

REGISTERED No. ese

EXTRAORDINARY:  
PUBLISHED BY AUTHORITY

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ISLAMABAD, SLNDAY, JANUARY 9,

PART |

NATEONAL ASSEMBLY SECRETARIAT  
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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)

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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.

OF PAKISTAN, EXTRA. JAN. (1977 [Parr 1 +

G) A Bench of the High Court composed of not less than two judges shall enquire into and decide cases relating to the misconduct of a person who is holding, or has held, the office of Federal Minister, Minister of State, Attorney-General, Provincial Minister, Parliamentary Secretary, Advocate-General or member of Parliament or of a Provincial Assembly.

Explanation.—In this section,

(1) a person who is holding the office of Federal Minister or member of Parliament "Provincial Minister" or "member of a Provincial Assembly" does not include a person who is holding the office of Prime Minister or Chief Ministers and

au) "High Court" means the High Court within the jurisdiction of which the place from which the respondent was elected or a member of Parliament or of a Provincial Assembly is situated or, if such place is situated in the Federally Administered Tribal Areas, Peshawar High Court or, in the case of the Advocate-General or an Advocate-General, the High Court within the jurisdiction of which the respondent normally resides.

{2} The High Court shall not proceed to enquire into any charges of misconduct except on a reference in writing made to it—

(a) in the case of a Federal Minister, Minister of State, Attorney-General, Federal Parliamentary Secretary, member of Parliament or Provincial Minister, by the Prime Minister; and

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ib) in the case of a Provincial Parliamentary Secretary or an Advocate-General, or a member of a Provincial Assembly other than a Provincial Minister, by the Prime Minister or, if the Prime Minister so requires, by the Chief Minister.

(3) On receiving a reference under sub-section 121, the High Court shall scrutinize the necessary records relating to the charge or charges as mentioned in the reference, and—

fa) if, as a result of such scrutiny, it is found that the charge or charges can be established, return the reference to the authority making together with its opinion thereon; and

fb) in other cases, issue notice to the respondent requiring him to show cause why it should not further proceed against him under this Act.

(4) Nothing contained in or under sub-section 31 shall bar any subsequent reference to the High Court, except in so far as it relates to the chief justice in respect of which an opinion has previously been given by the High Court under that clause,

4, Offer to retire from public life, etc.—(1) A judge 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 office until the holding of the next general elections to the National Assembly,

If the respondent accepts the offer in accordance with sub-section 111 of the Bill, the enquiry into the conduct of the respondent shall be terminated with effect from the date of acceptance and he shall stand disqualified from being elected to the National Assembly.

The National Assembly shall ensure that the member, a

member of Parliament or a Provincial Assembly:

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5. Enquiry by High Court, etc.—If the respondent does not accept the offer made to him: under sub-section (1) 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 disqualified until the holding of the next general elections in 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, UNO (Act No. 5 of 1947), as if reference in that Code to the accused were in reference to the respondent and reference to a 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 making 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 an adverse inference 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 shall 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.

§ Act 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 restrict the trial or punishment of any person under any other such law:

Provided that a person proceeded against under this Act shall not be liable to be tried for an offence punishable under section 3 of the Movable Property (Protection) 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 an offence which has been committed in good faith and was intended to be done 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,