

THE WEST PAKISTAN FINANCE ACT, 1963.

WEST PAKISTAN ACT NO.IX OF 1963.

[1st July, 1963.]

CONTENTS

PREAMBLE

SECTIONS

1. Short title, commencement and extent.
2. Definitions.
3. Surcharge on land revenue in certain districts.
4. Development cess.
5. Surcharge on agricultural income-tax in certain districts.
6. Tax on Cinemas.
7. Tax on callings, professions, etc.
8. Tax on Trades, Import and Export Licences.
9. Tax on motor vehicles.
10. Tax on railway fares and freights.
- ¹[11. Tolls on vessels plying in inland waters.
12. Toll on fares and freights on inland traffic by vessels.
13. Surcharge on Betting Tax.]
14. Enhanced tax on motor vehicles.
15. Primary Education Surcharge.
- ²[16. Capital gain tax.]
17. Penalty.

¹ Omitted vide Khyber Pakhtunkhwa Adaptation of Laws Order, 1975.

² Omitted vide Khyber Pakhtunkhwa Adaptation of Laws Order, 1975.

18. Application of existing laws.
19. Power to amend or vary an Act.

First Schedule (See section 3.)

Second Schedule (See section 5.)

Third Schedule (See section 8.)

Fourth Schedule (See sections 10 and 12.)

Fifth Schedule (See sections 10 and 12.)

Sixth Schedule (See section 14.)

Seventh Schedule (See section 16.)

THE WEST PAKISTAN FINANCE ACT, 1963.

WEST PAKISTAN ACT NO. IX OF 1963.

[1st July, 1963.]

**AN
ACT**

to continue, levy and abolish certain taxes and duties in West Pakistan.

WHEREAS, it is expedient to continue, levy and abolish certain taxes and duties in the Province of West Pakistan; Preamble.

It is hereby enacted as follows:—

1. (1) This Act may be called the West Pakistan Finance Act, 1963. Short title,
extent and commencement.
(2) It shall come into force on and from the first day of July, 1963.

(3) It shall extend, unless otherwise specified hereinafter, to the whole of ¹[Khyber Pakhtunkhwa], except the Tribal Areas.

2. In this Act— Definitions.

(a) “agricultural year” means the agricultural year as defined in the Punjab Land Revenue Act, 1887 (Act No. XVII of 1887);

(b) “Government” means the Government of ²[Khyber Pakhtunkhwa]

³[(c).....]

⁴[3.]

Surcharge on
land revenue
in certain
districts.

4. (1) A development cess shall be levied on all lands in the Province, Development
cess.
⁵[.....] at the rate of thirty-five per cent of the revenue payable in respect of such land.

¹Substituted vide Khyber Pakhtunkhwa Adaptation of Laws Order, 1975.

²Substituted vide Khyber Pakhtunkhwa Adaptation of Laws Order, 1975.

³Omitted vide Khyber Pakhtunkhwa Adaptation of Laws Order, 1975.

⁴Omitted vide Khyber Pakhtunkhwa Adaptation of Laws Order, 1975.

⁵Omitted vide Khyber Pakhtunkhwa Adaptation of Laws Order, 1975.

Explanation—In this section, “land” means land assessed to land revenue and includes land where of the land revenue has been wholly or in part released, compounded for, redeemed or assigned.

(2) The cess shall be payable by the person liable for the payment of land revenue.

(3) Government may, by notification, exempt any class of persons from the payment of the whole or any part of the cess or reduce the rate of the cess leviable on any class of land.

(4) The cess levied on the basis of land revenue shall be assessed, collected and recovered in the manner prescribed, from time to time, by Government by statute, rules or orders for the assessment, collection and recovery of land revenue.

(5) Government may, by notification, modify the rules or orders referred to in sub-section (4) and may make further rules for the assessment, collection and recovery of the cess.

5. (1) There shall be levied and collected from every owner of land which is assessed to agricultural income tax in the districts of Bannu, Dera Ismail Khan, Hazara, Mardan, Kohat, Peshawar, ¹[.....] on the land revenue payable in the agricultural year 1962-63, an additional amount of agricultural income-tax by way of surcharge at the rates specified in the Second Schedule to this Act.

Surcharge
on
agricultural
income tax
in certain
districts.

(2) The provisions of the ²[Khyber Pakhtunkhwa] Agricultural Income-tax Act, 1948 (³[Khyber Pakhtunkhwa] Act No. XVII of 1948) ⁴[.....] shall, so far as may be, apply to the assessment, collection and recovery of the surcharge imposed, under this section.

⁵[5-A. Until the 30th June, 1964, Schedule I to the Stamp Act, 1899 (Act (Act No. II of 1899), shall have effect as if—

(a) in Article I for the entries in the first and second columns, the following were substituted, namely :—

¹Omitted vide Khyber Pakhtunkhwa Adaptation of Laws Order, 1975.

²Substituted vide Khyber Pakhtunkhwa Adaptation of Laws Order, 1975.

³Substituted vide Khyber Pakhtunkhwa Adaptation of Laws Order, 1975.

⁴Omitted vide Khyber Pakhtunkhwa Adaptation of Laws Order, 1975.

⁵Inserted vide W. P. Ord. No. XXVI of 1963.

“**ACKNOWLEDGEMENTS** of a debt exceeding twenty rupees in amount or value written or signed by, or on behalf of, a debtor in order to supply evidence of such debt in any book (other than a banker's pass book) or on a separate piece of paper, when such book or paper is left in the creditor's possession; provided that such acknowledgement does not contain any promise to pay the debt or any stipulation to pay interest or to deliver any goods or other property—

(i) if the amount or value does not exceed one hundred rupees. 12 paisa.

(ii) in other cases. 25 paisa.

(b) in Article 53 for the entries except the Exemptions in the first and second columns the following were substituted, namely:—

“**RECEIPT (AS DEFINED BY SECTION 2 (23))** for any money or other property the amount or value of which—

(i) exceeds twenty rupees but does not exceed one hundred rupees. 12 paisa.

(ii) in other cases. 25 paisa”.]

6. There shall be levied and collected a tax on cinemas payable by the owner or management thereof at the following rates for the financial year 1963-64:— Tax on cinemas.

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

(ii) In the case of a cinema classed as a second class cinema. Five hundred rupees.

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

7. There shall be levied and collected from the following classes of persons a tax of the amount specified against each for the financial year 1963-64:— Tax on callings profession, etc.

<i>Class of persons</i>	<i>Amount of tax</i>	
(iv) Legal practitioners of not less than five year standing.	Twenty rupees.	
(v) Income-tax practitioners.	Twenty rupees.	
(vi) Clearing agent, licensed or approved as Custom House Agents.	One hundred rupees.	
(vii) Contractors supplying goods, commodities and services to the Central Government or the Provincial Government or any Local Authority.	Two hundred rupees or one hundred rupees or fifty rupees according to classification.	
8. (1) For the financial year 1963-64 there shall be levied and collected from every person engaged in the import and export trade who holds a licence issued under the Imports and Exports (Control) Act, 1950 (Act No. XXXIX of 1950), a tax on the value of the goods imported or, as the case may be, exported against such licence, according to the scale set out in the Third Schedule to this Act.		Tax on Trades, Import and Export Licenses.
(2) Government may, by a notification in the official Gazette exclude any class of licence issued as aforesaid from the purview of sub-section (1) or, by a general or a special order in writing, exempt a person holding such licence from the payment of the whole or a part of the tax payable by him in respect of the goods imported or exported against such licence.		
9. There shall be levied and collected in any area in which a tax is imposed on motor vehicles by or under any enactment, a surcharge on such tax at the following rates for the Financial year 1963-64.—		Tax on Motor vehicles.
(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.	
10. Until the 30th day of June, 1964, there shall be levied and paid on railway fares and freights a tax according to the scale set out in the Fourth and Fifth Schedules to this Act.		Tax on Railway fares and freights.

¹[11,12,13]

14. With effect from 1st July, 1963, the Schedule to the West Pakistan) Motor Vehicles Taxation Act, 1958 (West Pakistan Act No. XXXII, 1958) shall have effect subject to the modifications specified in the Sixth Schedule to this Act.

Enhanced
tax on
motor
vehicles.

15. (1) For the financial year 1963-64 , a tax, called the Primary Education Surcharge, shall be levied on and collected from all persons who use the amenities and entertainment provided by any residential hotel.

Primary
education
surcharge.

Explanation— For the purposes of this section residential hotel shall mean a hotel as is equipped with a liquor bar and possesses not less than twenty-five rooms for lodging.

(2) (a) The surcharge shall be calculated at $13\frac{1}{3}$ per cent of the amount charged by the management on account of the amenities and entertainment provided by the hotel.

(b) The charge on account of amenities and entertainment shall include the charge on account of sale of liquor consumed in the hotel, and service charges, if any.

(c) The charge on account of amenities and entertainment shall be calculated at 75 per cent of the gross amount charged by the hotel, the remaining 25 per cent being deemed to be the charge on account of foodstuffs and manufactured goods sold.

(3) The surcharge shall be shown as a separate item in the hotel bill and shall be collected by the owner or the management of the hotel and paid to Government.

(4) For the purposes of this section, Government may notify a list of such hotels as fulfill conditions' mentioned in the explanation below sub-section (1).

(5) Government may, from time to time, by notification add to, delete or modify the entries in the list mentioned in sub-section (4).

²[16.....].

¹Omitted vide Khyber Pakhtunkhwa Adaptation of Laws Order, 1975.

²Omitted vide Khyber Pakhtunkhwa Adaptation of Laws Order, 1975.

17. If the person who is responsible for the payment of the toll or tax under section 7, 8, 11 or 16 or for the collection and payment of a toll or tax under section 12 or 15 fails to pay the tax or to collect and pay the tax, as the case may be, he shall be liable to pay a penalty not exceeding the amount of the toll, or tax payable. Penalty.

18. Where any tax or surcharge imposed by this Act is by way of an addition to or a surcharge on any existing tax imposed by or under an enactment, the procedure provided in such enactment for the assessment, collection and recovery of such tax, shall, so far as applicable, apply to the assessment, collection and recovery of the additional tax or surcharge. Application of existing laws.

19. Government may, by notification make such omissions from, additions to, adaptations and modifications of any ¹[Provincial] Act as may be necessary for the purpose of the levy and collection of any tax imposed by this Act. Power to amend or vary an Act.

20. (1) Government may make rules regarding— Rules.

(i) classification of cinemas for the purposes of section 6;

(ii) classification of contractors for the purposes of section 7;

(iii) the procedure for the collection and payment of any tax or toll levied under this Act;

(iv) any other matter incidental thereto.

(2) Any rules made or deemed to have been made under the corresponding provisions of the West Pakistan Finance Act, 1962 (West Pakistan Act No. 1 of 1962) shall, so far as may be, continued and be deemed to have been made under this Act.

¹Substituted vide Khyber Pakhtunkhwa Adaptation of Laws Order, 1975.

FIRST SCHEDULE*(See SECTION 3)*

		<i>Surcharge</i>
Where the total land revenue and water rate for irrigation doesnot exceed Rs. 1,999.	..	Nil
Where the total land revenue and water rate for irrigation exceeds Rs. 1,999.	..	1½ percent of such total.

SECOND SCHEDULE*(SEE SECTION 5)*

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.	..	Rupees twelve.
Where the total land revenue payable exceeds Rs.499 but does not exceed Rs. 749.	..	Rupees twenty four.
Where the total land revenue payable exceeds Rs. 749 but does not exceed Rs. 999.	..	Rupees fifty.
Where the total land revenue payable exceeds Rs. 999 but does not exceed Rs. 1,999.	..	Rupees one hundred.
Where the total land revenue payable exceeds Rs. 1,999 but does not exceed Rs. 4,999.	..	Rupees two hundred and fifty.
Where the total land revenue payable exceeds Rs. 4,999 but does not exceed Rs. 9,999.	..	Rupees five hundred.
Where the total land revenue payable exceeds Rs. 9,999.	..	Rupees one thousand.

THIRD SCHEDULE*(See SECTION 8)*

	<i>Amount of tax.</i>
When the licence is for an amount not exceeding Rs. 4,999.	.. Nil
When the licence is for an amount exceeding Rs. 4,999 but not exceeding Rs. 9,999.	.. Rupees ten.
When the licence is for an amount exceeding Rs. 9,999 but not exceeding Rs. 19,999.	.. Rupees fifty.
When the licence is for an amount exceeding Rs. 19,999 but not exceeding Rs. 49,999.	.. Rupees one hundred and fifty.
When the licence is for an amount exceeding Rs. 49,999 but not exceeding Rs. 99,999.	.. Rupees five hundred.
When the licence is for an amount exceeding Rs. 99,999.	.. Rupees one thousand.

FOURTH SCHEDULE

(SEE SECTION 10 AND 12)

Surcharge

Freights (goods)—

Where the freight on any consignment does not exceed Rs. 3.	..	Nil.
Where the freight on any consignment exceeds Rs. 3 but does not exceed Rs. 10.	..	Six paise.
Where the freight on any consignment exceeds Rs. 10 but does not exceed Rs. 25.	..	Twelve paise.
Where the freight on any consignment exceeds Rs. 25 but does not exceed Rs. 50.	..	Twenty-five paise.
Where the freight on any consignment exceeds Rs. 50 but does not exceed Rs. 75.	..	Fifty paise.
Where the freight on any consignment exceeds Rs. 75 but does not exceed Rs. 100.	..	One rupee.
Where the freight on any consignment exceeds Rs. 100 but does not exceed Rs. 150.	..	Two rupees.
Where the freight on any consignment exceeds Rs. 150 but does not exceed Rs. 225.	..	Three rupees.
Where the freight on any consignment exceeds Rs. 225 but does not exceed Rs. 300.	..	Four rupees.
Where the freight on any consignment exceeds Rs. 300.	..	Four rupees plus one rupee for every hundred rupees in excess of three hundred rupees of freight.

FIFTH SCHEDULE*(SEE SECTION 10 AND 12)*

Fares (Passenger)—	..	<i>Amount of tax.</i>
On a First Class Ticket	..	50 paisa.
On a Second Class Ticket	..	25 paisa.
On an Inter Class Ticket	..	12 paisa.
On a Third Class or Deck Ticket	..	6 paisa.

Provided that no tax shall be levied where the fare does not exceed Rs.3.

SIXTH SCHEDULE

(See SECTION 14)

1. For Article 3 of the Schedule attached to the West Pakistan Motor Vehicles Taxation Act, the following shall be substituted :—

“3. Motor vehicles used for the transport or haulage of goods or materials (including tri-cycles weighing more than 8 cwts, in unladen weight)—

		Rs.
(a) Electrically propelled but not exceeding 25 cwts. in unladen weight.	..	35.00
(b) Vehicles other than such electrically propelled vehicles as aforesaid, not exceeding 12 cwts. in unladen weight.	..	25.00
(c) All vehicles with maximum laden capacity up to 5,000 lbs. (including delivery vans).	..	120.00
(d) Vehicles with maximum laden capacity exceeding 5,000 lbs. but not exceeding 8,960 lbs.	..	240.00
(e) Vehicles with maximum laden capacity exceeding 8,960 lbs but not exceeding 13,440 lbs.	..	400.00
(f) Vehicles with maximum laden capacity exceeding 13,440 lbs. But not exceeding 17,920 lbs.	..	800.00
(g) Vehicles with maximum laden capacity exceeding 17,920 lbs.	..	1,200.00
(h) Extra charges for trailer.	..	100.00

2. In Article 5, for entries (b) and (c), the following shall be substituted: —

(b) Other vehicles seating not more than 4 persons.	..	240.00
---	----	--------

(c) Other vehicles seating more than 4 but not more than 6 persons.	..	300.00
---	----	--------

3. In Articles 6, for entries (b) and (c), the following shall be substituted—

(b) Other vehicles seating not more than 4 persons.	..	240.00
---	----	--------

(c) Other vehicles seating more than 4; but not more than 6 persons.”	..	300.00
---	----	--------

4. For Article 7, the following shall be substituted:—

“7. Motor Vehicles other than those liable to tax under the foregoing provision of this schedule.	..	
---	----	--

(a) Seating not more than one person.	..	60.00
---------------------------------------	----	-------

(b) Seating not more than three persons.	..	110.00
--	----	--------

(c) Seating not more than four persons.	..	150.00
---	----	--------

(d) Seating more than four persons— for every additional person that can be seated.	..	40.00
---	----	-------

Note—Station wagons used for private purpose shall be taxed under Article 7”.

SEVENTH SCHEDULE

¹[(See Section 16)]

¹Repealed vide Khyber Pakhtunkhwa Act, III of 1986.