

SINDH ACT NO.XI OF 2010
THE SINDH REVENUE BOARD ACT, 2010

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[24th June, 2010]

An Act to provide for the establishment of the Sindh Revenue Board in the Province of Sindh.

WHEREAS it is expedient to provide for the establishment of the Sindh Revenue Board and to regulate the matters relating to the fiscal and related economic policies; administration, management; imposition, levy and collection of taxes, duties, cess and other levies by establishing an organization, capable of enforcing the tax system through application of modern techniques of information and developing automated system of collection and assessment, in the Province of Sindh and for matters connected therewith or ancillary thereto;

It is hereby enacted as follows:-

1. (1) This Act may be called the Sindh Revenue Board Act, 2010.

(2) It extends to the whole of the Province of Sindh.

(3) It shall come into force at once.

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

(a) "Advisory Council" means the Council constituted under section 6;

(6b) "Board" means the Sindh Revenue Board established under this Act;

(c) "Chairman" means the Chairman of the Board;

(d) "Committee" means a committee constituted under sub section 8 of section 3;

(e) "employees" means the persons in the employment and service of the Board and its offices, organizations and its departments;

(f) "Government" means the Government of Sindh;

(g) "human resource policy" means the policy

related to employees for the purpose of enhancing efficiency in the functioning of the Board, which has

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been approved by the competent authority from time to time:

(h)*member” means any person appointed or nominated as a member of the Board;

(i) “person” includes the natural person, entity, any company or association or body of persons, whether incorporated or not;

(j) “prescribed” means prescribed by regulations and rules;

(k) “regulations” means the regulations made under this Act:

(l) “rules” means and rules made under this Act;

3. (1) There shall be established a Board to be called the Establishment Sindh Revenue Board, which shall consist of not less than of the Sindh four members to be appointed or nominated by Revenue Government. Board.

(2) The Board shall exercise all powers and_ functions assigned to it under this Act and the rules made thereunder.

(3) Government may appoint or nominate the Chairman on such terms and conditions as it may determine.

(4) Government shall appoint a Principal Accounting Officer.

(5) Government may designate any member who shall act as an Acting Chairman in the absence of Chairman.

(6) Government on the recommendation of the Board shall appoint the Secretary of the Board.

(7) The Board shall meet at least once in a month but a special meeting of the Board may be convened by the Chairman at any time or on the request of any member.

(8) Government shall constitute one or more committee (s) which shall perform such functions as are entrusted to them by it.

(9) Government may delegate any of its powers to the Chairman on such terms and conditions as Government may determine.

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4. (1) The Board shall exercise powers and perform Powers and all such functions that are necessary to achieve the objects functions of the and purposes of this Act and include the following:- Board

(a) to implement the tax administration reforms with the approval of Government;

(6) to promote voluntary tax compliance and to make the Board a service oriented organization and to implement comprehensive policies and programs for the education and facilitation of taxpayers, stakeholders and employees, etc., in order to develop the Board into a modern efficient entity;

(c) to adopt modern effective tax administration methods, information technology systems and policies in order 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 law for the time being in force;

(d) to improve the productivity through a comprehensive and effective human resource strategy;

(e) to identify and select through advertisement of vacancies in widely published newspapers, and on such terms and conditions as may be prescribed;

(f) to grant performance based = additional allowances or any other incentives and rewards to the employees and members of the Board;

(g) to take appropriate measures including internal controls to combat corruption within the organizations under the Board and _ provide checks to ensure the integrity of employees that is verified periodically through applicable procedure which shall be made one of the criterion for promotion and incentives;

(h) to engage serving Government Servants on deputation, prepare job description of any post

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and create posts as may be prescribed by rules;

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

(j) to introduce and maintain a system of accountability of performance, competence and conduct of the employees;

(k) to establish a foundation for the welfare of the present and retired employees and their families, and to create, — establish, organize, assist in the social and cultural facilities;

(l) to make regulations, policies, programs, strategies in order to carry out the purposes of this Act;

(m) to create field formations of Board for greater efficiency in implementation of assigned taxes, duties, charges, cess and levies and refer to them with appropriate titles;

(n) to set up mechanism and processes that facilitate removal of grievances and complaints of the tax payers;

(o) to carry out any other function, activity and acts, etc., as decided and determined by the Board;

(ep) to enable electronic communication in respect of all taxation matters such as e-filing, e-payments, e-notice, e-notification, digital imaging, protocols or agreements as may be prescribed; and

(q) to perform any other functions entrusted from time to time by Government.

(2) The Board may, where appropriate, issue notifications, orders, advices, circulars, rulings and instructions for the enforcement of any of the provisions of fiscal laws and the provision of this Act.

(3) The Board shall perform all other functions as assigned by Government for the purpose of implementation

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of this Act.

5.

(1) The power of the Board in respect of its

employees shall include, inter alia, the following:-

- (a) to implement the human resource policy;
- (b) to assess, identify, create, increase, decrease or designate or re designate posts and prepare, execute the internal job posting regime as may be prescribed by rules;
- (c) to lay down qualifications and criteria for the posting of employees against specialized or available posts;
- (d) to implement a transparent evaluation process to assess if the official is qualified for posting against a specialized or available post;
- (e) to make assessment of integrity of the employees for the purpose of evaluation process or for the purpose of posting, promotion or transfer;
- (f) to transfer, select or post the official or employees against any post on the basis of transparent criteria of selection of internal job postings or transfers as may be prescribed by regulations;
- (g) to transfer any official to any post in any entity owned by the Board;
- (h) to take any action, issue orders, regulations, guidelines, code of conduct, in order to fulfill the objects and purposes of this Act;
- (i) to appoint advisers, Commissioners, consultants, experts, interns, liaison officers, and other staff, with or without remuneration to assist the Board or any revenue department under its administration or in the discharge of any duties as may be prescribed;
- (j) to fix an honorarium or remuneration of advisers, commissioners, consultants, experts, fellows, interns, liaison officers and other staff engaged by the Board, from time to time, for the services rendered; and
- (k) to provide local or foreign training and courses

to any officer or class of officers for better

Human
resource
management

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administration and collection of taxes.

(2) Notwithstanding, the appointment of any official against any post, the official shall not have any vested right to retain the said post.

6. (1) There shall be an Advisory Council, which shall consist of-

(i) Chief Minister Sindh;

(ii) | Minister for Finance;

(iii) Minister or Advisor to Chief Minister Sindh for Planning and Development;

(iv) Minister or Advisor to Chief Minister Sindh for Investment;

(v) Chief Secretary, Sindh; (vi)

Chairman of the Board;

(vii) Secretary Finance Department; and

(viii) Any other member co-opted by the Board.

(2) Government may nominate two members from the private sector, having specialized qualification and technical expertise about taxation matters, as it may deem appropriate.

7. (1) Any person aggrieved by any action done or taken for the enforcement of the fiscal laws or due to

any act of maladministration, corruption and misbehavior by any officer or employee of the Board or any unnecessary delay or hardship caused due to any administrative process may prefer representation to the Chairman for redressal of his grievance.

(2) The Chairman or any other designated officer, as the case may be, on behalf of the Chairman, shall take the appropriate action to redress such grievance.

8. The Board may, subject to such conditions as_ it deems necessary, delegate any of its functions and powers to Government department or agency.

9. No act proceeding, decision or order of the Board or acommittee of the Board shall be invalid by reason only

of the existence of vacancy in, or any defect in the constitution of, the Board or any committee.

Constitution
of the
Advisory
Council

Representation
to the
Chairman

Delegation
of functions
and powers

by the
Board
Validity of

proceedings

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10. (1) Government may, from time to time, direct or advise the Board to conduct its affairs and perform its functions in such manner as may be specified and such directions and advice shall be binding on the Board.

(2) Government may entrust the Board the functions and powers under any law for the time being in force.

1. (1)

(2)

(3)

(4)

The Board shall, in respect of each financial year, in accordance with the prescribed financial procedure, prepare its accounts of the receipts and payments and budget estimates and submit the same to the Finance Department for further process.

Once the budget has been approved, the Board shall have the full powers to incur expenditure, or re-appropriate funds, subject to any general or specific instructions that the Finance Department may, from time to time, issue in this regard.

The Board shall maintain its accounts in accordance with the procedure prescribed by the Controller General of Accounts and such accounts shall be audited by the Auditor General of Pakistan.

The Board shall provide an annual financial report to Government.

12. The Board shall prepare an annual report of its activities and present it to Government for laying the same before the Sindh Assembly.

13. No prosecution, suit or other legal proceeding shall lie against the Board, the Chairman, Members, officers and the other employees for anything done in good faith for carrying

out the

purposes of this Act, rules or regulations or orders made

or issued thereunder.

14.

(1) The Board shall create and maintain a data bank containing information from. third parties necessary to perform the objects and purposes of this Act. Such data shall be used for increasing the taxpayers' base and to ensure accuracy of information submitted by existing taxpayers and for the financial analysis leading to proper economic assessments, audits, detection of tax evasion and policy decisions as may be necessary. The data shall

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be used further to evaluate the performance of the employees.

(2) The Board shall have power to share its data and obtain data from the data base maintained by Government or any of its statutory body, law enforcement entity or utility companies, stock exchange, State Bank of Pakistan, banks, financial institutions, the trade bodies and any other organizations.

(3) The Board may advise any person or entity to furnish or share any tax related information under the arrangement that may arrive between the Board and such person or entity.

15. (1) All properties, assets and records hereinafter purchased Properties and or acquired by the Board shall vest in it and become assets to vest in property of the Board from the commencement of this the Board Act.

(2) The Board shall create its own logo, insignia, stationary, printed forms, returns, challans and online communication mechanism which shall become property of the Board after commencement of this Act.

(3

All rights, liabilities and obligations arising out of the activities of the Board whether arising out of contract or otherwise shall be the rights, liabilities and obligations of the Board under this Act.

(4

All intellectual property rights arising from technical or professional report, analysis, or system, written, prepared or developed by the employees of the Board shall vest in the Board.

16. The Board may levy any fee or charges for making Board may expenditure on the provision of enhanced facilities for the impose any taxpayers, or direct cost reimbursement or expenses, and fee or charges reasonable return on investment or profit, where services are provided as may be prescribed.

17. (1) The provisions of sections, 4, 5, 11, 13, 15 and 16 shall Act to override have effect notwithstanding anything to the contrary other laws contained in any other law for the time being in force and the rules made thereunder.

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(2) Any provision contained in any other law, rule or regulation shall, to the extent to which it is repugnant to the provisions of this Act, become or be void, as the case may be.

18. Government may make rules for carrying out the purposes of this Act.

19. The Board may make regulations for carrying out the purposes of this Act.

20. Government may, by order, provide for the removal of any difficulty which may arise in giving effect to the provisions of this Act:

Provided that the power under this section shall not be exercised after the expiry of three years from the commencement of this Act.

Power to
make rules

Power to
make
regulations

Removal of
difficulties