

**THE ¹[KHYBER PAKHTUNKHWA] LAND TAX AND
AGRICULTURE INCOME TAX ORDINANCE, 2000.**

²[KHYBER PAKHTUNKHWA] ORDINANCE NO. IV OF 2000

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¹Substituted. vide Khyber Pakhtunkhwa Act No. IV of 2011

²Substituted. vide Khyber Pakhtunkhwa Act No. IV of 2011

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³Substituted vide Khyber Pakhtunkhwa Ordinance No. X of 2001

**THE ⁴[KHYBER PAKHTUNKHWA]LAND TAX AND
AGRICULTURE INCOME TAX ORDINANCE, 2000.**

⁵[KHYBER PAKHTUNKHWA] ORDINANCE NO. IV OF 2000

[27th July, 2000.]

**AN
ORDINANCE**

*to provide for levying Land Tax and Agricultural Income tax
in the ⁶[Khyber Pakhtunkhwa].*

WHEREAS it is expedient to provide for levying Land Tax and Agricultural Income Tax in the ⁷[Khyber Pakhtunkhwa]

AND WHEREAS the Provincial Assembly of the ⁸[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 ⁹[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 ¹⁰[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 ¹¹[Khyber Pakhtunkhwa] Land Tax and Agricultural Income Tax Ordinance, 2000.

(2) It shall extend to the whole of the ¹² [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

⁴Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁵Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁶Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁷Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁸Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁹Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

¹⁰Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

¹¹Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

¹²Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

or context,—

- (a) "agricultural income" means—
 - (a) any rent or revenue derived from land which is situated in the¹³[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 the¹⁴[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.

¹³Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

¹⁴Substituted vide Khyber Pakhtunkhwa Ordinance No. X of 2001

- (d) "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;
- (e) "assessment" includes reassessment and additional assessment and the cognate expressions shall be construed accordingly;
- (f) "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;
- (g) "Board of Revenue" means the Board of Revenue established under the ¹⁵[West Pakistan] Board of Revenue Act, 1957;
- (h) "Collector" means Collector of a district appointed under the ¹⁶[West Pakistan] Land Revenue Act, 1967 and includes an Assistant Commissioner of a Sub-Division;
- (i) "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;
- ¹⁷[(j) '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;]
- (j) "Government" means the ¹⁸[Khyber Pakhtunkhwa];
- (1) "matured orchard" means orchard of the age of seven years or more in

¹⁵Substituted vide Khyber Pakhtunkhwa Ordinance No. X of 2001

¹⁶Substituted vide Khyber Pakhtunkhwa Ordinance No. X of 2001

¹⁷Substituted vide Khyber Pakhtunkhwa Ordinance No. X of 2001

¹⁸Substituted 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;

¹⁹[(m) '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 ²⁰[cultivated] land of an owner at the rates specified in the First Schedule to this Ordinance.

4. Liability to pay land tax.—The land tax shall be payable by the owner of land in respect of ²¹[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.

CHAPTER-III AGRICULTURAL INCOME TAX

¹⁹Substituted vide Khyber Pakhtunkhwa Ordinance No. X of 2001

²⁰Substituted vide Khyber Pakhtunkhwa Ordinance No. X of 2001

²¹Substituted vide Khyber Pakhtunkhwa Ordinance No. X of 2001

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

²³[(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 ²⁴[cultivated] land or furnished inaccurate particulars of such ²⁵[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.

10. Penalty for concealment of agricultural income etc.— Where, in the course of any proceedings under ²⁶[this] Ordinance, the collector or the appellate or revisional authority is satisfied that any person has, either in he said proceedings or in any earlier

²²Re-numbered vide Khyber Pakhtunkhwa Ordinance No. X of 2001

²³Added vide Khyber Pakhtunkhwa Ordinance No. X of 2001

²⁴Substituted vide Khyber Pakhtunkhwa Ordinance No. X of 2001

²⁵Substituted vide Khyber Pakhtunkhwa Ordinance No. X of 2001

²⁶Substituted vide Khyber Pakhtunkhwa Ordinance No. X of 2001

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 ²⁷[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 ²⁸[West Pakistan] Act XVII of 1967.— (1) Subject to the other provisions of this Ordinance, the provisions of sections 13 and 14 of the ²⁹[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 ³⁰[Khyber Pakhtunkhwa] Finance Act, 1999 (³¹[Khyber Pakhtunkhwa] Act No. V of 1999), is hereby deleted.

²⁷Substituted vide Khyber Pakhtunkhwa Ordinance No. X of 2001

²⁸Substituted vide Khyber Pakhtunkhwa Ordinance No. X of 2001

²⁹Substituted vide Khyber Pakhtunkhwa Ordinance No. X of 2001

³⁰Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

³¹Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

³²[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; (ii) exceeding 1 acres but not exceeding 12 ^{1/2} acres; and (iii) exceeding 12 ^{1/2} acres.	Exempted Rs.225 Rs.340
2.	Orchard.	Rs.900]

³²Substituted vide Khyber Pakhtunkhwa Act No. XXVII of 2019.

The Second Schedule
(See section 6)

Rates of Agricultural Income Tax

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

1.	Where income is not more than Rs.400,000/-.	No tax
2.	Where total taxable income exceeds Rs.400,000/- but does not exceed Rs.550,000/-.	5% of amount exceeding Rs.400,000/-.
3.	Where total taxable income exceeds Rs.550,000/- but does not exceed Rs.750,000/-.	Rs.7500/- plus 7.5% on amount exceeding Rs.550,000/-.
4.	Where total taxable income exceeds Rs.750,000/- but does not exceed Rs.950,000/-.	Rs.22,500/- plus 10% on amount exceeding Rs.750,000/-.
5.	Where total taxable income exceeds Rs.950,000/- but does not exceed Rs.1,100,000/-.	Rs.42,500/- plus 15% on amount exceeding Rs.950,000/-.
6.	Where total taxable income exceeds Rs.1,100,000/-.	Rs.65,000/- plus 17.5% on amount exceeding Rs.1,100,000/- ³³ .]

Peshawar,
dated the
22nd July, 2000.

(LT. GEN. (RTD) MUHAMMAD SHAFIQ KHAN)
Governor of the ³³[Khyber Pakhtunkhwa]

³³Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011