

THE ASSAM AMUSEMENTS AND BETTING
TAX ACT, 1939

[Passed by the Assam Legislature]

[Revised the assent of the Governor on the 23rd May 1939]

[Published in the *Assam Gazette* of the 31st May 1939]

An Act to make an addition to the public revenue of Assam and for that purpose to impose a tax on entertainments and other amusements and on certain forms of betting.

Preamble. WHEREAS it is necessary to make an addition to the public revenue of Assam and for that purpose to impose a tax on entertainments and other amusements and on certain forms of betting ;

It is hereby enacted as follows :—

Short title, extent and commencement. 1. (1) This Act may be called the Assam Amusements and Betting Tax Act, 1939.

(2) It extends to the whole of Assam.

(3) It shall come into force on such date as the Provincial Government may, by notification in the Official Gazette, appoint in this behalf.

CHAPTER I

ENTERTAINMENTS TAX

Definitions. 2. In this chapter, unless there is anything repugnant in the subject or context :—

- (1) " Admission " includes admission as a spectator or as one of an audience, and admission for the purpose of amusement by taking part in an entertainment ;
- (2) " Admission to an entertainment " includes admission to any place in which the entertainment is held ;
- (3) " Agriculture " includes horticulture and live-stock breeding ;
- (4) " Entertainment " includes any exhibition, performance, amusement, game or sport to which persons are admitted for payment ;
- (5) " Live-stock " includes animals of every description ;
- (6) " Notification " means a notification published in the Official Gazette ;

Price: Indian 2 annas]

[Price English 2d.

- (7) "Payment for admission" includes 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 a tax or a higher rate of tax is required, and any payment for seats or other accommodation in a place of entertainment ;
- (8) "proprietor" in relation to any entertainment includes any person responsible for the management thereof ; and
- (9) "society" includes a company, institution, club or other association of persons by whatever name called.

Tax on payments for admission to entertainments.

3. (1) Except as otherwise expressly provided in this Act there shall as from the date on which this Act comes into force, be charged, levied, and paid to the Government of Assam a tax, hereinafter referred to as the entertainments tax, on all payments for admission to any theatre, cinematograph exhibition, or circus or any class of entertainment to which the Provincial Government may apply this sub-section, at the rates specified below :—

Where the payment excluding the amount of the tax—

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| (i) is less than eight annas | ... | half an anna, |
| (ii) is eight annas or more but is less than one rupee | ... | one anna, |
| (iii) is one rupee or more but is less than two rupees | ... | four annas, |
| (iv) is two rupees | ... | six annas, |
| (v) is more than two rupees, for every rupee or part in excess of the first two rupees, in addition to the payment on the first two rupees | ... | three annas. |

(2) The rate of the entertainments tax in the case of all payments for admission to any race-course shall be twenty-five per centum.

(3) The Provincial Government may, on the application of a proprietor of any entertainment in respect of which the entertainments tax is payable under sub-section (1), allow the proprietor on such conditions as it may prescribe to pay the amount of the tax due by means of a consolidated payment of twenty per centum of the gross sum received by the proprietor on account of payments for admission to the entertainment and on account of the tax.

(4) The entertainment tax, in the case of theatres, cinematograph exhibitions and circuses and any other class of entertainment which the Provincial Government may direct, shall be charged, levied and paid with effect from the date on which this Act comes into force.

Admission
to entertain-
ments.

4. No person shall be admitted for payment to any entertainment where the payment is subject to the entertainments tax, except—

(a) with a ticket stamped with an impressed, embossed, engraved or adhesive stamp (not before used) issued by the Provincial Government for the purpose of revenue and denoting that the proper entertainments tax has been paid,

(b) in special cases with the approval of the Provincial Government, through a barrier which, or by means of a mechanical contrivance which, automatically registers the number of person admitted, unless the proprietor of the entertainment has made arrangements approved by the Provincial Government for furnishing returns of the payments for admission to the entertainment and has given security up to an amount and in a manner approved by the Provincial Government for the payment of the entertainments tax.

Penalty for
non-payment
of tax.

5. If any person is admitted for payment to any place of entertainment and the provisions of section 4 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 such offence to a fine not exceeding five hundred rupees, and shall in addition be liable to pay any tax which should have been paid.

Sections 4
and 5 not to
apply in
certain cases.

6. The provisions of sections 4 and 5 shall not apply to any entertainment in respect of which a consolidated payment is made under section 3, sub-section (3).

Manner of
payment.

7. (1) The entertainments tax shall be charged in respect of each person admitted for payment, and, in the case of admission by stamped ticket, shall be paid by means of the stamp on the ticket and, in the case of admission otherwise than by stamped ticket, shall be calculated and paid on the number of admissions.

(2) The entertainments tax, in the case of admission otherwise than by stamped ticket, shall be recoverable from the proprietor.

(3) 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 tax shall be paid on the amount of the lump sum, but where the Provincial Government is of opinion that the payment of a lump sum or any payment for a ticket represents 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 tax has not been in operation, the tax shall be charged on such an amount as appears to the Provincial Government to represent the right of admission to entertainments in respect of which the entertainments tax is payable.

Exemptions.

8. (1) The entertainments tax shall not be charged on payments for admission to any entertainment where the Provincial Government is satisfied—

- (a) that the whole of the takings thereof are devoted to philanthropic, religious or charitable purposes without any charge on the takings for any expenses of the entertainment ; or
- (b) that the entertainment is of a wholly educational character (any question on that point to be determined in the case of difference by the Provincial Government in the Department of Education) ; or
- (c) that the entertainment is provided for partly educational or partly scientific purposes by a society, not conducted or established for profit ; or
- (d) that the entertainment is provided by a society which is established solely for the purpose of promoting the interest of the industry of agriculture, or the manufacturing industry, or some branch thereof, or the public health, and which is not conducted for profit, and consists solely of an exhibition of the products of the industry, or branch thereof, for promoting the interests of which the society exists or of materials, machinery, appliances, or food-stuffs, used in the production of those products, or of articles which are of material interest in connection with the questions relating to the public health, as the case may be ; or
- (e) that the entertainment is provided by the management of a Tea Estate for the benefit of the Estate's labour force for which no charge for admission is made.

(2) The Provincial Government may, by general or special order, exempt any entertainment or class of entertainments from liability to the entertainments tax.

Refunds in certain circumstances.

9. Where the Provincial Government is satisfied that the whole of the net proceeds of an entertainment are devoted to philanthropic, religious or charitable purposes, and that in calculating the net proceeds not more than twenty-five per cent. of the gross proceeds have been deducted on account of the expenses of the entertainment, they shall repay to the proprietor the amount of the entertainments tax paid in respect of the entertainment.

Recoveries

10. (1) Any sum due on account of the entertainments tax shall be recoverable by the Provincial Government as a public demand.

(2) Any fine imposed under this chapter shall be recovered in the manner provided in the Code of Criminal Procedure, 1898, for the recovery of fines.

Inspection. 11. (1) Any officer authorized by the Provincial Government for the purpose may enter any place of entertainment while the entertainment is proceeding, and any place ordinarily used as a place of entertainment at any reasonable times, with a view to seeing whether the provisions of this chapter or any rules made thereunder are being complied with.

(2) If any person prevents or obstructs the entry of any officer so authorized, he shall, in addition to any other punishment to which he is liable under any law for the time being in force, be liable on conviction before a Magistrate to a fine not exceeding two hundred rupees.

(3) Every officer authorized under this section shall be deemed to be a public servant within the meaning of XLV of 1860 section 21 of the Indian Penal Code.

Rules.

12. (1) The Provincial Government may make rules for securing the payment of the entertainments tax and generally for carrying into effect the provisions of this chapter, and in particular—

- (a) 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 ;
- (b) for the use of tickets covering the admission of more than one person and the calculation of the tax thereon ; and for the payment of the tax on the transfer from one part of a place of entertainment to another and on payments for seats or other accommodation ;
- (c) for controlling the use of barriers or mechanical contrivances (including the prevention of the use of the same barrier or mechanical contrivance for payments of a different amount), and for securing proper records of admission by means of barriers or mechanical contrivances ;
- (d) for the checking of admissions, the keeping of accounts and the furnishing of returns by the proprietors of entertainments to which the provisions of section 3, sub-section (3), are applied or in respect of which the arrangements approved by the Provincial Government for furnishing returns are made under section 4 ;
- (e) for the renewal of damaged or spoiled stamps and for the procedure to be followed on applications for refund under this chapter or under the rules made thereunder ;
- (f) for the keeping of accounts of all stamps used under this chapter; and
- (g) for the presentation and disposal of applications for exemption from payment of the entertainments tax, or for the refund thereof, made under the provisions of this chapter.

(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
Provincial
Government
to delegate
certain
powers.

13. The Provincial Government may, by notification in the Official Gazette, delegate all or any of its powers under this chapter, except those conferred upon it by section 12, and by this section, to any person or to any authority subordinate to the Provincial Government.

CHAPTER II

TAXES ON CERTAIN FORMS OF BETTING

Definitions.

14. In this chapter :—

(1) "backer" includes any person with whom a licensed bookmaker bets;

(2) "bet" includes "wager" and "betting" includes wagering ;

(3) "licensed bookmaker" means any person who carries on the business or vocation of or acts as a bookmaker or turf commission agent under a license or permit issued by any racing club or by the stewards thereof to enable him to carry on his business or vocation as specified in the license or permit ;

(4) "prescribed" means prescribed by this chapter or by the rules made thereunder ;

(5) "racing club" includes a club, association, society or body of persons corporate or incorporate—

(a) formed for the purpose of promoting horse-racing or pony-racing or for holding race-meetings ;
or

(b) conducting or controlling such meetings ;

(6) "totalisator" means a totalisator, in an enclosure which the stewards controlling a race-meeting have set apart and includes any instrument, machine, or contrivance known as the totalisator, or any other instrument, machine, or contrivance of a like nature or any scheme for enabling any number of persons to make bets with one another on the like principles.

Tax on
totalisators
and payment
thereof.

15. There shall as from the date on which this Act comes into force, be charged, levied and paid to the Government of Assam out of all monies paid into any totalisator by way of stakes or bets, a tax on backers, hereinafter referred to as the totalisator tax, amounting to seven per cent. of every sum so paid ; and seven per cent. of every sum so paid into a totalisator shall be deemed to have been paid by the backer on account of the totalisator tax, and shall be received by the stewards of the race-meeting on behalf of Government.

Procedure
for making
over totali-
sator tax to
Government.

16. The stewards of a race-meeting shall, at such times and in such manner as may be prescribed, forward to the prescribed officer a return stating the total amount of the monies paid into the totalisator at the meeting, and shall at the prescribed time make over to the prescribed officer the amount of the tax for that meeting.

Accounts of
totalisator
tax.

17. (1) The stewards of a race-meeting shall keep accounts in the prescribed form of all monies paid into the totalisator at that meeting.

(2) Every person having the custody or control of any such accounts shall, when required in writing by an officer empowered in this behalf by the Provincial Government, permit such officer, or an officer authorised in writing by him in this behalf, to inspect and take copies of them.

Betting tax.

18. (1) There shall as from the date on which this Act comes into force, be charged, levied and paid to the Government of Assam out of all monies received by a licensed bookmaker for bets made in an enclosure set apart on any race, a tax on backers, hereinafter referred to as the betting tax, amounting to seven per cent. of all such monies.

(2) The betting tax shall be deducted or collected by the licensed bookmaker from such monies, or in the case of credit bets at such time as may be prescribed, and shall be deemed to have been paid by the backer on account of the tax, and shall be retained by the licensed bookmaker on behalf of Government.

Procedure
for making
over betting
tax to Go-
vernment.

19. All sums retained on account of the betting tax shall be made over by the licensed bookmaker, by whom they have been retained, to the prescribed officer at such times and in such manner as may be prescribed.

Accounts of
betting tax.

20. (1) The stewards of a race-meeting shall, at such times and in such manner as may be prescribed, forward to the prescribed officer returns setting out the names of the bookmakers licensed or permitted by them to carry on the business or vocation of a bookmaker at that meeting.

(2) All licensed bookmakers shall keep accounts of all sums paid or agreed to be paid to them by backers for bets in, such manner as may be prescribed, and shall, when required in writing by an officer empowered in this behalf by the Provincial Government, permit such officer or an officer authorized in writing by him in his behalf, to inspect and take copies of such accounts.

Methods of
recovery of
totalisator tax
and betting
tax

21. (1) The totalisator tax payable under section 15 shall be recoverable as a public demand from the racing club conducting the meeting, and any portion of such tax which is not so recovered shall also be recoverable as public demand from the stewards of the race-meeting jointly and severally.

(2) All monies which a licensed bookmaker is liable to make over to the prescribed officer under section 19 shall be recoverable from the licensed bookmaker as a public demand.

Rules.

22. The Provincial Government may make rules for securing the payment of the totalisator tax and the betting tax, the production and inspection of accounts kept under this chapter and generally for carrying into effect the provisions of this chapter, and for dealing with such matters as are therein directed to be prescribed.