

Status of cultivators, owners of agriculture land: SC to examine Section three of Punjab agriculture income tax law

Supreme Court on Tuesday observed that payments through crossed cheques to owners of the leased land by Pakistan Tehreek-e-Insaf General Secretary Jehangir Khan Tareen have no legal value until land revenue department record confirms the titles of real owners.

Hanif Abbasi, a leader of Pakistan Muslim League-Nawaz had filed a plea before the apex court seeking disqualification of Imran Khan and Tareen from the Parliament over alleged tax evasion and misdeclaration while submitting nomination forms before the Election Commission of Pakistan.

During the course of proceedings, a three-member bench led by Chief Justice Mian Saqib Nisar observed that it would have to examine Section 3 of the Punjab Agricultural Income Tax Act, 1997 in order to ascertain the status of cultivators and owners of agricultural land.

Resuming arguments on behalf of Tareen, Sikandar Bashir Mohmand said that in pursuance of the court's earlier directives revenue record has been obtained from the concerned quarters, saying his client is associated with farming since 1978 and he retained a chunk of agriculture land on lease in the year of 2002 which increased to 20,000 acres till the year of 2011.

Mohmand further apprised the court that his client cultivated sugarcane, cotton, mango and cotton crops in the land, adding that the leased land is spread over 150 kilometers.

Responding to a query of Justice Umar Atta Bandial as to why Tareen sold out his 200 acres of land, Mohmand submitted that the sold land was situated in district Lodhran where his client had started modern agri farming.

After examining the land record, Chief Justice Mian Saqib Nisar remarked that there is no registered instrument of leased land whereas Justice Umar Atta Bandial raised a point that revenue department's record pertaining to land on lease has also not been produced before the court, saying another question arose whether or not the land was obtained on lease from the original owners of agriculture land.

Mohmand informed the bench that his client paid the annual rent of the land through crossed cheques of Rs 1.09 billion to the owners of land, saying he can produce affidavits of the land owners who gave the land on lease to his client in addition to bank record of the income earned from such land.

Chief Justice Mian Saqib Nisar issued directives to Mohmand to produce attested copies of Khasra Girdawari (a document wherein a land revenue clerk enters the name of owner, name of cultivator, land/khasra number, area, kind of land, cultivated and non-cultivated area, source of irrigation, name of crop and its conditions, revenue and rate of revenue) at least twice a year.

The bench also asked Mohmand to produce certified copies of the Jamabandi (record of rights) of a village. Jamabandi is a register that contains names of owners, area of land, shares of owners and other rights attached to agriculture property.

Mohmand said he will produce the required record but at the same time he pointed out an issue that land owners intentionally avoid to show their land on lease because of fear that the renter may secure illegal possession on the basis of such lease record.

Chief Justice Mian Saqib Nisar observed that nothing has been mentioned in the lease agreements produced before the court, saying such instrument doesn't include details such as Khasara and Jamabandi, adding the court should be satisfied about real owners of the land.

Chief Justice Mian Saqib Nisar categorically said that there would be no value of payment through crossed cheques to land owners until certified record of Khasra Girdawari and Jamabandi is not produced before the court; otherwise, the court observation over payment through the crossed cheques may create legal repercussions for Tareen. Chief Justice Mian Saqib Nisar observed that there is possibility that a lease agreement can be made in the name of the person who is not the real owner of the land but has provided a CNIC for the purpose.

Responding to the court's query, Mohmand said that his client earned Rs 22,000 per acre as income, saying no mechanism of agriculture tax is in the field. He added that Tareen keeps record of every thing with him so there is no ground to

disqualify him from the Parliament under Article 62 (1) (f) of the Constitution over the agriculture tax matter.

Mohmand submitted that flaws in the existing system to access the agriculture tax also provide ground to the argument that his client cannot be declared guilty due to the system.

Earlier, before the arguments of Mohmand, Syed Naeem Bokhari informed the court that through a civil miscellaneous application (CMA) he has submitted details of GBP 562,000 as accounts payable from Imran Khan to Jemima Goldsmith.

He said that Jemima Goldsmith remitted the amount to Imran Khan to pay the architect fee for construction on the Banigala land, which Khan returned to Jemima upon rejection of the design of the land.

Chief Justice Mian Saqib Nisar observed that it would be better if the documents were submitted earlier so that the petitioner may have an opportunity to raise objection over the documents, to which Bokhari said that both the parties to the case have equal rights to raise objection over the documents.

Bokhari contended that the petitioner has nothing to do with purchase of Imran Khan's London flat but his case is about non-disclosure of Khan's offshore company, saying he has submitted documents in response to allegations of Hanif Abbasi against his client.

Responding to a query of Chief Justice Mian Saqib Nisar whether Imran Khan disclosed in returns an amount of GBP 100,000 which was in the account of Niazi Services Limited during the period of 2003 to 2007, Bokhari submitted that the amount did not belong to Khan and was spent on legal expenses of London flat. He further said that no complete record of the NSL was available; however, the court issued notice over CMA of Imran Khan while accepting the plea of Hanif Abbasi's counsel Akram Sheikh who requested the court that after the notice he will submit a reply to the CMA.

Chief Justice Mian Saqib Nisar observed that only the record favorable to the

respondent is available. Later, hearing of the matter was adjourned till October 11 (today).

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