

Tax amnesty

THE Assets Declaration Ordinance of 2019, commonly known as the Tax Amnesty Scheme, has been promulgated by an ordinance issued as on May 14.

In this ordinance there is one important clause, No. 14, regarding the confidentiality of information. This clause states: “Confidentiality (1) Notwithstanding any other law for the time being in force including the Right of Access to information Act 2017(XXXIV) and sub-section (3) of section 216 of the Income Tax Ordinance, 2001 (XLIX of 2001) except the provisions of clauses (a) and (g) of sub-section (3) of section 216 of the Income Tax Ordinance 2001(XLIX of 2001), particulars of any person making a declaration under this Ordinance or any information received in any declaration made under this Ordinance shall be confidential.”

In this clause they mentioned section 216 of the Income Tax Ordinance 2001 which deals with the “disclosure of information by a public servant”. In brief, this section restricts public servants (all government employees including all level of FBR employees) to treat information provided by the client as confidential and shall not disclose any such particular.

In contrast the Assets Declaration Ordinance 2019 removes the restriction imposed in clause (a) and (g) of sub section 3 of section 216 and allows public servant to disclose the information for the purpose of this ordinance and to Federal Excise, Sales Tax, Wealth Tax, Customs.

My concern is that if, after declaring an asset, an officer has the authority to ask questions about the disclosed/declared property then the spirit and purpose of the amnesty scheme will be lost.

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