

The BALOCHISTAN REVENUE AUTHORITY

ACT, 2015

(Baln Act VII of 2015)

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'THE BALOCHISTAN REVENUE AUTHORITY ACT, 2015

(Baln. Act VII of 2015)

1 This Act was passed by the Balochistan Assembly on 25"June, 2015; assented to by the Governor of Balochistan on 3" July

published in the Balochistan Gazette (Extraordinary) No.135, dated 3 July, 2015, which came into force on and from 1* day of 2015, S. 1(3).

Preamble.

Short Title, Extent
and Commencement.

Definitions.

[3 July, 2015]

An Act to provide for the establishment of Balochistan
Revenue Authority.

Whereas it is expedient to reform and modernize, the
system of taxation, to provide assistance to tax payers, to
promote compliance with fiscal laws, to establish a progressive
and professionally efficient tax management organization, and
to provide for ancillary matters thereto;

It is hereby enacted as follows:—

CHAPTER - I PRELIMINARY

1. (1) This Act shall be called the Balochistan Revenue
Authority Act, 2015.

(2) It extends to whole of Balochistan except its
tribal Areas.

(3) It shall come into force on and from 1st day of
July, 2015.

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

(a) “Act” means the Balochistan Revenue Authority
Act, 2015;

(b) “Advisory Council” means the Advisory Council
of the Authority constituted under section 13 of
the Act;

(c) “Appellate Tribunal” means the Appellate
Tribunal established under the Act;

(d) “Authority” means the Balochistan Revenues
Authority;

(e) “Chairperson” means the Chairperson of the
Authority;

(f) "Committee" means a committee of the Authority;

(g) "Employee" means a person in the employment and service of the Authority;

(h) "Federal Board Of Revenue" means the Federal Board of Revenue established under the Federal Board of Revenue Act 2007 (IV of 2007);

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“Fiscal law” means the law of Balochistan relating to tax duty or charge including stamp duty, excise duty on alcoholic liquors, opium and other narcotics, land revenue, sales tax on service, taxes on agricultural income, motor vehicles, immovable property and entertainments, capital gains tax on immovable property, capital value tax, asset tax, tax on professions, trades, callings or employment or such other law imposing any tax, levy, cess, duty, fee, charge or surcharge as the Government may specify;

“Government” means Government of Balochistan;

“Member” means any person appointed as a member of the Authority;

“Person” includes—

- (i) an individual;
- (ii) a company or association of persons;
- (iii) the Federal Government;
- (iv) a Provincial Government;
- (v) a local authority or local government; and

(vi) a foreign government, a political subdivision of a foreign government, or an international organization;

“Prescribed” means prescribed by the rules or regulations;

“Public Account” means the Public Account of the Province in terms of Article 118 of the Constitution of Islamic Republic of Pakistan;

“Provincial Consolidated Fund” means _ the Provincial Consolidated Fund in terms of Article 188 of the Constitution of the Islamic Republic of Pakistan;

“Regulations” means the regulations framed under the Act; and

“Rules” means the rules made under the Act.

CHAPTER- II

BALUCHISTAN REVENUE AUTHORITY

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The Authority.

3. (1) The Government shall, by notification, establish an Authority to be called the Balochistan Revenue Authority.

(2) The Authority shall be a body corporate, having perpetual succession and a common seal, with power to enter into agreements, acquire, hold, manage and, subject to sub-section 3, dispose of property and to sue and be sued in its name.

(3) The Authority shall not dispose of any immovable property except with the prior approval of the Government and through competitive bidding.

(4) The Authority shall consist of the Chairperson and not less than four members, including a Tax Operations Member, an Audit Member, an Information Technology Member, and a Human Resource Member. The Chairperson and members shall be appointed by a Government Committee. The Committee shall comprise of the Chief Secretary, Secretary Finance, Secretary Services and General Administration Department, for the Chairperson and include the Chairperson for appointment of the members. These vacancies shall be filled through vacancy announcement and based on open competition. The appointments shall be made in such manner and on such terms and conditions as may be prescribed, including performance based market salaries. The Members shall be appointed for a period of three years and shall be eligible for re-appointment for a similar term:

Provided that there shall be no further re-appointment of such person on expiry of second term.

(5) | Noperson shall be appointed as the Chairperson,
(i) unless he/she possesses:—

(a) has at least a Master's or equivalent degree in Economics, Political Science, Law, Public Administration, Accounting or Public Financial Management from a University or Institution duly recognized by Higher Education Commission (HEC);

(b) has at least twenty-five years experience in the relevant field, including five years' experience in

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tax administration, financial
management, accounting, auditing
at a senior position;

(c) is not more than sixty-five years of
age on the date of appointment;
and

(d) possesses such other qualifications
which the Government may
prescribe;

The Chairperson shall be appointed for a
period of three years and shall be eligible
for re-appointment for a similar term,
provided that there shall be no further re-
appointment of such person on expiry of
second term.

The qualifications, experience and other
requirements for appointment as Members
shall be such as may be prescribed by the
Government and would amongst other
include;

- ¢ A Pakistani citizen;
- ¢ Have Balochistan domicile;
- ¢ Physically and mentally fit;

* Has a Masters' degree or its
equivalent;

¢ At least twenty years of experience;

¢ Is at least forty years old and at most
sixty-five years old during the year of
selection;

* Is competent, honest, has a high
moral integrity, and is of good repute;

¢ Is not a caretaker of a political party;

* Relinquishes all other offices while
being a member of the Authority;

* Does not pursue his/her profession
while a member of the Authority.

If the office of the Chairperson is vacant
or he is absent or is unable to perform the

functions of the Chairperson owing to any cause, the senior most Member, as designated by Government, shall perform the functions of the Chairperson:

Provided that the Government shall fill in the vacant post of Chairperson and Members within two months.

Powers and 4. (1) The Authority shall exercise such powers and

Functions of perform such functions as are necessary to achieve the purposes the Authority. of this Act.

(2) Without prejudice to the generality of the powers mentioned in sub-section (1), the Authority shall have powers to:—

(a) administer and collect such taxes, duties, cesses and other levies as are assigned to the Authority under a fiscal law;

(b) implement, with the approval of the Government, the tax administration reforms;

(c) promote voluntary tax compliance;

(d) implement comprehensive policies and programmes for education and facilitation of taxpayers, stakeholders and employees to improve the quality of the performance of the Authority as a service oriented entity;

(e) adopt modern effective tax administration methods, information technology systems and policies to consolidate assessments, improve processes, organize registration of tax payers, widen the tax base, and make departmental remedies more efficient including enforcement of, or reduction or remission in duty, penalty or tax, in accordance with the relevant fiscal law;

(f) improve productivity through a comprehensive and effective human resource strategy;

(g) identify and select in a transparent manner, qualified work force on such terms and conditions and in such manner as may be prescribed;

(h) grant such performance based additional

allowances or incentives and rewards to the employees and members of the Authority as may be prescribed;

(1) take appropriate measures including internal controls to combat corruption in_ the organizations under the Authority and to provide checks to ensure that the integrity of the employees is defied periodically through applicable procedures and the said verification shall constitute one of the criteria for purposes of grant of incentives and consideration for promotion;

(j) direct or advise, where necessary, investigation or inquiry into suspected duty or tax evasion and tax or commercial fraud;

(k) introduce and maintain a _ system of accountability of performance, competence and Conduct of the employees;

(1) implement the mandate and provisions of a fiscal law if so authorized by such law;

(m) — establish, with the approval of the Government, a foundation for the welfare of the present and retired employees and their families, and for creating, establishing, organizing and assisting them in the social and cultural facilities;

(n) frame regulations, policies, programmers, strategies in order to carry out the purposes of the Act;

(0) set up mechanism and processes for remedying the grievances and complaints of the tax payers;

(p) develop a website and adopt, in the prescribed manner, electronic communication in respect of all taxation matters such as e-filing, e-payment, e-notice, e-notification, digital imaging, protocols or agreements;

(q) practice transparency and public participation as a norm for all its processes and policies;

(r) review the existing fiscal laws and suggest improvements, if necessary;

Human Resource
Management.

(s) form a committee and assign or delegate functions to the committee; and

(t) perform such other functions as may be prescribed or are incidental to the above functions or assigned by the Government.

(3) Subject to the provisions of this Act and the relevant fiscal law, the Authority may, where appropriate, issue notifications, circulars and instructions for the enforcement of the provisions of the Act or any other fiscal law administered by the Authority.

5. (1) The Authority may, in respect of employees:—

(a) develop and implement human resource management policies;

(b) assess, identify, create, increase, decrease or designate or re-designate posts and prepare and execute the internal job posting regime;

(c) lay down qualifications and criteria for the posting of employees against specialized or available posts;

(d) implement a transparent and objective evaluation process to determine that an employee is qualified for posting against a specialized or available post;

(e) make assessment of integrity and proficiency of the employees for purposes of evaluation, posting, promotion, transfer or other incidental matters;

(f) transfer, select or post any employee against any post on the basis of transparent criteria of selection in any entity administered by the Authority;

(g) take action, issue orders, regulations, guidelines code of conduct to achieve the purposes of this Act;

(h) appoint, with or without remuneration,

such advisers, commissioners,

consultants, experts, interns, liaison

(2)

officers and other staff as may be prescribed;

(i) fix, with the approval of the Advisory Council, an honorarium or remuneration for the Services rendered by adviser, consultants, experts, fellows, interns, officers and staff of the Authority, liaison officers and other staff engaged by the Authority; and

(j) impart the requisite training to its employees for purposes of better tax administration.

Notwithstanding anything contained in this Act,

an appointment of a person to a post in the Authority shall not confer any right on such person to continue to serve in the said

post.

Integrity 6. The Authority shall develop and implement a robust Management Integrity Management System having the following features:

System.

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Meetings. 7. (1)

A separate, independent Integrity Management Cell headed by senior officer shall chalk out a comprehensive code of conduct for the employees;

The Cell, shall spearhead an _ Integrity Management Framework with zero tolerance for the corrupt practices in all entities of the Authority.

Automated system shall be developed to trail all transactions to pinpoint use of discretion by employees for subsequent investigation if needed.

Code of conduct shall spell out standards of behavior of all employees.

An online web-based complaint registration system as well as dedicated phone lines shall be maintained to receive complaints from aggrieved taxpayers and other stakeholders.

The Authority shall meet at least once in a month but the Chairperson may, at any time, call a meeting of the Authority.

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Ex-Officio Status
of Secretary.

Validity of
Proceedings.

Data bank.

Properties and
Assets to Vest
in the
Authority.

Authority May
Impose any
Fee or
Charges.

(2) The Authority shall conduct its meetings, take decisions and keep record of the proceedings of the meetings in such manner as may be prescribed, and until so prescribed as may be determined by the Authority.

8. Chairman BRA shall have the Status of Secretary, Government of Balochistan.

9. No act, proceeding, decision or order of the Authority or a committee of the Authority shall be invalid by reason only of the existence of vacancy or any defect in the constitution of the Authority or a committee.

10. (1) The Authority shall create and maintain a data bank containing information from third parties necessary to achieve the purposes of this Act.

(2) The Authority shall use the data, amongst other things, to increase the taxpayers' base, ensure accuracy of information, financial analysis and to evaluate the performance of the employees.

(3) The Authority may share its data with, or request for data from, the Government or any of its statutory body, law enforcement entity or utility company, stock exchange, State Bank of Pakistan bank financial institutions or other organizations including any ministry, body or authority of the Federal Government or of any other Province.

11. (1) All properties, assets and records transferred to, or purchased or acquired by, the Authority and all intellectual property rights arising from technical or professional reports, analysis, or system, written, prepared or developed by the

employees of the Authority or procured by the Authority shall vest in the Authority and shall be the property of the Authority.

(2) The Authority may create its own logo, insignia, stationary, forms, returns, challans and online communication mechanism.

12. The Authority may, with the approval of the Government, levy any fee or charges for provision of additional or enhanced facilities to the taxpayers, or may direct reimbursement of such cost or expense as is incurred by the Authority on that account.

CHAPTER— III

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Advisory Council.

13. (1) There shall be an Advisory Council of the

ADVISORY COUNCIL

Authority consisting of the following:—

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Chief Minister;

Chief Secretary of the
Government;

Minister Finance;

Secretary to the Government,
Finance Department;

Senior Member Board of Revenue;

Secretary to the Government,
Excise and Taxation;

Chairperson of BRA;

Six private members to be
nominated by the Government
from amongst the eminent
economists, tax experts, bankers,
chartered accountants,
representatives of Chambers of
Commerce and Industry or civil
society organizations, at a
minimum comprising of, an
Economist with a PhD in
Economics from an international
university, a certified Chartered

Accountant with fifteen years of experience, a Lawyer who is a Barrister or has LLM degree with a minimum of fifteen years of Corporate Tax experience, and a tax official of the Federal Board of Revenue, serving or retired, who is in Grade 21 or above from Balochistan; Member; and

any other member co-opted by the Authority.

Chairman

Member

Member

Member

Member

Member

Secretary

Member

Registration of Tax
Payers.

Assessment,
Collection and
Returns of
Taxes.

Fund.

(2) The Advisory Council shall be an advisory body of the Authority and shall propose to the Authority appropriate recommendations and guidelines pertaining to policy, planning, reforms, budget and any other matter referred to it by the Government.

(3) The Chief Minister and, in this absence the Chief Secretary, shall be the Convener of the Advisory Council.

(4) The Advisory Council shall perform its functions in such manner as may be prescribed.

(5) The policies formulated by the Council shall be binding upon the Authority.

(6) The Council shall meet at least once every six month.

(7) The Council shall perform its functions in such manner as may be prescribed.

CHAPTER— IV ADMINISTRATION OF TAXES

14. A person registered or to be registered, licensed or to be Licensed under the relevant fiscal law administered by the Authority, shall be deemed to be validly registered for purpose of this Act or relevant fiscal laws administered by the Authority.

15. (1) Where necessary, the Government may declare separate assessment, billing and collecting branches in the Authority for purposes of administration of the taxes as are assigned to the Authority.

(2) Subject to the provisions of the relevant fiscal law, the Authority shall follow such procedure and manner for purposes of assessment, billing, collection and filing of returns of the taxes as the Government may prescribe.

(3) The Authority shall in the prescribed manner,

deposit all the proceeds of the taxes in the provincial Consolidated Fund or the Public Account.

CHAPTER- V FINANCIAL PROVISIONS

16. (1) There shall be established a Fund to be known as, "the Balochistan Revenue Authority Fund" which shall be

autonomous and utilized to meet the expenses including the payment of salaries and other remuneration to the staff and be administered and controlled by the Authority.

(2) The Fund shall consist of—

(a) budgetary releases from the Government;

(b) grants made by the Government, the Federal Government or any _ other authority or Agency;

(c) fee and charges collected and profits earned by the Authority; and

(d) income from any other source.

Budget and 17. (1) The Authority shall, before the commencement Accounts. of a financial year, prepare a statement of the estimated receipts and expenditure of the Authority for the financial year in the prescribed manner and submit it to the Government for consideration and approval.

(2) The Authority shall maintain proper accounts and other records relating to its financial affairs including its income and expenditures and its assets and liabilities in such form and manner as may be prescribed.

(3) As soon as may be, after the end of each financial year, the Authority, in the manner prescribed, shall cause to be prepared for that financial year statements of account of the Authority, which shall include a balance-sheet and an account of income and expenditure.

(4) The Authority may open and maintain its

accounts at such scheduled banks as it may determine.

Audit. 18. (1) The Auditor General of Pakistan or such other authority as the Provincial Government may appoint in this behalf shall annually audit the accounts of the Authority.

(2) The Government, in addition to the audit under sub-section (1), may cause the annual account of the Authority audited, in the prescribed manner, by a Chartered Accountant or a firm of Chartered Accountants.

CHAPTER- VI MISCELLANEOUS

Staff. 19. (1) The Authority may employ such persons as may

Delegation by the
Government.

Directions from the
Government.

Delegation by the
Authority.

Annual report.

be necessary for the efficient performance of its functions in such manner and on such terms and conditions as may be prescribed.

(2) The employees of the Authority shall hold office during the pleasure of the Authority and shall be liable to such disciplinary action as may be prescribed.

(3) The Authority may, in the manner prescribed, absorb in its service an employee who is on deputation with the Authority, subject to prior approval of the Government or the employer and consent of the employee.

(4) The terms and conditions of service of an employee, on absorption, shall not be less favorable than those admissible to such employee immediately before his absorption in the service of the Authority.

20. (1) The Government may delegate any of its powers to the Authority on such terms and conditions as the Government may determine.

(2) The Government may, by notification, assign or delegate to the Authority any powers or functions under any fiscal law.

21. The Government may, from time to time give such general or specific directions to the Authority as may be necessary for the efficient performance of its functions and achieving the objectives of the Act and the Authority shall implement such directions.

22. The Authority may, with the concurrence of the Government, delegate any of its functions and powers to any department, agency or employee of the Government.

23. (1) The Authority shall, within three months of the close of a financial year, submit to the Government an annual report.

(2) The report shall consist of:—

(a) the statement of accounts;

(b) a comprehensive statement of the work,
activities and performance of the
Authority during the preceding financial
year; and

(c) such other matters as may be prescribed

Public Servants.

Indemnity.

Representation.

Power to Conduct
Surveys.

Assistance to the

and as the Authority may consider
appropriate.

(3) The Government shall, within two months of receiving the report from the Authority, shall give notice for laying the report in the Provincial Assembly of the Balochistan, and shall lay the report before the Assembly in its first available session.

24. The Chairperson, Secretary, members, officers, employees and other persons authorized to perform or exercise any function or power under this Act or render services to the Authority as agents, advisors or consultants shall be deemed to be public servants within the meanings of section 21 of the Pakistan Penal Code 1860 (XLV of 1860).

25. (1) No prosecution, suit or other legal proceeding shall lie against the Authority, Appellate Tribunal, Chairperson, members officers and other employees of the Authority or of the Appellate Tribunal for anything done in good faith for carrying out the purposes of the Act, rules or regulations.

(2) No Government department or agency shall initiate any enquiry or investigation against the official conduct of any of the employees of the Authority without prior approval of the Authority.

26. (1) Any person aggrieved by any action or decision taken for the enforcement of the relevant fiscal law or by any act of maladministration, corruption and misconduct by any employee of the Authority or by any unnecessary delay or hardship caused due to any administrative process may file a representation to the Chairperson.

(2) The Chairperson or any other officer designated by the Chairperson shall, after affording an opportunity of hearing to both the parties, make such order as may be necessary and inform the applicant accordingly.

(3) Pending final action or order on_ the

representation, the Chairperson may stay further proceedings in the matter at any subordinate level.

27. | The Authority may conduct or cause to be conducted such surveys as it may deem necessary to broaden the tax-base and to widen tax coverage under any fiscal law.

28. All department, agencies, organizations, entities,

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Authority.

Directorates.

Act to override

other Laws.

Rules.

Regulations.

Removal of

Difficulties.

formations and bodies of the Government shall, on request, be under obligation to extend necessary and due cooperation and assistance to the Authority in the performance of its functions under this Act, rules or regulations.

29. (1) The Authority may, with the approval of the Government, establish such directorates for such tax-relator specialized functions like intelligence and _ investigation, internal audit and inspection, or training and research as may be necessary.

(2) The Authority shall assign and regulate the powers and functions of the said Directorates in such manner as it may deem proper.

30. The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law.

31. The Authority may after obtaining approval of the Government, may, by notification, make rules to carry out the purposes of the provisions of this Act.

32. (1) Subject to this Act and the rules, the Authority may frame regulations for giving effect to the provisions of the Act.

(2) Without prejudice to the foregoing powers, such regulations may provide for appointment of its officers, staff, employees and other persons, terms and conditions of their Service and performance of functions by the Authority.

33. If any difficulty arises in giving effect to or applying the provisions of this Act, rules or regulations, the Government may make such order, not inconsistent with the Act or the rules

and regulations, as may be necessary to remove the difficulty.