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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

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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)
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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.

G) A Bench of the Migh Court composed al aot leas tie Wwe plidges stad
enguire tnig aud decile cuses relaliny ta the omscanckuct of a person who is
holding, or has held. the ofiee ef Federal Mirtster, Minister of Stake. Auarney:
General, Provincial Minister, Parliamentary Secretaty, Advocate-General or member
of Parliament or of a Provincial Assemble.

Explenation.—In this seclivn,

(1) a person whe is heldiag the office of ° Federal Minisier °. * member
ot Parhamant "7 Provincial Minister" or " anember cl a Provineial
Assembly " dues not include a peren whe ix holdin the eilice of
Prime Minister or Chist Minisers ansi

au)" High Cour" means the Hign Court within the jurisdiction al which
the place from which Ure responden. was eheted ua a itember «of
Parlumesl or of a Provincial Assembly ix siuaed ar. if such place
is siualed in ihe Wederally Adininistered "Vribat Aregs, Lae Peshawer
High Court or, in the case or the Aulurney-General ar an Advacate-
General, the High Court within the juvisd:ction ol whieh the respon-
dent normally resides.

{2} The High Court shall not proceed to enquire mie any charges of misconduct
excepi on a reference in wring madg to il—

(a) in dhe case of a Federal Minister, Minisier of Sisle, Allorney-General,
Federal Piaclimentary Séerelary, meniner olf Partiumseat or Provineial
Minister, by the Prime Minister. and

fr

ib} in the cuse of a Provincial Parliamentary Secretary or an Advocate.
General, or a member of a Provincial Asscunby other than ae Previncia]
Minister, hy the Prime Minister or. if the Prime Minister sa requires,
by the Chief Minister.

(3) On recetving a reference under sub-sectean 121, the Wigh Court shall
scrutinize the necessary records relating to the phare + as miened in the reference,
and—

fa) il, us a result of such scrutely. this out The agimns that 06 charge
ean be established, return the refessicee i the aithority making
together with ifs apmion thereon: and

fb) in other cases, issue notice to the respondent requiring him to show
cause why iL should noc further proceed against Rim under this Act.

(4) Nothing am clatise iu of sub-section '31 stall bur any subsequent
Teference to the High Court. except m so far us it relates to uw chiege in respect
of which an opinion hay previcously been given be the High Court under thal
clause,

4, Offer to retire fram public file, efe.—tl) A oolive under clause (b) of

sub-section (3) of section 3 shall, among other things, contain an offer that the respondent may, if he so chooses, retire from view edits until the holding of the next general elections to the National Assembly,

12) If the respondent accepts the offer in section 111 the enquiry in respect of the charges against him shall not be conducted with and he shall stand disqualifications until the outcome of by-elections is

The National Assembly remains eligible or not until the date of the next general elections is

member of Parliament or not a Provincial Assembly:

ee

5. Enquiry by High Court, etc.—If the respondent does not accept the affer made to him: under subsection 4, the High Court shall, after such further scrutiny of records and such enquiry as it thinks fit and after giving the respondent an opportunity of being heard, record its findings and, in case the respondent is found guilty, he shall stand disqualifed 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.

6. Procedure—(1) An enquiry under this Act shall be held as nearly as may be in accordance with the procedure provided in the Code of Criminal Procedure, UHON tAc! Yoof PES". It shall before a High Court, as if reference in that Code to the accused were a reference to the respondent and references to conviction were omitted.

(2) Notwithstanding anything in sub-section (1), the respondent shall be a competent witness in his own behalf and may make a statement on oath at any stage of the enquiry, and the High Court may, for the purpose of enabling him to explain any circumstances appearing against him, question him accordingly at any stage of the enquiry, and he shall make reply, on oath or otherwise as he may elect, but it shall not be incumbent upon him to make such reply forthwith +

Provided that where he fails when giving statement on oath, to answer any questions so put to him as to explain any facts appearing against him, in regard to which he is shown to have personal knowledge, the High Court shall be entitled to draw a wide variety of presumptions in relation to such question put or such fact appearing against him

(3) The High Court -

(a) may order at any stage of the enquiry that the public generally or any portion of the public, or any particular person, shall not have access to, or he or remain, in the room or building in which the enquiry is being held . and

(b) may disallow any question asked of a witness if, in its opinion the object of the question is merely to intimidate, harass, insult or annoy the witness.

7. Bar of jurisdiction—No court other than the High Court shall grant an injunction, make any order or entertain any proceedings in respect of any matter to which the jurisdiction of the High Court extends under this Act.

§ Article not to derogate from other laws. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force and nothing in this Act shall prevent or prejudice the trial punishment of any person under any other such law:

Provided that a person who commits an offence puned under section 3 of the Molders of Representative Offices (Prevention of Misconduct) Act, 1976,

9. Saving.—No proceeding under this Act shall lie against any person who holds or has held a position mentioned in section 3 for any period which has been in good faith during which he was in pursuance of or in exercise of powers vested, or in good faith believed to be vested in him, at the material time by virtue of that office.

10. Power to make rules. The Federal Government may make rules for carrying out the purposes of this Act,