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THE PUNJAB THAL (INCREASE IN VALUE) ORDINANCE, 1978

(X of 1978)

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TEXT

¹THE PUNJAB THAL (INCREASE IN VALUE) ORDINANCE, 1978
(X of 1978)

[29th April, 1978]

An
Ordinance

to provide for the levy of a tax on lands the value of which has been enhanced due to irrigation from the Thal Canal.

Preamble.— WHEREAS it is expedient to provide for the levy of a tax on lands, which have already risen or are likely to rise in value as a result of the introduction of irrigation in the Thal area;

AND WHEREAS the Governor of the Punjab is satisfied that circumstances exist which render immediate legislation necessary;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order (CMLA Order No.1 of 1977), the Governor of the Punjab is pleased to make and promulgate the following Ordinance:—

1. Short title and commencement.— (1) This Ordinance may be called the Punjab Thal (Increase in Value) Ordinance, 1978.

(2) It shall come into force at once.

2. Definitions.— In this Ordinance, unless there is anything repugnant in the subject or context:—

(a) “Collector” means Collector of a District and includes a Deputy Commissioner and any officer specially appointed by the Government to perform the functions of a Collector under this Ordinance;

(b) “Government” means the Government of the Punjab;

(c) “Prescribed” means prescribed by rules;

(d) “Tax” means the tax imposed by this Ordinance; and

(e) “Thal Canal” means and includes all canals, Channels, reservoirs constructed, maintained or controlled by Government for the supply or storage of water from the Head Works, near Kala-Bagh on the Indus.

3. Imposition of Tax.— (1) Except as hereinafter provided, a tax shall be levied on all such lands as may from time to time be notified by the Board of Revenue as culturable commanded area and to which irrigation facilities have actually been extended.

(2) The tax shall be levied at such rate or rates not exceeding sixty rupees on each acre, as may be specified by the Board of Revenue.

¹This Ordinance was promulgated by the Governor of the Punjab on 25th April, 1978; and was published in the Punjab Gazette (Extraordinary), dated 29th April, 1978, pages 389-392.

4. Persons by whom tax is to be paid.— (1) Except as provided hereunder the tax shall be paid by the owners of the land.

(2) When the land is mortgaged with possession, the tax shall be paid by the mortgagee but the tax so paid shall not be a charge on the mortgage money.

(3) When the land is held by an occupancy tenant, or when there are superior and inferior owners of the same land, the tax shall be paid by the owners or the occupancy tenant in such shares as may be proportionate to the value of their respective interest in the land.

5. Preparation of the statement of demand.— (1) After such enquiry, if any, as may be prescribed with regard to the classification of land or the proper distribution of the tax, the Collector shall prepare a statement of demand, containing full particulars of the amount which each person having rights in the land is liable to pay.

(2) In distributing the tax between different owners or between owners and occupancy tenants of the same land, due regard shall be had to the prevailing local practice in respect of the division of produce or capital value between such persons in respect of that land.

(3) The statement of demand prepared under sub-section (1) shall be published in such manner as may be prescribed.

6. Recovery of arrears.— (1) After the expiry of such period as may be prescribed for the receipt of objections a statement of account shall be prepared in respect of each person from whom the tax is due and shall be served upon him in such manner as may be prescribed.

(2) A statement of account certified by an officer exercising the powers of Revenue Officer under the Punjab Land Revenue Act, 1967, shall be conclusive proof of the existence of an arrear of the tax, of its amount and of the person who is the defaulter, and any such arrear shall be recoverable as if it were an arrear of land revenue in the manner provided by or under the said Act.

7. Installments.— (1) The tax shall be payable on demand, but the Board of Revenue may permit the payment of the tax by instalments, payable in such proportions and at such times as may be prescribed.

(2) When the tax is payable by instalments, interest on delayed payments may be levied at such rates as may be prescribed and such interest shall be deemed to be part of the tax.

(3) When once the tax on any land has fallen due, any unpaid portion of the tax shall be recoverable from the successor-in-interest of the person from whom the tax was due.

Provided that in case of all alienations or transfers other than by inheritance the tax shall be payable before such transfer or alienation takes effect.

8. Exemptions.— Nothing in this Ordinance applies to any land which is included in a village site on the date, when the Ordinance came into force and the Board of Revenue may by notification exempt any particular site or class of sites from the operation of this Ordinance on grounds relating either to the character of the soil, the size of the holdings or the purposes for which it is being used.

9. Power to withhold irrigation.— The Government may withhold irrigation from any land on which the full amount of the tax has not been duly paid, in which case it may remit the tax in whole or in part and may refund any sums received unless, in the opinion of Government, the land is so situated that the value has risen in consequence of the proposal to introduce irrigation into that area, in spite of the fact that irrigation is to be withheld.

10. Rule making power.— Government may make rules to carry out all or any of the purposes of this Ordinance including rules to modify the procedure for assessment, collection and enforcement of payment under the Punjab Land Revenue Act, 1967, for the purpose of adapting it to the requirement of this Ordinance and for gradation of tax with reference to the character of the soil or the size of the holding.

11. Validation.— Notwithstanding any judgement, decree or order of any Court including the High Court, everything done, all actions taken, notifications issued, rules framed, orders or appointments made, taxes imposed, levied or collected under or in pursuance or any of the provisions of the Thal (Increase in Value) Act, 1940 (Act No. VI of 1940) shall be continued and be deemed to have been validly done, taken, issued, framed or made, imposed, levied or collected under this Ordinance.

12. Repeal of Punjab Act VI of 1940 and continuance of action taken thereunder.— (1) The Punjab Thal (Increase in Value) Act, 1940 (Act No. VI of 1940) is hereby repealed.

(2) Notwithstanding the repeal of the Punjab Thal (Increase in Value) Tax Act, 1940, all rules, regulations and orders made, notifications issued, tax imposed and recovered, action taken, proceedings initiated, officer appointed, person authorised, jurisdiction and power conferred under the provisions of the said Act, shall, so far as they are consistent with the provisions of this Ordinance, continue in force and be deemed to have been made, imposed, levied, taken, initiated, appointed, authorised or conferred under this Ordinance.