in relation to the Assembly, 2 member of the Assembly ;
- (ii) in relation to the Senate, a member of the Senate; and
- (iii) in relation to a joint sitting, a member of either House ;

but does not include the Speaker or Deputy Speaker of the Assembly, the Chairman or Deputy Chairman of the Senate, the Prime Minister, a Federal Minister or a Minister of State ;

(bh) "session" means the period commencing on the date of the first meeting of a House or the joint sitting after having been summoned and ending on the day the House or, as the case may be, the joint sitting is prorogued or, in the case of the Assembly, dissolved; and

(i) "year" means the financial year.

3. Salary.—A member shall be entitled to receive a salary at the rate of one thousand and five hundred rupees per mensem :

Provided that a person who, by virtue of his holding an office of profit in the service of Pakistan declared by law not to disqualify its holder from being a member, is entitled to receive a salary, the amount of the salary to which he is entitled under this Act shall be only such amount as would not, together with the amount of salary calculated on a monthly basis to which he is entitled by virtue of his holding such an office, exceed one thousand and five hundred rupees per mensem.

'sa 4. Daily allowance and conveyance allowance.—(1) For each day during any 'period of residence on duty, a member shall be entitled to receive daily allowance at the rate of fifty rupees and conveyance allowance at the rate of twenty-five

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i (2) A member who arrives in the forenoon at the place of duty or departs from such place in the afternoon shall be entitled to draw daily allowance and conveyance allowance at the full rate for the day of arrival or the day of departure, as the case may be, and, if he arrives at such place in the afternoon or departs therefrom in the forenoon, the daily allowance and conveyance allowance drawn shall be, at half such rate :

Provided that not more than one daily allowance or conveyance allowance at the full rate may, in any case, be claimed in respect of any one day.

Explanation.—In this section and in section 9, "period of residence on duty " means the period during which a member, for the purpose of attending a session or a meeting of a committee or for attending to any other business connected with his duties as member, resides at the place, including his usual place of residence, where the session or the meeting is held or other business is transacted and includes,—

(a) in the case of a session, the period of such residence, not exceeding three days, immediately preceding the commencement of the session and the period of such residence, not exceeding three days, imme-

diately following the end of the session ; and

(b) in the case of a sitting of a committee or transaction of any other business, the period of such residence, not exceeding two days, immediately preceding the commencement of the sitting of the committee or of the other business and the period of such residence, not exceeding two days, immediately following the conclusion of the sitting of the committee or of the other business.

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5. Travelling allowance.—(1) For every journey performed for the purpose of attending a session or a meeting of a committee or for attending to any other business connected with his duties as member from his usual place of residence to the place where the session or meeting is held or other business is transacted and for the return journey from such place to his usual place of residence, a member shall be entitled to receive travelling allowance at the following rates, namely :—

(a) Where the journey is performed by rail, an amount equal to the aggregate of one air-conditioned class fare and one third class fare;

(b) where the journey is performed by air, an amount equal to one and one-half of the first class air fare ; and

(c) where the journey or any part thereof is performed by road, a mileage allowance at the rate of one rupee per mile.

(2) The travelling allowance in respect of a journey between two stations shall be admissible on the basis of the shortest of the practicable routes between those stations.

(3) A member who performs a journey between the place where a session or meeting of a committee is held or other business connected with his duties as a member is transacted and a place which is not his usual place of residence may draw travelling allowance for a journey between the place where the session or meeting is held or other business is transacted and his usual place of residence.

6. Intermediate journeys.—Where, during a session or a sitting of a committee, a member absents himself for less than fifteen days from the place where the session or sitting is held and performs a journey for visiting any place in Pakistan, he shall be entitled to receive travelling allowance in respect of the journey to such place and for the return journey from such place to the place where the session or the sitting is held at the following rates, namely :—

(a) where the journey is performed by rail, an amount equal to one air-conditioned class fare ;

(b) where the journey is performed by air, an amount equal to one first class air fare by the shortest practicable route ; and

(c) where the journey or any part thereof is performed by road, a mileage allowance at the rate of one rupee per mile :

Provided that the amount of travelling allowance under this section shall not, in any case, exceed the total amount of the daily allowance to which the member would have been entitled had he not so absented himself.

7. Short intervals between sessions or sittings of committee.—Where the interval between the termination of one session, or one sitting of a committee, and the commencement of another session or, as the case may be, another sitting

at the same place does not exceed seven days and, during such interval, a member—

(a) remains at such place, he shall be entitled to receive for each day of residence at such place a daily allowance at the rate specified in section 4; or

(b) leaves such place for another place, he shall be entitled to receive travelling allowance at the same rates and subject to the same conditions as are specified in section 6 as if he were absent from such place during the session or sitting of the committee.

8. Form of certificate—Every claim by a member for travelling allowance, conveyance allowance or daily allowance shall be supported by a written certificate in the following form signed by the member namely :—

“ Certified that no amount has been claimed by me for the same journey period in any other bill or drawn by me from any other source”.

9. Housing facilities —Subject to availability and on payment of usual charges, a member may, if he so wishes, be accommodated during a session or a sitting of a committee in such Government hostel as may be approved in this behalf by the Federal Government :

Provided that where a member is, because of non-availability of accommodation in any such Government hostel, accommodated in any hotel approved in this behalf by the Federal Government he shall be entitled to the reimbursement of the difference between the charges for a room in such hotel and those for a room in such hostel :

Provided further that a member who does not wish to avail himself of such accommodation shall be paid a subsidy at the rate of sixty-five rupees for each day during any period of residence on duty.

10. Free travel.—(1) Every member shall be provided during a year with such vouchers of the value of six thousand and six hundred rupees as would enable him to travel within Pakistan at any time without payment of any fare by air or by rail ;

Provided that, where a person becomes a member during the course of a year, the value of the vouchers with which he is provided during that year shall not exceed the value which bears the same proportion to six thousand and six hundred rupees as the unexpired portion of the year bears to a year.

(2) A member who does not wish to be provided with such vouchers shall be paid an allowance which bears the same proportion to the value of the vouchers he would have been entitled to be provided with under sub-section (1) as the sum of four thousand and two hundred rupees bears to the sum of six thousand and six hundred rupees.

(3) Any voucher with which a member is provided under sub-section (1) may be utilised by the family of the member.

Explanation.—In this sub-section, “family” means the spouse and children of a member and one servant.

(4) The utilisation by a member of any voucher with which he is provided under sub-section (1) for the purpose of any journey for which he is entitled to any travelling allowance under this Act shall not in any way affect his right to receive such allowance.

11. Telephone.—A member shall be entitled to have a telephone installed at his residence at Government expense where facilities for installation are available and shall not be liable to pay charges in respect of the rental of the telephone or of the calls made therefrom, to the extent of two thousand and four

hundred rupees during a year in the aggregate :

Provided that, where a person becomes a member during the course of

a year, the charges for which he shall not be liable during that year in respect of the rental of the telephone and calls made therefrom shall not exceed the

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amount which bears the same proportion to two thousand and four hundred rupees as the unexpired portion of the year bears to a year.

12. Other facilities.—A member shall be entitled to such facilities including medical facilities as were admissible to a member of the National Assembly of Pakistan immediately before the commencement of this Act.

13. Leader of the House and Leader of the Opposition.—(1) A Leader of the House and a Leader of the Opposition shall be entitled to—

(a) an honorarium of one thousand rupees per month in addition to the salary, allowances and facilities admissible to him as a member ;

(b) office accommodation within the precincts of the House;
(c) the services of a whole-time stenographer and a peon; and

(d) the installation of a telephone at Government expense in his office and at his residence at the place where the session is held :

Provided that all charges for calls made from the telephones shall be paid by the Leader of the House or, as the case may be, the Leader of the Opposition himself.

(2) It is hereby declared that the office of the Leader of the House or Leader of the Opposition shall not disqualify its holder from being elected or chosen as, or from being, a member of Parliament.

14. Power to make rules.—After consultation with the Speaker of the Assembly and the Chairman of the Senate, the Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

15. Repeal.—The Leader of the Opposition (Privileges) Act, 1965 (XIII of 1965), the members of the National Assembly (Salaries and Allowances) Act, 1966 (XII of 1966), the National Assembly (Allowances and Privileges) Order, 1970 (P.O. No. 26 of 1970), the Members of the Assemblies (Allowances and Privileges) Order, 1972 (P.O. No. 7 of 1972), in so far as it relates to the Members of the National Assembly and the Senate (Salaries, Allowances and Privileges) Order, 1973 (P.O. No. 18 of 1973), and the Members of Parliament (Salaries and Allowances) Ordinance, 1974 (VII of 1974), are hereby repealed.

ACT No. XXVIII of 1974

An Act to provide for the transfer of certain projects and companies of the West Pakistan Industrial Development Corporation to certain specified corporations

Whereas it is expedient to provide for the transfer of certain projects and companies of the West Pakistan Industrial Development Corporation to certain specified corporations and for matters connected therewith or incidental thereto ;

It is hereby enacted as follows _

1. Short title, extent and commencement.—(1) This Act may be called the West Pakistan Industrial Development Corporation (Transfer of Projects and Companies) Act, 1974.