

Appendix-F1

Secondary and Higher Education Cess

EXTRACTS FROM THE FINANCE ACT, 2007

126. (1) Without prejudice to the provisions of sub-section (12) of section 2, there shall be levied and collected, in accordance with the provisions of this Chapter as surcharge for purposes of the Union, a cess to be called the Secondary and Higher Education Cess, to fulfil the commitment of the Government to provide and finance secondary and higher education.
- (2) The Central Government may, after due appropriation made by Parliament by law in this behalf, utilise, such sums of money of the Secondary and Higher Education Cess levied under subsection (12) of section 2 and this Chapter for the purposes specified in subsection (1) as it may consider necessary.
129. (1) The Secondary and Higher Education Cess levied under section 126, in the case of goods specified in the First Schedule to the Customs Tariff Act, 1975, being goods imported into India, shall be a duty of customs (in this section referred to as the Secondary and Higher Education Cess on imported goods), at the rate of one per cent., calculated on the aggregate of duties of customs which are levied and collected by the Central Government in the Ministry of Finance (Department of Revenue), under section 12 of the Customs Act, 1962 and any sum chargeable on such goods under any other law for the time being in force, as an addition to, and in the same manner as, a duty of customs, but not including –
- the additional duty referred to in sub-section (5) of section 3 of the Customs Tariff Act, 1975;
 - the safeguard duty referred to in sections 8B and 8C of the Customs Tariff Act, 1975;
 - the countervailing duty referred to in section 9 of the Customs Tariff Act, 1975;
 - the anti-dumping duty referred to in section 9A of the Customs Tariff Act, 1975; and
 - the Education Cess chargeable under section 94 of the Finance (No. 2) Act, 2004 and Secondary and Higher Education Cess on imported goods.
- (2) The Secondary and Higher Education Cess on imported goods shall be in addition to any other duties of customs chargeable on such goods, under the Customs Act, 1962 or any other law for the time being in force and the Education Cess chargeable under section 94 of the Finance (No. 2) Act, 2004.
- (3) The provisions of the Customs Act, 1962 and the rules and regulations made thereunder, including those relating to refunds and exemptions from duties and imposition of penalty shall, as far as may be, apply in relation to the levy and collection of the Secondary and Higher Education Cess on imported goods as they apply in relation to the levy and collection of the duties of customs on such goods under the Customs Act, 1962 or the rules or the regulations made thereunder, as the case may be.

Exemption to Secondary and Higher Education Cess

Ntfn 28 dated 01.03.2007

As amended by 69/2007-Cus. dated 12.05.2007:

In exercise of the powers conferred by sub-section (1) of section 25 of the Customs Act, 1962 (52 of 1962), read with section 136 read with section 139 of the Finance Act, 2007 (22 of 2007), the Central Government, being satisfied that it is necessary in the public interest so to do, hereby exempts all goods covered under notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 69/2004-Customs, dated 9th July 2004 which was published in the Gazette of India, Extraordinary vide number G.S.R. 411(E), of the same date, from the whole of the Secondary and Higher Education Cess leviable thereon under the said section 136 read with section 139 of the said Finance Act.