

Punjab Finance Act, 1972

1 of 1972

[29 June 1972]

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An Act to continue and levy certain taxes, fees and surcharges in the Province of the Punjab Preamble.- WHEREAS it is expedient to continue and levy certain taxes, fees and surcharges in the Province of the Punjab; It is hereby enacted as follows:-

1. Short Title, Extent And Commencement :-

- (1) This Act may be called the Punjab Finance Act 1972.
- (2) It shall extend to the whole of the Province of the Punjab.
- (3) It shall come into force on and from the 1st day of July, 1972.

2. Definition :-

In this Act, unless there is anything repugnant in the subject or

context, "Government" means the Government of the Punjab.

3. Surcharge On Agricultural Income-Tax :-

(1) There shall be levied and collected from every owner of land which is assessed to agricultural income-tax, on the land revenue payable in the agricultural year 1971-72, an additional amount of agricultural income-tax by way of surcharge at the rates specified in the First Schedule to this Act.

Explanation- For the purpose of this section, "agricultural year" means the agricultural year as defined in the West Pakistan[2] Land Revenue Act, 1967.

(2) The provisions of the Punjab Agricultural Income-tax Act, 1951, and the Bahawalpur State Agricultural Income-tax Act, 1949, and the rules made thereunder shall, so far as may be, apply to the assessment, collection and recovery of the surcharge imposed under this section.

4. Tax On Cinemas :-

(1) There shall be levied and collected a tax on cinemas, payable by the owners or managements thereof, at the following rates for the financial year 1972-73:-

(i) In the case of a cinema classed as a first class cinema. Three thousand rupees.

(ii) In the case of a cinema classed as a second class cinema. One thousand rupees.

(iii) In the case of a cinema classed as a third class cinema. One hundred rupees.

(2) If the person responsible for payment of the tax under subsection (1) fails to pay the tax within the period prescribed under the rules for its payment he shall be liable to pay, in addition to the amount of such tax, a penalty not exceeding the amount of the tax payable.

5. Surcharge On Motor Vehicles Tax :-

There shall be levied and collected in any area in which a tax is imposed on motor vehicles by or under any enactment in force, a surcharge on such tax payable by the person by whom the tax is payable at the following rates for the financial year, 1972-73:-

(i) Motor vehicles used for the transport or carriage of goods and materials. Twenty-five rupees.

(ii) Motor vehicles plying for hire and licensed to carry more than eight persons. Fifty rupees.

6. Enhancement Of Fees Relating To Motor Vehicles :-

Notwithstanding anything to the contrary contained in the West Pakistan[3] Motor Vehicles Ordinance, 1965, or the West Pakistan Motor Vehicles Rules, 1969, the fees payable under the rules mentioned in column 2 of the Second Schedule to this Act, shall, in the financial year 1972-73, be paid at the rates specified in column 3 thereof.

7. Amendment Of Punjab Ordinance Xi Of 1971 :-

In the Punjab Finance Ordinance, 1971, for section 11, the following section shall be substituted:-

"11. No levying of tax on buildings and lands by local bodies-- Notwithstanding anything to the contrary contained in the Municipal Administration Ordinance, 1960, the Basic Democracies Order, 1959, or the Punjab Peoples Local Government Ordinance, 1972, or any rule made thereunder, as from 1st of July 1971, no local body shall levy, charge or collect tax on any building or land situated in any urban area in respect of which a notification has been made under sub-section (1) of section 3 of the West Pakistan[4] Urban Immovable Property Tax Act, 1958:

Provided that the tax assessed by a local body before the 1st of July, 1971, shall be paid to, received or recovered by such local body in accordance with the provisions of the said Ordinances, order or rules, as the case may be.

Explanation- In this section, "local body" means a Municipal Committee constituted under the Municipal Administration Ordinance, 1960, a Town Committee constituted under the Basic Democracies Order, 1959, and a Peoples Municipal Corporation, a Peoples Municipal Committee and a Peoples Town Committee constituted under the Punjab Peoples Local Government Ordinance, 1972."

8. Amendment Of W.P. Act V Of 1958 :-

In the West Pakistan Urban Immovable Property Tax Act, 1958, in its application to the Province of the Punjab,-

(a) for section 3, the following section shall be substituted:-

"3. Levy of tax- (1) Government may by notification specify urban

areas where tax shall be levied under this Act:

Provided that one urban area may be divided into two or more rating areas or several urban areas may be grouped as one rating area.

(2) Subject to the provisions of sub-sections (3) and (4), there shall be levied, charged and paid, a tax on the annual value of buildings and lands in a rating area at the rate of twenty per cent of such annual value.

(3) In case of property of the annual value not exceeding three thousand rupees, owned by a widow or by a minor whose father is dead, a deduction of five hundred rupees from the annual value shall be allowed.

(4) In case of property of the annual value not exceeding twelve thousand rupees, other than the property referred to in sub-section (3), a deduction of two hundred and seventy rupees from the annual value shall be allowed.

(5) Government may, by notification, for reasons to be recorded, remit in whole or in part, the payment of the tax by any class of persons in respect of any category of property.

Explanation- The annual value for the purpose of this section shall be the aggregate annual value of all buildings and lands owned by the same person in the rating area.

(6) The tax shall be due from the owner of buildings and lands."

(b) for section 3-A, the following section shall be substituted:-

"3-A. Share of local bodies in the tax- Out of the tax collected under this Act from within the limits of a local body, the Government shall, after retaining five per cent thereof as collection charges, pay forty per cent of the balance to such local body.

Explanation- In this section, "local body" means a Municipal Committee constituted under the Municipal Administration Ordinance, 1960, a Town Committee constituted under the Basic Democracies Order, 1959, and a Peoples Municipal Corporation, a Peoples Municipal Committee and a Peoples Town Committee constituted under the Punjab Peoples Local Government Ordinance, 1972"; and

(c) in section 4, for clause (c) the following clause shall be substituted:-

"(c) buildings and lands, the annual value of which does not exceed four hundred and thirty two rupees:

Provided that if such building or land is in the ownership of a person who owns any other building or land in the same rating area, the annual value of such building or land, shall, for the

purposes of this clause, be deemed to be the aggregate annual value of all buildings and lands owned by him in that area."

9. Surcharge On Urban Immovable Property Tax :-

(1) There shall be levied, charged and collected from every owner of building or land of the annual value exceeding twenty thousand rupees in any rating area, a surcharge at the rate of twenty-five per cent on the urban immovable property tax payable in respect of such building or land:

Provided that if such building or land is in the ownership of a person who owns any other building or land in the same rating area, the annual value of such building or land shall, for the purposes of this sub-section, be deemed to be the aggregate annual value of all buildings or lands owned by him in that area.

Explanation- Words and expressions used in this sub-section shall have the same meaning as they bear in section 2 and 3 of the West Pakistan[5] Urban Immovable Property Tax Act, 1958.

(2) Out of the surcharge collected under sub-section (1) from within the limits of a local body, the Government shall, after retaining five per cent thereof as collection charges, pay [6][fifty per cent with effect from 1st July, 1974 and eighty five per cent with effect from 1st July, 1975] of the balance to such local body.

Explanation- In this section, "local body" means a Municipal Committee constituted under the Municipal Administration Ordinance, 1960, a Town Committee constituted under the Basic Democracies Order, 1959, and a Peoples Municipal Corporation, a Peoples Municipal Committee and a Peoples Town Committee constituted under the Punjab Peoples Local Government Ordinance, 1972.

10. Application Of Existing Laws :-

Where any tax, duty or surcharge imposed or any fee levied by this Act is by way of an addition to, or a surcharge on any existing tax or duty imposed or fee levied by or under any enactment and rules in force in the Punjab, the procedure provided in such enactment and rules framed thereunder for the assessment, collection and recovery of such tax, duty or fee shall, so far as applicable, apply to the assessment, collection and recovery of the additional tax, duty, surcharge or fee, as the case may be.

11. Bar Of Suits In Civil Courts :-

No suit shall lie in any civil court to set aside or modify any assessment, levy or collection of a tax, duty, surcharge or fee, made under this Act and the rules framed thereunder or any penalty imposed under sub-section (2) of section 4 of this Act.

12. Power To Make Rules :-

(1) Government may make rules for carrying into effect the purposes of this Act and such rules may, among other matters, prescribe the procedure for the assessment, collection and payment of any tax, duty, surcharge or fee levied or the imposition of any penalty under this Act, in so far as such procedure is not provided in this Act.

(2) Any rules made or deemed to have been made under the corresponding provisions of the Punjab Finance Ordinance, 1971, shall, so far as may be, continue in force and be deemed to have been made under this Act.

SCHEDULE 1

FIRST SCHEDULE

(See SECTION 3)

Slabs of total land revenue Amount of surcharge in respect of each slab
Rs.

Where the total land revenue payable does not exceed Rs.349 Nil.

Where the total land revenue payable exceeds Rs.349 but does not exceed Rs.499
12

Where the total land revenue payable exceeds Rs.499 but does not exceed Rs.749
24

Where the total land revenue payable exceeds Rs.749 but does not exceed Rs.999
50

Where the total land revenue payable exceeds Rs.999 but does not exceed Rs.1,999 100

Where the total land revenue payable exceeds Rs.1,999 but does not exceed Rs.4,999 250

Where the total land revenue payable exceeds Rs.4,999 but does not exceed Rs.9,999 500

Where the total land revenue payable exceeds Rs.9,999 1,000

SCHEDULE 2

SECOND SCHEDULE

(See SECTION 6)

Serial No. Description of fee and relevant rule of the West Pakistan Motor Vehicles Rules, 1969 Rate of fee.

Rs.

1. Fee for the test of competence to drive, under sub-rule (3) of rule 8. 10

2. Fee for a duplicate licence, under sub-rule (6) of rule 13, sub-rule (4) of rule 14 and sub-rule (4) of rule 15. 10

3. Fee for learners driving licence, under sub-rule (2) of rule 19. 10

4. Fee for the issue of driving licence, under clause (i) of rule 26. 20
5. Fee for renewal of driving licence, under clause (ii) of rule 26-
 - (a) where the application for renewal is made within thirty days from the date of the expiry of the licence; and 10
 - (b) where the application for renewal is made after thirty days of the date of the expiry of the licence. 20
6. Fee for duplicate certificate on loss or destruction of certificate of registration and certificate of fitness of a vehicle, other than a transport vehicle, under sub-rule (2) of rule 37. 10
7. Fee for duplicate certificate on loss or destruction of certificate of registration and certificate of fitness of a transport vehicle, under sub-rule (2) of rule 38. 15
8. Fee for duplicate certificate of a defaced or torn certificate of registration and certificate of fitness of a transport vehicle, under sub-rule (2) of rule 39. 15
9. Registration fee under rule 42-
 - (a) in respect of a motor-cycle and an invalid carriage or a trailer not having more than two wheels and not weighing more than one ton unladen; 10
 - (b) in respect of a heavy transport vehicle; 60
 - (c) in respect of any other vehicle; and 30
 - (d) in respect of temporary registration of any vehicle 10
10. Fee for transfer of ownership of a motor vehicle, under sub-rule (1) of rule 47. Same as in respect of registration fee mentioned at Serial No.9.