

Government of Pakistan
Revenue Division
Federal Board of Revenue

Islamabad, the 11th March, 2019.

NOTIFICATION

S.R.O. 326(I)/2019.- In exercise of the powers conferred by section 61 of the *Benami Transactions (Prohibition) Act, 2017 (V of 2017)*, the Federal Government is pleased to make the following rules, namely:—

1. Short title and commencement.—(1) These rules shall be called the *Benami Transactions (Prohibition) Rules, 2019*.

(2) They shall come into force at once.

2. Definitions.—(1) In these rules, unless there is anything repugnant in the subject or context,-

(a) "Act" means the *Benami Transactions (Prohibition) Act, 2017 (V of 2017)*;

(b) "Chapter" means a Chapter of the Act; and

(c) "section" means a section of the Act.

(2) Words and expressions used but not defined in these rules shall have the same meaning as assigned thereto in the *Trusts Act, 1882 (II of 1882)*, the *Succession Act, 1925 (XXXIX of 1925)*, the *Partnership Act, 1932 (IX of 1932)*, the *Income Tax Ordinance, 2001 (XLIX of 2001)*, the *Anti money Laundering Act, 2010 (VII of 2010)*, the *Act and the Companies Act, 2017 (XIX of 2017)*.

3. Jurisdiction of Administrator, Initiating Officer and Approving Authority under sub-section (2) of section 15.— (1) The Board may, by an order, assign any Commissioner Inland Revenue to exercise the powers and perform the functions of Approving Authority under the provisions of the Act and these rules.

(2) The Board may, by an order, assign any Deputy Commissioner Inland Revenue to exercise the powers and perform the functions of Initiating Officer under the provisions of the Act and these rules.

(3) The Board may, by an order, assign any Assistant Commissioner Inland Revenue to exercise the powers and perform the functions of Administrator under the provisions of the Act and these rules.

4. Determination of price in certain cases.—(1) For the purposes of sub-clause (b) of clause (15) of section 2, the price shall be determined in accordance with the provisions of section 68 of the Income Tax Ordinance, 2001 (XLIX of 2001) and rules made thereunder to the extent applicable under the Act.

5. Appointment of Chairperson and Members of Adjudicating Authority.— For the purposes of sub-section (4) of section 6, that Secretary Revenue Division shall forward to the Federal Government a panel of suitable officers who are qualified as per criteria provided for in sub-section (3) of section 6 and the Federal Government shall appoint from amongst the panel a Chairperson and as many Members as it may deem fit.

6. Terms and conditions of service of the Chairperson and members of the Adjudicating Authority.—(1) For the purposes of sub-section (1) of section 10, the Chairperson and Members of the Adjudicating Authority shall respectively be entitled to the pay, allowances and other benefits, specified in column (3) of the Table below, namely:—

TABLE

S. No.	Adjudicating Authority	Pay, allowances and other benefits
(1)	(2)	(3)
1	Chairperson	(a) pay, allowances and other benefits admissible prior to his appointment under rule 5 or the pay, allowances and other benefits admissible immediately before his retirement; and (b) Monthly adjudicating authority allowance of Rs. 300,000.
2	Members	(a) pay and allowances admissible prior to their appointment under rule 5 or the pay, allowances, and other benefits admissible immediately before retirement; and (b) Monthly adjudicating authority allowance of Rs. 200,000.

7. Provisional attachment.— For the purposes of sub-section (3) of section 22, the Initiating Officer shall provisionally attach any property in the manner provided for in Part II and Part III of Chapter XVI of the Income Tax Rules, 2002 and to the extent applicable under the Act.

8. Confiscation of property under sub-section (1) of section 25.— (1)

Where an order of confiscation of property under sub-section (1) of section 25 has been made, the Adjudicating Authority shall send a copy of the order to the Approving Authority.

(2) Where an order referred to in sub-rule (1) has been received by the Approving Authority in respect of any immovable property, he shall—

- (a) forthwith direct the Administrator to proceed to take any or all steps mentioned in this sub-rule;
- (b) issue notice to the concerned authority of the Federal Government or a provincial Government, or a local body or an authority or any person or officer who is responsible for recording the registration of any property or maintaining its record of ownership, as the case may be, having jurisdiction for the purposes of registration of such immovable property, intimating that the property has been confiscated under the Act; and
- (c) arrange to place copy of the notice at some conspicuous part of the immovable property for the benefit of general public mentioning clearly therein, in English and in vernacular language, that the property has been confiscated under the Act and vests absolutely in the Federal Government.

(3) Where an order referred to in sub-rule (1) has been received by the Approving Authority in respect of any movable property, he shall-

- (a) forthwith direct the Administrator to proceed to take any or all steps mentioned in this sub-rule;
- (b) forthwith issue a notice to the authority or person having the custody of such movable property informing that the property has been confiscated under the Act;
- (c) sell the property, if the property is liable to speedy and natural decay or the expenses for maintenance are likely to exceed its value, with the written approval of the concerned Adjudicating Authority and deposit the sale proceeds in the nearest Government Treasury or branch of the State Bank of Pakistan or

