

The Punjab Entertainments Tax (Cinematograph Shows) Act, 1954

PUNJAB

India

The Punjab Entertainments Tax (Cinematograph Shows) Act, 1954

Act 8 of 1954

- Published on 26 March 1954
- Commenced on 26 March 1954
- [This is the version of this document from 26 March 1954.]
- [Note: The original publication document is not available and this content could not be verified.]

The Punjab Entertainments Tax (Cinematograph Shows) Act, 1954 Act 8 of 1954 See Legislative Supplement Part 3, dated the 26th March, 1954. Received the assent of the Governor of Punjab on the 10th April, 1954, and was first published in the Punjab Government Gazette Extraordinary, dated the 14th April, 1954. An Act to provide for levying entertainment tax on cinematograph shows exhibited in public in the State of Punjab. It is hereby enacted as follows:-

1. Short title, extent and commencement.

(1) This Act may be called the Punjab Entertainments Tax (Cinematograph Shows) Act, 1954. (2) It extends to the State of Punjab. (3) It shall come into the force on such date as the State Government may, by notification, direct.

2. Definitions.

- In this Act, unless there is anything repugnant in the subject or the context, -(a) "admission" includes admission as spectator or as one of an audience to any place in which a cinematograph show is being held or is to be held; (b) "cinematograph" includes any apparatus for the representation of moving pictures or series of pictures; (c) "cinema house" includes a building or any other place equipped for the exhibition of a cinematograph show and includes a touring cinema; (d) "class" means an enclosure or a section within a cinema house, admission to which is permitted at the same rate; (e) "Commissioner" means the Excise and Taxation Commissioner, Punjab, or any other Officer empowered by the State Government by notification, to exercise the powers of the Commissioner under this Act; (f) "fortnight" means a period of fourteen days consisting of two consecutive weeks; (g) "gross collection capacity per show" means the notional aggregate of all payments for class-wise admission, to a cinematograph show, which the proprietor would realise, if all seats as

determined by the District Magistrate, are occupied in a Cinema house and calculated at the rates specified by the District Magistrate for admission to a class;(h)"old cinema house" means a cinema house which has been functioning in the Punjab State for the last twenty five years or more;(i)"prescribed" means prescribed by rules made under this Act;(j)"proprietor" in relation to this Act includes any person responsible for the management of the premises where the show is held;(k)"seating capacity" means the class-wise total number of seats approved by the District Magistrate in the case of a cinema house existing on the first day of June, 1994 and in the case of a cinema house coming into operation thereafter, that class-wise total number of seats, as may be approved by the District Magistrate;(l)"show" means a cinematograph exhibition;(m)"State Government" means the Government of the State of Punjab;(n)"touring cinema" includes a cinema, which can be taken from place to place for the purpose of displaying cinematograph shows;(o)"week" means a period of seven days commencing from Friday and ending on Thursday; and(p)[the expression "Municipality, Municipal Corporation", "Cantonment Board" shall have the same meaning as respectively assigned to them in the Punjab Municipal Act, 1911, Punjab Municipal Corporation Act, 1976 and the Cantonments Act, 1924.] [Section2 Substituted by Act No. 20 of 1994.]

3. [Levy of tax.] [Substituted vide Act No. 20 of 1994.]

- Except as otherwise expressly provided in this Act, there shall be levied, charged and paid to the State Government an entertainment tax on the gross collection capacity of a cinematograph show held in a cinema house, specified in column 2 of the Table given below and located in the area specified in the corresponding entry in column 1 of the said Table and calculated at the rates specified in the corresponding entry in column 3 or column 4 of the said Table, as the case may be.

Area where the cinema house is situated	Type of cinema house	Amount of Tax leviable as a percentage of the gross collection capacity per show	Amount of tax leviable as percentage of the gross collection capacity per show in the case of old cinema house
1	2	3	4
Category 'A'			
1. Cinema House in a Municipal Corporation.	(i) Air-conditioned;	Twenty Percent	Eighteen per cent.
	(ii) Air-cooled;	Sixteen percent.	
	(iii) Ordinary (Other than Air-conditioned and Air-cooled).	Fifteen per cent.	Thirteen per cent.
Category 'B'			
2. Cinema House in a	(i) Air-conditioned;	Eighteen per cent.	Sixteen percent

Municipality of the First
Class or in a Cantonment
Board.

(ii) Air-cooled;	Fifteen per cent.	Thirteen per cent
(iii) Ordinary (Other than Air-conditioned and Air-cooled).	Sixteen per cent.	Ten per cent.

Category 'C'

3. Cinema House in a
Municipality of the Second
Class.

(i) Air-conditioned;	Fifteen per cent.	Thirteen per cent
(ii) Air-cooled;	Twelve per cent.	Ten per cent.
(iii) Ordinary (Other than Air-conditioned and Air-cooled).		Ten per cent.

Category 'D'

4. Cinema House in a
Municipality of the Third
Class or in any other area
not falling in categories 'A',
'B', 'C'

(i) Air-conditioned;	Fourteen per cent	Twelve per cent
(ii) Air-cooled;	Eleven per cent.	Nine per cent.
(iii) Ordinary (Other than Air-conditioned and Air-cooled).		Nine per cent.

3A. [Option to pay tax in lieu of tax payable under Section 3. - (1) In lieu of the tax payable under Section 3, in the case of cinematograph shows held in cinema houses specified in column 2 of the Table given below and located in the area specified in the corresponding entry in Column 1 of the said Table, the proprietor may, at his option and subject to such conditions, as may be prescribed, pay entertainment tax to the State Government, fortnightly, as specified in the corresponding entry in column 3 or column 4 of the said Table, as the case may be.] [Substituted by Act No. 20 of 1994.]

Table

Area	Type of Cinema house	Amount of tax	Amount of tax in the case of old cinema house.
1	2	3	4

Category 'A'

(1) Cinema house in a Municipal Corporation	(i) Air Conditioned;	Seventeen per cent of the gross collection capacity per show multiplied by forty-two	Fifteen per cent of the gross capacity per show multiplied by forty-two.
	(ii) Air Cooled;	Sixteen per cent of the gross collection capacity per show multiplied by forty-two	Fourteen per cent of the gross collection capacity per show multiplied by forty-two.,
	(iii) Ordinary (other than Air Conditioned and Air Cooled).	Thirteen per cent of the gross collection capacity per show multiplied by forty-two	Eleven per cent of the gross collection capacity per show multiplied by forty-two.

Category 'B'

(2) Cinema House in a Municipality of the First Class or in a Cantonment Board.	(i) Air Conditioned;	Sixteen per cent of the gross collection capacity per show multiplied by forty-two.	Fourteen per cent of the gross collection capacity per show multiplied by forty-two.
	(ii) Air Cooled;	Thirteen per cent of the gross collection capacity for show multiplied by forty-two.	Eleven per cent of the gross collection capacity per show multiplied by forty-two.
	(iii) Ordinary (other than Air Conditioned and Air Cooled).	Ten per cent of the gross collection capacity per show multiplied by forty-two.	Eighty per cent of the gross collection capacity per show multiplied by forty-two.

Category 'C'

(3) Cinema House in a Municipality of the Second Class.	(i) Air Conditioned;	Eleven per cent of the gross collection capacity per show multiplied by thirty-six.	
	(ii) Air Cooled;	Ten per cent of the gross collection capacity per show multiplied by	Eight per cent of the gross collection capacity per show multiplied by

		thirty-six.	thirty-six.
		Eight per cent of the gross collection capacity per show multiplied by thirty-six.	Six per cent of the gross collection capacity per show multiplied by thirty-six.
	(iii) Ordinary (other than Air Conditioned and Air Cooled).		
Category 'D'			
(4) Cinema House in a Municipality of the Third Class and other area not falling in Categories 'A'	'B' and 'C' (i) Air Conditioned;	Twelve per cent of the gross collection capacity per show multiplied by twenty-eight.	Ten per cent of the gross collection capacity per show multiplied by twenty-eight.
	(ii) Air Cooled;	Nine per cent of the gross collection capacity per show multiplied by twenty-eight.	Seven per cent of the gross collection capacity per show multiplied by twenty-eight.
	(iii) Ordinary (Other than Air Conditioned and Air Cooled)	Seven per cent of the gross collection capacity per show multiplied by twenty-eight.	Five per cent of the gross collection capacity per show multiplied by twenty-eight.

(2)The amount of tax under sub-section (1), shall be paid by the proprietor irrespective of the actual number of Cinematograph Shows held by him in the cinema house in a fortnight.(3)Any proprietor who opts to pay tax under this section, shall apply in the prescribed form, to the Assistant Excise and Taxation Commissioner incharge of the District to be permitted to pay the tax under this section. On being so permitted, such proprietor shall pay the tax every fortnight as laid down in sub-section (1).(4)The option so permitted under sub-section (3), shall continue to be in force till it is revoked by an order in writing by the Assistant Excise and Taxation Commissioner, incharge of the District.(5)Every proprietor who has been permitted under sub-section (3), shall intimate to the Assistant Excise and Taxation Commissioner, incharge of the District, forthwith any increase in the gross collection capacity per show on account of increase in the seating capacity or in the rates of admission. The proprietor, thereafter, shall be liable to pay tax at the increased rates from the date of such increase. If the proprietor fails to inform the Assistant Excise and Taxation Commissioner, incharge of the District about the increase in gross collection capacity per show or fails to pay tax at the corresponding increased rates, the Assistant Excise and Taxation Commissioner, incharge of the District may, after giving him an opportunity of being heard, by an order in writing, revoke the operation permitted under sub-section (3).

3B. [Tax not to be charged in certain exceptional circumstances. [Section 3B to 3E inserted by Act No. 20 of 1994.]

- Notwithstanding anything contained in this Act, no entertainment tax shall be levied and charged from a proprietor of a cinema house for the period for which the cinema house remains closed due to curfew or due to law and order situation: Provided that the entertainment tax shall not be levied and charged only if the cinema house remains closed for the said reasons for a minimum period of three consecutive days.

3C. Liability of proprietor in case of exemptions.

- Notwithstanding anything contained in Section 3 and 3A, m of this Act, the proprietor of a cinema house, in case of any exemption granted by the State Government by order under sub-section (2) of Section 6 of this Act, shall be liable to pay tax in accordance with that order.

3D. Prohibition to reduce seating capacity.

- No proprietor of a cinema house shall be allowed to reduce the seating capacity once permitted at the time of grant of licence by the District Magistrate except with the prior approval of the Commissioner.

3E. Determination of gross collection capacity per show.

- The Assistant Excise and Taxation Commissioner in charge of the District shall by an order in writing, determine the gross collection capacity per show of every cinema house falling in his jurisdiction and communicate the same to the proprietor within a fortnight from the commencement of the Punjab Entertainments Tax (Cinematograph Shows) Amendment Act, 1994.]

4. Taxing authorities.

- For carrying out the purposes of this Act, the Commissioner may be assisted by such other person or persons as the State Government may appoint in this behalf. (2) The Commissioner or the persons appointed under sub-section (1) shall exercise such powers and perform such duties as may be assigned to them under the Act or the rules thereunder.

5. Deposit of security by the proprietor.

- [(1) The proprietor of a cinema house shall deposit into the concerned Treasury, an amount by way of security by the 30th June, 1994, which shall be, as given below :-] [Substituted by Act No. 20 of 1994.]

Sr. No.	Area	Amount of security to be deposited (in rupees)
1	Cinema House falling in Category 'A'	50000
2	Cinema House falling in Category 'B'	40000
3	Cinema House falling in Category 'C'	30000

4 Cinema House falling in Category 'D' 20000

(2)The Commissioner may forfeit the whole or part of this security if he is satisfied that sums payable under this Act due from the proprietor cannot be recovered otherwise.[Provided that before passing an order of forfeiture, the proprietor shall be given an opportunity of being heard.] [Added by Act No. 20 of 1994.](3)The Commissioner shall, if he is satisfied that the proprietor of any cinema premises who has furnished any security under sub-section (1) has ceased the business of exhibiting cinematograph films and that nothing is due from him under this Act or the rules thereunder, refund the security to the proprietor or his legal heirs.

6. [Exemptions. [Substituted by Act No. 20 of 1994.]

(1)No entertainment tax shall be levied on a Public cinematograph exhibition where the Commissioner is satisfied on application made in this behalf in the prescribed manner that the whole of the net proceeds of the tax will be devoted to philanthropic, charitable, educational or scientific purposes which have been approved, as such by the State Government.(2)The State Government may, by a general or special order, exempt any show or class of shows or any proprietor or class of proprietors from liability to pay either whole or any portion of entertainment tax under this Act.]

7. [Payment of tax and furnishing of returns. [Substituted by Act No. 20 of 1994.]

(1)Every proprietary shall be required to furnish a return in the prescribed form and manner in respect of his cinema house, every fortnight within a period of seven days of the close of the fortnight.(2)Before any proprietor furnishes the return as required under sub-section (1), he shall deposit into the concerned Treasury, the full amount of tax payable by him, for the period covered by the return.]

8. Assessment of tax.

- If no returns are furnished by the proprietor of a cinema premises in respect of any period within the time allowed by sub-section (4) of section 7 or if the prescribed authority is not satisfied that the returns furnished are correct and complete, it shall, within twelve months after the expiry of such period, after giving the proprietor a reasonable opportunity of being heard, proceed in such manner as may be prescribed to assess to the best of his judgment the amount of tax due from any particular proprietor.

9. Refunds and remissions.

(1)The prescribed authority shall, in the prescribed manner, refund to a proprietor applying in this behalf, any amount of tax paid by such proprietor in excess of the amount due from him under this Act, either by a refund voucher, or at the option of the proprietor, by deduction of such excess from the amount of tax due in respect of any other period.(2)The prescribed authority may remit the tax

for any show which could not be completed for any reason provided he is satisfied that the ticket holders have been refunded the price of their tickets in full.

10. Notice of holding of cinematograph shows.

- The proprietor of a touring cinema intending to exhibit cinematograph films, to which the public is to be admitted on payment shall deliver to the prescribed authority at least three days' clear notice in writing of such intention.

11. Production and inspection of documents

(1)The State Government may, subject to such conditions as may be prescribed, require the proprietor of any cinema premises to produce before any officer of the Excise and Taxation Department, not below the rank of Sub-Inspector as may be prescribed, any accounts or documents, relevant to the shows as may be necessary for the purposes of this Act.(2)If any officer of the State Government mentioned in Sub-section (1) has reason to suspect that the proprietor of any cinema premises is attempting to evade the payment of any tax due from him under this Act he may, for reasons to be recorded in writing, seize such accounts, registers or documents of the proprietor, as may be necessary and shall grant a receipt for the same, and shall retain the same for such period as may be found necessary for examination thereof or for a prosecution.

12. Entry into and inspection of places where cinematograph shows are being held.

(1)(a)Any officer, as prescribed, may enter into and inspect any cinema premises while the show is proceeding or any place ordinarily used as a place for exhibiting cinematograph films at any reasonable time for the purpose of examining whether the provisions of this Act or any rule made thereunder are being complied with.(b)Every officer so authorised shall be a public servant within the meaning of section 21 of the Indian Penal Code (Act XLV of 1860).(2)The proprietor of cinema premises or the owner or person incharge of any place ordinarily used for exhibition of cinematograph films shall give every reasonable assistance to the inspecting officer in the performance of his duties under sub-section (1).(3)If any person prevents or obstructs the entry of the inspecting officer, he shall, in addition to any other punishment to which he is liable under any law for the time being in force, be punished with fine, which may extend to five hundred rupees.[12A. Power to impose pecuniary penalties.] [Punjab Act 5 of 1963.] - (1) Where a proprietor commits any omission or act specified in clause (a), or clause (b), or sub-section (1) of section 14 the Commissioner or any person appointed under sub-section (1) of section 14 may, after affording the proprietor a reasonable opportunity of being heard, direct him to pay, by way of penalty in addition to the tax to which he is assessed or is liable to be assessed, an amount not exceeding [twenty five percentum of the tax due] [Substituted vide Act No. 2 of 1994.for 'two thousand rupees.](2)No prosecution for an offence under this Act shall be instituted against a proprietor in respect of the same facts on which a penalty has been imposed upon him under sub-section (1).

12B.

(1) If any proprietor fails to pay the amount of entertainment tax due under this Act, he shall, in addition to the amount of entertainment tax, be liable to pay simple interest on the amount of tax due from him at the rate of one per centum per month from the date immediately following the last date for the submission of the return for a period of one and thereafter at the rate of one and a half per centum per month till the default continues. (2) If the amount of entertainment tax along with amount of interest under sub-section (1) due from a proprietor is not paid by him within the period specified in the prescribed notice, the proprietor shall, in addition to the amount due under that sub-section, be liable to pay a simple interest on the due amount at the rate of one per centum per month from the date following the date on which the period specified in the aforesaid notice expires and thereafter at the rate of one and a half per centum per month till the default continues: Provided that where the recovery of any entertainment tax is stayed by an order of a court the amount of entertainment tax shall, after the order of stay is vacated, be recoverable along with interest at the aforesaid rate on the amount due and such interest shall be payable from the date, the tax first became due. (3) The amount of interest payable under this section shall be calculated by treating part of a month as one month but no interest shall be chargeable if the total amount payable on account of tax is fifty rupees or less and if such amount is more than fifty rupees but less than one hundred rupees, interest shall be calculated treating such amount to be one hundred rupees.] [Inserted by Act No. 2 of 1994.]

13. Bar of certain proceedings.

(1) No prosecution shall lie against any officer or servant of the State Government, for any act done or purporting to be done under this Act without the previous sanction of the State Government. (2) No officer or servant of the State Government shall be liable in respect of any such act in any civil or criminal proceedings if the act was done in good faith in the course of the execution of duties or the discharge of functions imposed by or under this Act. (3) No suit shall be instituted against the State Government and no suit, prosecution, or other proceedings shall be instituted against any officer or servant of the State Government in respect of any act done or purporting to be done under this Act, unless the suit, prosecution or other proceedings is instituted within six months from the date of the act complained of.

14. Offences and penalties.

(1) If the proprietor of cinema premises -(a) [fails to pay the amount of tax or interest or both, as the case may be due from him within the time allowed under this Act, or] [Substituted vide Act No. 2 of 1994.] (b) fraudulently evades the payment of any tax due under this Act, or (c) fails to furnish the returns provided in section 7, or (d) fails to give notice as provided in section 10, or (e) contravenes any other provisions of this Act or the rules made thereunder. he shall be liable in respect of each separate offence to a fine which may extend to one thousand rupees and when the offence is a continuing one, with a daily fine not exceeding fifty rupees during the period of the continuance of the offence. (2) No court shall take cognizance of an offence under this Act or the rules except with the previous sanction of the Commissioner and no court inferior to that of a Magistrate of the Ist

Class shall try such an offence.

15. Power to compound offences.

(1)The Commissioner may at any time, accept from any person, who has committed an offence punishable under this Act, or the rules made thereunder by way of composition of such offence, a sum of money not exceeding two hundred and fifty rupees or double the amount of tax involved whichever is greater.(2)On payment of such sum of money as may be determined by the Commissioner under sub-section (1) he shall, where necessary, report to the court that the offence has been compounded and thereafter no further proceedings under this Act, shall be taken against the offender in respect of the same offence and the said court shall discharge or acquit the accused, as the case may be.

15A. An appeal from every original order passed under Appeal.

(1)This act or the rules made thereunder shall lie, -(i)if the order is made by an assessing authority or an Assistant Excise and Taxation Commissioner incharge of the District, to the Deputy Excise and Taxation Commissioner;(ii)if the order is made by the Deputy Excise and Taxation Commissioner, to the Commissioner.(2)No appeal shall be entertained unless it is filed within thirty days from the date of communication of the order appealed against, or within such longer period as the appellate authority may allow, for reasons to be recorded in writing.(3)No appeal shall be entertained by an appellate authority unless such appeal is accompanied by satisfactory proof of the payment of the tax or of the penalty, if any, imposed or of both, as the case may be :[Provided that if such authority is satisfied that the proprietor is unable to pay the tax assessed or the penalty, if any, imposed on both, he may, for reasons to e recorded in writing, entertain an appeal without the tax or penalty or both having been paid or after part payment of such tax or penalty or both.] [Added by Act No. 20 of 1994.]

16. Revisions.

- The Commissioner may, of his own motion or on application made, call for the record of any proceedings or order of any authority subordinate to him for the purpose of satisfying himself as to the legality or propriety of such proceedings or order and may pass such order in reference thereto as he may deem fit.[Provided that the Commissioner may, before deciding such application, direct the applicant to deposit, whole or in part, the amount of entertainment tax or penalty, if any, or both imposed on him under this Act.] [Added by Act No. 20 of 1994.]

17. Recoveries.

- Any sum due under this Act or the rules framed thereunder shall be recoverable as arrears of land revenue.

18. Delegation of powers.

- Subject to such restrictions and conditions as may be prescribed, the Commissioner may by an order in writing delegate all any of his powers under this Act to any person appointed under Section 4 to assist him.

19. Power to make rules.

(1)The State Government may make rules for securing the payment of the tax and generally for carrying into effect the purposes of this Act.(2)In particular and without prejudice to the generality of the foregoing power, the State Government may make rules for any or all of the following matters, namely:(a)form of any notice, return, accounts or other document which are required to be used or kept under or for the purposes of this Act;(b)the mode of service of any notice or order required or authorised to be served;(c)the procedure to be followed on and in connection with revision applications;(d)the presentation and disposal of applications for exemption from payment of tax or for refunds of the tax or security;(e)any matter which is required by this Act to be prescribed.(3)All rules made under this section shall be laid before [-] [Adaptation of Laws Order, 1950.] the State Legislature as soon as may be after they are made.