

THE [KHYBER PAKHTUNKHWA] LAND TAX AND
AGRICULTURE INCOME TAX ORDINANCE, 2000.

2[KHYBER PAKHTUNKHWA] ORDINANCE NO. IV OF 2000

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*Substituted. vide Khyber Pakhtunkhwa Act No. IV of 2011

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THE [KHYBER PAKHTUNKHWAJ]LAND TAX AND
AGRICULTURE INCOME TAX ORDINANCE, 2000.

271[KHYBER PAKHTUNKHWA] ORDINANCE NO. IV OF 2000

[27% July, 2000.]

AN
ORDINANCE

to provide for levying Land Tax and Agricultural Income tax
in the >[Khyber Pakhtunkhwa].

WHEREAS it is expedient to provide for levying Land Tax and Agricultural Income
Tax in the “[Khyber Pakhtunkhwa]”

AND WHEREAS the Provincial Assembly of the *[Khyber Pakhtunkhwa] stands
suspended in pursuance of the Proclamation of the fourteenth day of October, 1999, and the
Provisional Constitution Order No.I of 1999.

AND WHEREAS the Governor of the ‘[Khyber Pakhtunkhwa]’ is satisfied that
circumstances exist which render it necessary to take immediate action.

NOW, THEREFORE, in pursuance of the aforesaid Proclamation and the Provisional
Constitution Order No. I of 1999, Article 4 of the Provisional Constitution (Amendment)
Order No. 9 of 1999, on the instructions of the Chief Executive of Pakistan, and in exercise
of all other powers enabling him in that behalf, the Governor of the ‘[Khyber
Pakhtunkhwa]’ is pleased to make and promulgate the following Ordinance:

CHAPTER - I
PRELIMINARY

1. Short title, extent and commencement.—(1) This Ordinance may be called the
[Khyber Pakhtunkhwa] Land Tax and Agricultural Income Tax Ordinance, 2000.

(2) It shall extend to the whole of the ? [Province of the Khyber Pakhtunkhwa.]

(3) It shall come into force at once and shall be deemed to have taken effect on
and from the first day of July, 2000.

2. Definitions.—(1) In this Ordinance, unless there is anything repugnant in the subject

‘Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

*Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

3Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

4Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

‘Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

°Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

7Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

‘Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

or context,—

Ww bt 1 "

(a) "agricultural income" means—

(a) any rent or revenue derived from land which is situated in the Khyber Pakhtunkhwa] and is used for agricultural purposes;

(b) any income derived from such land by—

(i) agriculture; or

(ii) the performance by a cultivator or receiver or rent-in-land or any process ordinarily employed by a cultivator or receiver of rent-in-kind to render the produce raised or received by him fit to be taken to market; or

(iii) the sale by a cultivator or receiver of rent-in-kind of the produce raised or received by him, in respect of which no process has been performed other than a process of the nature described in paragraph

(ii);

(c) any income derived from any building owned and occupied by the receiver of the rent or revenue of any such land, or occupied by the cultivator or the receiver of rent-in-kind of any land with respect to which, or the produce of which, any operation mentioned in paragraphs (ii) and (iii) of sub-clause (b) is carried on:

Provided that the building is on, or in the immediate vicinity of the land, and is a building which the receiver of the rent or revenue or the cultivator, or the receiver of the rent-in-kind by reasons of his connection with the land, requires as a dwelling house, or a store-house, or other out-building.

(b) "Agriculture income year" means—

(i) the agricultural year as defined in the [West Pakistan] Land Revenue Act, 1967;

(ii) such period as the Board of Revenue may, in the case of any person or class of person, specify by notification in the official Gazette;

(c) "agriculture income tax" means land tax or, agricultural income tax, leviable under this Ordinance and includes any penalty, fee or other charge or any sum or amount payable under this Ordinance.

*Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

*Substituted vide Khyber Pakhtunkhwa Ordinance No. X of 2001

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"assessee" means a person by whom any tax or any other sum of money is payable under this Ordinance, and includes—

(i) every person in respect of whom any proceeding under the Ordinance has been taken for the assessment of his agricultural income or, as the case may be, the agricultural income of any other person in respect of which he is assessable or of the amount of refund due to him or to such other person;

(ii) | every person who is required to file a return of total agricultural income under this Ordinance; and

(iii) | every person who is deemed to be an assessee or an assessee in default under any provision of this Ordinance;

"assessment" includes reassessment and additional assessment and the cognate expressions shall be construed accordingly;

"assessment year" means the period of twelve months beginning on the first day of July next following the income year and includes any such period which is deemed, under any provision of this Ordinance, to be the assessment year in respect of any agricultural income or any agriculture income year;

"Board of Revenue" means the Board of Revenue established under the [West Pakistan] Board of Revenue Act, 1957;

"Collector" means Collector of a district appointed under the *[West Pakistan] Land Revenue Act, 1967 and includes an Assistant Commissioner of a Sub-Division;

"co-operative society" means a co-operative society registered under the Co-operative Societies Act, 1925 or under any other law for the time being in force in Pakistan for the registration of co-operative societies; 'cultivated land' means the net area sown which was actually matured and harvested during a tax year, regardless of the number of crops raised, and includes area under matured orchards for the same year;]

"Government" means the "[Khyber Pakhtunkhwa];

"matured orchard" means orchard of the age of seven years or more in

*Substituted vide Khyber Pakhtunkhwa Ordinance No. X of 2001

*Substituted vide Khyber Pakhtunkhwa Ordinance No. X of 2001

*Substituted vide Khyber Pakhtunkhwa Ordinance No. X of 2001

4Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

the case of mango orchard and of the age of five years or more in the case of other orchards;

Tam) 'owner' includes a mortgagee or lessee in possession of Government as well as private lands and also the tenants of Government Land;]

Explanation I.— Where any land is owned by more than one person whether as member of a firm or association or otherwise, every one of these persons individually, to the extent of his share in the said land, shall be deemed to be an owner.

Explanation II.—Every "ward" whose estate is managed by a Court of Wards shall be deemed to be the owner of such estate.

Explanation III.—A share holder of a joint stock company or member of a co-operative farming society shall be deemed to be the owner of such portion of the land possessed by the company or the society as is proportionate to his share or interest as a share holder or member, as the case may be;

- (n) "prescribed" means prescribed by rules;
- (o) "rules" means rules made under this Ordinance.

CHAPTER-II

LAND TAX

3. Charge of Land.—Subject to the other provisions of this Ordinance, there shall be

charged, levied and paid for every assessment year a land tax in respect of [cultivated] land of an owner at the rates specified in the First Schedule to this Ordinance °[:]

'(Provided that the tax under this section shall not be levied for the financial year *[2022-23].)

4. Liability to pay land tax.—The land tax shall be payable by the owner of land in respect of °[cultivated] land in such manner as may be prescribed.

5. Assessment and collection of land tax.—The land tax shall be assessed and collected by the Collector in such manner as may be prescribed.

¹ Substituted vide Khyber Pakhtunkhwa Ordinance No. X of 2001.

² Substituted vide Khyber Pakhtunkhwa Ordinance No. X of 2001.

³Replaced vide Khyber Pakhtunkhwa Act No. XIII of 2021.

⁴ Added vide Khyber Pakhtunkhwa Act No. XIII of 2021.

⁵ Substituted vide Khyber Pakhtunkhwa Act No. XXIX of 2022.

® Substituted vide Khyber Pakhtunkhwa Ordinance No. X of 2001.

CHAPTER-HII AGRICULTURAL INCOME TAX

6. Charge of agricultural income tax.— (1) Subject to the provisions of this Ordinance there shall be charged, levied, assessed and paid for each assessment year commencing from 1st July, 2001 agricultural income tax in respect of agriculture income of the agriculture income year of an owner of land at the rates specified in the Second Schedule to this Ordinance:

Provided that if in any case the tax assessed under this sub-section works out to be less than the tax calculated in accordance with the First Schedule, then the owner shall pay the tax worked out in accordance with the First Schedule.

(2) Government may, by a notification in the official Gazette, requires an owner having cultivable land above a certain limit to file a return of his agricultural income of the agriculture income year.

7. Liability to pay agricultural income tax.— [(1)] The agricultural income tax shall be payable by the owner of land in such manner as may be prescribed.

?[(2) If such tenant of cultivated lands which are on crop sharing basis and where there exists a dispute between the land owner and the tenant or it is reported that the tenant has not paid the land owner share, the collection of agricultural income tax/land tax under this Ordinance shall be recoverable from the tenant.]

8. Assessment and collection of Agricultural income tax.—Subject to the provisions of this Ordinance, agricultural income tax shall be assessed and collected by the collector in such manner as may be prescribed.

CHAPTER-IV MISCELLANEOUS

9. Penalty for concealment of cultivated land etc— Where in the course of any proceedings under this Ordinance, the collector or the appellate or revisional authority is satisfied that any owner has, either in the said proceedings or in any earlier proceedings relating to an assessment in respect of any agriculture income tax year, concealed the particulars of 3[cultivated] land or furnished inaccurate particulars of such “[cultivated] land, he or it may impose upon such owner a penalty equal to the amount of land tax which the said owner sought to evade by concealment of his cultivable land or furnishing of inaccurate particulars of such cultivable land as aforesaid.

'Re-numbered vide Khyber Pakhtunkhwa Ordinance No. X of 2001

Added vide Khyber Pakhtunkhwa Ordinance No. X of 2001

*Substituted vide Khyber Pakhtunkhwa Ordinance No. X of 2001

4Substituted vide Khyber Pakhtunkhwa Ordinance No. X of 2001

10. Penalty for concealment of agricultural income etc.— Where, in the course of any proceedings under '[this] Ordinance, the collector or the appellate or revisional authority is satisfied that any person has, either in the said proceedings or in any earlier proceedings relating to an assessment in respect of agriculture income year, concealed his agricultural income or furnished inaccurate particulars of such income, he or it may impose upon such person a penalty equal to the amount of tax which the said person sought to evade by concealment [of] his agricultural income or furnishing of inaccurate particulars of such income, as aforesaid.

11. Imposition of penalty.— No penalty shall be imposed on any person by a collector or the appellate or revisional authority unless such person has been given a reasonable opportunity of being heard.

12. Refund.— Refund of tax where due shall be made in such manner as may be prescribed.

13. Exemptions.— Government may exempt any land or class of owners wholly or

partially from payment of tax in a manner and to the extent as prescribed by the rules.

14. Maintenance of accounts.— Accounts regarding demand and recovery of tax shall be maintained by the collector in such manner as may be prescribed.

15. Application of *[West Pakistan] Act XVII of 1967.— (1) Subject to the other provisions of this Ordinance, the provisions of sections 13 and 14 of the “[West Pakistan] Land Revenue Act, 1967 (XVII of 1967), shall apply to cases of land tax and agricultural income tax under this Ordinance.

16. Appeal, review or revision.—For the purposes of appeal, review or revision, an order passed under this Ordinance regarding land tax and agricultural income tax shall be deemed to be an order of a Revenue Officer within the meanings of sections 161, 162, 163 and 164 of the West Pakistan Land Revenue Act, 1967 (XVII of 1967).

17. Bar of Jurisdiction.— No civil court shall have jurisdiction in any manner relating to the assessment or collection of the agriculture income tax leviable under this Ordinance and no order passed or proceedings taken by any authority under this Ordinance shall be called in question in any civil court.

18. |Rules.—Government may frame rules to carry out the purposes of this Ordinance.

19. Deletion.—Section 5 of the *~[Khyber Pakhtunkhwa] Finance Act, 1999 [Khyber Pakhtunkhwa] Act No. V of 1999), is hereby deleted.

*Substituted vide Khyber Pakhtunkhwa Ordinance No. X of 2001

*Substituted vide Khyber Pakhtunkhwa Ordinance No. X of 2001

*Substituted vide Khyber Pakhtunkhwa Ordinance No. X of 2001

4Substituted vide Khyber Pakhtunkhwa Ordinance No. X of 2001

*Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

[The First Schedule
(see section 3)

Rates of Land Tax

S.No. Kind/Area of Land Per acre

rate

1. 2. 3.

1. Slab of total cultivated land, computed as Irrigated land, by treating one irrigated Acre as equal to two un-irrigated acres, excluding orchards:

- (i) Not exceeding 1 acres; Exempted
- (ii) exceeding 1 acres but not exceeding 12¹/7 Rs.225 acres; and
- (iii) exceeding 12¹/7 acres. Rs.340

2. Orchard. Rs.900]

¹ Substituted vide Khyber Pakhtunkhwa Act No. XXVII of 2019.

In the case of every owner, the agriculture income tax shall be income:

[Second Schedule
(see section 6)

Rates of Agriculture Income Tax

charged on the agriculture

Where the taxable limit does not exceed

Rs.600,000/-;

No tax

Where the taxable limit exceeds Rs.600,000/- but does not exceed Rs.850,000/-;

5% of amount exceeding
Rs. 600,000/-

Where the taxable limit exceeds Rs.850,000/- but does not exceed Rs.1000,000/-;

Rs.12,500/- plus 7.5% of
the amount exceeding
Rs.850,000/-

Where the taxable limit exceeds Rs.1000,000/- but does not exceed Rs.1250,000/-;

Rs.23,750/- plus 10% of
the amount exceeding
Rs.1000,000/-

Where the taxable limit exceeds Rs.1250,000/- but does not exceed Rs.1500,000/-; and

Rs.48,750/- plus 15% of
the amount exceeding
Rs.1250,000/-

Where the taxable limit exceeds Rs.1500,000/-.

Rs.92,500/- plus 17.5%
of the amount exceeding
Rs.1,500,000/-".]

1 Substituted vide Khyber Pakhtunkhwa Act No. XIII of 2021.