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THE BALUCHISTAN GAZETTE

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No. 101 QUETTA WEDNESDAY JUNE 24, 1981.

GOVERNMENT OF BALUCHISTAN
LAW DEPARTMENT.

NOTIFICATION

Dated Quetta, the 24th June, 1981.

No. Legis: 1-67/Law/81. The following Ordinance made by the Governor of Baluchistan on the 21st June, 1981 is hereby published for general information,

BALUCHISTAN ORDINANCE NO. IX OF 1981.
THE BALUCHISTAN FINANCE ORDINANCE, 1981.

—*

AN
ORDINANCE

r to rationalize, enhance and levy certain fees or rates and taxes in the province of Baluchistan.

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Preamble. WHEREAS it is expedient to rationalize, enhance and levy certain fees in the province of Baluchistan ;

AND WHEREAS the Governor is satisfied that circumstances exist which render it necessary to take immediate action; ,

NOW, THEREFORE, in pursuance of the proclamation of the 8th day of July, 1977 read with Laws (Continuance in Force) Order, 1977 (C.M.L.A's Order, No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the Governor of Baluchistan is pleased to make and promulgate the following

inapce :

Short title 1

and Com- —‘1981,
mencement

(1) This Ordinance may be called the Baluchistan Finance Ordinance,

(2) It shall come into force on and from the First day of July, 1981.

Definition. 2 In this Ordinance shall there be anything repugnant in the subject

t of B : ~sa7

{ 2%) This Ordinance shall apply to whole of Baluchistan, except % 3# See \$/sadei(y)
| the Tribal areas." ition to the province of Balti:

a

. of 18%, 0 - ‘

{a) in section 7-

i) after clause iv, the following shall be added as clause iv-a:—
“ iv-a. Notwithstanding anything contained in clause iv, in suits for
8 declaratory decree with or without vential relief as to t
in, or title to, immovable property on alleged sale, gift,
exchange or mortgage thereof according to the value of the property:”
As tis iw pilin hee v, the following clause shall be substituted. *
AH '¥ In suits for the possession of a land, house or garden-

according to the value of the subject matter, and the market value of the
land, house or garden shall be deemed to be such value;”

(6) after section 7 the following new sections shall be inserted- 7

7... Abolition of court fees in certain cases. .

Notwithstanding anything contained in Section 7 or in the Schedules,
no court fee shall, except as provided in section 7.B, be payable in-

(a) any criminal case; and ~~

(b) case of civil nature the value of the ect matter whereof,
or relief sakinad wherein, does not bande gy twenty five thousand
rupees.

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M78. Payment of court fees at punitive rate. (t) If in a case of civil nature falling under clause (b) of section 7-A, the Court is of opinion that the claim or any part of it was false and either frivolous or vexatious the Court shall by order in writing, if the party by whom the claim was preferred is present, call upon him forthwith to show cause why he should not pay court fee on the entire claim or, as the case may be part thereof, at double the rate which would, but for Section 7-A have been leviable in such a case under the Act, or, if such party is not present, direct issue of a summons to him to appear and show

en as aforesaid,

(2) The Court shall record and consider any cause which such party may show and if the Court is satisfied that the claim was false and either frivolous or vexatious shall, for reasons to be recorded, direct that the court fees on the entire claim or, as the case may be, part thereof, at the rate specified

J sub-section (1) above, shall be paid by such party.

(3) The order for payment of court fee as aforesaid shall be in addition to and not in derogation of any other order which the Court may deem fit to make in the circumstances of the case.

4) A copy of the order made under sub-section (2) shall be sent by the Court to the Collector of the District in which the party against whom order is made resides or ordinarily works for gain, and the Collector shall direct the party concerned to pay the court fee within one month of the making of the order by him, failing which, the Collector shall proceed to recover the court fee as arrears of land revenue".

Section 35-A shall be omitted.

(d) for Schedules T and 1, the Schedules contained in the First and Second Schedules to this Ordinance shall be substituted.

. E

: M For the Schedule to Baluchistan Motor Vehicles Taxation

Wor Pak "1958)" in 'Act, 1958 (XXXII of 1958), the schedule contained in the Fourth Schedule to this Ordinance shall be substituted."

Act, 1958

(XXXII of

- Joss)

(i) In item 3 for the amounts 240 1200" specified in column No 3 against e, f and

> figure and words '12'/per stat"

ii) In item No. 6 Yor

li and wor

column No.

per seat' shall be

Amendment in ~ 5. In the West Pakistan Family Courts Act, 1964 (XXXV of 1964) in its

West Pakistan application to the Province of Baluchistan, in section 19 for the words
<7, ogg eae "rupee one" the words "rupees fifteen" shall be substituted.

Act, 1964,

(XXXV of
1964),

endment in\l. In the West Pakistan Finance Act, 1964 (XXXIV of 1964) for the
West Pakistan FIFTH SCHEDULE the Schedule contained in Third Schedule of this
Ordinance shall be substituted.

XXXIly

1964. '

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FIRST SCHEDULE
(See Section 3 (d)).

" SCHEDULE-I
AD VALOREM FEES.

Serial Article. Proper Fee. ~

No.

2. 3.

1 Plaintiff, written statement pleading a set off or counter claim or Seven and a half per centum of the amount (not otherwise provided for in this Ordinance) or cross objection presented to any Civil or or value of the subject Revenue Court except those mentioned in section 3. matter in dispute

Note:— The amount payable under this number shall be rounded to the nearest fifty paisa.

Plaint in a suit for possession under the Specific Relief Act, 1877, section 9.

Application for review of judgement, if presented on or after the nineteenth day from the date of the decree.

Application for review of judgement, if presented before the sixtieth day from the date of the decree.

Copy or translation of a judgement or order not being or having the force of , a decree-

(a) When such judgement or order is passed by any Civil Court, Other than a High Court or by the Preing Ohne of tay Baveaen Cotxt of OITien, or by any other judicial or Executive Authority.

(b) when such judgement or order is passed by a High Court.

Copy of a decree or order having the force of a decree=

(a) when such decree or order is made by any Civil Court other than a High Court, or by any Revenue Court-
(i) If the amount or value of the subject matter of the suit wherein such decree or order is made does not exceed fifty rupees.

(ii) If such amount or value exceeds fifty rupees.

but the fee shall not

exceed maximum of
fifteen thousand rupees.

A fee of one half the
amount prescribed in
setral No. 1.

The fee leviable on the
plaint or memorandum
of appeal.

One half of the fee
leviable on the plaint
or memorandum of
appeal.

One rupee.

Two rupees.

One rupee.

Two rupees.

Ly

Serial Article. Proper fee. ;

No.

' SS ee

a 2 3.

(b) When such decree or order is made by High Court. Five rupees.

2 Copy of any document liable to Stamp duty under the

Stamp Act, 1899, when left by any party to a suit or

proceeding in place of the original withdrawn-

(a) — the stamp pd chargeable on the original ae werent wi the
not exceed paisa; uty on
the original.

(b) In any other case, One rupee

8. Copy of any revenue or judicial proceeding or order not

otherwise provided for by this Ordinance or copy of any

account , statement, report or the like, taken out of any

Civil or Criminal or Revenue Court or offi ice or from

the office of any chief officer charged with executive

administration of a Division -

For every three hundred and sixty words or

fraction of three hundred and sixty words. » Fifty paisa.

9. Probate of a will or letters of administration with

or without will annexed: —

When the amount or value of the property in respect
of which the grant of probate or letters is made exceeds
one thousand rupees, or the part of the amount of value
in excess of one thousand rupees, upto ten thousand rupees ;

When the amount or value of the property in respect
of which the grant of probate ot letters is made exceeds
ten thousand rupees or the part of the amount or value in
excess of ten thousand rupees upto fifty thousand rupees;

When the amount or value of the property in respect of
which the grant of probate for letters is made exceeds fifty
Tupees, or the part of the amount or value in excess
of fifty thousand fuppees upto one hundred thousand rupees;

When the amount or value of the property in respect
of the grant of probate or letters is made exceeds one hundred
thousand rupees or the part of the amount or value in excess
of one hyadred thousand Tupees upto one hundred thousand
rupees;

When the amount or value of the property in respect
of which the grant of probate or letter is made excetds one
hundred thous4nd rupees on the part of the amount or value in
excess of two hundred thousand
fifty thousand rupees;

Two percentum on

such amount or value.

Three percentum on
such amount or value,

Pour percentum on
Such amount or value.

10.

When the amount or value of the Property in respect of which the grant of probate or letters is made exceeds two hundred and fifty thousand rupees on the part of the amount or value in excess of two hundred and fifty thousand rupees upto three hundred thousand rupees;

When the amount or value of the Property in respect of which grant of probate or letter is made exceeds three hundred Thousand rupees on the part of the amount or value in excess of three hundred thousand rupees upto four hundred thousand rupees ;

When the amount or value of the property in respect of which the grant of probate or letters is made exceeds four hundred thousand rupees on the part of the amount or value in excess of four hundred thousand rupees upto five hundred thousand rupees;

When the amount or value of the property in respect of which the grant of probate or letters is made exceeds five hundred thousand rupees on the part of the amount of value in excess of five hundred thousand rupees;

Provided that when after the grant of a Certificate under the Succession Act, 1925 in respect of any property included in an estate, a grant of probate or letters of administration is made in respect of the same estate , the fee payable in respect of the latter grant shall be reduced by the amount of the fee paid in respect of

‘the former grant .

Note :— The amount payable under this serial number to be rounded to the nearest rupee.

Certificate under part X of the Succession Act, 1925-

Explanation 1. For the purpose of this serial number

the amount of a debt is its amount, including interest on the day on which inclusion of the debt in the certificate is applied for, so far as such amount can be ascertained.

—
Proper Fee.

amount or value,

Six percentum on
such amount or
value,

Six and @ half pere-
entum on such
amount or value.

Seven tum
on such amount or
value.

The fee livable in the
case of a porbate (Serial
No. 9) on the amount
ny debt on
security in the
certificate under section
374 of the Act and one
and a half times this
fees on the amount
or value of any debt
or security to which
the certificate is e ~
ded under section 5/6
of the Act.

Serial Article Proper fees

No

"h © 7 "

Explanation 2. Whether or not any power with respect

to a security specified in a certificate has been conferred under the Act, and where such a power has been so conferred whether the power for the revising of interest on dividends on, or for the negotiation or transfer of the security or for both purposes, the value of the security is its market value on the day on which the inclusion of the security in the certificate is applied for, so far as such value can be ascertained.

ii. Appeal or revision 5 <i under the Baluchistan Tenancy Ordinance, 1978-

When the amount or value of the subject matter To rupees.

in dispute does not exceed twenty five rupees.

When such amount or value exceeds twenty five rupees. The fee leviable on a memorandum of

12. Revision application to the High Court under section 115 of the Code of Civil Procedure , 1908-

Where the application is for the revision of an Seven rupees and fifty paisa order and the amount or value of the subject matter paisa is less than two thousand rupees.

Where the application is for the revision of an Fifteen rupees. order and amount or value of the subject matter

is two thousand rupees or more.

Where the application is for the revision of The fee leviable an appellate decree: on a Memorandum of appeal"

SECOND SCHEDULE

(SEE SECTION 3 (d))

: "Schedule II.

FIXED FEES.

"Serial ts—<CSsS Atl. = | | Proper Fee

No.

* ee ee 3.

1. Application or petition:—

(a) When presented to any officer of the Customs or Excise | t or to any Magistrate having One rupee. dealings with Government, and when the subject matter application to dealings;

or when presented to any officer of land revenue by any person holding temporarily settled land under direct engagement with Government, and when the subject matter of the application or petition relates exclusively to such engagement;

or when presented to any Municipal Committee under any Act for the time being in force for the conservancy or improvement of any place, if the application or petition relates solely to such conservancy or improvement;

or when presented to any Civil Court other than a principal Civil Court of original jurisdiction, or to any Court of Small Causes constituted under the Provincial Small Causes Courts Act, 1887, or to a Collector or other officer of revenue in relation to any suit or case in which the amount or value of the subject matter is less than fifty rupees;

or when presented to any Civil, Criminal or Revenue Court,

or to any Board or Executive officer for the purpose of obtaining a copy or translation of any judgement, decree or order passed by

such Court, Board or Officer, or of any other document on record in such court or office.

(b) When presented to a Collector or other officer of revenue for assistance under West Pakistan Land Revenue Act, 1967.

(c) When containing a complaint or charge of any offence other than an offence for which Police Officer may, under the Code of Criminal Procedure, 1898, arrest without warrant and presented to any

Criminal Court:

o: when presented to a Civil, Criminal or Revenue Court, or to a Collector or any Revenue Officer, having jurisdiction equal or sub-ordinate to a Collector, or to any Magistrate in his executive capacity, and not otherwise provided for by this Ordinance;

or to deposit in Court revenue or rent;

or for determination by a Court of the amount of compensation to be paid by a landlord to his tenant;

or when presented to a Chief Controlling Revenue or executive Authority, or to a Commissioner of Revenue or Circuit, or to any Chief Officer charged with executive administration of a Division and not otherwise provided by this Ordinance.

(d) When presented to a Court or Authority other than a High Court, for transfer of cases.

(c) When presented to a High Court-

One rupee.

Two rupees.

Five rupees..

7.

Article,

2.

(i) under the Companies Act, 1913, for winding up a Company; .

(ii) under the Companies Act, 1913 for taking some other judicial action;

(iii) for transfer of cases ;

(iv) in all other cases.

Application to any Civil Court that records may be called for from another Court-

When the Court grants the application and is of the opinion that the transmission of such records involves the cost of the post.

Application for leave to sue as a pauper.

Application for leave to appeal as a pauper.

Plaint or memorandum of appeal in a suit to establish or disprove a right or occupancy.

Bail bond or other instrument of obligation given in pursuance of an order made by a Court or Magistrate under any section of the Code of Criminal Procedure, 1898, or the Code of Civil Procedure, 1908 and not otherwise provided for by this Ordinance.

Undertaking under section 49 of the Divorce Act, 1869.

Mukhtarnama or wakalatnama when presented for the conduct of any one case-

(a) to any Civil or Criminal Court other than a High Court, or to any Revenue Court, or to any Collector or Magistrate, or other executive officer, except such as are mentioned in clauses (b) and (c) of this serial number;

(b) to a Commissioner of Revenue, Circuit or Customs or to any officer charged with the executive Administration of a Division not being the Chief Revenue Executive Authority;

(c) to a High Court, Board of Revenue or other Chief Controlling Revenue or Executive Authority.

Memorandum of appeal when the appeal is not from a decree or an order having the force of a decree and is presented-

re

Proper Fee.

3.

Two hundred
rupees,

Ten rupees.

Five rupees-

Five rupees-

Three rupees in addition to any fee levied on the application under serial number of this schedule.

Two rupees.

Two rupees,

Two rupees.

One rupee.

One rupee.

Two Tupees.

Two rupees.

Three rupees.

10.

i}.

12,

Serial No. Article, Proper Fee.

1. 2. 3.

(a) to any Civil Court other than a High Court, or to any Three rupees.

Revenue Courts or Executive Officer other than the
High Court or Chief Controlling Revenue or Executive
Authority ;

(b) to the Central Board of Revenue unde: section 193 of Twenty five rupees.
the Customs Act, 1969 o1 section 35 of Central Excise
and Salt Act, 1944;

(c) to High Court o: other Chief Controlling Executive Ten rupees.
or Revenue Authority .

Caveat. 'an aack Ten rupees,

Plaint or memorandum of appeal/ of following suits-

(i) to alter or set aside a summary decision or order of any Ten rupees. a)
ple Court not being a High Court, or any Revenue ;
'ourts ;

(ii) to alter or cancel any entry in a register of the names Fifteen rupees.
of proprietors of revenue paying estates;

(iii) to obtain a declaratory decree where no consequential Thirty rupees.
relief is prayed;

{iv) to set aside an award—

When the amount or value of the property involved

does not exceed five hundred rupees. Ten rupees.

When the amount or value of the property involved Fifteen rupees
exceeds five hundred rupees. iti

(v) To set aside an adoption ;
Fifteen rupees.

(vi) to set aside an alienation ;
Fifteen rupees.

(vii) where it is not possible to estimate the money value Fifteen rupees.

of the subject matter is in dispute and which is not
otherwise provided for by this Ordinance, -

Application -

{a) for probate or letters of administration or for revocation
thereof under the Succession Act, 1925; Ten rupees.

(b) for a certificate under part X of the Succession Act, 1925;

When the amount or value of the estate does not exceed
two thousand rupces. Two rupees,

Sorial Article, "Proper Fee. _

No.

0 eee

1, 2, 3,

p ee

When it exceeds two thousand rupees but does not exceed five thousand rupees. Five rupees.

When it exceeds five thousand rupees. Ten rupees.

(c) for opinion or advice for discharge from a Trust or for appointment of new Trustees, under section 34, 72, 73 or 74, of the Trusts Act, 1882, Ten rupees.

(d) for the winding up of a company, under section 166 of the Companies Act, 1913, Ten rupees.

(c) under rule 58 of Order XXI of the Code of Civil Procedure, 1908 regarding a claim to attached property-

f , When the amount or value of the property exceeds five hundred rupees. Ten rupees.

13. Application under chapter III of the Arbitration Act, 1940, Twenty rupees,

14. Agreement in writing stating a question for the opinion of the Court under the Code of Civil Procedure, 1908, Twenty rupees.

15. Every petition under the Divorce Act, 1869, except

Petitions under section 44 of the same Act, and every

Memorandum of appeal under section 55 of the same Act. Thirty rupees.

16. Plaintiff or memorandum of appeal under the Parsi Marriage and Divorce Act, 1936. Thirty rupees,

17. For determination of fair rent or eviction of a tenant under ' section and 13 of the West Pakistan Urban Rent Restriction Ordinance, 1959;—

(i) Where the property involved is exempted from property Tax under the Baluchistan Urban Immovable Property

Tax Act, 1958. L Five rupees

(ii) Where such property is assessed to Urban Immovable Fifteen rupees. Property Tax.

18. Election petition questioning the election of any person as a Hundred rupees. member of a local Council .

19. Plaintiff or a Memorandum of appeal for recovery of Fifteen rupees.

compensation or damages under the Fatal Accidents Act, 1855."

THIRD SCHEDULE

(See section 6)

"FIFTH SCHEDULE °

(See section 13)

Rates of Electricity Duty.

ty s meone be eases amount of the "nage
 « of categories specified as; charges worked out accor
 ; ding to the electricity tariff.

(A-1) Domestic/residential '

- (i) At per unit supply rate of paisa 34, 7.35%
- (ii) At per unit supply rate of paisa 40. 6.25%
- (iii) At per unit supply rate of paisa 50. : 5.00%
- (iv) At per unit supply rate of Paisa 70. 3.57%

(A-2) Commercial

- (i) At per unit supply rate of Paisa 90. 2.78 %
- (ii) At per unit supply rate of paisa 100. 2.50%

(B-1_to B-4) Industrial

- (i) At per unit supply rate of Pisa \$7, 2.65%
- (ii) At per unit supply rate of Paisa 36. 4.20%
- (iii) At per unit supply rate of Paisa 35. 4.30%
- (iv) At per unit supply rate of Paisa 32. 4.75%

{C1 to C-3) Bulk supplies,

- (i) At per unit supply rate of paisa 40, 4.00%
- (é) At per unit supply rate of paisa 35. 7.14%
- (iii) At per unit supply rate of paisa 32, 4.00%
- (iv) At per unit supply rate (Industrial) of paisa 34, 4.41%
- (vy) At per unit supply rate (Commercial) of paisa 34, 7.35%
- (vi) At per unit supply rate (Licensees & Non-Linencees) of paisa 33,

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2.

(vii) At per unit supply rate (Industrial) of paisa 33. 4.54%
(viii) At per unit supply rate (Commercial) of pais 33. 7.58%
(D) Agriculture .

At per unit supply rate of paisa 15.3 10,00%

Undertakings generating on power. 9.80%, on the amount
energy charges
worked out on the esti-
mated working load
at site in accordance with
C-I to C-3 & D) above.

— Un-metered Supply/Flat Charges. 4.00% provided that
no duty shall be levied
where such charge

does not exceed five
Tuprees during the

month,

Explanation .

i **Electricity Tariff" means schedule of Tariffs made under provision of Sections 12,13
and 25 of the West Pakistan Act XXXIV of 1958, and the tariffs of M/S Karachi
Electric Supply Corporation Ltd: applicable in Bela District Premises which are used wholly
or principally for manufacturing processos within meaning of section 2 of the Factories
Act, 1934 shall be deemed to be used for an Industrial undertaking.

Quetta. Lt: Gen: Rahim Uddin Khan
Dated the 21st June, 1981. Governor Baluchistan.

FAKHRUDIN H. SHAIKH,
SECRETARY,
GOVERNMENT OF BALUCHISTAN
. LAW DEPARTMENT:

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