

## C O N F I D E N T I A L

Not to be released for publication in the press before presentation to the Assembly

### PROVINCIAL ASSEMBLY OF THE PUNJAB REPORT OF THE STANDING COMMITTEE ON FINANCE REGARDING THE PUNJAB REVENUE AUTHORITY (SECOND AMENDMENT) BILL 2016 (BILL NO. 28 OF 2016)

The Punjab Revenue Authority (Second Amendment) Bill 2016 (Bill No. 28 of 2016) was referred to the Standing Committee on Finance on 27 June 2016. The Committee considered the Bill in its meeting held on 19 July 2016.

2. The following were present:-

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|----|---|----------|
| 1. | Makhdoom Hashim Jawan Bakht, MPA (PP-291) | Chairman |
| 2. | Mr Qaiser Iqbal Sindhu, MPA (PP-99)       | Member   |
| 3. | Mr Muhammad Auan Abbas, MPA (PP-83)       | Member   |
| 4. | Pir Kashif Ali Chishti, MPA (PP-231)      | Member   |
| 5. | Qazi Ahmad Saeed, MPA (PP-286)            | Member   |

3. Mr Shaukat Ali, Secretary to Government of the Punjab, Finance Department and Mr Mohsin Abbas Syed, Director Law and Parliamentary Affairs Department represented their Departments. Hafiz Muhammad Shafiq Adil, Special Secretary, Provincial Assembly of the Punjab functioned as Secretary to the Committee.

4. The Secretary to Government of the Punjab, Finance Department apprised the Committee about the aims and objects of the Bill. He said that certain amendments in the Punjab Revenue Authority Act 2012 (XLIII of 2012) were required to rationalize the composition of the Appellate Tribunal; to validate the establishment of the Authority; to make provisions for performance based incentives; and, for incidental purposes. He stated that the Lahore High Court had held that in the absence of Notification under section 3(1) of the Punjab Revenue Authority Act 2012, the Punjab Revenue Authority had not been established or constituted in accordance with law. Through earlier amendments, the defect in the constitution of the Authority had been validated. The Bill aimed at: (a) retrospective validation of establishment of the Authority with effect from 01.07.2012 in the light of the said Order; (b) rationalizing the conditions of eligibility

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of the accountant member of the Appellate Tribunal; (c) empowering the Authority to establish offices etc; and to frame regulations for allocation and transaction of its business; and (d) to empower the Government to grant performance based incentives in the prescribed manner to the Chairperson and members of the Authority. He requested the Committee that the bill, as introduced, may be recommended for passage by the Assembly.

5. The Committee after hearing the Members, having view point of the Administrative Department & Law and Parliamentary Affairs Department and discussing various points, unanimously decided to recommend that the bill may be passed by the Assembly subject to the following amendments:-

**AMENDMENTS IN THE BILL**

**(1) CLAUSE 2**

para (i) be omitted and subsequent paras be re-numbered accordingly.

**(2) CLAUSE 3**

in para (a) (i), the figures "BS-19" be substituted by the words "substantive basic pay scale 19".

**(3) CLAUSE 4**

clause 4 be omitted and the existing clause 5 be re-numbered as clause 4.

6. A copy of the Bill as introduced in the Assembly is at Annexure-A and a copy of the Bill as recommended by the Committee is at Annexure-B.

Lahore  
19 July 2016

**MAKHDOOM HASHIM JAWAN BUKHT**  
Chairman  
Standing Committee on Finance

Lahore  
19 July 2016

  
**(RAI MUMTAZ HUSSAIN BABAR)**  
Secretary

**ANNEXURE – A**

**(BILL AS INTRODUCED IN THE ASSEMBLY)**  
**PROVINCIAL ASSEMBLY OF THE PUNJAB**

**Bill No. 28 of 2016**

**THE PUNJAB REVENUE AUTHORITY (SECOND AMENDMENT) BILL 2016**

A  
BILL

*further to amend the Punjab Revenue Authority Act 2012.*

Certain amendments in the Punjab Revenue Authority Act 2012 (XLIII of 2012) are required to rationalize the composition of the Appellate Tribunal; to validate the establishment of the Authority; to make provisions for performance based incentives; and, for incidental purposes.

Be it enacted by Provincial Assembly of the Punjab as follows:

1. **Short title and commencement.**– (1) This Act may be cited as the Punjab Revenue Authority (Second Amendment) Act 2016.  
(2) It shall come into force at once.
2. **Amendment in section 5 of Act XLIII of 2012.**– In the Punjab Revenue Authority Act 2012 (XLIII of 2012), for brevity cited as the said Act, in section 5:
  - (i) in clause (h), the words “and members” shall be omitted;
  - (ii) in clause (s), after the semi-colon, the word “and” shall be omitted;
  - (iii) in clause (t), for the full-stop, a semi-colon shall be substituted; and
  - (iv) after clause (t), the following clauses (u) and (v) shall be inserted:
    - “(u) establish such offices, commissionerates or formations as deemed necessary for the effective functioning of the Authority; and
    - (v) frame regulations for allocation and transaction of business of the Authority.”
3. **Amendment in section 18 of Act XLIII of 2012.**– In the said Act, in section 18, for subsection (3), the following shall be substituted:

“(3) A person may be appointed as an accountant member of the Appellate Tribunal if he:

  - (a) satisfies the following conditions:
    - (i) has served in BS-19 or above for a minimum period of two years and has successfully completed senior management course;
    - (ii) has five years’ cumulative experience in tax administration or financial management; and
    - (iii) belongs to the Pakistan Administrative Service, Federal Board of Revenue, Pakistan Audit and Accounts Service, Punjab Management Service or the service of Excise and Taxation Department; or

- (b) has worked as Commissioner (Appeals) of the Authority or in the Federal Board of Revenue for a minimum period of two years."

4. **Amendment in section 23 of Act XLIII of 2012.**— In the said Act, for section 23, the following shall be substituted:

**"23. Powers of the Government.**- (1) 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.

(2) The Government may, on the basis of the prescribed criteria and in the prescribed manner, grant performance based additional allowance or incentive or reward to the Chairperson and members."

5. **Amendment in section 36 of Act XLIII of 2012.**— In the said Act, in section 36:

- (a) in clause (a), after semi-colon, the word "and" shall be omitted;  
 (b) in clause (b), for full-stop, the expression "; and" shall be inserted; and  
 (c) after clause (b), the following clause (c) shall be inserted:  
 "(c) the Authority stands established under section 3 and shall be deemed to have been established with effect from 1 July 2012."

#### STATEMENT OF OBJECTS AND REASONS

The Lahore High Court has held that in the absence of Notification under section 3(1) of the Punjab Revenue Authority Act 2012, the Punjab Revenue Authority has not been established or constituted in accordance with law. Through earlier amendments, the defect in the constitution of the Authority had been validated. The Bill aims at: (a) retrospective validation of establishment of the Authority with effect from 01.07.2012 in the light of the said Order; (b) rationalizing the conditions of eligibility of the accountant member of the Appellate Tribunal; (c) empowering the Authority to establish offices etc., and to frame regulations for allocation and transaction of its business; and (d) to empower the Government to grant performance based incentives in the prescribed manner to the Chairperson and members of the Authority. Hence this Bill.

MINISTER INCHARGE

Lahore:  
27 June 2016

RAI MUMTAZ HUSSAIN BABAR  
Secretary

## ANNEXURE-B

### (BILL AS RECOMMENDED BY STANDING COMMITTEE ON FINANCE)

#### A BILL

*further to amend the Punjab Revenue Authority Act 2012.*

Certain amendments in the Punjab Revenue Authority Act 2012 (XLIII of 2012) are required to rationalize the composition of the Appellate Tribunal; to validate the establishment of the Authority; to make provisions for performance based incentives; and, for incidental purposes.

Be it enacted by Provincial Assembly of the Punjab as follows:

**1. Short title and commencement.**— (1) This Act may be cited as the Punjab Revenue Authority (Second Amendment) Act 2016.

(2) It shall come into force at once.

**2. Amendment in section 5 of Act XLIII of 2012.**— In the Punjab Revenue Authority Act 2012 (XLIII of 2012), for brevity cited as the said Act, in section 5:

(i) in clause (s), after the semi-colon, the word “and” shall be omitted;

(ii) in clause (t), for the full-stop, a semi-colon shall be substituted; and

(iii) after clause (t), the following clauses (u) and (v) shall be inserted:

“(u) establish such offices, commissionerates or formations as deemed necessary for the effective functioning of the Authority; and

(v) frame regulations for allocation and transaction of business of the Authority.”

**3. Amendment in section 18 of Act XLIII of 2012.**— In the said Act, in section 18, for subsection (3), the following shall be substituted:

“(3) A person may be appointed as an accountant member of the Appellate Tribunal if he:

(a) satisfies the following conditions:

(i) has served in substantive basic pay scale 19 or above for a minimum period of two years and has successfully completed senior management course;

(ii) has five years’ cumulative experience in tax administration or financial management; and

(iii) belongs to the Pakistan Administrative Service, Federal Board of Revenue, Pakistan Audit and Accounts Service, Punjab Management Service or the service of Excise and Taxation Department; or

(b) has worked as Commissioner (Appeals) of the Authority or in the Federal Board of Revenue for a minimum period of two years.”

**4.** Amendment in section 36 of Act XLIII of 2012.— In the said Act, in section 36:

- (a) in clause (a), after semi-colon, the word “and” shall be omitted;
  - (b) in clause (b), for full-stop, the expression “; and” shall be inserted; and
  - (c) after clause (b), the following clause (c) shall be inserted:  
“(c) the Authority stands established under section 3 and shall be deemed to have been established with effect from 1 July 2012.”
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