

THE AZAD JAMMU AND KASHMIR ENTERTAINMENTS

DUTY ACT, 1953.

(Passed under Government Order No. 341/53 dated 7-10-1953).

An Act to impose a duty in respect of admission to

entertainments in the Azad Jammu and Kashmir Territory.

Whereas it is expedient to provide for the levy of a duty in

respect of admission to theatres, Cinema and other places of public entertainment in the Azad Jammu and Kashmir Territory;

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It is hereby enacted as follows :-

(i) This Act may be called the Azad Jammu and Kashmir Entertainments Duty Act, 1953.

(ii) It shall come into force at once and shall be deemed to have taken effect from the first day of April, 1951 and all orders passed, notifications issued, appointments made, duties levied or realised by or under the authority of the Azad Jammu and Kashmir Government prior to the passing of this Act, shall respectively be deemed to have been passed, issued, made, levied or realised under this Act

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

In this Act, unless there is any thing repugnant in the subject or context :-

(a) "admission to an entertainment" includes admission to any place in which the entertainment is held ;

(b) The expression "Collector" means the Collector of Taxation and "Taxation Officer" means an officer of the Taxation Department or any other officer duly empowered by the Government in this behalf ;

(c) "entertainment" includes any exhibition, performance, amusement, game or sport to which persons are admitted on

payment ;

(d) "payment for admission" includes :-

(1) any payment made by a person who, having been admitted to one part of a place of entertainment, is subsequently admitted to another part thereof for admission to which a payment involving duty or additional duty is required ;

(2) any payment for seats or other accommodation in a place of entertainment ;

(3) any payment for any purpose whatsoever connected with an entertainment which a person is required to make as a condition of attending or continuing to attend the entertainment in addition to the payment, if any, for admission to the entertainment ;

(e) "prescribed" means prescribed by rules made under this Act ;

(f) "Proprietor" in relation to any entertainment includes any person responsible for the management thereof ;

(g) "Seats" includes standing accommodation ; and

(h) "Government" means the Azad Jammu and Kashmir Government.

Duty on payments for admission to entertainments:- (1)
There shall be levied and paid to the Government on all payments for admission to any entertainment, a duty hereinafter referred to as the "entertainments duty" at such rate or rates as may, from time to time be fixed by the Government :

Provided that no such tax shall be levied or collected in respect of the period between the 1st April 1951 the date on which this Act comes into force from any place of entertainment, unless it is proved to the satisfaction of the Government that the person or persons affected have actually recovered duty at the rates specified from their customers for the full period or a part thereof from 1st day of April, 1951, the date on which this Act is deemed to have taken effect :

Provided further that the period for which this tax is levied before the coming of the Act in force shall not in any case exceed the period during which the tax was actually paid by the customers nor would the amount thus realised exceed the actual recoveries made by those affected from this Act.

(2) Where the payment for admission to an entertainment is made by means of a lump sum paid as a subscription or contribution to any society, or for a season ticket or for the right of admission to a series of entertainments or to any entertainment during a certain period of time or for any privilege, right, facility or thing combined with the right of admission to any entertainment or involving such right of admission without further payment or at a reduced charge, the entertainments duty shall be paid on the amount of the lump sum but where the Government is of opinion that the payment of a lump sum or any payment for a ticket represent payment for other privileges, rights or purposes besides the admission to an entertainment, or covers admission to an entertainment during any period for which the duty has not been in operation, the duty shall be charged on such amount as appears to the Government to represent the right of admission to entertainments in respect of which the entertainments duty is payable.

Liability of complimentary tickets to entertainments duty:-

Entertainments duty shall be levied and paid on all complimentary tickets issued by the proprietor of an entertainment for any performance :

Provided that no such duty shall be charged on complimentary tickets issued to representatives of the Press.

Method of levy:- (1) Save as otherwise provided by this Act no person shall be admitted on payment to any entertainment where the payment is subject to entertainments duty except with a ticket stamped with an impressed, embossed, engraved or adhesive stamp (not before used) issued by the Government for the purposes of revenue and denoting that the proper entertainments duty has been paid :

Provided that pending issue of stamps, this duty may be recovered by any other, method specified by the Collector.

(2) The Government may, on the application of the proprietor of any entertainment in respect of which the entertainments duty is payable under section 3, permit the proprietor on such conditions as the Government may prescribe, to pay the amount of the duty due :-

(a) by a consolidated payment; of a percentage, to be fixed by the Government, of the gross sum received by the proprietor

on account of payments for admission to the entertainment
and on account of the duty ; or

(b) in accordance with returns of the payments for admission to
the entertainment and on account of the duty ; or

(c) in accordance with the results recorded by any mechanical
contrivance that automatically registers the number of
persons admitted.

(3) The provisions of sub-section (1) of this section and of
section 6 shall not apply to any entertainment in respect of which
the duty due is payable in accordance with the provisions of Sub-
Section (2).

Punishment for non-compliance with section 3:- If any person
is admitted on payment or on a complimentary ticket as provided
in the proviso to section 4 above to any place of entertainment
and the provisions of section 5 are not complied with, the
proprietor of the entertainment to which such person is admitted
shall, on conviction before a Magistrate, be liable in respect of
each offence to a fine which may extend to five hundred rupees
and shall also be liable to pay any duty which should have been
paid.

(1) The Collector may accept from any person who has
committed an offence punishable under this Act by way of
composition: of such offence, a sum of money not exceeding two
hundred and fifty rupees or a sum double the amount payable
under section 3, whichever is greater.

(2) On payment of such sum of money to the Collector, the
accused person if in custody shall be discharged and no further
proceedings shall be taken against such in respect of such
offence.

Entertainments for charitable or educationable purposes
exempted, exemption by Government:- (1) No entertainments
duty shall be levied on payments for admission to any
entertainment where the Collector is satisfied that the whole of
the net proceeds of the entertainment will be devoted to
philanthropic, charitable, educationable or scientific purposes.

The Government may, by general or special order, exempt

any entertainment or class, of entertainments from liability to entertainments duty.

Powers to make rules:- (1) The Government may make rules for securing the payment of the entertainment duty and generally for carrying into effect the provisions of this Act, and in particular :

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for the supply and use of stamps or stamped tickets or for the stamping of tickets sent to be stamped and for securing the defacement of stamps when used ;

for the use of tickets covering the admission of more than one person and the calculation of the duty thereon; and for the payment of the duty on transfer from one part of a place of entertainment to another and in payments for seats or other accommodation ;

for controlling the use of mechanical contravances (including the prevention of the use of the same mechanical contravance for payments of a different amount), and for securing proper records of admission by means of mechanical contravances ;

(d) for the checking of admissions, the keeping of accounts and

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the furnishing of returns by the proprietors of entertainments in respect of which the duty due is payable in accordance with the provisions of section 5, sub-section (2);

for the renewal of damaged or spoiled stamps and for the procedure to be followed on applications for refund ;

for the keeping of accounts of all stamps used under this Act;
for the presentation and disposal of applications for
exemption from payment of the entertainments duty or for

the refund thereof ;

for the exemption from entertainments duty of soldiers,
sailors and airmen in uniform ; and

for prescribing the rank of Taxation, Revenue or Police
Officer for the purposes of section 9.

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(2) If any person acts in contravention of or fails to comply with, any such rules, he shall, on conviction before a Magistrate, be liable in respect of each offence to a fine not exceeding five-hundred rupees.

Power to enter place of entertainment for purposes of the Act:- The Collector of any Taxation, Revenue or Police Officer not below such rank as the Government may prescribe, may enter any place of entertainment while the entertainment is proceeding, and any place ordinarily used as a place of entertainment at any reasonable time, with a view to seeing whether the provisions of this Act or the rules made thereunder are being complied with.

Recoveries:- (1) In the case of change, whether partial or otherwise, of ownership of an entertainment concern the succeeding owner or owners shall also be liable, jointly and severally, for the payment of arrears of entertainments duty outstanding against the previous owner or owners.

(2) Any sum due on account of entertainments duty shall be recoverable as an arrear of land revenue.

Powers to close down entertainment in case of arrears:- (1) Where the Collector is satisfied with respect to any place of entertainment that the recovery of arrears of entertainments duty due from it cannot be effected in ordinary course, he may, by order, notwithstanding any action taken under section 10 above, direct any proprietor of such entertainment to close such entertainment and for the purpose of giving effect to his order he may take or cause to be taken such steps as may be deemed necessary.

(2) Whoever contravenes or fails to comply with any order or direction given in pursuance of sub-section (1) of this section, shall on conviction before a Magistrate, be liable to a fine which may extend to five hundred rupees.

Delegation of Government:- Any of the powers and duties conferred or imposed upon the Government by this Act may be exercised or performed, subject to such conditions as the Government may prescribe, by any person whom the Government may by general or special order empower in this behalf.