

AZAD GOVT. OF THE STATE OF JAMMU AND KASHMIR
LAW AND PARLIMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Muzaffarabad the 24th July 1975

The following Acts of the Assembly received the assent of the President on the 21st July 1975 and are hereby published for general information:-

(ACT IV OF 1975)

AN ACT to Consolidates the Laws relating to the levy of Education Cess in Azad Jammu and Kashmir Territory.

WHEREAS it is expedient to consolidate the Laws already in force, relating to the levy and collection of education Cess, and also to provide legislation for the levy of education on the amounts of salaries paid to Bank Employees working in Azad Kashmir territory for the purposes of meeting expenditure on expansion, improvement and administration of education institution;

It is hereby enacted as follows:-

- 1. Short title, extent and commencement:** (1) This Act may be called the Azad Jammu and Kashmir Education Cess Act, 1975.
(2) It shall extend to the whole of Azad Kashmir.
(3) It shall come into force at once and shall be deemed to have taken effect from the first day of July, 1971, and all orders, Notifications made in inconsistent with the provisions of this Act, shall continue in force
- 2. Charge of Education Cess.-** There shall be levied a Cess known as Education Cess chargeable on the following items at the rates specified against each head, namely:-

(1) Cess on Timber:- Paisas 50 Per CFT on timber extracted in Azad Jammu and Kashmir for commercial purposes;

(2) Cess on Road Toll:- Paisas 15 on every rupees or part thereof payable by passenger Buses as Road Toll under the Road Toll Act, 1948 and one rupees per trip on Vehicle used exclusively for carrying load.

(3) Cess on Income Tax:- 5% on the amount of Income Tax/ super Tax% assessed and payable by the assesses under Income Tax Act 1922 excepting Government employees and all employees of autonomous and Semi Government bodies and Banks.

(4) Cess on Trial Register:- Five rupees per Trial Register Number issued under Income Tax Rules made under Income Tax Act 1927.

(5) Cess on Registration and transfer of property:- In respect of registration and transfer of property, the education Cess shall be levied at the rates given below:-

- | | |
|---|--|
| (i) When the amount or value of the property does not exceed Rs. 10,000/- | Rs. 20/ |
| (ii) When the amount or value of the property exceeds Rs. 10,000/- but does not exceed Rs. 50,000/- | (a) On Rs. 10,000/- as above. (b) On remainder on the rate of 3 rupees per thousand |
| (iii) When the amount or value of the property exceeds Rs. 50,000/- | (a) On Rs. 50,000/- Rs. 140/- (b) On the remainder the rate of 4 rupees per thousand. |

(6) Cess on vehicular Transport:-

- | | |
|-------------------------------------|--|
| (i) In case of private car. | One rupees per quarter |
| (ii) In case of light vehicles. | Two rupees per quarter |
| (iii) In case of heavy vehicles. | Five rupees per vehicle, per quarter. |
| (iv) On registration of vehicle. | Five rupees per vehicle. |

(7) Cess on passport.- 25 rupees per passport for
issue and for renewal.

(8) ¹[**Cess on issuance and renewal of Arms
Licences.-**

- | | |
|------|---|
| (i) | Rupees five per licence on issue or renewal of all type of Arms except pistol, Revolver and muzzle loading. |
| (ii) | Rupees ten per licence in case of Revoiver, Pistol and mazzle loading.] |

(9) Cess on cinema Tickets.- In case of cinema Tickets
rates of education Cess payable shall be as under:-

- | | | |
|------|-------------------------|---------------------|
| i) | First class and gallery | 25 paisa per ticket |
| ii) | Second Class. | 10 paisa per ticket |
| iii) | Third Class | 5 paisa per ticket. |

¹ Substituted vide Sec 2(a) of Act XXVII of 1986. Original was as:" Cess on
issuance and renewal of Arms licenses:- 5 rupees per license issued or
renewed for all type of arms excepting pistol, Revolver and muzzle loading.

¹[(10) **Cess on Cigarettes produced or manufactured in Azad Jammu and Kashmir,**

- | | | |
|------|--|---|
| (i) | if retail price is legibly, prominently and Indelibly printed on each packet. | 60% of retail price |
| (ii) | if not covered by clause (i) on Cigars and Cheroots. | 400% ad Val. |
| (i) | if retail price is legibly, prominently and indelibly printed on each packet or each cigar or cheroot. | 60% of the retail price. |
| (ii) | if not covered by clause (i) on smoking mixtures for pipe and cigarettes. | 400% ad val. Twenty one rupees per kg. |

| | |
|--|------------------|
| On Unmanufactured Tobacco used in manufacture of cigarettes. | Rs. 1.75 per kg. |
|--|------------------|

(11) **Cess on Perfumery, Cosmetics and Toilet Preparations produced or Manufacture in Azad Jammu and Kashmir.** Perfumery, cosmetics and toilet preparations, all sorts whether medicinal, medicated or otherwise, and whether or not perfumed:

- (a) Perfumery and odoriferous, all sorts, in liquid or spray form including scents, colounges, mists, deodorants, lavenders, toilet waters, antiperspirants, etc:

¹ Added new sections vide section 2 of Act XXVIII of 1993 original as:- (10) Cess on Medical Certificate:- In Cess of Medical certificate issued by Medical officers in connection with the Journeys abroad, education Cess shall be charged at the rate of Rs. 10.- Per certificate.

(11) ¹[****]

- (i) if retail price is legibly, prominently and indelibly printed on each container, package, cover or outer wrapper 40% ad val..
 - (ii) if not covered by clause (i) 160% ad val..
- (b) Preparations for the care of skin, beauty and make up products including beauty creams, vanishing creams, cold creams moisturising creams, foundation creams, make-up creams and lotions, cleaning or bleaching creams and lotions, massage fluids and creams, skin food and tonics, face powders, baby powders, toilet powders talcum, powders, lip sticks, eye shadows, eyebrow pencils, mascaras, blushon, nail polishes, enamels and lacquers, sunburn or suntan preparations, depilatory creams, soaps or liquids (whether or not containing soap or detergent, removers of nail polish and make up, perfumed petroleum jelly, henna (mehndi) powders or pastes, etc:
- (i) if retail price is legibly, prominently and indelibly printed on each container, package, covers or outer wrapper, or on the article itself if is marked unpacked or unwrapped 40% ad val.
 - (ii) if not covered by clause (i) 160% ad val.
- (c) Preparation for the care of hair (whether or not containing soap or detergent), including oils, creams, dressings, sprays, lotions, shampoos, hair rinses and anti-dandruff preparations, pomades, brilliantines, permanent waving lotions, scalp food, dyes and colours and other hair growers hair conditioners and hair tonic, etc:
- (i) if retail price is legibly, prominently and indelibly printed on each 40% ad val.

container, package, covers or outer wrapper, or on . the article itself if is marked unpacked or unwrapped

- (ii) if not covered by clause (i). 160% ad val.

(d) Shaving cream, shaving soap or shaving foam (whether or not containing soap or detergent) after-shave or pre-shave oils, lotions or creams, etc:

- (i) if retail price is legibly, prominently and indelibly printed on each container, package, covers or outer wrapper, or on . the article itself if it is marked unpacked or unwrapped 40% ad val.

- (ii) if not covered by clause (i) 160% ad val.

(e) Preparations for dental hygiene including mouth-washes, gargles, dentifrices, tooth pastes tooth powders, denture cleaners and germicidal preparations for the care of teeth, gum and mouth, etc:

- (i) if retail price is legibly, prominently and indelibly printed on each container, package, covers or outer wrapper, or on the article itself if it is marked unpacked or unwrapped 40% ad val.

- (ii) if not covered by clause (i) 160% ad val.

(f) Perfumery, cosmetics and toilet preparations, not otherwise specified, including room deodorizers, bath Oils, after bath milk and preparation for bubble bath and foam bath etc:

- (i) if retail price is legibly, prominently 40% ad val.

and indelibly printed on each container, package, covers or outer wrapper, or on the article itself if it is marked unpacked or unwrapped

- (ii) if not covered by clause (i). 160% ad val.

(12) Cess on other goods.- Such rates as may be notified by the Government in the Official Gazette from time to time."

(13)(a) Cess on Supply of energy.- A Cess on energy shall be charged at the following rates on sale price of the electricity consumption.

- | | | |
|-----|--|-------------|
| (a) | domestic consumers | one present |
| (b) | Commercial consumers | two present |
| (c) | Industrial/Tubewell purposes, etc. | two present |
| (d) | Agricultural machinery | one percent |
| (e) | premises where meters are not installed: | one percent |

Provided that the arrears of this shall be adjusted towards the excess payment received vide No.3802-5/ED/89 dated 1-4-1989;

- (b) the cess levied under this sub-section shall be collected by the Electricity Department alongwith energy consumption bills under the electricity Act, 1910."

(14) Notwithstanding anything contained in the Rules made under the said Act:-

- (a) the cess under sub-section (10), (11) and(12) of Section 2 of the said Act, shall be collected in the same manner as a duty of excise leviable under the Excise and Salt

Act, 1944, as inforce in Azad Jammu and Kashmir, is collected;

- (b) the provisions of the Excise and Salt Act, 1944, and the Rules, Notifications and Orders made or issued thereunder, shall, so far as practicable apply to the levy, collection and refund of the cess under sub-section (10), (11) and (12) of Section 2 to the said Act;

(c) the officers and authorities appointed under the Excise and Salt Act, 1944, as inforce in Azad Jammu and Kashmir, shall be competent to exercise and perform the same powers and functions for the levy, collection, and refund of the cess under sub-section (10)), (11) and (12) of Section 2 of the said Act, as they may exercise and perform under the aforesaid Act.

3. Offences and penalties:Responsibility of collection of education Cess shall lie upon the authority which disburses the salaries, or recovers any amount or releases any thing, upon which education Cess is livable. If an authority, responsible for collection of education Cess, fails to recover from him as penalty a sum not exceeding the amount of education cess not so recovered, in addition to the amount of the Cess recoverable by such collecting authority."

¹[3-A Exemption.- (1) The Government may from time to time, by notification in the Official Gazette, exempt from payment of the whole or any part of the duty leviable under this Act.

(2) The Azad Kashmir Board of Revenue may, by Special order in each case, exempt from payment of the whole or any part of the duty leviable under this Act, in the circumstances of any exceptional nature to be stated in

¹ Added new section 3A vide section 3 of Act XXVIII of 1993

writing such order any goods on which such duty in leviable.”]

¹[(3) No cess shall be chargeable in respect of any instrument executed by, or on behalf of, or in favor of the Government.”]

4. Power of Making Rules:For carrying out the purposes of the Act, the Government may makes rules and may also appoint or notify any Government, Agency or Head of the Department to act and controlling authority whose control and supervision, recovery of education Cess shall be made.

5. Repeal:The Azad Jammu and Kashmir Finance (Amendment) Act, 1973 is hereby repealed.

¹ Added new sub section vide section 2 of Act XIV of 1994