

**A
Bill**

to continue, revise and exempt certain taxes, fees and cess in the Province of Khyber Pakhtunkhwa and to provide for efficient and transparent management of the Provincial Consolidated Fund and Public Accounts of the Province of Khyber Pakhtunkhwa.

WHEREAS it is expedient to continue, revise and exempt certain taxes, fees and cess in the Province of Khyber Pakhtunkhwa;

AND WHEREAS in pursuance of Article 119 of the Constitution of Islamic Republic of Pakistan, it is mandatory to regulate the custody of Provincial Consolidated Fund and Public Account of the Province of Khyber Pakhtunkhwa and all other matters connected therewith and ancillary thereto, through an Act of the Provincial Assembly;

It is hereby enacted by the Provincial Assembly of Khyber Pakhtunkhwa as follows:

1. Short title, extent and commencement.---(1) This Act may be called the Khyber Pakhtunkhwa Finance Act, 2022.

(2) It shall extend to whole of the Province of Khyber Pakhtunkhwa.

(3) It shall come into force on the 1st day of July, 2022.

2. Amendment of Act No. II of 1899.---In the Stamp Act, 1899 (Act No. II of 1899), in Schedule-I,

(a) against Article No. 4, in Column No. 3, for the words "Hundred Rupees", the words "One Hundred and Fifty Rupees" shall be substituted;

(b) against Article No. 6(A), in Column No. 3, for the figures "600" and "1200", the figures "1200" and "2000" shall respectively be substituted; and

(c) against Article No. 15, in Column No. 3, for the words "Fifteen Rupees" appearing twice, the words "Thirty Rupees" shall respectively be substituted.

3. Amendment of the West Pakistan Act No. V of 1958.--- In the West Pakistan Urban Immovable Property Tax Act, 1958 (W.P. Act No. V of 1958),-

- (a) for section 4, the following shall be substituted, namely:

“4. Exemptions.--- The tax shall not be leviable in respect of the following properties, namely:

- (a) buildings and lands vesting in the Federal Government or Government of Khyber Pakhtunkhwa except buildings and lands vesting in-
- (i) Federal Government and are used for the purpose of profit or leased in perpetuity;
 - (ii) Government of Khyber Pakhtunkhwa and are used for the purpose of profit or leased in perpetuity; or
 - (iii) Semi-Governmental Organizations, Authorities, Boards, Autonomous Bodies, Public Sector Commercial Organizations, Public Limited Companies, Public Sector Commercial Organizations of the Federal Government and Government of Khyber Pakhtunkhwa;
- (b) residential buildings, the area whereof does not exceed three (3) Marlas and the building is occupied by the owner himself:

Provided that the owner does not own any other residential building in any rating area of the Province for which the owner shall submit an affidavit to this effect;

- (c) residential buildings owned and occupied by widow or minor orphan:

Provided that if a widow or a minor orphan owns more than one residential building in any rating area of the Province, he shall be exempted from payment of tax in respect of only one building which is self-occupied by him;

- (d) public parks, playgrounds and libraries; and
- (e) buildings and lands or portions thereof used exclusively for public worship or public charity including mosques, churches, dharamsalas, gurdwaras, orphanages, alms houses, drinking water fountains, infirmaries for the

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treatment and care of animals and public burial or burning grounds or other places for the disposal of the dead:

Provided that the following buildings and lands or portions thereof shall not be deemed to be used exclusively for public worship or for public charity within the meaning of this section, namely:

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- (i) buildings in or lands on which any trade or business is carried on unless the rent derived from such buildings or lands is applied exclusively to religious purposes or such charitable institutions as may be prescribed; and
 - (ii) buildings or lands in respect of which rent is derived and such rent is not applied exclusively to religious purposes or to public charitable institutions.”.
- (b) for the existing “Schedule-I”, the “Schedule-I” as specified in Appendix-I, appended to this Act, shall be substituted; and
- (c) in Schedule-II, for clause 2, the following shall be substituted, namely:

“2. Lands and buildings, acquired for the use by Government, Semi-Government Organizations, Non-Governmental Organizations, Development Financial Institutions, Corporate Bodies, Autonomous Bodies, Authorities, Boards, Private Limited Companies, Public Limited Companies, Public Sector Commercial Organizations, Companies’ Distribution Businesses or Godowns, Private Commercial Organizations, local or international shop or chain, outlets, local and international brands, Guest Houses or Banks, shall be assessed and taxed at the rate of sixteen percent of the actual annual rent. In case of lands and buildings other than those exempted under section 4 of the Act, which is owned and occupied by such organizations, the tax shall be levied on the assessed annual rental value of such lands and buildings on the rates specified hereinbefore.

Explanation-I: The tax under this clause, with regard to Public Limited Companies, shall come into force from the 1st day of July, 2012.

Explanation-II: Where the actual rent agreement is lower than the prevailing market rent due to advance amount paid (PAGGRI) to the owner or middleman then the tax shall be assessed on the assessed annual rental value.”.

4. Amendment of West Pakistan Act No. XXXIV of 1964---In the West Pakistan Finance Act, 1964 (Act No. XXXIV of 1964), for the existing FIFTH SCHEDULE, the FIFTH SCHEDULE as specified in Appendix-II, appended to this Act, shall be substituted.

5. Amendment of Khyber Pakhtunkhwa Ordinance No. V of 1982--- In the Khyber Pakhtunkhwa Finance Ordinance, 1982 (Khyber Pakhtunkhwa Ordinance No. V of 1982), in section 3, in sub-section (1), for the words “Rupees one per maund”, the words “Rupees three per maund” shall be substituted.

6. Amendment of Khyber Pakhtunkhwa Finance Act, 1996---In the Khyber Pakhtunkhwa Finance Act, 1996 (Khyber Pakhtunkhwa Act No. I of 1996), in section 11,-

(a) for sub-section (1), the following shall be substituted, namely:

“(1) There shall be levied and collected Tobacco Development Cess on the transportation of following categories of the tobacco and its various parts at the following rates, namely:

(a) for Virginia (Flue-Cured, Barley and Dark-Air-Cured); Rs. 12 per kilogram

(b) for White Patta/Rustica tobacco including Khaka, Khara and Rorh made of main stalk (Dandi) and stem of tobacco; and Rs. 6 per kilogram

(c) for Snuff/Naswar. Rs. 5 per kilogram.”;

(b) in sub-section (1a),-

(i) for clause (a), the following shall be substituted, namely:

“(a) tobacco manufacturing, processing or re-drying companies on the basis of indicated purchase targets

for the company concerned, by Pakistan Tobacco Board; and”;

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- (ii) in clause (b), for sub-clause (i), the following shall be substituted, namely:
- “(i) any of the cigarette manufacturing, re-drying or processing companies or centers in the Province of Khyber Pakhtunkhwa; or ”; and
- (iii) in the “EXPLANATION” for the word “quota”, the words “indicated purchase targets” shall be substituted; and
- (c) for sub-section (1b), the following shall be substituted, namely:
- “(1b) The Cess levied under sub-section (1) shall be collected at such check points as are established for this purpose.”.

7. Validation of the Tobacco Development Cess collected.---(1) Notwithstanding any omission or anything to the contrary contained in respect of Tobacco Development Cess, so imposed under section 11 of the Khyber Pakhtunkhwa Finance Act, 1996 and the rules made thereunder, before coming into force of this Act or anything to the contrary contained in any decree, judgment or order of any Court, the Cess levied, charged, collected or realized by Government from persons, dealing in tobacco under the aforesaid Act, shall be deemed to have being validly levied, charged, collected or realized under the provisions so affected under the Khyber Pakhtunkhwa Finance Act, 1996 and the rules made thereunder.

(2) Where any Cess, referred to in sub-section (1), has not been paid or realized before the commencement of the Khyber Pakhtunkhwa Finance Act, 2022 or if so paid or realized, has been refunded to or adjusted against other fees or taxes or charges payable by the persons or companies dealing in the transportation of tobacco, the same shall be recoverable in accordance with the provisions of section 11 of the Khyber Pakhtunkhwa Finance Act, 1996 and the rules made thereunder.

8. Amendment of Khyber Pakhtunkhwa Ordinance No. IV of 2000.---In the Khyber Pakhtunkhwa Land Tax and Agriculture Income Tax Ordinance, 2000 (Khyber Pakhtunkhwa Ord. No. IV of 2000), in section 3, in the proviso, for the figures and hyphen “2021-22”, the figures and hyphen “2022-23” shall be substituted.

9. Amendment of Khyber Pakhtunkhwa Act No. VIII of 2010.---In the Khyber Pakhtunkhwa Finance Act, 2010 (Khyber Pakhtunkhwa Act No. VIII of 2010), in section 2, in sub-section (2),-

- (a) in clauses (a) and (b), in the table, against Serials No. (i), (ii) and (iii), in Column No. 3, under the heading “**Rate of Tax**”, for the existing entries, the following shall respectively be substituted, namely:

Rate of Tax
“Two percent of the recorded value of the landed area.
Twenty five rupees per square foot of the landed area.
Ten rupees per square foot of the constructed area, in addition to the value worked out above.”;

- (b) in clause (c), in the table, against Serials No. (i) and (ii), in Column No. 3, under the heading “**Rate of Tax**”, for the existing entries, the following shall respectively be substituted, namely:

Rate of Tax
“Two percent of the recorded value of the immovable property provided that the amount of tax per Sq-ft of constructed area for floor indicated below shall not be less than: Rs. 8/ per Sq-ft for basement Rs. 10/ per Sq-ft for ground floor Rs. 8/ per Sq-ft for 1st floor Rs. 7.5/ per Sq-ft for 2nd floor Rs. 7/ per Sq-ft for 3rd floor and above.
The amount of tax per Sq-ft of constructed area for floor indicated below shall be: Rs. 8/ per Sq-ft for basement Rs. 10/ per Sq-ft for ground floor Rs. 8/ per Sq-ft for 1st floor Rs. 7.5/ per Sq-ft for 2nd floor Rs. 7/ per Sq-ft for 3rd floor and above.”; and

- (c) after clause (c), as so amended, the following proviso shall be added, namely:

“Provided that the tax, under clauses (a), (b) and (c) of this sub-section, shall be exempted for the financial year 2022-23.”.


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10. Enactment of the Khyber Pakhtunkhwa Public Financial Management Act, 2022.—It is hereby enacted as the Khyber Pakhtunkhwa Public Financial Management Act, 2022, in the manner as follows:

**“An
Act**

to provide for efficient and transparent management of the Provincial Consolidated Fund and Public Account of the Province of Khyber Pakhtunkhwa.

WHEREAS Article 119 of the Constitution of Islamic Republic of Pakistan, provides for the regulation of the custody of the Provincial Consolidated Fund, the payment of moneys into that Fund, the withdrawal of moneys therefrom, the custody of other moneys received by or on behalf of the Provincial Government, their payment into and withdrawal from, the Public Account of the Province of Khyber Pakhtunkhwa, through Act of the Provincial Assembly;

AND WHEREAS to achieve the objectives, it is necessary to give an elaborate mechanism through legislation for financial management of Provincial Consolidated Fund and Public Accounts, in accordance with Articles 118 to 126, 167, and 171 of the Constitution and to give budgetary management processes, fiscal controls, cash, and banking arrangements, and financial oversight of public entities and all matters connected therewith or ancillary thereto;

It is hereby enacted by the Provincial Assembly of Khyber Pakhtunkhwa as follows:

CHAPTER-I
PRELIMINARY

1. Short title, extent and commencement.--- (1) This Act may be called the Khyber Pakhtunkhwa Public Financial Management Act, 2022.

(2) It shall extend to the whole of the Province of Khyber Pakhtunkhwa.

(3) It shall come into force at once.

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

(a) **“Accountant General”** means the Accountant General, Khyber Pakhtunkhwa;

(b) **“Administrative Department”** means an Administrative Department as defined in the Khyber Pakhtunkhwa Government Rules of Business, 1985;

- (c) “**annual budget statement**” means a budget statement, which compares the budget estimates for the coming year, with both the initial budget estimates and revised estimates of the outgoing year, as well as, the actual expenditure of the previous year;
- (d) “**appropriation**” means any Schedule of Authorised Expenditure, given assent to by the Provincial Assembly of Khyber Pakhtunkhwa, to authorise payment from the Provincial Consolidated Fund and Public Account of a given financial year;
- (e) “**attached department**” means an attached department as defined in the Khyber Pakhtunkhwa Government Rules of Business, 1985;
- (f) “**Auditor General**” means the Auditor General of Pakistan;
- (g) “**authorised expenditure**” means payments and withdrawals from the Provincial Consolidated Fund and Public Account, against approved budgetary provisions, specified in the schedule of authorised expenditure;
- (h) “**Bank**” means the State Bank of Pakistan or any office or agency of the State Bank of Pakistan and includes any bank acting as an agent of the State Bank of Pakistan in accordance with the provisions of the State Bank of Pakistan Act, 1956 (Act XXXIII of 1956) read with the Agreement of 1970 between the State Bank of Pakistan and Government of Khyber Pakhtunkhwa;
- (i) “**charged expenditure**” means the statutory expenditure, specified under Article 121 of the Constitution and charged upon the Provincial Consolidated Fund by the Constitution;
- (j) “**commitment**” means a legal obligation to make future payments, the funds for which are reserved against the allocated budget of an entity and the liabilities incurred, whether by contract or otherwise, which may result in a future expenditure;
- (k) “**Constitution**” means the Constitution of the Islamic Republic of Pakistan;
- (l) “**contingent liability**” means a liability that may arise or come as financial impact on the treasury and includes the outcome of an uncertain future event;



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- (m) **“Controller General of Accounts”** means the person appointed as Controller General of Accounts under the Controller General of Accounts (Appointment, Functions, and Powers) Ordinance, 2001 (Ordinance No. XXIV of 2001);
- (n) **“current expenditure or Non-Development expenditure”** means expenditure relating to the on- going operations of the Government which includes pay and allowances of employees, operating expenditure, repair, and maintenance, etc;
- (o) **“development expenditure”** means an expenditure of an activity undertaken to acquire, build or improve physical assets or services or develop human resources;
- (p) **“development plus budget”** means a sum of the development expenditure budget and a part of the current expenditure budget that helps in capacity expansion of service delivery or reduces the chances of capacity erosion;
- (q) **“Finance Department”** means the Finance Department, Government of Khyber Pakhtunkhwa;
- (r) **“financial propriety”** means the compliance with law, rules, regulations, maintaining a high standard of prudence, vigilance, due diligence, and ensuring value for money while incurring expenditure and collecting Government receipts;
- (s) **“financial year”** means a year commencing on the 1st day of July and ending on 30th day of June;
- (t) **“fiscal risk”** means the possibility of deviations in fiscal variables from what was expected at the time of budget or other forecasts;
- (u) **“Government”** means the Government of Khyber Pakhtunkhwa;
- (v) **“integrated”** means the combination or amalgamation of current and development activities;
- (w) **“internal audit”** means an independent, objective assurance and consulting activity designed to add value and improve an organisation’s operations to help an organisation to accomplish its objectives by bringing a systematic and

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disciplined approach to evaluate and improve the effectiveness of risk management, control and governance process;

- (x) “**internal auditor**” means the officers or officials designated or appointed by the Finance Department under this Act, to conduct the internal audit of the whole governance fabric of Government;
- (y) “**internal control**” includes an integrated process effected by an entity’s management and personnel and is designated to address risks and to provide reasonable assurance in pursuit of the entity’s mission by achieving the:
- (i) compliance with applicable laws and regulations;
 - (ii) safeguarding resources against loss, misuse, and damage;
 - (iii) executing orderly, economical, efficient, and effective operations; and
 - (iv) fulfilling accountability obligations;
- (z) “**medium-term budgetary estimates**” means the budget estimates for the financial year and the following two consecutive years;
- (aa) “**medium-term integrated departmental plan**” means an integrated service delivery plan of Administrative Department for a financial year and two consecutive years to be followed;
- (ab) “**outcomes**” mean the effects of outputs on the target population;
- (ac) “**outputs**” mean goods produced or services provided;
- (ad) “**performance-based budgeting**” means the output-based budgeting, comprising a medium-term integrated departmental plan, indicating the relationship between the levels of an Administrative Department’s funding and the anticipated outputs and outcomes including a set of performance targets;
- (ae) “**performance monitoring**” refers to annual monitoring against performance-based budget;
- (af) “**prescribed**” means prescribed by rules;

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- (ag) **“Principal Accounting Officer”** means the Secretary of an Administrative Department or any designated officer notified by Government as such responsible for exercising financial propriety in management of public funds and having personal accountability to Provincial Assembly for the economic, efficient, and effective use of resources;
- (ah) **“Provincial Assembly”** means Provincial Assembly of Khyber Pakhtunkhwa;
- (ai) **“Provincial Consolidated Fund”** means the Provincial Consolidated Fund of the Government of Khyber Pakhtunkhwa as provided under Clause (1) of Article 118 of the Constitution;
- (aj) **“Public Account of the Province”** means the Account as defined in Clause (2) of Article 118 of the Constitution;
- (ak) **“public entity”** means an entity which-
- (i) is substantially funded, either from the Provincial Consolidated Fund or other public monies, accruing to it in terms of any law; or
 - (ii) may result in a financial commitment or other liability, being incurred by Government;
- (al) **“public moneys”** means the moneys forming part of the Provincial Consolidated Fund and the Public Account of the Province;
- (am) **“re-appropriation”** means transfer of funds from one head of Account of appropriation to another such head of Account within the same budget grant;
- (an) **“regularity”** means the requirement for all items of expenditure and receipts to be dealt with, in accordance with the legislation authorising them, including this Act and any applicable delegated authority, regulations, directives, and instructions issued under this Act;
- (ao) **“resources”** means resources which include monies, stores, property, assets, loans, and investments of Government;
- (ap) **“rules”** mean rules made under this Act or any other law for the time being in force;

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- (aq) **“Secretary”** shall have the same meaning as defined in the Khyber Pakhtunkhwa Government Rules of Business, 1985;
- (ar) **“service delivery budget”** means a part of the current expenditure that directly translates into the provision of key services to citizens; like salaries of the service delivery staff and essential operational budget e.g. doctors, nurses, and teachers, medicines dispensed in hospitals, fuel for 1122 ambulances or provision of goods and services that complement the service delivery;
- (as) **“Special Purpose Fund”** means a money,-
- (i) reserved for a particular purpose by Government; and
- (ii) third party funding received or receivable by Government;
- (at) **“supplementary grant”** means a budget grant within the meaning of Article 124 of the Constitution;
- (au) **“tax expenditure”** means the revenue, which Government foregoes through the provisions of tax laws, that allows deductions, exemptions, exclusions, or exceptions from the taxpayer’s taxable expenditure income or investment, deferral of tax liability, or preferential tax rates;
- (av) **“Technical Supplementary Grant”** means the transfer of approved budgetary funds between two or more budget/demand for grants;
- (aw) **“Treasury Single Account”** means a banking arrangement for the consolidation of Government financial resources in one bank account or multiple bank accounts linked to one main account through which Government transacts all its receipts and payments and to open/operate designated bank accounts of the branches of commercial/scheduled banks with prior approval of Finance Department by public sector entities with public funds; and
- (ax) **“voted expenditure”** means expenditure other than the charged expenditure.

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CHAPTER-II
FISCAL POLICY AND TRANSPARENCY

3. Budget strategy paper.---(1) After the commencement of this Act, Finance Department shall, before the presentation of the budget before the Provincial Assembly, prepare a budget strategy paper, for its presentation before Government.

(2) The budget strategy paper shall be prepared and presented to Government no later than the last day of February of each financial year.

(3) The budget strategy paper shall focus on medium-term budget strategy, indicating strategic budget priorities of Government's revenue and spending policies and specify the indicative level of spending in various Administrative Departments and such other details as the Finance Department may deem appropriate.

(4) The budget strategy paper shall disclose financial risks and their mitigation strategy, deficit financing plan, in case of deficit budget, and investment plan for surplus fund, in case of surplus budget.

(5) After the approval of the budget strategy paper by Government, Finance Department shall publish it on its official website.

4. Budget preparation and presentation.--- (1) For the preparation of budget, the Finance Department shall issue a budget call circular, consisting-

- (a) budget guidelines;
- (b) integrated single -line indicative departmental budget ceilings; and
- (c) budget calendar.

(2) For the purpose of sub-section (1), all the Principal Accounting Officers shall submit their budget proposals to the Finance Department, as per the timelines of the budget calendar.


(3) There shall be a Budget Steering Committee, co-chaired by the Additional Chief Secretary to Government, Planning and Development Department, and Secretary to Government, Finance Department and having such other members as notified by the Finance Department, to discuss and steer

alignment of the department wise service delivery plans and budget aligned with Government priorities.

(4) The department wise service delivery plans and budget, finalized by the Budget Steering Committee, under sub-section (3), shall be placed as recommendations before Government for consideration and approval.

5. Annual budget statement.--- Annual budget statement of Government shall be laid before the Provincial Assembly for discussion and approval, not later than the thirtieth day of June each year. Annual budget statement shall include-

- (a) estimates of the revenues and financing requirements of Government for the following financial year along with original budget estimates and revised estimates for the outgoing financial year; and
- (b) estimates of the expenditure of Government for the following financial year allocated between voted expenditures and charged expenditures which Government considers appropriate and shall include for each voted expenditure and charged expenditure:
 - (i) a statement of the purposes for which the expenditure is to be used;
 - (ii) the identity of the Principal Accounting Officer, responsible for the voted expenditure and charged expenditure under section 35 of this Act;
 - (iii) a statement describing the development plus budget and service delivery budget;
 - (iv) statement of contingent liabilities;
 - (v) statement of fiscal risks; and
 - (vi) deficit financing plan or investment plan in case of deficit budget or surplus budget, as the case may be.


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6. Reporting on the exemption from taxation.—(1) Where an Act of Provincial Assembly for imposing a tax, rate, or levy confers powers on any person or authority to waive or vary a tax, rate, or levy imposed by such Act, the Finance

Department shall submit a tax expenditure report in this behalf to the Provincial Assembly on annual basis.

(2) At the time of presentation of the budget, Government shall present estimates of the cost of tax expenditure arising from exemptions, broken down by revenue instrument.

7. Re-appropriation of funds.---The Principal Accounting Officer may sanction, by 31st day of May, each year, re-appropriation of funds, in the manner as may be prescribed:

Provided that an exceptional case of exigency, the Finance Department may extend the time limit before the close of the financial year.

8. Surrender of savings.---(1) The Principal Accounting Officer or head of an attached department or sub-ordinate office, autonomous body, board, authority, institution, or any other public entity shall surrender to the Finance Department, by 15th day of June each year, all anticipated savings in their grants, assignment accounts or grant-in-aid:

Provided that in an exceptional case of exigency, the Finance Department may extend the specified time limit before the close of the financial year.

(2) The Finance Department shall communicate the acceptance of such surrenders before the close of the financial year and where requirement is justified, shall provide for equivalent amount in the next budget.

9. Supplementary and technical supplementary grants.---(1) Consistent with Article 124 of the Constitution, where in the course of any financial year, any unforeseen expenditure occurs since the preparation of annual estimates, a supplementary estimate, showing the required amount along with the purpose, shall be laid before Government for approval, prior to the incurring of the supplementary budget of the expenditure with exceptions to those grants for natural disasters and calamities.

(2) Technical supplementary grant, involving the transfer of funds between budget grants, under the charge of a Principal Accounting Officer, shall only be made with prior approval of the Finance Department.

(3) The Finance Department shall, on a quarterly basis, report to Government about all budget changes, including budget re-appropriations, supplementary grants, and technical supplementary grants.

10. Excess expenditure.--- (1) Where at the close of accounts for each financial year, it is found that monies have been expended in excess of the sum assigned to an estimate or revised estimate of a voted or charged expenditure for the financial year, and to which no further sum has been applied under this Act, the amount of

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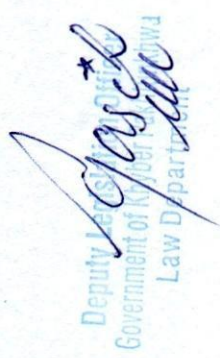
the excess shall be included in excess budget statement which shall be laid before the Provincial Assembly, as required under Article 124 of the Constitution.

(2) The excess expenditure, under sub-section (1), shall be included in the statement of excess expenditure, subject to the approval of the Provincial Assembly, otherwise, disciplinary proceedings may be initiated against the Principal Accounting Officer concerned accordingly.

11. Mandatory reports and their scrutiny.--- (1) The Finance Department shall prepare and publish the following financial reports:

- (a) budget strategy paper;
- (b) annual budget statement;
- (c) demands for grants and appropriations;
- (d) quarterly budget execution report;
- (e) mid-year budget execution report;
- (f) end-year budget execution report;
- (g) citizen's budget;
- (h) performance based budget;
- (i) annual performance monitoring report;
- (j) report of contingent liabilities;
- (k) annual expenditure arrears report;
- (l) annual report on Government operation outside budget;
- (m) medium-term debt strategy;
- (n) fiscal risk statement; and
- (o) any other report that the Finance Department deems appropriate.

(2) The Finance Department shall, from time to time, issue instructions or guidelines related to the timing, content, and format of reports under sub-section (1).


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12. Transparency in budget appropriation.---(1) There shall be a single Principal Accounting Officer for each demand. No fund, grant, or demand shall be communal with multiple Principal Accounting Officers. However, one Principal Accounting Officer may have authority and responsibility for more than one fund, grant, or demand.

(2) Within a period, not exceeding one year from the date of commencement of this Act, the Chart of Accounts classification for budgeting and accounting shall be kept identical.

CHAPTER-III **CONTROL OF PUBLIC FINANCE**

13. Management of Provincial Consolidated Fund and Public Account.---

(1) Pursuant to Article 118 of the Constitution, the operation of the Provincial Consolidated Fund and Public Account of Government shall vest in the Finance Department under the overall supervision of Government and shall be regulated under this Act.

(2) The Finance Department shall prepare and manage the budget and the Controller General of Accounts shall be responsible for its proper accounting in the manner as prescribed in the Controller General of Accounts Ordinance (Ordinance No. XXIV OF 2001).

(3) Monies shall not be withdrawn from the Provincial Consolidated Fund, unless released by the Finance Department and authorised by the Controller General of Accounts through its sub-ordinate offices.

(4) The Principal Accounting Officer or in case where the Principal Accounting Officer has not been notified, the head of an attached department or sub-ordinate office, autonomous body, board, authority, institution or any other public entity shall not, without prior approval of the Finance Department, transfer public monies for investment or deposit from Government's bank account, including the assignment account to any other bank account.

(5) No instruction shall be issued by the Finance Department under subsection (3), unless, it pertains to expenditure that has been authorised by the Provincial Assembly for the financial year, during which the withdrawal takes place by-

- (a) an appropriation; or
- (b) by a supplementary grant; or
- (c) by a technical supplementary grant.

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(6) Every appropriation, approved by the Provincial Assembly, for a financial year and sanction issued by the Finance Department to withdraw funds from the Provincial Consolidated Fund shall lapse and shall cease to have an effect, at the close of that financial year.

(7) For the purpose of efficient and transparent budget release management, Finance Department shall issue fund release policy for each financial year.

14. Receipt of foreign grants.---(1) Finance Department shall be responsible for accounting and financial management of the grants made to Government by a foreign government or any other agency, through the Federal Government in the prescribed manner.

(2) The grants shall be made part of Provincial Consolidated Fund and the amount so received shall be deposited in Government's bank account.

(3) For the purpose of this section, the Finance Department and Planning and Development Department shall, in collaboration with representatives of donors, enter into an agreement.

(4) For the efficient management of foreign grants, the Planning and Development Department may, with the concurrence of the Finance Department, issue instructions.

15. Grant-in-aid.---Government may approve grant-in-aid for individuals, public and private institutions, local bodies, and other entities in the manner as may be prescribed.

Explanation: For the purpose of this section, grant-in-aid means the grant sanctioned for the benefits of a vulnerable and marginalised group of society or social services, promotion of social activities, professions, or any other such group, as may be prescribed.

16. Withholding of authorised appropriations.---Finance Department may, with the approval of Government, suspend, withdraw, limit or place conditions on any authorisation, if it is satisfied that such action is required by reason of financial exigency or is in the public interest and a report in this regard shall be submitted to Government.

17. Bank and cash management .---(1) The Finance Department, with the approval of Government, shall notify rules under this Act to prescribe an effective Cash Management System for all public entities and special purpose funds leading to the Treasury Single Account, within a period not exceeding five years from the date of commencement of this Act.

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(2) Finance Department, shall authorise the opening and closing of any bank accounts in State Bank of Pakistan and commercial banks.

(3) The main operational bank account of the Provincial Consolidated Fund shall be established in the State Bank of Pakistan, into which all revenues, surpluses, and savings shall be deposited and all payments shall be made therefrom.

(4) All Principal Accounting Officers shall provide information to Finance Department deemed necessary for the effective operation of the cash management system.

18. Commitment control system.---The Finance Department shall issue instructions related to commitment control and multiannual commitments in line with guidelines issued by the Controller General of Accounts.

19. Revision of delegation of financial powers.---For efficient public financial management under this Act, the Finance Department shall recommend revision in the delegation of financial powers rules to Government, at least once in a five-year.

20. Internal control.--- (1) The Principal Accounting Officers shall be responsible for maintaining the system of internal control in their respective departments and subordinate offices.

(2) Finance Department shall issue guidelines related to internal control in collaboration with the Controller General of Accounts.

21. Budget rules and manual.---The Finance Department, within a period not exceeding three years from the date of commencement of this Act,-

- (a) shall prepare and publish budget rules, with prior approval of Government; and
- (b) may prepare and update the budget manual as the need may arise, for facilitating the budget preparation, approval, execution, and monitoring.

CHAPTER-IV

PERFORMANCE ORIENTATION IN BUDGET AND MONITORING

22. Budgeting, monitoring and reporting.---(1) Government shall, at the time of submission of the budget estimates, lay before the Provincial Assembly a medium-term performance-based budget report along with the annual budget statement.

(2) The Finance Department shall, within a period not exceeding three years from the date of commencement of this Act, lay before Government, an

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annual performance monitoring report, against the budget estimates and targets specified in sub-section (1), not later than 31st December of each year.

CHAPTER-V PLANNING AND DEVELOPMENT

23. Plan based Government expenditure.--- Within a period not exceeding three years from the date of enactment of this Act, Principal Accounting Officers shall submit development demand for grants based on well-defined plans and strategic priorities to Planning and Development Department as per guidelines issued by Planning and Development Department for every budget cycle under the Guidelines for ADP preparation.

24. Preparation of development project.---(1) All development projects shall be prepared in conformity with procedures, and processes as specified in the guidelines issued by the Planning and Development Department, from time to time.

(2) A development project, within a period not exceeding three years from the date of commencement of this Act, shall not be considered for inclusion in demands for grants that has not been granted technical approval.

25. Budgetary provisions for maintenance of public assets .--- The Principal Accounting Officer shall include, in its demands for grants, adequate funds, dedicated to the operation and maintenance of the physical infrastructure assets, under his supervision.

26. Technical approval and quality assurances of development projects.--- (1) All development project proposals shall be carried out subject to the technical approval process and in compliance with the standards and procedures specified by the Planning and Development Department.

(2) Development project proposals which exceed total cost thresholds, defined by Planning and Development Department of Government, shall subject to quality assurance. Such quality assurance shall be undertaken by Planning and Development Department of Government or by an independent third party (individual or body) or relevant Administrative Department that has initiated the preparation of the development project proposal.

(3) Findings and recommendations of the quality assurance reports and cost and benefit analysis and risks assessment, where required, shall be taken into account while considering the development project proposals.

27. Monitoring, evaluation, and reporting of development projects.---

(1) The Planning and Development Department shall, by notification, issue guidelines for conducting monitoring, evaluation, and reporting of development projects.

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(2) The Planning and Development Department shall prepare and publish the following reports:

- (a) policy for the annual development programme ;
- (b) annual development programme;
- (c) quarterly progress review report of annual development programme;
- (d) mid-year progress review report of annual development programme; and
- (e) year-end report of annual development programme.

(3) The nature and extent of the reports, under sub-section (2) of this Act, shall be determined by the Planning and Development Department.

CHAPTER-VI **CLASSIFICATION, MANAGEMENT OF PUBLIC ENTITIES**

28. Classification of public entities.--- (1) For the purposes of this Act, the public entities shall be classified as follows:

- (a) Government business enterprises, which include companies registered under the Companies Act, 2017, the Banking Companies Ordinance, 1962 (Ordinance No. LVII of 1962), business entities established under the Public-Private Partnership Act, 2020, and Insurance Companies; or
- (b) autonomous bodies, which include all public entities that are not government business enterprises, and which have been established to provide regulatory, research, health, education, development, and training or producing goods or services under respective Acts/Laws in line with Constitution.

(2) The Finance Department shall notify a model policy framework for public entities.

29. Self-generated revenues.--- The Finance Department shall, with the approval of Government, issue instructions whether an autonomous body may retain and utilise self-generated revenues or deposit the same into the Provincial Consolidated Fund.

30. Preparation of accounts and reporting.---(1) Government business enterprises, mentioned in clause (a) of sub-section (1) of section 28 of this Act, shall submit their annual audited financial statements to the Finance Department and

published them on its website, not later than ninety days, following the close of each financial year.

(2) The autonomous bodies, mentioned in clause (b) of sub-section (1) of section 28 of this Act, shall submit to the Finance Department its annual audited financial statements and published them on its website, not later than one hundred and eighty days, following the close of each financial year.

(3) The Finance Department shall lay before the Government a consolidated report on the financial performance of Government business enterprises, mentioned in clause (a) of sub-section (1) of section 28 of this Act, and autonomous bodies under sub-sections (1) and (2), not later than six months following the close of the financial year.

31. Audit of public entities.---(1) The audit of all Government business enterprises mentioned in clause (a) of sub-section (1) of section 28 of this Act, shall be in accordance with the provisions of the relevant law unless otherwise provided.

(2) The audit of autonomous entities, mentioned in clause (b) of sub-section (1) of section 28 of this Act, shall be in accordance with instructions issued by the Auditor General of Pakistan.

(3) The nature and extent of audit of all public entities defined in this Act shall be determined in consultation with the Auditor General of Pakistan under Article 170 of the Constitution.

(4) Notwithstanding the audit carried out under sub-section (2), a third-party audit of the autonomous body, mentioned in clause (b) of sub-section (1) of section 28 of this Act, may be done by an external auditor or firm, as it may be deemed fit.

32. Dissolution of public entities.--- (1) Where the public entity established under any law or legal instrument stands dissolved or has been wound up, any monies or other resources standing to the credit of the public entity at the time of dissolution or winding up shall be paid into the Provincial Consolidated Fund.

(2) Liquidation statement of the dissolved entities shall be presented to Government, not later than six months after their liquidation.

CHAPTER-VII **DUTIES AND RESPONSIBILITIES**

33. Responsibilities of the Finance Department.---(1) For the purpose of this Act, the Finance Department shall ensure the following:

- (a) the fiscal discipline and maintain a transparent system of control over public finances and provide guidance to the

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Government and Provincial Assembly for the exercise of regularity and financial propriety of public money for efficient management, supervision, and control;

- (b) prepare and publish key financial reports as provided in section 11 of this Act;
- (c) identify, in writing, the responsible Principal Accounting Office for each voted and charged fund, grant, or demand;
- (d) ensure budget and accounting classification systems are established in every Government department or public entities; and
- (e) ensure that an internal audit function in every Government department and public entities, in conformity with the internal audit charter to be developed by the Government within one year of enactment of this Act.

(2) The Finance Department shall notify the functions, powers, and responsibilities of the Directorate of Treasuries and Accounts, Internal Audit Wing, Debt Management Unit, Corporate Governance Unit, Procurement Advisory Unit, Pension Cell, and any other unit or sub-office established in the Finance Department under this Act.

34. Responsibilities of Planning and Development Department.--- For the purpose of this Act, the Planning and Development Department shall ensure the following:

- (a) preparation of annual and medium term development plans in consultation with Administrative Department concerned;
- (b) coordination and liaison with the Federal Government in relation to the preparation of annual, medium- to long-term development strategies and plans;
- (c) identification, appraisal, budgeting, monitoring, and evaluation of development programs or projects or schemes;
- (d) liaison with the Finance Department with regard to the availability of the financial resources, recurrent cost implications of development programs or projects or schemes, and other financial implications of the annual, medium – to long-term development plan;
- (e) communication of project or scheme wise quarterly funds requirement to the Finance Department and appropriate


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procedures for the release of funds for the development budget;

- (f) technical support and guidelines to the Administrative Department for preparation of annual and medium sectoral development plans;
- (g) support to Government in submission of development portfolio of Khyber Pakhtunkhwa to the National Economic Council;
- (h) periodic monitoring and evaluation of the development programs, projects, schemes, and public sector investment portfolio and processes; and
- (i) prepare and publish key development budget reports as provided in sub-section (2) of section 27 of this Act.


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35. Duties of Principal Accounting Officer.--- (1) The Principal Accounting Officer shall be responsible to adhere to and enforce principles of financial propriety including compliance with laws, rules, regulations, ensuing standards of prudence and due diligence, and ensuring value for money while incurring expenditure and collecting government receipts.

(2) Each Principal Accounting Officer shall be responsible for the overall planning, budgeting, financial management, and strengthen internal control, commitments, and contingent liabilities of the department and subordinate offices.

(3) A Principal Accounting Officer may delegate financial powers as prescribed in rules, however, such delegation shall not diminish his/her responsibility and accountability.

CHAPTER-VIII **MISCELLANEOUS AND OTHER AREAS**

36. Special Purpose Funds.--- (1) The Finance Department may, wherever required, with prior approval of Government, establish Special Purpose Funds. The Special Purpose Funds, so established, shall be managed in such a manner as may be prescribed.

(2) If monies have been appropriated by the Provincial Assembly for a fund established under any law, the Finance Department shall issue directives for the management and control of such a fund.

(3) The Finance Department may, with prior approval of Government, wind up any Special Purpose Fund, established under sub-section (1),-

- (a) if the objectives of the Special Purpose Fund have been fully served; or
- (b) it is in the public interest to wind up; or
- (c) for any other reason as may deem appropriate.

(4) On winding up of any Special Purpose Fund, any credit balances or monies received in such fund shall be transferred to the Provincial Consolidated Fund, and an evaluation report and regulation of such funds shall be notified by the Finance Department.

37. Contributory pension system.--- The Finance Department shall, by notification, with prior approval of Government, establish a contributory pension system to make the Government's pensions sustainable.

38. Financial Management and economic reform units.--- (1) The Finance Department shall, by notification, with prior approval of Government, establish special units within the Finance Department for efficient financial management, economic reforms, general oversight, and reporting namely; Debt Management Unit, Corporate Governance Unit, Internal Support Unit, Pension Cell, Risk Management Unit, Procurement Advisory Unit and any other specialised unit as deemed necessary from time to time.

(2) For the purpose of sub-section (1), Government may make hiring rules to recruit experts or specialists on a contract basis to perform such functions as may be prescribed.

39. Internal Audit Wing.--- (1) The Finance Department shall by notification, with approval of Government, establish an Internal Audit Wing to be headed by Chief Internal Auditor.

(2) The employees, presently working in the Local Fund Audit Department and Internal Audit Cell, shall be adjusted and be deemed as part and parcel of the Internal Audit Wing of the Finance Department.

(3) The inter-se seniority of the employees adjusted in the Internal Audit Wing shall be maintained by the Finance Department in such a manner that it may not affect their seniority.

40. Provincial Finance Commission Award.--- Government shall establish a system of Intra-Provincial Fiscal Transfer to be implemented through the Khyber Pakhtunkhwa Provincial Finance Commission in accordance with the provisions of the Khyber Pakhtunkhwa Local Government Act, 2013 (Khyber Pakhtunkhwa Act No. XXVIII of 2013).

41. **Debt Management.**---Debt Management of the province shall be conducted in accordance with Khyber Pakhtunkhwa Fiscal Responsibility and Debt Management Act (FRDMA), 2022, and the rules made thereunder.

42. **Financial Management in Local Government.**--- The Finance Department in collaboration with the Local Government, Elections and Rural Development Department shall establish systems and procedures and issue relevant financial management rules for local Government under the Khyber Pakhtunkhwa Local Government Act, 2013 (Khyber Pakhtunkhwa Act No. XXVIII of 2013).

43. **Public-Private Partnerships.**--- The system of Public-Private Partnership shall be conducted in accordance with Khyber Pakhtunkhwa Public-Private Partnership Act, 2020 and the rules made thereunder.

44. **Public Procurement.**--- The system of public procurement shall be conducted in accordance with the provisions of the Public Procurement Act and rules and regulations made thereunder.


45. **Power to make rules.**--- Government may make rules for carrying out the purposes of this Act.

46. **Overriding effect.**---This Act shall take precedence over all other legislative Acts of the Provincial Assembly; All provisions in contradiction with this Act are hereby modified, amended, or deleted to the extent of the contradiction.

47. **Removal of difficulties.**---If any difficulty arises in giving effect to the provisions of this Act, Government may give such directions, not inconsistent with the said provisions, as it may consider necessary for removal of such difficulty.

48. **Savings.**---Except as provided by this Act, the following existing rules, notifications, and manuals shall continue in force and be deemed to have been made under this Act until altered, amended, or repealed:

- (a) the General Financial Rules;
- (b) the Delegation of Financial Power Rules;
- (c) the Treasury Rules and Subsidiary Rules;
- (d) the West Pakistan Delegation of Powers under Financial Rules and the Powers of Re-appropriation Rules, 1962; and
- (e) all amendments, schedules, manuals, notifications, forms, appendixes, orders, circulars, codes, instructions, directives, guidelines, clarifications, and any other supplementary legal instruments relating to any of those rules, in each case as in force in the Province of Khyber Pakhtunkhwa before the commencement of this Act.”


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Government of Khyber Pakhtunkhwa
Law & Revenue

Appendix-I
[see section 3]

“Schedule-I
(See section 3(2))

Part ‘A’

S#	Category	Rate of tax for areas of Provincial headquarter as notified by the Government (per annum) (Rs)			Rate of tax at Divisional headquarters (per annum) (Rs)		Rate of tax in suburban areas of Divisional Headquarters (per annum) (Rs)		Rate of tax at District Headquarters (per annum) (Rs)		Rate of tax at District other than District Headquarters (per annum) (Rs)	
		A	B	C	Town ships	Other than Town ships	Town ships	Other than Town ships	Town ships	Other than Town ships	Town ships	Other than Town ships
1	Exceeding 3 Marlas but not exceeding 5 Marlas	Rs.1,500	Rs.1,300	Rs.1,100	Rs. 1,300	Rs. 1,100	Rs.8,00	Rs.5,00	Rs.600	Rs.500	Rs.400	Rs.300
2	Exceeding 5 Marlas but not exceeding 10 Marlas	Rs. 2,500	Rs. 2,400	Rs.2,200	Rs.2,400	Rs.2,200	Rs.1,400	Rs.1,100	Rs.1,200	Rs.1,100	Rs.900	Rs.700
3	Exceeding 10 Marlas but not exceeding 15 Marlas	Rs.3,300	Rs.3,100	Rs.3,000	Rs.3,100	Rs.3,000	Rs.1,600	Rs.1,500	Rs.1,600	Rs.1,500	Rs.900	Rs.800
4	Exceeding 15 Marlas but not exceeding 18 Marlas	Rs.4,800	Rs.4,700	Rs.4,500	Rs.4,700	Rs.4,500	Rs.2,500	Rs.2,300	Rs.2,500	Rs.2,300	Rs.1,300	Rs.1,000
5	Exceeding 18 Marlas but not exceeding 20 Marlas	Rs.15,000	Rs.13,500	Rs.12,000	Rs.13,500	Rs.12,000	Rs.7,500	Rs.4,500	Rs.6,000	Rs.3,000	Rs.2,250	Rs.1,500
6	Exceeding 20 Marlas but not exceeding 30 Marlas	Rs.22,500	Rs.21,000	Rs.18,000	Rs.21,000	Rs.15,000	Rs.12,000	Rs.9,000	Rs.7,500	Rs.4,500	Rs.4,500	Rs.3,000
7	Exceeding 30 Marlas but not exceeding 40 Marlas	Rs.30000	Rs.27000	Rs.24000	Rs.27,000	Rs.24,000	Rs.21,000	Rs.18,000	Rs.15,000	Rs.12,000	Rs.9,000	Rs.9,000
8	Exceeding 40 Marlas	Rs.45000	Rs.37,500	Rs.30,000	Rs.37,500	Rs.30,000	Rs.22,500	Rs.18,000	Rs.15,000	Rs.12,000	Rs.9,000	Rs.6,000

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Part 'B' Lands and Buildings acquired for the use by Government, Semi-Government, Non-Governmental Organizations, Development Financial Institutions, Corporate Bodies, Autonomous Bodies, Authorities, Boards, Public Limited Companies, Public Sector Commercial Organizations, Private Limited Companies, Private Commercial Organizations, Companies' Distribution Businesses/Godowns, Guest Houses, or by Banks shall be assessed and taxed at the rate of sixteen percent of the actual annual rent. In case of lands and buildings other than those exempted under section 4 of the Act, which is owned and occupied by such organizations, the tax shall be levied on the assessed annual rental value of such lands and buildings on the rates prescribed hereinbefore.

Part 'C' Tax on properties let out on rent, lease or other arrangement and not in use of their registered owners shall be double of the above, except for the category upto 3 marlas.

Explanation-I: Where the actual rent agreement is lower than the prevailing market rent due to advance amount paid (**PAGGRI**) to the owner/middleman then the tax shall be levied on the assessed annual rental value.

Explanation-II: The tax, in **Part 'B'**, with regard to Public Limited Companies, shall come into force from the 1st day of July, 2012.

Explanation-III: Categorization of area in Provincial Headquarter into Category "A", "B" or "C" shall be by way of notification by the Local Government & Rural Development Department, to be notified from time to time. In Divisional and District Headquarters, Townships are approved Townships and include those areas, which are declared so by Local Government & Rural Development Department from time to time."

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Government of Punjab
Law Department

Appendix-II
[see section 4]

"FIFTH SCHEDULE
(see section 13)

1.	2.
In case of energy supplied by a licensee to consumers of any of the following categories:	Electricity duty on the amount of the variable charges or the supply charges worked out according to electricity tariff:
(a) Domestic	1.5 percent
(b) Commercial	03 percent
(c) Industrial undertakings	02 percent
(d) Tube-wells for irrigation and agricultural machinery	02 percent
(e) Premises where the supply of energy by a licensee is un-metered	03 percent
(f) Industrial/Commercial Undertaking having generating capacity above 500 Kilo Volt Ampere for Self-Use.	3 (Three) Paisa per unit (Kilo Watt Hour) of energy generated/consumed

VALIDATION: The electricity duty, collected by Government from the consumers, at clause (f) above, from 30th June, 2016, till the commencement of the Khyber Pakhtunkhwa Finance Act, 2022, at the rate mentioned in Column 2 thereof, shall, for all intent and purposes, be deemed to have been validly levied, from the said date, under this Act.

EXPLANATION-I: "Electricity tariff" means the Schedule of tariff as made and notified by the Federal Government under sub-section (4) of section 31 of the Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997.

EXPLANATION-II: Supply charges and variable charges are sale rate per kilowatt hour as a single rate or part of a two part tariff applicable to actual unit consumed by the consumer.

EXPLANATION-III: Premises which are used wholly or principally for manufacturing process within the meaning of clause (k) of section 2 of the Khyber Pakhtunkhwa Factories Act, 2013 (Khyber Pakhtunkhwa Act No. XVI of 2013) shall be deemed to be used for an industrial undertaking."

Deputy Legislation Officer
Government of Khyber Pakhtunkhwa
Law Department

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STATEMENT OF OBJECTS AND REASONS

It is desirable to continue, revise and exempt certain taxes, fees and cess in the Province of Khyber Pakhtunkhwa and to regulate an efficient and transparent manner, the custody of Provincial Consolidated Fund and Public Account of the Province of Khyber Pakhtunkhwa and all other matters connected therewith and ancillary thereto. Hence, this Bill.

Deputy Legislation Officer
Government of Khyber Pakhtunkhwa
Law Department

Peshawar,
dated the 3/6/2022


MINISTER-IN-CHARGE.

Taimur Saleem Khan Jhagra
Minister Finance / Health
Govt: of Khyber Pakhtunkhwa
Peshawar