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SINDH ACT NO.XI OF 1998

THE SINDH AGRICULTURAL INCOME TAX (AMENDMENT) ORDINANCE, 1998

[28th October, 1998]

An Ordinance to amend the Sindh Agricultural Income Tax Act, 1994.

Preamble.

WHEREAS it is expedient to amend the Sindh Agricultural Income Tax Act, 1994, in the manner hereinafter appearing;

AND WHEREAS the Provincial Assembly is not in session and the Governor of Sindh is satisfied that circumstances exist which render it necessary to take immediate action;

NOW THEREFORE, in exercise of the powers conferred by clause (1) of Article 128 of the Constitution of the Islamic Republic of Pakistan, the Governor of Sindh is pleased to make and promulgate the following Ordinance:—

Short title and commencement.

1. (1) This Ordinance may be called the Sindh Agricultural Income Tax (Amendment) Ordinance, 1998.

(2) It shall be deemed to have taken effect on and from Kharif, 1996.

Amendment of Section 2 of Sindh Act XXII of 1994.

2. In the Sindh Agricultural Income Tax Act, 1994, hereinafter referred to as "the said Act", in section 2, in sub-section (1)—

(i) after clause (b) the following shall be inserted: —

(bb) "cropped area" means any area of land which was sown at least once during a tax year including matured, orchards gardens, horticultural items and betel leaf but excluding forests and nurseries;

(bbb) "declaration" means the declaration of total cropped area in the prescribed form, setting forth such particulars and accompanied by such statements, certificates and other documents, and verified in such manner as may be prescribed;";

(ii) In clause (i), the full stop at the end shall be replaced (by a semi-colon and there-after the following shall be added: -

"(i) "tax year" means agricultural year as defined in the Sindh Land Revenue Act, 1967.".

Amendment of Section 3 of Sindh Act XXII of 1994.

3. In the said Act, for section 3, the following shall be substituted: -

3. "Levy of tax" (1) No tax shall be charged from the owners having a total holding of twelve acres or less in the barrage areas and twenty four acres or less in the non-barrage areas:

Provided that nothing in this sub-section shall apply to orchards and gardens.

(2) Save as provided in sub-section (1), the tax shall be charged on cropped area basis, from every land owner, at the following rates: -

COTTON	Rs.75 per acre
SUGAR CANE	Rs.75 per acre
WHEAT	Rs.40 per acre
RICE	Rs.30 per acre
MATURED GARDENS/ ORCHARDS	Rs.300 per acre
ALL OTHER CROPS	Rs.40 per acre

Provided that the tax in the non-barrage areas shall be half of the above rates.

Explanation: - If an owner cultivates on the same land more than one crop during the same cropping season he will be assessed on the basis of the crop the assessment of which is the highest.

(3) Notwithstanding the provision of sub-section (2), the tax shall w.e.f. 1st August, 1999 be assessed on the basis of net income in the manner as may be prescribed".

Amendment of Section 6-A of Sindh Act XXII of 1994.

4. In the said Act, for section 6-A, the following shall be substituted: -

"6-A, Penalty for failure to furnish declaration

Where any owner has, without reasonable cause, failed to furnish, within the time allowed for the purpose, any declaration under section 5, the collector may impose upon such owner a penalty not exceeding one hundred rupees for every day during which the default continues.

6-B, Penalty for non-Compliance with notice

Wherein any owner has, without reasonable cause, failed to comply with any notice issued under section 6, the collector may impose on him a penalty not excluding the amount of tax chargeable on the total cultivated land.

6-C, Penalty for Concealment of Cropped area

Where the course of any proceedings under this Act, the collector, the appellate or the revisional authority is satisfied that any owner has, either in the same proceedings or in any earlier proceedings concealed his cropped area or furnished in accurate particulars of such area or his land, he or it may impose upon such owner a penalty not exceeding two and a half times, but in no case less than the amount of tax which has been avaded.

6-D, Imposition of Penalty after notice Of hearing.

(1) No penalty under this Act shall be imposed on any owner unless he has been given a reasonable opportunity of being heard.

(2) The imposition of such penalty shall be without prejudice to any other liability incurred by such owner.