

THE BALOCHISTAN FINANCE ACT, 1996

(Baln Act IV of 1996)

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¹THE BALOCHISTAN FINANCE ACT, 1996

(Baln. Act IV of 1996)

[7th July, 1996]

An Act to levy certain taxes in the Province of Balochistan.

Preamble. Whereas it is expedient to levy certain taxes in the Province of Balochistan in the manner herein-after appearing;

It is hereby enacted as follows:—

Short title commencement and extent. 1. (1) This Act may be called the Balochistan Finance Act, 1996.

(2) It shall come into force at once and shall be deemed to have taken effect from 1st day of July, 1996.

(3) It shall extend to the whole of Balochistan ²[except the Tribal Area].

Definitions. 2. In this Act, unless the context otherwise requires;

(a) “Government” mean the Government of Balochistan;

(b) “Prescribed” means prescribed by rules made under this Act and;

(c) “Person” includes any authority, agency, society or association of persons.

(Omitted) 3. ³[*Tax on Bank Cheques.— Section 3. omitted with effect from 1st July, 2000.*]

(Omitted) 4. ⁴[*Tax on Advertisement on Electronic Media.— Section 4. Omitted with effect from 1st July, 2000.*]

Trade Tax on Business/ Services. 5. (1) Person running Jewellery Shop, Garment/Boutique Shop, General Store, Foot Wear Shop, or dealing with Electrical/Electronics appliances in any manner or running a Marriage Hall or Tent Services within the limits of a

¹ This Act was passed by the Balochistan Assembly on 26th June, 1996; assented to by the Governor of Balochistan; and published in the Balochistan Gazette (Extraordinary) No. 59, dated 7th July, 1996. For Statement of Objects and Reasons see the Balochistan Gazette (Extraordinary) No. 52, dated 20th June, 1996.

² Extended to the Provincially Administrative Tribal Areas of Balochistan under Article 247 (3) of the Constitution of Pakistan (1974), by Home and Tribal Affairs Department, Balochistan’s Notification No. SOI (TA)5-2/97/1460-1500, dated 9th August, 1997.

³ Omitted by Baln. Ordinance I of 2001, made by Governor of Balochistan on 2nd February, 2001; published in the Balochistan Gazette (Extraordinary) No. 9, dated 7th February, 2001. Protected under Article 270 AA of the Constitution of Islamic Republic of Pakistan, 1974.

⁴ Omitted *ibid*.

Municipal Corporation, Municipal Committee, a Town Committee or Cantonment Board shall be charged a trade tax per annum at the rate mentioned below as per category determined by the prescribed authority in the prescribed manner.

| CATEGORY | ANNUAL TAX |
|----------|-------------|
| A | Rs. 3,000/- |
| B | Rs. 2,000/- |
| C | Rs. 1,000/- |

(2) The un-paid amount of trade tax shall be recoverable as arrears of land revenue.

Registration of
Business
Houses/Firms.

6. (1) No person shall engage as a Video Cassettes Trader, Motor Vehicle Dealer or Real Estate Agent unless it is registered in the prescribed manner and a valid registration certificate issued by the registering authority appointed in this behalf, provided that an existing Video Cassettes Trader, Motor Vehicle Dealer or Real Estate Agent already in the business on the date of coming into force of this Act may, without registration, continue to function, if such trader or Dealer or Agent has applied for registration within sixty days of the commencement of this Act and his application for registration has not been rejected.

(2) A Video Cassettes Trader whether operating as wholesale dealer, retailer or lender of such cassettes pay a registration fee and an annual tax at rates mentioned below as per categorization made by the prescribed authority in the prescribed manner.

| <u>CATEGORY</u> | <u>Registration Fee</u> | <u>Annual Tax</u> |
|-----------------|-------------------------|-------------------|
| A | Rs. 3500/- | Rs. 2500/- |
| B | Rs. 2500/- | Rs. 1500/- |
| C | Rs. 1500/- | Rs. 1000/- |

(3) A person engaged as Motor Vehicle Dealer or Real Estate Agent will be charged Registration Fee of Rs.7,000/- and annual Tax of Rs. 2,500/-

(4) a person dealing in business in contravention of the provisions of this section shall be liable to fine which may extend to four times the Registration Fee leviable in his case.

(5) a fine under sub-section (4) shall be levied only after giving concerned person an opportunity of being heard.

- (6) Any amount of Registration Fee, annual tax or penalty which remains un-paid, shall be recoverable as arrears of land revenue.
- (Omitted) 7. ¹[*Excise Duty on Courier Services.— Section 7, Omitted with effect from 1st July, 2000.*]
- (Omitted) 8. ²[*Telephone Duty.— Section 8, Omitted with effect from 1st July, 2000.*]
- Determination of the Category. 9. The determination of the categories in respect of Sections 5 and 6 where-ever needed, shall be made by the authority prescribed by the Government of Balochistan after taking prescribed declaration tendered by such person within sixty days of the commencement of this Act.
- Bar of Suit in Civil Court. 10. No suit shall lie in any Civil Court to set aside or modify, any assessment levy or collection of a tax, fee or duty made under this Act and rules made thereunder.
- (Omitted) 11. ³[*Surcharge on Octroi.— Section II, Omitted with effect from 1st July, 2000.*]
- (Omitted) 12. ⁴[*Recovery of surcharge.— Section 12, Omitted with effect from 1st July, 2000.*]
- Power to make Rules. 13. The Government may make rules for carrying into effect the purposes of this Act and such rules may among other matters, prescribed procedure for the assessment, collection and payment of any tax, fee or duty or imposition of any penalty or surcharge under this Act, in so far as such procedure is not provided for in this Act.
- Amendment of Schedule I of Act II of 1899. 14. In Schedule I of Stamp Act, 1899 (II of 1899), the following amendments shall be made of namely:—
- (1) For Article 5, the following shall be substituted; namely:—
- “5 AGREEMENT OR MEMORANDUM OF AN AGREEMENT
- (a) If relating to the sale of a Ten rupees. bill of exchange.

¹ Omitted by Baln. Ordinance I of 2001, made by Governor of Balochistan on 2nd February, 2001; published in the Balochistan Gazette (Extraordinary) No. 9, dated 7th February, 2001. Protected under Article 270 AA of the Constitution of Islamic Republic of Pakistan, 1974.

² Omitted *ibid.*

³ Omitted *ibid.*

⁴ Omitted *ibid.*

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| (b) If relating to the sale of Government security. | Rupees one for every rupees ten thousand or part thereof of value of the security, subject to the maximum of two hundred rupees. |
| (c) If relating to sale of share in an incorporate or other body corporate. | Two rupees for every rupees five thousand or part thereof of the value of share. |
| (d) If not otherwise provided. | One hundred rupees”. |

(2) For Article 10, the following shall be substituted; namely:-

“10 ARTICLE OF ASSOCIATION OF A COMPANY—

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|---|-----------------------------------|
| (a) Where the company has no share capital or nominal share capital does not exceed Rs. 2,500/- | One thousand five hundred rupees. |
| (b) Where the nominal share capital exceeds Rs. 2,500/- but does not exceeds Rs. 1,00,000/- | One thousand rupees. |
| (c) Where the nominal share capital exceeds Rs. 1,00,000/- but not exceeds Rs. 10,00,000/- | Two thousand rupees. |
| (d) Where the nominal share capital exceeds Rs. 10,00,000/- | Five thousand rupees.” |

(3) For Article 27, the following shall be substituted; namely:—

“27 DEBENTURE, PARTICIPATION TERM CERTIFICATE.

(whether a mortgage or not) being marketable security transferable.

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| (a) by endorsement of separate instrument of transfer | The same duty as is leviable on Bond (No. 15) |
| (b) by delivery. | For every rupees five hundred or part thereof of the face value of the debenture rupees eighteen.” |

(4) For Article 39, the following shall be substituted; namely:—

“39 MEMORANDUM OF ASSOCIATION OF A COMPANY.

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| (a) If accompanied by articles of association under Section 35 of the Companies Ordinance, 1984. | One thousand rupees. |
| (b) If not accompanied. | Two thousand rupees”. |

(5) For Article 43, following shall be substituted; namely:—

“43. NOTE OR MEMORANDUM sent by broker to his principal intimating the purchase or sale on account of such principal.

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| (a) of any goods exceeding in value twenty rupees. | Four rupees. |
| (b) of any stock or marketable security exceeding in value twenty rupees, but not being a Government security. | Fifty paisa for every Rs. 5,000/- or part thereof of the value of the stock or security. |
| (c) of a Government security. | One rupee for every Rs. 10,000/- or part thereof of the security subject to a maximum of two hundred rupees.” |

(6) For Article 46, the following shall be substituted; namely:—

“46 A. PARTNERSHIP OF.

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| (a) Where the capital of the partnership does not exceed rupees five hundred. | One hundred rupees. |
| (b) in any other case. | One hundred rupees. |
| (c) DISSOLUTION. | Five hundred rupees.” |

(7) For Article 48, the following shall be substituted; namely:—

“48- POWER OF ATTORNEY as defined by section 2(21) not being a proxy Article 52.

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| (a) When executed for the sole purpose of procuring the registration of one or more documents in relation to a single transaction or for admitting execution of one or more such documents. | Thirty rupees. |
| (b) When authorizing one person or more to act in a single transaction other than the case mentioned in clause (a). | One hundred rupees. |
| (c) When authorizing not more than five persons to act jointly and severally in more than one transaction or generally. | Three hundred rupees. |
| (d) When authorizing more than five but not more than ten person to act jointly and severally in | One thousand rupees. |

more than one
transaction or generally.

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| (e) When give for consideration and authorized attorney sell any immovable property. | The same duty as is leviable on a Conveyance (No. 23) for the amount of consideration. |
| (f) in any other case. | Forty rupees for each persons authorized.” |

(8) For Article 54, the following shall be substituted; namely:—

“54 RECONVEYANCE OR MORTAGAGE PROPERTY.

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| (a) If the consideration for which the property was mortgaged does not exceed rupees 1,000/- | The same duty as is leviable on a Bond (No. 15) for the amount of such consideration set forth in reconveyance deed. |
| (b) in any other case. | Five hundred rupees”. |

(9) For Article 57, the following shall be substituted; namely:—

“57. SECURITY BOND OR MORTAGAGE DEED

Exceed by way of security for due execution of an officer, or to account for money or other property received by virtue thereof or executed in favour of a court for due discharge of a contingent liability or executed by a surety to secure the performance of a contract.

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|--|---|
| (a) When the amount secured does not exceed Rs. 100/- | The same duty as on a Bond (No. 15) for the amount secured. |
| (b) in any other case | Rs. 100/- |
| (c) Guarantee/ security Bond to be given to the Banks/ Financial institutions. | Two hundred rupees.” |
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