

AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW, JUSTICE AND PARLTAMENTARY AFFAIRS DEPARTMENT,
MUZAFFARABAD

Dated:21.07.2008

No LD/Legis./544-557/2008. The following Act of Assembly received

the assent of the President on 28th day of June, 2008, is hereby published
for general information.

(ACT VI OF 2008)

AN

ACT

to give effect to the Financial Proposals of Azad Government of the State
of Jammu and Kashmir

WHEREAS it is expedient to make provisions to give effect to
the Financial Proposals of the Azad Government of the State of Jammu
and Kashmir to consolidate and amend certain Fiscal Laws for the
purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short title, extent and commencement.- (1) This Act may be
called the Azad Jammu and Kashmir Finance Act, 2008.

(2) It shall extend to the whole of Azad Jammu and
Kashmir.

(3) It shall come into force at once.

2. Adaptation of the amendments in Sales Tax Act, 1990 (Act
VIII of 1990).- (1) In the Sales Tax Act, 1990 (Act VIII of
1990), as adapted in Azad Jammu and Kashmir, hereinafter
referred to as the "Said Act", except otherwise legislated by an
Act of the Assembly, all the amendments made in the Sales Tax
Act, 1990 and all rules, notifications, circulars and orders made
or issued thereunder, as enforced in Pakistan at any time on or
after the 28th September, 2007, and before the commencement of
this Act, shall also, as far as practicable, be deemed to have been
made, at the same time, in the said Act, as enforced in the Azad
Jammu & Kashmir by virtue of the Sales Tax (Adaptation) Act,
1993 (Act IV of 1993).

(2) Notwithstanding any judgment or decision of any court
including Supreme Court and High Court of Azad Jammu &
Kashmir, anything done, tax levied, charged or collected,
proceedings initiated, notices issued, orders passed penalties
imposed, appointments made, powers exercised or powers
conferred on any authority on or after the 28th September, 2007,

in accordance with the amendment made in the said Act, as enforced in Pakistan, shall be deemed always to have been validly levied, charged, collected, initiated, issued, taken, passed, made, imposed exercised or conferred, done and so much of such tax as has not been levied, charged, paid, or collected, before coming into force of this Act, shall be leviable, chargeable and recoverable in accordance with the said amendments.

Adaptation of the amendments in Federal Excise Act, 2005.-

(1) In the Federal Excise Act, 2005, as adapted in Azad Jammu

& Kashmir, hereinafter referred to as the "Said Act", except otherwise legislated by an Act of the Assembly, all the amendments made in the Said Act and all rules, notifications, circulars and other orders made or issued thereunder, as enforced in Pakistan at any time on or after the 28th September, 2007, and before the commencement of this Act, shall also, as far as practicable, be deemed to have been made, at the same time, in the said Act, as enforced in the Azad Jammu & Kashmir by virtue of the Azad Jammu & Kashmir Finance Act, 2005 (Act VIII of 2005).

(3) Notwithstanding any judgment or decision of any court including Supreme Court and High Court of Azad Jammu and Kashmir, anything done, tax levied, charged or collected, proceedings initiated, notices issued, orders passed penalties imposed, appointments made, powers exercised or powers conferred on any authority on or after the 28th September, 2007, in accordance with the amendments made in the Said Act, as enforced in Pakistan, shall be deemed always to have been validly levied, charged, collected, initiated, issued, taken, passed, made, imposed, exercised or conferred, done and so much of such tax have not been levied, charged, paid or collected, before coming into force of this Act, shall be leviable, chargeable and recoverable in accordance with the said amendments.

Amendments in Azad Jammu & Kashmir Sales Tax (Tax on Services) Act 2001, (Act XXIV of 2001).-In Azad Jammu & Kashmir Sales Tax (Tax on Services) Act, 2001 (Act XXIV of 2001) hereinafter referred to as the "Said Act", the following amendments shall be made, namely:

(i) In Section 3 of the Said Act,

(a) in sub-section (1) for the word, "fifteen", and the word "sixteen" shall be substituted.

(b) in sub-section (2) the comma, figures and words, "3A or 3AA as the case may be," shall be omitted.

(ii) In the Schedule,

(a) clause (b) under serial No.1 shall be omitted.

(b) serial No.5 and 6 shall be omitted.

Sd/-Raja Zulqarnain Khan)

President

Azad Jammu & Kashmir

Sd/-Raja Muhammad Abbas Khan)

Draftsman Law