

**The Azad Jammu and Kashmir Property Tax
Act, 2015**

**Section 9 Of
Azad Jammu and Kashmir Finance Act, 2015
(Act VI of 2015)**

**Legislated
by
AJ&K Legislative Assembly**

**Compiled by
SABIR HUSSAIN BALOCH
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**THE AZAD JAMMU AND KASHMIR PROPERTY TAX
ACT, 2015**

No. LD/Legis-Act/256-66/2015 dated 14th July, 2015. The following Act is passed by Assembly on 27th day of June 2015, which received the assent of the President on the 08th day of July 2015 is hereby published for general information.

[Act VI of 2015]

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 Azad Government of the State of Jammu and Kashmir to make, 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, 2015.
(2) It shall extend to the whole of Azad Jammu and Kashmir.
(3) It shall come into force at once.

(Section 2 to 8 are not relevant to the Property Tax Act)

2. **Enforcement of the Azad Jammu and Kashmir Property Tax Act, 2015.**-- In Azad Jammu and Kashmir, Property Tax shall be levied on urban immovable property as follows:-

Whereas it is expedient to provide for the levy of tax on urban immovable property in the Azad Jammu and Kashmir as under:

1. **Short title, Extent and Commencement.**-- (1) This Act may be called the Azad Jammu and Kashmir Property Tax Act, 2015.
(2) It shall extend to the whole of Azad Jammu and Kashmir.
(3) It shall come into force at once.

2. **Definitions.**--In this Act, unless the context otherwise requires, the following expressions shall have the meanings as hereby respectively assigned to them,-

- (a) "Act" means the Azad Jammu and Kashmir Property Tax Act, 2015;
- (b) "Assessing Authority" means the authority constituted under this Act;
- (c) "Collector" means an officer appointed by Government by name, or by virtue of his office, to discharge the functions and to perform the duties of a Collector under this Act, in any specified area;
- (d) "Commissioner" means Commissioner Inland Revenue (Provincial Taxes) as authorized under this Act;
- (e) "Government" means the Azad Government of the State of Jammu and Kashmir;
- (f) "Member of the Family of the Owner" means,-
 - (i) wife or wives or husband, as the case may be; and
 - (ii) dependent children of the owner;
- (g) "Owner" includes a mortgagee with possession, a lessee in perpetuity, a trustee having possession of a trust property and a person to whom an evacuee property has been transferred provisionally or permanently under the Pakistan Rehabilitation Act, 1956 (XVII of 1956) as adapted in AJK by virtue of AJ&K Adaption of Laws Act, 1959 (Act I of 1959);
- (h) "Prescribed" means prescribed by rules made under this Act;
- (i) "Ratting Area" means urban area where Tax is levied under the provision of this Act;
- (j) "Rules" mean the rules made under this Act;
- (k) "Tax" means the tax leviable under the provisions of Section 3 of this Act; and
- (l) "Urban Area" means an area within the limits of a municipal corporation/committee, town committee.

3. **Levy of Tax.**--(1) The Government may by notification in the official gazette specify Urban Areas where Tax shall be levied under this Act:

Provided that one Urban Area may be divided into two or more Rating Areas and several Urban Areas may be grouped as one Rating Area.

(2) There shall be charged, levied and paid Tax on the annual rental value of buildings and lands in a Rating Area at the rate of five percent of such annual value:

Provided that no Tax shall be levied under this Act in respect of building occupied by the owner himself either for residential or commercial purposes.

(3) The Tax shall be due and recoverable from the owner of buildings and lands.

(4) No other authority shall impose such kind of Tax on the Urban Immovable property within the limits of a Municipal Corporation/Committee or Town Committee as the case may be.

4. Exemptions.--The Tax shall not be levied in respect of the following properties, namely,-

- (a) buildings and lands other than those leased in perpetuity, owned by the Government,
- (b) buildings and lands other than those leased in perpetuity,-
 - (i) owned by the Government and not administered by a local authority;
or
 - (ii) owned or administered by a local authority;
- (c)
 - (i) buildings and lands the annual value of which does not exceed one lac twenty thousand rupees, or
 - (ii) lands exclusively used for agricultural purposes;
- (d) buildings and lands or portions thereof used exclusively for educational purposes including schools, boarding houses, hostels, and libraries;
- (e) public parks and play grounds;
- (f) buildings and lands or portions thereof used exclusively for public worship or public charity including mosques, churches, hospitals, dispensaries, orphanages, alms houses, drinking water fountains, infirmaries for the treatment and care of animals and public burial or other palaces 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,-

- (i) buildings or lands on which any trade or business is carried on unless the rent derived from such buildings or lands is applied exclusively for religious purposes or for such public charitable institutions as may be prescribed;
- (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 institution; and
- (g) buildings and lands belonging to destitute disabled persons or widows and minor orphans.

5. **Ascertainment of annual value.**--The annual value of any land or building shall be ascertained by estimating the gross annual rent at which such land or building together with its appurtenances and any furniture that may be let for use or enjoyment with such building might reasonably be expected to be let from year to year, less,-

- (a) any allowance not exceeding twenty per centum of the gross annual rent as the Assessing Authority in each particular case may consider reasonable rent for the furniture let with any such building;
- (b) an allowance of ten per centum for the cost of repairs and for all other expenses necessary to maintain such building in a state to command such gross annual rent. Such deduction shall be calculated on the balance of the gross annual rent after the deduction, if any, under clause (a); and
- (c) any land revenue actually paid in respect of such building or land:

Provided that in calculating the annual value of any building or land under this Section, the value of any machinery in such building or on such land shall be excluded.

6. **Assessing Authority.**--(1) There shall be an Assessing Authority for every Rating Area.

(2) The Assessing Authority shall exercise such powers and perform such duties as are conferred on it by this Act or as may be Prescribed.

7. **Making and operation of valuation list.**-- (1) A valuation list shall be made by the prescribed authority in accordance with the Rules for every Rating Area so as to come into force either on the first day of July or the first day of January and thereafter a new valuation list shall be made from time to time so that the interval between the dates in which one valuation list and the next succeeding valuation list respectively come into force, shall be a period of five years:

Provided that Government may by order,-

- (a) reduce by a period not exceeding one year or extend by a period not exceeding three years the interval which would otherwise elapse between the coming into force of any two successive valuation lists for any Rating Area, or where a valuation list has been lost or destroyed by operation of circumstances beyond control, cancel the list, direct the preparation of new list and order recovery of pending Tax to be made on the basis either of the last preceding valuation list or of the new list prepared under this provision; and
- (b) divide any Rating Area into parts for the purposes of a new valuation list and determine the years in which the next following valuation list for each of such parts respectively shall be made and come into force.

(2) Subject to the provisions of any such order as aforesaid, every valuation list shall come into force on the first day of July or the first day of January, as the case may be, next following the date on which it is finally approved by the assessing authority and shall, subject to the provision of this Act and the rules made there under (including the provisions with respect to the alteration of and the making of additions to the valuation list) remain in force until it is superseded by a new valuation list.

8. **Draft Valuation List.**--(1) Where the Assessing Authority for any area has issued notice requiring returns in connection with the making of a new valuation list, the said authority shall, as soon as may be after the expiration of the period allowed for the delivery of the returns, cause a draft valuation list to be prepared for the area and published in such manner as may be prescribed.

(2) Any person aggrieved by any entry in the draft valuation list, or by the insertion therein or omission therefrom of any matter, or otherwise with respect to

the list, may in accordance with the Rules, lodge an objection with the assessing authority at any time before the expiration of thirty days from the date on which the draft valuation list is published:

Provided that in special circumstances the Commissioner may, by notification, extend the period to a maximum of sixty days.

9. **Amendment of Current Valuation List.**-- Subject to rules, as the Government may think fit to make in this behalf, the Assessing Authority may, at any time make such amendments in a Valuation List as appear to it to be necessary in order to bring the list into accord with existing circumstances and in particular may,-

- (a) correct any clerical or arithmetical error in the list;
- (b) correct any erroneous insertion or omission or any misdescription;
- (c) make such additions to or corrections in the list as appear to the authority to be necessary by reason of:
 - (i) a new building being erected after the completion of the valuation list;
 - (ii) a building included in the valuation list being destroyed or substantially damaged or altered or extended since its value was last previously determined ;and
 - (iii) any change in the ownership or use of any building or land:

Provided that not less than fourteen days before making any such amendment in the valuation list for the clerical or arithmetical error or the correction of an erroneous insertion, omission or misdescription, the assessing authority shall send notice of the proposed amendment to the owner of the building or land, as the case may be, and shall also consider any objection thereto which may be made in this behalf.

10. **Appeal and Revision.**--(1) Any person aggrieved by an order of the concerned authority upon an objection made before that authority under Sections 9,10,15 or 16 may prefer an appeal against such order, at any time before the expiration of thirty days from the date of issuance of such order, to the Collector in whose jurisdiction the building or land is situated to which objection is related or such other officer as the Government may, by notification, appoint in this behalf.

(2) Any person aggrieved by any entry in the valuation list prepared under Section 8, or by the insertion therein or omission therefrom, of any matter, or otherwise

with respect to the list, may, within sixty days of the date on which the list is to come into force, prefer an appeal in respect of such entry or matter, to the Collector or to such other officer as the Government may, by notification, appoint in this behalf.

(3) The Commissioner or such other officer as may be appointed by the Government in this behalf, may on his own motion at any time, or on application made within a period of one year from the date of the taking of any proceeding or passing of any order by an authority subordinate to the Commissioner, call for and examine the record of the proceedings or the order for the purpose of satisfying himself as to the legality or propriety of the same and may pass such order in reference thereto as he may consider fit.

11. Tax to be levied notwithstanding appeal.-- The Tax shall be levied in accordance with the valuation list in force for the time being, and shall be collected and be recoverable notwithstanding any appeal which may be pending with respect to the said list.

12. Tax when payable.--The Tax may be payable on half-yearly or yearly basis by such rates as may be Prescribed:

Provided that the Government may, by notification in the official gazette, direct that in any Rating Area,-

- (i) the Tax shall be paid yearly; and
- (ii) the Tax for any specified period shall be paid separately.

13. Collection of Tax.-- The Tax shall be paid to such person or authority and in such manner as may be Prescribed.

14. Recovery of Tax from tenants.-- Where the Tax due from any person on account of any building or land is an arrear, competent authority shall serve upon any person paying rent in respect of that building or land, or any part thereof, a notice stating the amount of such arrears of Tax and requiring all future payments of rent (whether the same have already accrued due or not) by the person paying the rent, to be made until such arrear have been duly paid, and such notice shall operate to transfer to the competent authority the right to recover, receive and give a discharge receipt for payment of such rent, if the person paying rent willfully fails or neglects to comply with the notice as mentioned above, the competent authority may, after giving him an opportunity of being heard, proceed against

him as it would have proceeded under the provisions of this Act against the owner of the building or land in respect of which the Tax is in arrears.

15. Penalty for default in payment.-- (1) If any person on being served with such notice, as may be Prescribed fails to pay within the period specified in the notice any amount due from him on account of the Tax, the competent authority may recover from him as penalty a sum not exceeding the amount of the Tax so unpaid, in addition to the amount of the Tax payable by him.

(2) No such penalty shall be imposed unless the competent authority is satisfied that the person liable to pay the Tax has willfully failed to pay the same.

16. Recovery of unpaid dues.-- (1) If any sum on account of the Tax levied under Section 3 or as a penalty imposed under this Act is not paid within the time allowed for its payment and the person from whom it is due, does not show cause to the satisfaction of the Collector or any other person authorized by him, why he should not pay the same, such sum (inclusive of all cost of recovery) may be recovered under a warrant in the Prescribed form or in a form to the like effect to be signed by the Collector,-

(i) by distress or sale of the movable property belonging to such person; or

(ii) by attachment and sale of the immovable property belonging to him.

(2) The warrant may be addressed to an officer of the Excise and Taxation Department for execution, and in executing it he may obtain such assistance from other employees of the department as he may consider necessary.

(3) Notwithstanding anything contained in sub-Section (1), any sum on account of the Tax levied or penalty imposed under this Act remaining unrecovered shall be recoverable as arrears of land revenue.

(4) Notwithstanding anything contained in any law and notwithstanding any rights arising out of any contract or otherwise whatsoever, any sum due on account of the Tax levied under Section 3 or as a penalty imposed under this Act in respect of any building or land, shall subject to the prior payment of the land revenue, if any, due to the Government thereon, be a first charge upon such building or land and belonging to the person liable for such Tax or penalty.

17. Power of Assessing Authority to require returns for valuation list.--(1) In every case where a new valuation list is intended to be made for any Rating Area,

the Assessing Authority shall give public notice of such intention in such manner as may be Prescribed and may serve a notice on the owner, occupier or lessee of any building or land in the such area, or on any one of them, requiring him or them, to make a return containing such particulars as may be Prescribed.

(2) Every person on whom a notice to make a return is served in pursuance of the provisions of this Section shall, within thirty days of the date of the service of the notice, make return in such form as is required by the notice, and deliver it in the manner so required to the Assessing Authority.

(3) If any person on whom such notice has been served, fails within the required period to submit such return, the Assessing Authority may proceed to value such property in such manner as it may deem fit.

18. **Power of Assessing Authority to require return at any time.**--If the Assessing Authority at any time desires any person, who is the owner, lessee or occupier of any building or land wholly or partly within the Rating Area, to make a return with respect to any of the matters regarding which a return may be prescribed, it may serve a notice on that person requiring the return, and that person shall, within thirty day from the service of the notice send the required return to the Assessing Authority:

Provided that the Assessing Authority may, in its discretion, extent that period for the delivery of any such return.

19. **Valuation list not to be rendered invalid by certain failure or omission.**--Any failure on the part of the Assessing Authority to complete any proceedings with respect to the preparation of a valuation list within the time required by this Act or the Rules, or the omission from valuation list of any matters required by the Rules to be included therein shall not, by itself, render the list invalid.
20. **Assessing Authority, officers and servants to be deemed Public Servants.**--Every Assessing Authority and every officer working under the orders of such authority for the purposes of this Act, shall be deemed to be a Public Servant within the meaning of Section 21 of the Azad Penal Code, 1860 (XLV of 1860), as enforced in Azad Jammu and Kashmir.
21. **Exclusion of jurisdiction of Civil Court.**--No civil Court shall have jurisdiction in any matter which the Government or an Assessing Authority or any officer or servant who is empowered by this Act or the rules made thereunder to dispose of,

or take cognizance of the matter in which the Government or any Assessing Authority, officer or servant exercise any powers vested in it or him by or under this Act or the Rules.

22. Power to make Rules.-- (1) The Government may by notification in official gazette, make Rules for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing provisions such rules may provide for any or all of the following matters namely,-

- (a) the appointment, power and duties of Assessing Authorities and other provisions with respect to such authorities;
- (b) the placing of identification marks, on and entry into or upon, any building or land;
- (c) the preparation and publication of valuation list, including publication and inspection of draft valuation lists, notices of objections and hearing of objections, and other matters incidental there to;
- (d) the practice and procedure to be followed on and in connection with appeals, including,-
 - (i) notice of appeals,
 - (ii) prescription of scales of costs, and
 - (iii) prescription of fees to be charged in connection with appeals;
- (e) the prescription of the form of any notice, valuation list, statement, return, or other document whatsoever which is required or authorized to be used under or for the purposes of this Act;
- (f) the mode of service of any notice, order or document required or authorized to be served;
- (g) the inspection and taking copies of an extracts from any draft valuation list, valuation list, notice of objections, proposal for amendment to the valuation list, notice of appeal, valuation made by valuer, and fees for such inspection or copies;
- (h) the appointment of valuers to advise or assist in connection with the valuation of buildings or lands and their powers and duties;

- (i) the time at and the manner in which the amount of Tax shall be paid to the Government;
- (j) the portion of the Tax to be refunded or remitted and the manner in which and the conditions subject to which such refund or remission may be granted;
- (k) the prescription of fees to be charged in connection with any application made under this Act or the rules made thereunder; and
- (l) any matter which is required by this Act to be prescribed.

(3) In making any rules under sub-section (1) and (2), the Government may direct that the competent authority may impose a penalty not exceeding fifty thousand rupees on a person who is guilty of a breach of the provisions thereof.

23. Overriding Effect.-- Notwithstanding anything contained in Azad Jammu and Kashmir Local Government Act, 1990 or any other law for the time being in force, the provisions of this Act shall have overriding effect on all other laws."

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