

Karnataka Entertainments Tax Act, 1958

30 of 1958

[19 December 1959]

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Karnataka Entertainments Tax Act, 1958

30 of 1958

[19 December 1959]

An Act to consolidate and amend the laws relating to the levy of tax on entertainments in the²[State of Karnataka].

WHEREAS it is expedient to consolidate and amend the laws relating to the levy of tax on entertainments in the²[State of Karnataka];

BE it enacted by the²[Karnataka State] Legislature in the Ninth year of the Republic of India as follows:-

1. First published in the Karnataka Gazette on the First day of January, 1959.
2. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1973.

1. Short Title, Extent And Commencement :-

(1) This Act may be called the¹[Karnataka] Entertainments Tax Act, 1958.

(2) It extends to the whole of the¹[State of Karnataka].

(3) Section 19 shall come into force at once in the whole of the¹[State of Karnataka] and the rest of this Act shall come into force at once in the areas of the State in which any of the enactments repealed by section 19, was in force. All the provisions of this Act (except section 19) shall come into force in such other area or areas of the State from such²[date] or dates as the State Government may by notification specify.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1973.
2. Act came into force in all other areas of the State on 1.1.1959 by notification. Text of the notification is at the end of the Act.

2. Definitions :-

In this Act, unless the context otherwise requires,-

(a) "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;

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

1 [(ba) Amusement means any amusement for which persons are required to make payment for admission to any amusement arcade or amusement park or theme park or by whatever name called.]

2 [3 [(bb)] "antennae" means an apparatus which receives television signals that enables viewers to tune into transmission including national or international satellite transmission or moving pictures or series of pictures, by means of transmission of television signals by wire where subscribers television sets at the residential or non-residential places are linked by metallic co-axial or optic fibre cable to a Central System, called headend;]

4 [(c) 5 [Deputy Commissioner] means a 5 [Deputy Commissioner] of Commercial Taxes appointed under the Karnataka Sales Tax Act, 1957;]

2 [(ca) "cable television" means a system organised for exhibition of films or moving pictures or series of pictures by means of transmission of television signals by wire where subscribers television set is linked by metallic co-axial cable or optic fibre cable to a central system called the headend and, by using a video cassette or disc or both, recorder or player or similar such apparatus on which pre-recorded video cassettes or disc or both are played or replayed and the films or moving pictures or series of pictures which are viewed and heard on Television receiving set at a residential or a non-residential place of a connection holder;]

6 [7 [(cb)] cinema theatre means any place of entertainment in which cinematograph shows are held to which persons are admitted for payment;]

8 [7 [(cc)] "Commissioner" means the Commissioner of Commercial Taxes appointed under the Karnataka Sales Tax Act, 1957;]

(d) "complimentary ticket" means a ticket or pass for admission to

a n entertainment free of any payment or at a reduced rate of payment for such admission;

9 [(da) distributor means any person who is engaged in selling, supplying or distributing or making available on rental or hire basis, feature films, for exhibition of cinematograph show whether for cash or for deferred payment, or for rental or hire charges or for payment in any ratio or in any proportion to the total payment for admission to cinematograph shows either in respect of individual cinematograph shows or in respect of such shows conducted in a day or a week or for any period, or for other valuable consideration.]

10 [(e) Entertainment with all its grammatical variations and cognate expressions means,-

(i) a horse race 11 [or live telecast of a horse race] to which persons are admitted on payment;

(ii) Cinematograph show including video shows to which persons are admitted on payment or exhibition of films or moving pictures which are viewed and heard on the television receiving set, with the aid of any type of antennae with the cable network attached to it or cable television for which persons are required to make payment by way of contribution or subscription or installation and connection charges or any other charges collected in any manner whatsoever;

(iii) any amusement 1 [or recreation or any entertainment provided by a multi system operator] or exhibition or performance or pageant or a 12 [x x x] game or sport whether held indoor or outdoor to which persons are admitted on payment;]

13 [Explanation.- Recognised game or sport shall mean Cricket, Hockey, Foot Ball, Basket Ball, Tennis, Golf, 14 [x x x] Volley-Ball, Badminton, Kabbadi, Swimming, Athletics, Base-Ball, Weight Lifting, and any other sport or game the Government may notify.]

15 [(e1) x x x]

(f) "institution" includes a company, society, club or other association of persons by whatever name called;

8 [(fa) "5 [Additional Commissioner]" means the 5 [Additional Commissioner] of Commercial Taxes appointed under the Karnataka Sales Tax Act, 1957.]

10 [(fb) "Joint Commissioner" means the Joint Commissioner of Commercial Taxes appointed under the Karnataka Sales Tax Act, 1957 (Karnataka Act 25 of 1957);]

1 6 [(g) local authority means a municipal corporation a city municipal council, a town municipal council, a cantonment board, a

town board, a sanitary board, a notified area committee, 17 [a 18 [Grama panchayat]], as the case may be;]

1 [(gg) Multi System Operator means person engaged in the business of receiving and distributing satellite television signals, communication network, including production and transmission of programmes and packages.]

(h) "notification" means a notification published in the Official Gazette;

(i) "payment for admission" includes,-

(i) 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 tax is required;

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

19 [(iii) any payment made for the loan or use of any instrument or contrivance which enables a person to get a normal or better view or hearing of the entertainment which, without the aid of such instrument or contrivance, such person would not get;

(iv) 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;

1 [(iv-a) any payment for any purpose whatsoever connected with an entertainment including sponsorship fee and advertisement charges, which is paid to the proprietor or any person connected with conducting or organising such entertainment, 20 [with a view to promoted goodwill, brand name or any business interest directly or indirectly which enables entry of any person in to the entertainment]]];

(v) any payment for admission of a motor vehicle into the auditorium of a cinema known as drive-in-theatre.]

2 1 [Explanation.- "Payment for admission" shall not include any sponsorship fee or advertisement charges paid to the proprietor or any person connected with or conducting or organising any event of sport]

22 [(ia) "population" means the population as ascertained at the last preceding census of which the relevant figures are published;]

8 [23 [(ib) "place of entertainment"] means the place where an entertainment is held and includes the booking office 2 [and any place from where the entertainment is provided by means of cable connection from any type of antennae with a cable net work

attached to it or cable television] and such other place where the accounts and other documents connected with the entertainment are kept.]

(j) "prescribed" means prescribed by rules made under the Act;

10 [(k) proprietor in relation to any entertainment other than an entertainment referred to in sub-clause (iii) of clause (e) includes any person responsible for the management thereof and in relation to any entertainment referred to in sub-clause (iii) of clause (e) includes any person conducting, organising, sponsoring or patronising any such entertainment.]

1 [(l) Recreation Parlour means any place where a game such as bowling, billiards, snooker or the like by whatever name called is provided, for which persons are required to make payment for admission or participation.]

1. Inserted by Act 5 of 2002 w.e.f 01.04.2002.

2. Inserted by Act 11 of 1993 w.e.f 01.04.1993.

3. Renumberd by Act 5 of 2002 w.e.f 01.04.2002.

4. Substituted by Act 3 of 1985 w.e.f 10.01.1985

5. Substituted by Act 5 of 1993 w.e.f 9.11.1992.

6. Inserted by Act 16 of 1977 w.e.f 01.04.1979 by notification.
Text of the notification is at the end of the Act.

7. Clauses (ca) and (cb) relettered as (cb) and (cc) by Act 11 of 1993 w.e.f. 01.04.1993.

8. Inserted by Act 3 of 1985 w.e.f 10.01.1985.

9. Inserted by Act 7 of 1997 w.e.f 01.04.1997.

10. Substituted by Act 7 of 1997 w.e.f 01.04.1997.

11. Inserted by Act 26 of 2004 w.e.f 01.08.2004.

12. Omitted by Act 3 of 1998 w.e.f 01.04.1998.

13. Inserted by Act 4 of 1999 w.e.f. 01.04.1997.

14. Omitted by Act 5 of 2002 w.e.f 01.04.2002.

15. Inserted by Act 9 of 1983 w.e.f. 01.04.1983 and Omitted by Act 9 of 1984 w.e.f 01.04.1984.

16. Sbustituted by Act 14 of 1966 w.e.f. 16.05.1966 by notification
Text of the notification is at the end of the Act.

17. Sbustituted by Act 31 of 1987 w.e.f. 01.04.1987.

18. Sbustituted by Act 18 of 1994 w.e.f. 01.04.1994.

19. Sub clauses (iii) to (v) inserted by Act 3 of 1985 w.e.f 10.01.1985.

20. Substituted by Act 5 of 2002 w.e.f 01.04.2002.

21. Substituted by Act 3 of 2004 w.e.f 29.01.2004.

22. Inserted by Act 16 of 1977 w.e.f 01.04.1979.

23. Substituted by Act 3 of 1998 w.e.f 01.04.1998

2A. Instructions To Subordinate Authorities :-

1[2A. Instructions to subordinate authorities

2[(1)] The State Government or the Commissioner, may from time to time issue such orders, instructions and directions to all officers and persons employed in the execution of this Act, as they may deem fit, for the administration of this Act, and all such officers and persons shall observe and follow such orders, instructions and directions of the State Government or the Commissioner:

3[(2) All officers and persons employed in implementation of this Act shall observe and follow such administrative instructions as may be issued to them for their guidance by the Joint Commissioner within whose jurisdiction they perform their functions.]

Provided that no such orders, instructions or directions shall be issued so as to interfere with the discretion of any Appellate Authority in the exercise of its appellate functions.

1. Sections 2A and 2B inserted by Act 20 of 1989 w.e.f 17.04.1989.

2. Renumberd by Act 7 of 1997 w.e.f 01.04.1997.

3. Inserted by Act 7 of 1997 w.e.f 01.04.1997.

2B. Power To Issue Directions Regarding Jurisdiction :-

1[2B. Power to issue directions regarding jurisdiction

The Commissioner may by general or special order in writing direct that the powers conferred on an Entertainments Tax Officer of an area by or under this Act, shall, in respect of any specified place of entertainment in such area be exercised by the Entertainments Tax Officer of any other area whereupon the Entertainments Tax Officer of such other area may exercise and perform the same powers and functions in respect of such place of entertainment as the former officer.]

1. Sections 2A and 2B inserted by Act 20 of 1989 w.e.f 17.04.1989

3. Tax On Payment For Admission To Entertainments :-

1[3. Tax on payment for admission to entertainments

2[(1) There shall be levied and paid to the State Government entertainments tax on each payment for admission excluding the amount of tax, to an entertainment,-

(a) specified in sub-clause (i) of clause (e) of Section 2 at 70 per cent of such payment; and

(b) specified in sub-clause (ii) of clause (e) of Section 2 at 40 per

cent of such payment.]

[Table x x x]

3[Proviso x x x]

4[Provisos x x x]

5[(1-A) In respect of entertainments referred to in sub-clause (iii) of clause (e) of section 2, 6[other than an entertainment on which tax is levied under section 4-E or 4-F], there shall be levied and paid to the State Government on each payment for admission to such entertainment, entertainments tax at the following rates, namely:-

TABLE		
Sl. No.	Payment for admission (excluding the Amount of tax)	Rate of tax
1	Fifty rupees or more in respect of an entertainment in respect of an entertainment which is an exhibition, performance or pageant or game or sport held within the limits of Bangalore Urban Agglomeration area or a City Municipal Corporation.	10 per cent of such payment
2	Two hundred and fifty rupees or more in respect of an entertainment in respect of an entertainment which is an exhibition, performance or pageant or game or sport held outside the limits of Bangalore Urban Agglomeration area or a City Municipal Corporation.	10 per cent of such payment]

8[Provided that no tax shall be levied in the case of admission to a circus.]

(2) Notwithstanding anything contained in sub-section (1), 9[and sub-section (1-A)] 10[x x x] there shall be levied and paid to the State Government (except as otherwise expressly provided in this Act) on every complimentary ticket issued by the proprietor of an entertainment, the entertainments tax at the appropriate rate specified in sub-section (1) 9[and sub-section (1-A)] 10[x x x] in respect of such entertainment, as if full payment had been made for admission to the entertainment according to the class of seat or accommodation which the holder of such ticket is entitled to occupy or use; and for the purposes of this Act, the holder of such ticket shall be deemed to have been admitted on payment.

11[Provided that where the seat or accommodation which the holder of such a ticket is entitled to occupy or use is different from the classes of seat or accommodation inside the auditorium or place of entertainment and for admission to the said seat or accommodation no payment is fixed, the holder of such ticket shall be deemed to be entitled to occupy or use the highest class of seat or accommodation and shall for purposes of this Act, be deemed to have been admitted on payment of the charges for such highest class of seat or accommodation.]

12[(3) Notwithstanding anything contained in sub-section (1-A) there shall be levied and paid to the state Government on every admission made by the proprietor of an entertainment on payment as defined in sub-clause (iv-a) of clause (i) of section 2, the entertainment tax at the rate specified in sub-section (1-A) in respect of such entertainment as if full payment had been made for admission to the entertainment according to the class of seat or accommodation which the person admitted occupies or uses ; and for the purpose of this Act, the person admitted shall be deemed to have been admitted on payment.

Provided that where the admission made to an entertainment whether or not

having different classes of seat or accommodation inside the place of entertainment is wholly on payment as defined in sub-clause (iv-a) of clause (i) of Section 2, the payment made to such entertainment shall be deemed to have been made by the person or persons admitted]]

1. Substituted by Act 14 of 1966 w.e.f 16.05.1966.
2. Sub-section (1) substituted by Act 26 of 2004 w.e.f 1.8.2004.
3. Inserted by Act 21 of 1979 and omitted by Act 5 of 1981 w.e.f 04.04.1981.
4. Inserted by Act 9 of 1983 and omitted by Act 9 of 1984 w.e.f 01.04.1984.
5. Inserted by Act 21 of 1979 and Omitted by Act 26 of 1980 w.e.f. 11.8.1980 and again Inserted by Act 7 of 1997 w.e.f 01.04.1997.
6. Inserted by Act 7 of 2003 w.e.f 01.04.2002.
7. Substituted by Act 26 of 2004 w.e.f. 01.08. 2004.
8. Inserted by Act 11 of 2005 w.e.f. 1.4.2005.
9. Inserted by Act 5 of 2001 w.e.f 01.04.2001.
10. Inserted by Act 21 of 1979 w.e.f 31.03.1979 and Omitted by Act 26 of 1980 w.e.f 11.08.1980.
11. Inserted by Act 36 of 1976 w.e.f 01.04.1976.
12. Omitted by Act 36 of 1976 w.e.f 01.04.1976 and inserted by Act 5 of 2001 w.e.f 01.04.2001.

3A. Additional Tax On Admission :-

1[3A. Additional tax on admission

In the case of cinematograph shows, in addition to the tax leviable under section 3, there shall be levied and paid to the State Government a tax on each payment for admission to any class at the following rates namely,-

Sl. No.	Classification of Theatres	Amount
(1)	(2)	(3)
1	Air-conditioned and Air-cooled Theatres	One rupee on each payment for admission
2	Other Theatres	Fifty paise on each payment for admission]

1. Section 3A inserted by Act 14 of 1966 and omitted by Act 18 of 1997 w.e.f 20.09.1997. Again inserted by Act 7 of 2003 w.e.f 01.04.2003.

3B. Omitted :-

1[3B. Omitted]

1. Inserted by Act 36 of 1976 and omitted by Act 13 of 1982 w.e.f 01.07.1982. Again inserted by Act 25 of 1994 w.e.f 27.09.1994 and omitted by Act 7 of 1997 w.e.f 1.4.1997.

3C. Special Provision In Respect Of Certain Films :-

1 [3C. Special provision in respect of certain films

2 [3 [(1)] Notwithstanding anything contained in 4 [5 [sections 3 and 3-A] 6 [x x x]],-

(a) in the case of a cinematograph show of a 7 [Kannada film (other than a remake or a dubbed version of a film of other language, which has secured a Censor Certificate from the Central Board of Film Certification on or after First day of September, 1993) or a] Kodava, Konkani 8 [Tulu or Banjara film] produced in the State of Karnataka the rates of entertainments tax payable shall be 9 [nil];

10 [Provided that in case of a Kannada Film which is remake of a film of other language, which has secured a Censor Certificate from the Central Board of Film Certification on or before 31st day of March, 2002, no tax shall be levied under 5 [sections 3 and section 3-A]11 [xxx]]

12 [Provided further that tax at the rate of seventy-five per cent of the tax payable under 5 [sections 3 and 3-A] shall be levied from 1st day of April, 2002 on a Kannada film which is a remake of a film of other language and which has secured a Censor Certificate from the Central Board of Film Certification.]

13 [(b) in the case of a cinematograph show of a Kannada, Kodava, Konkani, or Tulu film produced outside the State of Karnataka and which has secured censor Certificate issued by the Central Board of Film Certification on or before the thirty-first day of December, 1987, the rates of entertainments tax payable shall be 9 [nil] 14 [x x x].]

15 [Explanation.- x x x]]]

16 [(c) in the case of a cinematograph show of a Kannada film which is a remake of a film of any other language,-

(i) having been remade in the State of Karnataka after a period of ten years from the date of issue of a certificate by the Central Board of Film Certification to such other language film; or

(ii) which has secured a best feature film award granted by the Central Government or any State Government or has figured in the Indian Panorama section of International Film Festival and has been remade in the State of Karnataka;

the rate of entertainments tax payable shall be 9 [nil].]

Provided that where 17 [such film has secured, after the first day of April, 1981, a best feature film award granted by the Central Government or any State Government or an Internationally recognised award notified by the State Government,] no entertainments tax shall be payable for a period of one year from such date as may be specified by the State Government.]

18 [(1A) Notwithstanding anything contained in sub-section (1), where a Kannada, Kodava, Konkani 8 [Tulu or Banjara film] has

secured after the first day of April, 1981 a best feature film award granted by the Central or any State Government or an internationally recognised award notified by the State Government, no entertainments tax shall be payable for a period of one year from such date as may be specified by the State Government.]

19 [(2) Notwithstanding anything contained in 4 [section 3 6 [x x x]], in the case of a cinematograph show of a film other than a Kannada, Kodava, Konkani⁸ [Tulu or Banjara film] which has secured, after the first day of April, 1981, 20[a best feature film award] granted by the Central Government or any State Government or an internationally recognised award notified by the State Government, no entertainments tax shall be payable for a period of six months from such date as may be specified by the State Government.]

21 [Explanation.- x x x]

22 [Explanation.- x x x]

1. Section 3C inserted by Act 5 of 1981, Substituted by Act 2 of 1983 w.e.f. 12.1.1983.

2. Sub-sections (1) substituted by Act 22 of 1985 w.e.f. 1.1.1986.

3. Renumbered by Act 3 of 1985 w.e.f. 10.1.1985.

4. Substituted by Act 7 of 1997 w.e.f. 1.4.1997.

5. Substituted by Act 7 of 2003 w.e.f. 1.4.2003.

6. Omitted by Act 18 of 1997 w.e.f. 20.9.1997.

7. Substituted by Act 18 of 1994 w.e.f. 1.4.1993.

8. Substituted by Act 26 of 2000 w.e.f. 14.8.2000.

9. Substituted by Act 5 of 1996 w.e.f. 1.4.1996.

10. Inserted by Act 5 of 2002 w.e.f. 1.4.1996.

11. Omitted by Act 7 of 2003 w.e.f. 1.4.1996.

12. Inserted by Act 5 of 2002 w.e.f. 1.4.2002.

13. Substituted by Act 2 of 1988 w.e.f. 24.11.1987.

14. Omitted by Act 6 of 1992 w.e.f. 31.12.1991.

15. Omitted by Act 6 of 1995 w.e.f. 1.4.1995.

16. Inserted by Act 25 of 1994 w.e.f. 27.9.1994.

17. Substituted by Act 3 of 1985 w.e.f. 10.1.1985.

18. Inserted by Act 22 of 1985 w.e.f. 15.2.1986 by notification. Text of the notification is at the end of the Act.

19. Inserted by Act 3 of 1985 w.e.f. 10.1.1985.

20. Substituted by Act 17 of 1988 w.e.f. 14.9.1988.

21. Substituted by Act 2 of 1983 and omitted by Act 6 of 1995 w.e.f. 27.9.1994.

22. Inserted by Act 7 of 1997 w.e.f. 1.4.1997 and omitted by Act 18 of 1997 w.e.f. 20.9.1997.

4. Additional Tax On Cinematograph Shows :-

1 [4. Additional Tax on cinematograph shows

2 [3 [(1)] In the case of cinematograph shows, in addition to the tax leviable under 4 [Sections 3 and 3-A] or the tax leviable under Section 4-A, there shall be levied and paid to the State Government a tax calculated at the following rates, namely:-

Sl. No	Payment for admission (excluding entertainment tax) of a person to the highest class of seat or accommodation	Rate of tax per show
a.	does not exceed five rupees	[Forty three rupees]
b.	exceeds five rupees but does not exceed fifteen rupees	[Fifty Five rupees]
c.	exceeds fifteen rupees but does not exceed twenty rupees	[Sixty Eight rupees]
d.	exceeds twenty rupees	[One Hundred and rupees]

Provided that in the case of a cinematograph show of Kannada, Kodava, Konkani or Tulu film, in addition to tax leviable under 4 [Sections 3 and 3-A] the tax payable under this sub-section shall be at the following rates, namely:-

Sl. No.	Payment for admission (excluding entertainment tax) of a person to the highest class of seat or accommodation	Rate of tax per show
a.	does not exceed five rupees	5 [Eighteen rupees]
b.	exceeds five rupees but does not exceed fifteen rupees	[Thirty rupees]
c.	exceeds fifteen rupees but does not exceed twenty rupees	[Thirty Eight rupees]
d.	exceeds twenty rupees	[Forty Eight rupees]

Provided further that in respect of cinema theatres paying tax in the manner specified in section 4-A, the tax under this section shall be paid at the following rates, namely:-

Sl.No	Total Payment for admission of a person to the highest class of seat or accommodation	Rate of tax per show
a)	does not exceed eight rupees	[Forty rupees]
b)	exceeds eight rupees but does not exceed fifteen rupees	[Forty Five rupees]
c)	exceeds fifteen rupees	[Fifty rupees]

cinema theatres paying tax in the manner specified in section 4-A, the tax payable under this sub-section in respect of cinematograph show of a Kannada, Kodava, Konkani or Tulu film shall be at the following rates, namely:-

Sl.No	Total Payment for admission of a person to the highest class of seat or accommodation	Rate of tax per show
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a)	does not exceed eight rupees	[Forty rupees]
b)	exceeds eight rupees but does not exceed fifteen rupees	[Forty Five rupees]
c)	exceeds fifteen rupees	[Fifty rupees]

6 [(2) No proprietor of a cinema theatre shall collect or cause to be collected the tax payable under sub-section (1) from the persons admitted to the cinema theatre for the entertainment.]

7 [(3) Notwithstanding anything contained in sub-section (1), no show tax shall be payable in respect of a cinematograph show of a Kannada, Kodava, Konkani or Tulu film screened in theatres situated within the limits of any local authority⁸ [(but excluding a cantonment board)]⁹ [or town or village] having a population not exceeding fifteen thousand.]

1. Substituted by Act 13 of 1982 w.e.f. 1.7.1982.

2. Substituted by Act 20 of 1998 w.e.f. 1.4.1998.

3. Renumbered by Act 22 of 1985 w.e.f. 15.2.1986.

4. Substituted by Act 7 of 2003 w.e.f. 1.4.2003.

5. Substituted by Act 26 of 2004 w.e.f. 19.6.2003 and again Substituted by Act 11 of 2005 w.e.f. 1.4.2005.

6. Inserted by Act 22 of 1985 w.e.f. 15.2.1986.

7. Inserted by Act 2 of 1988 w.e.f. 12.9.1987.

8. Inserted by Act 18 of 1994 w.e.f. 1.4.1994.

9. Inserted by Act 7 of 1990 w.e.f. 1.4.1987

4A. Tax On Cinematograph Shows In Certain Places :-

1[4A. Tax on cinematograph shows in certain places

(1) In lieu of entertainment tax²[x x x] payable under sub-section (1) of³[Sections 3 and 3-A]²[x x x], in the case of cinematograph shows held in cinema theatres situated within the limits of a local authority⁴[(but excluding a cantonment board)] whose population does not exceed seventy five thousand specified in column (2) of the table below, the proprietor may, at his option and subject to such conditions, as may be prescribed, pay the amount of tax as specified in column (3) thereof,-

TABLE

Sl. No.	Local authority population of which	Rate of tax
1	2	3
(a)	does not exceed twenty-five thousand	[Five percent] of the gross collection capacity.
(b)	exceeds twenty-five thousand but does not exceed fifty thousand	[Ten per cent] of the gross collection capacity.
(c)	exceeds fifty thousand but does not exceed seventy five thousand	[Fifteen per cent] of the gross collection capacity.]

Explanation.- For the purpose of this section, gross collection capacity shall mean the notional aggregate of all payments for admission the proprietor would realise per show if all the seats or accommodation as determined by the licensing authority under the Karnataka Cinemas (Regulation) Act, 1964, in respect of the

place of entertainment are occupied and collected at the maximum rate of payment for admission for each class as determined in this behalf by the prescribed authority:

Provided that in the case of cinematograph show of a Kannada, Kodava, Konkani or Tulu Film which has secured after the first day of April, 1981, a best feature film award granted by the Central Government or any State Government or an internationally recognised award notified by the State Government, no tax shall be payable under this sub-section, for a period of one year from such date as may be specified by the State Government:

Provided further that in the case of cinematograph show of a film other than Kannada, Kodava, Konkani or Tulu Film which has secured after the first day of April, 1981, a best feature film award granted by the Central Government or any State Government or an internationally recognised award notified by the State Government, no tax shall be payable under this sub-section, for a period of six months from such date as may be specified by the State Government:

Provided also that,-

(i) in the case of a cinematograph show of a Kannada film which is not a remake of film of other language or a dubbed version of a film of other language or a Kodava, Konkani or Tulu film produced in the State of Karnataka, the rates of entertainments tax payable shall be nil.

(ii) in the case of a cinematograph show of a Kannada, Kodava, Konkani or Tulu film produced outside the State of Karnataka and which has secured a Censor Certificate issued by the Central Board of Film Certification on or before the thirty-first day of December, 1987, the rates of entertainments tax payable shall be nil:

Provided also that, in case of a cinematograph show of a Kannada film which is a remake of a film of any other language,-

(i) having been remade in the State of Karnataka after a period of ten years from the date of issue of a certificate by the Central Board of Film Certification to such other language film; or

(ii) which has secured a best feature film award, granted by the Central Government or any State Government or has figured in the Indian Panorama of International Films Festival and has been remade in the State of Karnataka: the rate of entertainments tax payable shall be nil.

(2) After the determination of the gross collection capacity of a cinema theatre, no change or modification either in the number of seats or accommodation or in the rates of payment for admission to such theatre shall be made, unless the proprietor has given fifteen days notice thereof to the prescribed authority and, until the gross collection capacity is redetermined, the proprietor shall pay the tax as previously fixed.

(3) No proprietor of a cinema theatre to which sub-section (1) is applicable, shall collect or cause to be collected any amount either by way of tax or otherwise in excess of the payment for admission taken into consideration for calculating the gross collection capacity of such theatre.

(4) (a) Notwithstanding anything in this section, where a cinematograph film is allowed exemption from payment of tax under sub-section (1), the rates of payment for admission shall be reduced in respect of each admission to the extent of the tax exempted in respect of such payment. Where a proprietor does not reduce the rates of payment for admission, he shall, in addition to any other penalty under this Act, be liable to pay tax as if no exemption from the payment of tax was made under sub-section (1).

(b) Notwithstanding the reduction in the rates of payment of admission under clause (a), the gross collection capacity for the purpose of payment of tax under sub-section (1) shall remain unaltered.

(5) It shall be presumed that the proprietor of an entertainment has conducted all the shows permitted to be conducted by him under the Karnataka Cinemas (Regulation) Act, 1964, unless he produces along with his return, a certificate in the prescribed form, obtained from the prescribed authority that any such show has not been conducted, and for this purpose the prescribed authority shall issue the certificate, after such enquiry as it deems fit, within ten days from the date of

receipt of the application in this behalf.

(6) The option permitted under this section shall continue to be in force till the end of the financial year in which such option is permitted.]

1. Inserted by Act 16 of 1977 and substituted by Act 7 of 1997 w.e.f. 1.4.1997.

2. Omitted by Act 18 of 1997 w.e.f. 20.9.1997.

3. Substituted by Act 7 of 2003 w.e.f. 1.4.2003.

4. Inserted by Act 5 of 2001 w.e.f. 1.4.2001.

5. Substituted by Act 18 of 1997 w.e.f. 20.9.1997.

6. Substituted by Act 11 of 2005 w.e.f. 1.4.2005.

4AA. Omitted :-

1[4AA. Omitted]

1. Section 4AA insered by Act 11 of 1993 w.e.f. 1.4.1993 and Omitted by Act 3 of 2004 w.e.f. 29.1.2004.

4B. Special Provision In Respect Of Video Shows :-

1[4B. Special provision in respect of video shows

(1) In lieu of the tax payable under²[sections 3 and 3-A],³[x x x]⁴[or 4], subject to such rules as may be prescribed, in the case of video shows, there shall be levied and paid entertainments tax⁵[at the following rates:

1	2	3
(i)	Within the limits of City Municipal Corporations constituted under the Karnataka Municipal Corporations Act, 1976 and Cantonment Boards	Rs.15,000/- per month
(ii)	Within the limits of All Municipal Councils constituted under the Karnataka Municipalities Act, 1964	Rs.7,500/- per month
(iii)	Places other than (I) and (ii) above	Rs.5,000/- per month]

Provided that if the proprietor conducting the video shows has conducted no show on any day or days during a month, proportionate amount of tax paid in respect of such day or days shall be refunded to him:

Provided further that it shall be presumed that the proprietor conducting video shows has conducted shows on all the days of a month unless he produces a certificate in the prescribed form, from the prescribed authority that no show was conducted on any day or days, and for this purpose, the prescribed authority shall issue the certificate, after such enquiry as deemed fit within ten days from the date of receipt of the application in this behalf.]

1. Inserted by Act 3 of 1985 and substituted by Act 7 of 1990 w.e.f. 1.4.1990.

2. Substituted by Act 7 of 2003 w.e.f. 1.4.2003.

3. Omitted by Act 18 of 1997 w.e.f. 20.9.1997.

4. Substituted by Act 25 of 1994 w.e.f. 27.9.1994.

5. Substituted by Act 5 of 2002 w.e.f. 1.4.2002.

4C. Special Provision In Respect Of Certain Entertainments

:-

1[4C. Special provision in respect of certain entertainments

Notwithstanding anything contained in²[sections 3 and 3-A],³[x x x], 4,⁴[x x x] or 4-B and subject to such rules as may be prescribed, there shall be levied and paid entertainments tax at the following rates in the case of entertainment provided with the aid of antennae or cable television to a connection holder on payment of any contribution or subscription or installation and connection charges or any other charges collected in any manner whatsoever namely:-

- i) Providing entertainment through antennae and cable Television or antennae. Twenty Rupees per month per connection.
 - ii) Providing entertainment through cable Television exclusively. month per connection. Fifteen Rupees per
- Provided that no tax shall be payable under this section, if the period of connection provided to a connection holder in any month is less than fifteen days.]

1. Inserted by Act 11 of 1993 w.e.f. 1.4.1993.

2. Substituted by Act 7 of 2003 w.e.f. 1.4.2003.

3. Omitted by Act 8 of 1997 w.e.f. 20.9.1997.

4. Omitted by Act 25 of 1994 w.e.f. 27.9.1994.

4D. Composition Of Tax Payable Under Section 4C :-

1[4D. Composition of tax payable under section 4C

In lieu of the tax payable under section 4C the proprietor may, at his option and subject to such condition and in such manner as may be prescribed pay a tax with respect to the entertainment provided at the places specified in column (2) of the table below at the rates specified in column (3) thereof.

TABLE

SI.No.	Places	Amount of tax
(1)	(2)	(3)
1.	Bangalore City Municipal Corporation	[Rupees Six thousand Five hundred per month.]
2.	City Municipal Corporations (other than Bangalore City Municipal Corporation); and Cantonment Board	[Rupees Three thousand per month.]
3.	Places other than those at	
	SI.No. (1) & (2); City, Town or village;	
(a)	population of which is more than 25,000	3[Rupees one thousand five hundred per month.]
(b)	population is less than 25,000	[Rupees six hundred per

10/	Population is less than 25,000	[Rupees one hundred per month.]]
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Act 26 of 2004 w.e.f. 19.06.2003

3. Substituted by Act 5 of 2001 w.e.f. 1.4.2001.

4E. Tax On Amusement :-

1[4E. Tax on amusement

There shall be levied and collected a tax calculated at the rate of twenty per cent on each payment for admission to²[or participation in] an amusement. The tax so levied shall be paid by the proprietor.

3[Provided that no tax shall be levied where the payment for admission excluding the amount of tax,⁴[is less than, fifty rupees in respect of any amusement in the limits of Bangalore Urban Agglomeration or a City Municipal Corporation and two hundred and fifty rupees in respect of any amusement in other areas]]

1. Sections 4E, 4F and 4G inserted by Act 5 of 2002 w.e.f. 1.4.2002.

2. Inserted by Act 7 of 2003 w.e.f. 1.4.2002.

3. Inserted by Act 7 of 2003 w.e.f. 1.4.2003.

4. Substituted by Act 26 of 2004 w.e.f. 1.8.2004.

4F. Tax On Recreation Parlours :-

1[4F. Tax on recreation parlours

There shall be levied and collected a tax calculated at the rate of twenty per cent on each payment for admission to²[or participation in] recreation parlour. The tax so levied shall be paid by the proprietor.

3[Provided that no tax shall be levied where the payment for admission excluding the amount of tax,⁴[is less than, fifty rupees in respect of any amusement in the limits of Bangalore Urban Agglomeration or a City Municipal Corporation and two hundred and fifty rupees in respect of any amusement in other areas]]

1. Sections 4E, 4F and 4G inserted by Act 5 of 2002 w.e.f. 1.4.2002.

2. Inserted by Act 7 of 2003 w.e.f. 1.4.2002.

3. Inserted by Act 7 of 2003 w.e.f. 1.4.2003.

4. Substituted by Act 26 of 2004 w.e.f. 1.8.2004.

4G. Tax On Multi System Operator :-

1[4G. Tax on Multi System Operator

Notwithstanding anything contained in sections 4C and 4D, there shall be levied and collected a tax at the rate of ten percent on the amounts received by a Multi System Operator towards distributing satellite television signals, communication network, including production and transmission of programmes and packages.]

1 . Sections 4E, 4F and 4G inserted by Act 5 of 2002 w.e.f. 1.4.2002.

5. Admission To Entertainments :-

1 [5.Admission to entertainments

Save as otherwise provided in this Act, no person other than a person who has to perform any duty in connection with an entertainment or any duty imposed upon him by or under this Act or any other law shall be admitted to an entertainment unless the proprietor has with the previous approval of the State Government, made arrangements for furnishing returns of the payments for admission to the entertainment, given such security for the payment of the entertainments tax, and in such manner, as may be specified by the State Government:

Provided that with the previous approval of the State Government, persons may be admitted for payment to an entertainment or a series of entertainments through a barrier or by means of a mechanical contrivance which automatically registers the number of persons admitted.]

1. Inserted by Act 6 of 1995 w.e.f. 1.4.1995.

6. Manner Of Payment Of Tax :-

1 [(1) 2 [Save as otherwise provided in 3 [4 [sections 5 [x xx] 4A] or 4B]] The entertainments tax shall be levied in respect of each 3 [payment for admission or each admission] on a complimentary ticket 6 [or pass or invitation] and shall be calculated and paid on the number of admissions.

Explanation.-At any time during an entertainment any person or persons found inside the auditorium or place of entertainment without a valid ticket or complimentary ticket 6 [or pass or invitation] shall be deemed to have been admitted by the proprietor for payment.

(2) The entertainments tax shall be due and be recoverable from the proprietor.]

7 [(3) Where the payment for admission to an entertainment is made wholly or partly by means of a lumpsum paid as a subscription

or contribution or sponsorship fee or advertisement charges or by whatever name called to any institution or any other person, 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, the entertainments tax shall be paid on the amount of the lumpsum, but where the Commissioner is of opinion that the payment of a lumpsum 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 during which tax has not been in operation, the tax shall be levied on such an amount as appears to the Commissioner to represent the right of admission to entertainments in respect of which the entertainments tax is payable.]

8 [Proviso x x]

1. Sub-sections (1) and (2) Substituted by Act 14 of 1966 w.e.f. 16.5.1966.

2. Inserted by Act 16 of 1977 w.e.f. 1.4.1979.

3. Substituted by Act 3 of 1985 w.e.f. 10.1.1985.

4. Substituted by Act 25 of 1994 w.e.f. 27.9.1994.

5. Omitted by Act 7 of 1997 w.e.f. 1.4.1997.

6. Inserted by Act 5 of 2001 w.e.f. 1.4.2001

7. Substituted by Act 5 of 2001 w.e.f. 1.4.2001.

8. Inserted by Act 9 of 1983 w.e.f. 1.4.1983 and omitted by Act 9 of 1984 w.e.f. 1.4.1984.

6A. Returns :-

1 [6A. Returns

(1) Every proprietor of an entertainment shall submit such returns relating to complimentary tickets and to payments for admissions, to such authority, in such manner and within such periods, as may be prescribed:

2 [Provided that in respect of an entertainment which is a single event or which is held for a duration less than a week, the proprietor shall submit such return, as may be prescribed, forthwith upon conclusion of such entertainment.]

3 [(1A) Before any proprietor submits the returns required by sub-section (1), he shall, in the prescribed manner, pay into a Government Treasury the full amount of tax, 4 [x x x] and additional tax or other taxes, if any, payable by him on the basis of such returns and shall along with the return furnish a receipt from

the Treasury evidencing such payment.]

5 [(2) If the prescribed authority is satisfied that any return submitted under sub-section (1) is correct and complete and that the tax under the provisions of this Act due thereon is paid in full, it shall assess the proprietor on the basis thereof.]

(3) If no return is submitted by the proprietor of the entertainment under sub-section (1) before the date prescribed or if the return submitted by him appears to the prescribed authority to be incorrect or incomplete, the prescribed authority shall, after making such enquiry as it considers necessary, determine the tax due under 5 [6 [sections 3, 3A, 7 [x x x]]8 [4, 4A, 4B, 9 [4C]10 [4D, 4E, 4F and 4G]]], and assess the proprietor to the best of its judgment:

Provided that before taking action under this sub-section, the proprietor shall be given a reasonable opportunity of proving the correctness and completeness of any return submitted by him or that no return was due from him.

11 [(4) In making an assessment under sub-section (3), if the prescribed authority is satisfied that the correct amount of tax payable under sub-section (1-A) was not paid by the proprietor either due to willful mis-statement or suppression of facts, it may direct the proprietor to pay, in addition to the tax assessed, a penalty,-

(i) equal to the amount of difference between the tax assessed and the tax paid under sub-section (1-A), where such assessment is made for the first time in any financial year; and

(ii) equal to double the amount of difference between the tax assessed and the tax paid under sub-section (1-A), while making any subsequent assessment during such financial year.]

1. Sections 6A and 6B inserted by Act 14 of 1966 w.e.f. 16.5.1966.

2. Inserted by Act 7 of 1997 w.e.f. 1.4.1997.

3. Inserted by Act 36 of 1976 w.e.f. 1.4.1976

4. Omitted by Act 18 of 1997 w.e.f. 20.9.1997.

5. Substituted by Act 36 of 1976 w.e.f. 1.4.1976

6. Substituted by Act 25 of 1994 w.e.f. 27.9.1994.

7. Omitted by Act 7 of 1997 w.e.f. 1.4.1997.

8. Substituted by Act 7 of 1997 w.e.f. 27.9.1994.

9. Substituted by Act 7 of 1997 w.e.f. 1.4.1995.

10. Substituted by Act 5 of 2002 w.e.f. 1.4.2002.

11. Inserted by Act 16 of 1977 w.e.f. 1.4.1979 and Substituted by Act 11 of 2005 w.e.f. 1.4.2005.

6B. Payment For Admission, Etc., Escaping Assessment :-

(1) Where, for any reason,-

(i) any complimentary ticket or any payment for admission to any entertainment has escaped assessment to tax under section 3 or section 3-A 1 [x x x] 2 [or section 3B], 3 [section 4A or section 4B or section 4C] 4 [section 4D, section 4E and section 4F]; or

(ii) any cinematograph show has escaped assessment to tax under 5 [section 4 or section 4A], 3 [section 4B or section 4C] 4 [and section 4D]; or

6 [(iia) any tax payable under section 4G has escaped assessment to tax];

(iii) such ticket, payment or show has been assessed at a rate lower than the rate at which it is assessable under section 3 or section 3-A 1 [x x x] 2 [or section 3B] or [section 4 or section 4A] 3 [section 4B or section 4C] 4 [or section 4D or section 4E or section 4F or section 4G],

the authority prescribed under sub-section (1) of section 6A may, subject to the provisions of sub-section (2) and at any time within such period as may be prescribed, 5 [assess or re-assess, to the best of its judgment, the tax due on such ticket, payment or show under section 3 or section 3A 1 [x x x] 2 [or section 3B] or section 4 or section 4A] 3 [or section 4B or section 4C] or section 4D 6 [or section 4E or section 4F or section 4G], as the case may be, after service of notice on the proprietor and after making such enquiry as it may consider necessary.

(2) In making an assessment or re-assessment under sub-section (1), the authority prescribed under sub-section (1) of section 6-A may, if it is satisfied that due to wilful mis-statement or suppression of facts by the proprietor, the tax has not been levied or has been levied at a rate lower than the rate at which it is leviable, direct the proprietor to pay, in addition to the tax assessed or re-assessed under sub-section (1), a penalty 7 [not less than a sum equal to but] not exceeding 8 [thrice] the tax so assessed or re-assessed:

Provided that no penalty under this sub-section shall be imposed unless the proprietor affected has had a reasonable opportunity of showing cause against such imposition.

(3) The powers under sub-section (1) may be exercised by the authority prescribed under sub-section (1) of section 6-A even though the original order of assessment, if any, passed in the matter has been the subject matter of an appeal or revision.

(4) In computing the period of limitation for assessment or re-assessment under this section, the time during which the proceedings for assessment or re-assessment remained stayed under the orders of a civil court or other competent authority shall be excluded.]

1. Inserted by Act 36 of 1976 w.e.f. 1.4.1976 and Omitted by Act 13 of 1982 w.e.f. 1.7.1982.

2. Inserted by Act 25 of 1994 w.e.f. 27.9.1994.

3. Inserted by Act 7 of 1997 w.e.f. 27.9.1994.

4. Substituted by Act 5 of 2002 w.e.f. 1.4.2002.

5. Substituted by Act 16 of 1977 w.e.f. 1.4.1979.

6. Inserted by Act 5 of 2002 w.e.f. 1.4.2002.

7. Inserted by Act 9 of 1984 w.e.f. 1.4.1984.

8. Substituted by Act 36 of 1976 w.e.f. 1.4.1976.

6C. Rectification Of Mistakes :-

1[6C. Rectification of mistakes

(1) With a view to rectifying any mistake apparent from the record, the authority prescribed under sub-section (1) of section 6-A, the appellate authority or the revising authority may, at any time within five years from the date of an order passed by it, amend such order:

Provided that an amendment which has the effect of enhancing an assessment or otherwise increasing the liability of the proprietor shall not be made unless the authority prescribed under sub-section (1) of section 6-A, the appellate authority, or the revising authority as the case may be, has given notice to the proprietor of its intention to do so and has allowed the proprietor an opportunity of being heard.

(2) An order passed under sub-section (1) shall be deemed to be an order passed under the same provision of law under which the original order, the mistake in which was rectified, had been passed.

(3) Where such rectification has the effect of reducing an assessment or penalty, the assessing authority under this Act shall make any refund which may be due to the proprietor.]

1. Inserted by Act 3 of 1985 w.e.f. 10.1.1985.

6D. Issuance Of Clearance Certificates To Proprietors :-

1[6D. Issuance of Clearance Certificates to proprietors

Where for the purpose of complying with the requirement of any law for the production of a clearance certificate with respect to

payment of tax or any other amount under this Act, a proprietor makes an application to the prescribed authority of the area, the prescribed authority shall, if no amount of assessed tax or any other amount under this Act is due by or any tax payable in accordance with the provisions of sub-section (1-A) of Section 6-A is outstanding from such proprietor, issue a clearance certificate in the prescribed form.]

1. Inserted by Act 26 of 2004 w.e.f. 1.8.2004.

7. Exemptions :-

1[(1) The State Government may, by order, and subject to such conditions as may be specified therein, grant reduction not exceeding fifty per cent of the rate of entertainment tax payable for admission to any entertainment, if the State Government is satisfied that the entire gross proceeds of entertainment after deducting the actual expenses are devoted to philanthropic, religious, charitable or development of recognised game or sport purposes in the State.

2[Provided that for development of any recognized sport the State Government may grant exemption to a specified event of such sport.]

Explanation.- "Charitable Purposes" includes relief to the poor, medical relief, and advancement of education or any other object of public utility not involving the carrying on of any activity for profit so, however, it does not include any purpose the whole or substantially the whole of which is of a religious nature.

(1A) Notwithstanding anything contained in sub-section (1), in respect of a cinematograph show of a film which has been certified by an institution recognised by the State Government as an educational film or a childrens film, the State Government may grant exemption or reduction in the rate of entertainment tax payable for any period of time as may be specified.]

3[(2) x x x]

4[(2) An order made under sub-section (1) may be subject to such restrictions and conditions (including a condition that the payment for admission to the entertainments shall not be enhanced) as may be specified in the order.

(3) The State Government may, by order, cancel or vary any order issued under sub-section (1).

(4) If any restriction or condition specified in an order under sub-section (2) is contravened or is not observed, the proprietor shall

be liable to the payment of the entertainments tax as if the provisions of the order under sub-section (1) did not apply to the said entertainment.

5[(5) If the entertainment is a cinematograph show conducted by a film club or film society satisfying the prescribed conditions and recognised by the Commissioner, exclusively for the benefit of its members and without deriving any profit, such an entertainment shall be exempt from payment of entertainments tax:

Provided that if the film club or film society is found by the Commissioner to have violated any of the prescribed conditions, such film club or film society shall be liable for the payment of entertainments tax for the show or shows in respect of which such violation takes place.]

6[Explanation.-x x x]]

7[Explanation.-x x x]

1. Substituted by Act 4 of 1999 w.e.f. 1.4.1997.

2. Inserted by Act 5 of 2001 w.e.f. 1.4.2000.

3. Omitted by Act 14 of 1966 w.e.f. 16.5.1966.

4. Inserted by Act 36 of 1976 w.e.f. 1.4.1976.

5. Inserted by Act 3 of 1985 w.e.f. 10.1.1985.

6. Omitted by Act 5 1996 w.e.f. 1.4.1996.

7. Inserted by Act 7 of 1997 w.e.f. 1.4.1997 and omitted by Act 18 of 1997 w.e.f. 20.9.1997.

7A. Power Of State Government To Exempt Or Reduce Tax

:-

1[7A. Power of State Government to exempt or reduce tax

(1) The State Government may, by notification, make an exemption of any tax or reduction in the rate of any tax payable under this Act, in respect of entertainments held in newly constructed cinema theatres situate within the limits of any specified local authority or class of local authorities.

(2) Exemption of any tax or reduction in rate of any tax notified under sub-section (1), may be subject to such conditions and restrictions as may be specified in the notification.

(3) The State Government may, by notification, cancel or vary any notification issued under sub-section (1).

(4) If any condition or restriction specified in the notification issued under sub-section (1) is contravened or not observed by a proprietor, the entertainments held in the cinema theatres in respect of which such contravention or non-observance took place,

be assessed to tax or taxes, as if the said notification did not apply to such entertainments.]

1. Inserted by Act 15 of 1996 w.e.f. 5.9.1996

8. Refunds In Certain Cases :-

1[(1)] Where the State 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, it shall, by order, direct repayment to the proprietor the amount of the entertainments tax paid in respect of the entertainment.

2[(2) Subject to such rules as may be made, where the State Government is satisfied that any performance of a cinematograph show could not be completed on account of failure of electric power or mechanical break down and that the proprietor has returned the payments for admission to the persons admitted to such performance, it may, by order, direct repayment to the proprietor the amount of entertainment tax paid by him in respect of such performance]

1. Re-numbered by Act 36 of 1976 w.e.f. 1.4.1976.

2. Inserted by Act 36 of 1976 w.e.f. 1.4.1976

8A. Rounding Off Of Tax Etc :-

1[8A. Rounding off of tax etc.

The amount of tax in respect of each payment for admission, 2[x x x] 3[x x x] fine, penalty, or any other amount payable and the amount of refund due, under the provisions of this Act, shall be rounded off 4[to the next higher multiple of five paise]]

1. Inserted by Act 36 of 1976 w.e.f. 1.4.1976

2. Omitted by Act 18 of 1997 w.e.f. 20.9.1997.

3. Omitted by Act 13 of 1982 w.e.f. 1.7.1982.

4. Substituted by Act 5 of 1981 w.e.f. 4.4.1981.

8B. Appeals :-

1[8B. Appeals

(1) Any person objecting to an order affecting him passed under the provisions of this Act by the prescribed authority may appeal to the 2[Joint Commissioner] of the jurisdiction.

(2) The appeal shall be preferred within thirty days from the date of communication of such order:

Provided that the appellate authority may admit an appeal preferred after the period of thirty days aforesaid if it is satisfied that the appellant had sufficient cause for not preferring the appeal within that period.

(3) (a) No appeal against an order shall be entertained by the appellate authority unless it is accompanied by satisfactory proof of payment of tax and penalty not disputed in appeal.

(b) Notwithstanding that an appeal has been preferred under sub-section (1), the tax or other amount shall be paid in accordance with the order against which the appeal has been preferred:

Provided that the appellate authority may, in its discretion, give such directions as it thinks fit in regard to the payment of tax or other amount payable under clause (b), if the appellant furnishes security to its satisfaction in such form and in such manner as may be prescribed.

(4) The appeal shall be in the prescribed form and shall be verified in the prescribed manner.

(5) In disposing of an appeal, the appellate authority, may, after giving the appellant a reasonable opportunity of being heard,-

(i) confirm, reduce, enhance or annul the order;

(ii) set aside the order and direct the prescribed authority to pass a fresh order after such enquiry as may be directed; or

(iii) pass such orders as it may think fit.

(6) Appeal petitions pending before the Commercial Tax Officers or the Deputy Commissioner on the date of commencement of the Karnataka Entertainments Tax (Second Amendment) Act, 1983 shall be transferred to the3[Deputy Commissioner] of the jurisdiction concerned who shall dispose of such appeals in the same manner as if they were preferred under the provisions of this section.

1. Sections 8B, 8C, 8D and 8E inserted by Act 3 of 1985w.e.f. 10.1.1985.

2. Substituted by Act 4 of 1999 w.e.f. 1.4.1999

3. Substituted by Act 5 of 1993 w.e.f. 9.11.1992.

8C. Revisional Powers Of Joint Commisioners :-

8C. Revisional Powers of1[Joint Commisioners]

(1) The1[Joint Commissioner] may of his own motion call for and examine the records of any order passed or proceedings recorded

under the provisions of this Act by the prescribed authority and against which no appeal has been preferred under section 8B, for the purpose of satisfying himself as to the legality or propriety of such order or as to the regularity of such proceedings in so far as it is prejudicial to the interests of revenue and pass such order with respect thereto as he thinks fit.

2[(2) x x x .]

3[(3)] In relation to an order passed under this Act, the power under sub-section (1) shall be exercisable only within a period of four years from the date on which the order was passed.

3[(4)] No order shall be passed under sub-section (1) enhancing any assessment, unless an opportunity has given to the assessee to show cause against the proposed enhancement.

1. Substituted by Act 5 of 2000 w.e.f. 1.4.2000.

2. Inserted by Act 7 of 1997 w.e.f. 1.4.1997 and omitted by Act 5 of 2000 w.e.f. 1.4.2000.

3. Re-numbered by Act 7 of 1997 w.e.f. 1.4.1997.

8D. Revision By The Commissioner :-

8D. Revision by the Commissioner¹[x x x]

(1) The Commissioner¹[xxx] may suo moto call for and examine any record relating to any order passed or proceedings recorded by any officer under this Act for the purpose of satisfying himself as to the legality or propriety of such order or as to the regularity of such proceedings in so far as it is prejudicial to the interest of revenue and may, after giving the affected person an opportunity of being heard and after making or causing to be made such enquiry as he deems necessary, pass such order thereon as the circumstances of the case justify, including an order enhancing or modifying the assessment, or cancelling the assessment and directing a fresh assessment.

(2) The power under sub-section (1) shall be exercisable only within a period of five years from the date of the orders ought to be revised was passed.

(3) The revision petitions filed before the Commissioner by the proprietors prior to the commencement of the Karnataka Entertainments Tax (Second Amendment) Act, 1983 shall be decided by him under the provisions which existed prior to the commencement of the said Act.

1. Omitted by Act 7 of 1997 w.e.f. 1.4.1997.

8E. Appeal To The Appellate Tribunal :-

(1) Any officer empowered by the State Government in this behalf or any other person objecting to an order passed by the 1 [Joint Commissioner] under section 8B or section 8C may appeal to the Appellate Tribunal constituted under the Karnataka Appellate Tribunal Act, 1976 (Karnataka Act 10 of 1976), within a period of sixty days from the date on which the order was communicated to him.

(2) The Appellate Tribunal may admit an appeal preferred after the period of sixty days referred to in sub-section (1) if it is satisfied that the appellant had sufficient cause for not preferring the appeal within that period.

(3) The officer authorised under sub-section (1) or the person against whom an appeal has been preferred, on receipt of notice that an appeal against the order of 1 [Joint Commissioner] has been preferred under sub-section (1) by the other party, may, notwithstanding that he has not appealed against such order or any part thereof file within thirty days of the receipt of the notice, a memorandum of cross objections, verified in the prescribed manner, against any part of the order of the 1 [Joint Commissioner], and such memorandum shall be disposed of by the Appellate Tribunal as if it were an appeal presented within the time specified in sub-section (1).

(4) The appeal or the memorandum of cross objections shall be in the prescribed form, shall be verified in the prescribed manner, and in the case of an appeal preferred by any person other than an officer empowered by the State Government under sub-section (1), shall be accompanied by a fee equal to two percent of the amount of the assessment objected to, provided that the sum payable shall in no case be less than twenty rupees or more than two hundred rupees.

(5) The Appellate Tribunal shall, after giving both parties to the appeal a reasonable opportunity of being heard, pass such orders thereon as it thinks fit;

Provided that if the appeal involves a question of law on which the Appellate Tribunal has previously given its decision in another appeal and either a petition in the High Court against such decision or an appeal in the Supreme Court against the order of the High Court thereon is pending, the Appellate Tribunal may defer the hearing of the appeal before it, till such petition in the High Court or the appeal in the Supreme Court is disposed of.

(6) Notwithstanding that an appeal has been preferred under sub-

section (1), tax or other amount shall be paid in accordance with the assessment made in the case:

Provided that the Appellate Tribunal may, in its discretion, give such directions as it thinks fit in regard to the payment of the tax or other amount if the appellant furnishes sufficient security to its satisfaction in such form and in such manner as may be prescribed:

Provided further that if as a result of the appeal any change becomes necessary in such assessment, the Appellate Tribunal may authorise the prescribed authority to amend the assessment, and the prescribed authority shall amend the assessment accordingly and thereupon the amount over-paid by the proprietor shall be refunded to him without interest or the additional amount of tax due from him shall be collected in accordance with the provisions of this Act, as the case may be.

(7)(a) The Appellate Tribunal may, on the application either of the appellant or of the respondent, review any order passed by it under sub-section (5) on the basis of facts which were not before it when it passed the order:

Provided that no such application shall be preferred more than once in respect of the same order.

(b) The application for review shall be preferred in the prescribed manner within six months from the date on which the order to which the application relates was communicated to the applicant, and where the application is preferred by any person other than an officer empowered by the State Government under sub-section (1), it shall be accompanied by a fee equal to that which had been paid in respect of the appeal:

Provided that if the application for review is preferred within ninety days from the date on which the order to which the application relates is communicated to the applicant, the application shall be accompanied by half the fees which has been paid in respect of the appeal.

(8) With a view to rectifying any mistake apparent from the record, the Appellate Tribunal may, at any time within five years from the date of any order passed by it under sub-section (5) or sub-section (7) amend such order:

Provided that no order under this sub-section shall be made without giving both parties affected by the order a reasonable opportunity of being heard.

(9) Except as provided in the rules made under this Act, the Appellate Tribunal shall not have power to award costs to either of the parties to the appeal or review.

(10) Every order passed by the Appellate Tribunal under sub-section (5) or sub-section (7) or sub-section (8) shall be communicated to the appellant, the respondent, the authority on whose order the appeal was preferred and the Commissioner.]

1. Substituted by Act 5 of 2000 w.e.f. 1.4.2000.

9. Payment And Recovery Of Tax :-

1[9. Payment and recovery of tax

(1) The tax payable under this Act shall be paid in such manner and in such instalments, if any, and within such time, as may be prescribed.

(2) If default is made in making payment in accordance with sub-section (1),-

(i) the whole of the amount outstanding on the date of default shall become immediately due and shall be a charge on the properties of the proprietor liable to pay such tax; and

(ii) the proprietor liable to pay such tax under this Act shall be liable to pay an interest equal to one and a quarter per cent of the amount of tax remaining unpaid for each month after the expiry of the time prescribed under sub-section (1).

Explanation.- For the purposes of clause (ii), the interest payable for a part of a month shall be proportionately determined.

(3) Any amount of tax or any other amount including interest, due under this Act may, without prejudice to any other mode of collection be recovered,-

(a) as if it were an arrear of land revenue; or

(aa) by attachment and sale or by sale without attachment of any property of such proprietor or any other person by the prescribed authority in accordance with such rules as may be prescribed; or]

(b) notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), on application to any Magistrate, by such Magistrate as if it were a fine imposed by him.

(4) The High Court may, either suo-motu or on any application by the prescribed authority or any person aggrieved by the order, revise any order made by a Magistrate under clause (b) of sub-section (3).]

1. Substituted for sections 9 and 9A by Act 36 of 1976 w.e.f. 1.4.1976.

2. Substituted by Act 16 of 1977 w.e.f. 1.4.1979.

3. Omitted by Act 18 of 1997 w.e.f. 20.9.1997.

4. Omitted by Act 13 of 1982 w.e.f. 1.7.1982.
5. Substituted by Act 5 of 2001 w.e.f. 1.4.2001.
6. Inserted by Act 7 of 1997 w.e.f. 1.4.1997.
7. Substituted by Act 3 of 1979 w.e.f. 19.1.1979.

9A. Forfeiture Of Illegal Or Excess Collection Of Tax :-

1[9A. Forfeiture of illegal or excess collection of tax

Where the authority prescribed under sub-section (1) of section 6A is satisfied that any amount by way of, or purporting to be by way of entertainments tax has been collected from the audience by a proprietor in excess of the rates prescribed under this Act, he shall, by order in writing, forfeit by way of penalty such excess amount illegally collected:

Provided that before taking action, under this section, the proprietor shall be given reasonable opportunity of being heard.

1. Sections 9A, 9B and 9C inserted by Act 3 of 1985 w.e.f. 1.1.1959

9AA. Recovery Of Tax Or Penalty Or Any Other Amount From Certain Other Persons :-

1 [9AA. Recovery of tax or penalty or any other amount from certain other persons

(1) The prescribed authority may at any time or from time to time, by notice in writing (a copy of which shall be forwarded to the proprietor at his last address known to the prescribed authority), require any person from whom money is due or may become due to the proprietor or any person who holds or may subsequently hold money for or on account of the proprietor to pay to the prescribed authority, either forthwith upon the money becoming due or being held at or within the time specified in the notice (not being before the money becomes due or is held) so much of the money as is sufficient to pay the amount due by the proprietor in respect of arrears of tax or penalty or the whole of the money when it is equal to or less than that amount.

(2) The prescribed authority may at any time amend or revoke any such notice or extend the time for making any payment in pursuance of the notice.

(3) Any person making any payment in compliance with a notice under this section shall be deemed to have made the payment under the authority of the proprietor and the receipt of the prescribed authority shall constitute a good and sufficient discharge

of the liability of such person to the extent of the amount referred to in the receipt.

(4) Any person making payment of any amount to the proprietor for discharging any liability after the receipt of the notice referred to in this section shall be personally liable to the prescribed authority to the extent of the liability discharged or to the extent of the liability of the proprietor for the amount due under this Act, whichever is less.

(5) Where any person to whom a notice under this section is sent, objects to it on the ground that the sum demanded or any part thereof is not due by him to the proprietor or that he does not hold any money for or on account of the proprietor, then nothing contained in this section shall be deemed to require such person to pay the sum demanded or any part thereof, to the prescribed authority.

(6) Any amount which a person is required to pay to the prescribed authority or for which he is personally liable to the prescribed authority under this section shall, if it remains unpaid, be a charge on the properties of the said person and may be recovered as if it were an arrear of land revenue.

Explanation I.-For the purpose of this section, the amount due to a proprietor or money held for or on account of a proprietor by any person shall be computed after taking into account such claims, if any, as may have fallen due for payment by such proprietor to such person and as may be lawfully subsisting.

Explanation II.-Notwithstanding anything contained in this Act, for the purpose of this section, the expression "Prescribed Authority" shall include any officer empowered to levy tax or penalty under any of the provisions of this Act or any other officer exercising powers under clause (aa) of sub-section (3) of section 9.

1. Sections 9AA and 9AB inserted by Act 7 of 1997 w.e.f. 1.4.1997.

9AAA. Furnishing Of Return, Etc :-

1[9AAA. Furnishing of return, etc.

(1) Every owner or other person in charge of any place of entertainment who is not the proprietor of any entertainment conducted or organized in such place shall submit to the Entertainment Tax Officer having jurisdiction over the area in which the entertainment is conducted a return containing such particulars within such period as may be prescribed.

(2) If any owner or other person in charge of any place of

entertainment fails to submit the return in accordance with sub-section (1), such person and the proprietor of the entertainment shall jointly and severally be liable to pay any tax or penalty or any other amount due by the proprietor of the entertainment.

1. Section 9-AAA inserted by Act 5 of 2001 w.e.f. 1.4.2001.

9AB. Purchase By The State Government In Auction Of Property :-

1 [9AB. Purchase by the State Government in auction of property

(1) When any immovable property is brought for sale by auction for recovery of any dues under this Act, then notwithstanding anything contained in this Act, the Deputy Commissioner of the Revenue District or any officer authorised by the State Government, shall, subject to any general or special order of the State Government in this behalf, be entitled to bid at such auction and purchase the property on account of the State Government.

(2) Where any property is purchased by the State Government under sub-section (1), then, notwithstanding anything in the Karnataka Land Revenue Act, 1964 or any other law, it shall be lawful for the State Government to dispose of such property in such manner as it deems fit.

(3) The purchase and disposal of the property under this section shall not be questioned in any court of law.]

1. Sections 9AA and 9AB inserted by Act 7 of 1997 w.e.f. 1.4.1997.

9B. Liability Of Firms :-

(1) Where any firm is liable to pay entertainments tax under this Act, the firm and each of the partners of the firm shall be jointly and severally liable for such payment.

(2) When a firm liable to pay the entertainments tax is dissolved, the assessment of the entertainments tax shall be made as if no dissolution of the firm had taken place and every person who was, at the time of the dissolution, a partner of the firm and the legal representative of any such person who is deceased, shall be jointly and severally liable to pay the entertainments tax.

9C. Liability On Transfer Of Business :-

(1) When the ownership of the cinema theatre or other place of entertainment of a proprietor liable to pay entertainments tax under this Act is transferred, the transferor and the transferee shall

jointly and severally be liable to pay entertainments tax, in respect of such cinema theatre or place of entertainment, which remain unpaid at the time of transfer and for the purpose of recovery from the transferee, such transferee shall be deemed to be the proprietor liable to pay the entertainments tax due under this Act.

(2) When an undivided Hindu family or Aliyasanthana family liable to pay entertainments tax is partitioned, the assessment of the entertainments tax shall be made as if no partition of the family has taken place and every person who was a member of the family before the partition shall be jointly and severally liable to pay the entertainments tax assessed or imposed.

Explanation.-For the purpose of this section and sections 9A and 9B entertainments tax includes 1[x x x] tax on cinematograph shows, penalty or other amount due under this Act.]²

1. Omitted by Act 18 of 1997 w.e.f. 29.9.1997.

2. Sections 9A, 9B and 9C inserted by Act 3 of 1985 w.e.f. 1.1.1959.

9D. Assessment Of Legal Representatives :-

1[9D. Assessment of legal representatives

Where a proprietor dies, his executor, administrator or other legal representative shall be deemed to be the proprietor for the purposes of this Act and the provisions of the Act shall apply to him in respect of the entertainment conducted by the deceased proprietor:

Provided that, in respect of any tax, penalty or fee assessed as payable by any such proprietor or any tax, penalty or fee which would be have been payable by him under this Act if he had not died, the executor, administrator or other legal representative shall be liable only to the extent of the assets of the deceased in his hands.]¹

1. Section 9D inserted by Act 7 of 1990 w.e.f. 1.4.1990.

10. Inspection :-

(1) 1 [(a) Officer empowered by the State Government or by the Commissioner in this behalf, may for the purpose of this Act, require any proprietor to produce before him the accounts and other documents and also to furnish any information relating to his business.

2 [(aa)] Any officer authorised by the State Government in this behalf may enter 3 [and if necessary, search] any place of

entertainment while the entertainment is proceeding, and any place ordinarily used as a place of entertainment at any reasonable time, for the purpose of satisfying himself whether the provisions of this Act or any rules made thereunder are being complied with.

4 [5 [(aaa)] If any such officer has reason to suspect that the proprietor is evading or is attempting to evade payment of any tax, surcharge 6 [x x x] payable under this Act, he may, for reasons to be recorded in writing, seize such accounts, registers, ticket books or other documents 7 [or articles] of the proprietor as he may consider necessary and shall give the proprietor 8[of every entertainment or the owner or person-in-charge of the place of entertainment] a receipt for the same. Thereafter he shall 7 [within sixty days] forward the accounts, registers, ticket books and other documents 7[or articles] so seized to the prescribed officer concerned who shall retain the same only for so long as may be necessary for their examination and for any enquiry or proceedings under this Act:

Provided that such accounts, registers, ticket books or other documents shall not be retained for more than 9 [ninety days] at a time except with the permission of the 9 [Joint Commissioner.]]

(b) Every officer so authorised shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Central Act XLV of 1860).

(2) The proprietor of every entertainment or the owner or person in charge of any place ordinarily used as a place of entertainment 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, on conviction, be punishable with fine 10 [which shall not be less than five hundred rupees but which may extend to two thousand rupees].

1. Clause (A) inserted by Act 5 of 2002 w.e.f. 1.4.2002.

2. Re-numbered by Act 5 of 2002 w.e.f. 1.4.2002.

3. Inserted by Act 3 of 1985 w.e.f. 10.1.1985.

4. Inserted by Act 36 of 1976 w.e.f. 1.4.1976.

5. Re-numbered by Act 5 of 2002 w.e.f. 1.4.2002.

6. Omitted by Act 13 of 1982 w.e.f. 1.7.1982.

7. Inserted by Act 16 of 1977 w.e.f. 1.4.1979.

8. Inserted by Act 7 of 1997 w.e.f. 1.4.1997.

9. Substituted by Act 7 of 1997 w.e.f. 1.4.1997.

10. Substituted by Act 3 of 1985 w.e.f. 10.1.1985.

10A. Registration Of Distributors, Etc :-

1 [10A. Registration of distributors, etc.

(1) Every distributor in the State shall,

(a) get himself registered in such manner as may be prescribed;

(b) submit to the authority prescribed in this behalf, return as may be prescribed of all feature films sold, supplied, distributed, rented or hired for exhibition.

(2) The authority prescribed in this behalf, shall have the power to call for and examine the books of account or other documents in the possession of such distributors with a view to verify the correctness of the return submitted.

(3) Nothing contained in this section shall apply to any State Government or the Central Government.]¹

1. Inserted by Act 7 of 1997 w.e.f. 1.4.1997 and substituted by Act 5 of 2001 w.e.f. 1.4.2001.

11. Admission Of Certain Officers Without Payment :-

The officer referred to in section 10 or any other officer who has to enter any place of entertainment in pursuance of a duty imposed upon him by or under this Act or any other law shall not be required to pay for his admission to the entertainment.

12. Penalties :-

2 [(1) The proprietor of any entertainment or any person employed by him in any place of entertainment who admits any person to any place of entertainment in contravention of the provisions of section 5, shall on conviction be punishable with simple imprisonment for a term which may extend to six months or with fine 3 [which shall not be less than rupees ten thousand for the first offence and not less than rupees fifteen thousand for the second or subsequent offence during the financial year] or both.

(1A) Any distributor who contravenes the provisions of section 10-A shall, on conviction be punishable with simple imprisonment for a term which may extend to six months or with fine 3 [which shall not be less than rupees ten thousand for the first offence and not less than rupees fifteen thousand for the second or subsequent offence during the financial year] or with both.

(1B) The proprietor of any entertainment who fraudulently evades the payment of any tax due under this Act, shall, on conviction, be punishable with simple imprisonment for a term which may extend

to six months or with fine 3 [which shall not be less than rupees ten thousand for the first offence and not less than rupees fifteen thousand for the second or subsequent offence during the financial year] or both.

(1C) The proprietor of any entertainment who contravenes any other provision of this Act, shall on conviction be punishable with simple imprisonment for a term which may extend to six months or with fine³ [which shall not be less than rupees ten thousand for the first offence and not less than rupees fifteen thousand for the second or subsequent offence during the financial year] or with both.]

(2) It shall be presumed until the contrary is proved that any person who is found without a ticket in any place of entertainment has been admitted by the proprietor of the entertainment or by the person employed by such proprietor in such place in contravention of the provisions of section 5.

1. Substituted by Act 14 of 1966 w.e.f. 16.5.1966.

2. Substituted by Act 7 of 1997 w.e.f. 1.4.1997.

3. Substituted by Act 5 of 2001 and again substituted by Act 5 of 2002 w.e.f. 1.4.2002.

12A. Summary Disposal Of Certain Cases :-

1 [12A. Summary disposal of certain cases

(1) A court taking cognizance of an offence under sub-clause (ii) of clause (b) of sub-section (1) of section 12 shall state upon the summons to be served on the accused person that he may by a specified date prior to the hearing of the charge, plead guilty to the charge by registered letter and remit to the court such sum not exceeding two hundred rupees as the court may specify.

(2) Where an accused person pleads guilty and remits the sum specified under sub-section (1), the court may proceed to hear and dispose of the case in the absence of the accused, whether or not the prosecutor is also absent in like manner as if both parties had appeared and the accused had pleaded guilty.

1. Inserted by Act 31 of 1969 w.e.f. 20.11.1969.

13. Composition Of Offences :-

The prescribed authority may accept from any person who has committed or is reasonably suspected of having committed an offence against this Act, by way of composition of such offence,-

(a) where the offence consists of the failure to pay, or the evasion

of, any tax payable under this Act, in addition to the tax so payable, a sum of money¹[not less than ten thousand rupees for the first offence and not less than fifteen thousand rupees for any second or subsequent offence during the financial year but not exceeding the double the amount of tax whichever is greater and (b) in other cases, a sum of money¹[not less than ten thousand rupees for the first offence and not less than fifteen thousand rupees for any second or subsequent offence during the financial year but not exceeding the double the amount of tax whichever is greater].

1. Substituted by Act 5 of 2001 and again substituted by Act 5 of 2002 w.e.f. 1.4.2002.

14. Bar Of Certain Proceeding :-

(1) No suit, prosecution or other proceeding 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 proceeding, 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.

15. Limitation For Certain Suits And Prosecutions :-

No suit shall be instituted against the State Government and no suit, prosecution or other proceeding 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 proceeding is instituted within six months from the date of the act complained of.

16. Delegation Of Certain Powers Of The State Government :-

(1) The State Government may, by notification delegate all or any of its powers under this Act except those conferred upon it by sub-section (3) of section 1, section 18 and this section, to any person or authority subordinate to the State Government, and may in like manner withdraw any powers so delegated.

(2) The exercise of any powers delegated under sub-section (1) shall be subject to such restrictions, limitations and conditions, if

any, as may be laid down by the State Government and shall also be subject to control and revision by it.

17. Omitted :-

1[17. XXX]

1. Omitted by Act 7 of 1997 w.e.f. 1.4.1997.

18. Power To Make Rules :-

(1) The State Government may, subject to the condition of previous publication, make rules by notification, to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for,-

1 [(a) x x x]

(b) 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;

2 [(bb) determination of gross collection capacity and payment of tax under3 [section 4A];]

(c) 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) the checking of admission, the keeping of accounts and the furnishing of returns by the proprietors of entertainments 1 [x x x];

4 [(e) x x x]

(f) the proper maintenance of accounts and submission of returns;

(g) the time and manner of payment and collection of the tax under this Act;

(h) the duties and powers of officers appointed for enforcing the provisions of this Act;

(i) the issue of passes by the proprietors of entertainments for the admission of officers who have to perform any duty imposed upon them by law; and

(j) any other matter for which there is no provision or no sufficient provision in this Act and for which provision is, in the opinion of the State Government, necessary for giving effect to the purposes of this Act.

(3) In making a rule under sub-section (1) or sub-section (2), the

State Government may provide that a breach thereof shall be punishable with fine which may extend to 3 [ten thousand rupees].
5 [(3A) A rule under this Act may be made with retrospective effect and when such rule is made, the reasons for making the rule shall be specified in a statement laid before both Houses of the State Legislature. Subject to any modification made under sub-section (4), every rule made under this Act shall have effect as if enacted in this Act.]

(4) All rules made under this section shall be laid as soon as may be after they are made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more sessions and if before the expiry of the said period, either House of the State Legislature makes any modification in the rules or directs that any rule shall not have effect and if the modification or direction is agreed to by the other House, the rules shall thereafter have effect only in such modified form or be of no effect, as the case may be.

1. Omitted by Act 14 of 1966 w.e.f. 16.5.1966.
2. Inserted by Act 16 of 1977 w.e.f. 1.4.1979.
3. Substituted by Act 7 of 1997 w.e.f. 1.4.1997.
4. Omitted by Act 3 of 1985 w.e.f. 10.1.1985.
5. Inserted by Act 14 of 1966 w.e.f. 16.5.1966.

19. Repeal And Savings :-

(1) The Bombay Entertainments Duty Act, 1923 (Bombay Act I of 1923), as in force in the¹[Belgaum Area], the Mysore Amusements Tax Act, 1932 (Mysore Act VIII of 1932), as in force in the Mysore Area except Bellary District, the Madras Entertainments Tax Act, 1939 (Madras Act X of 1939), as in force in the Bellary District, the Madras Entertainments Tax Act, 1939 (Madras Act X of 1939), as in force in the¹[Mangalore and Kollegal Area] the Hyderabad Entertainments Tax Act, 1355 Fasli (Hyderabad Act V of 1355 F), the Hyderabad Cinema Shows Tax Act, 1952 (Hyderabad Act XXVI of 1952) and section 114 of the Hyderabad District Municipalities Act, 1956 (Hyderabad Act XVIII of 1956), as in force in the¹[Gulbarga Area], the Mysore Cinematograph Shows Tax Act, 1951 (Mysore Act XVI of 1951), as in force in the Mysore Area and the Coorg Entertainments Tax Act, 1953 (Coorg Act VII of 1953) as in force in the Coorg District and any other provision of law, rule or bye-law in force in any area of the¹[State of Karnataka] imposing a tax on entertainments or amusements whether called a tax on

theatres or cinematograph shows or otherwise are hereby repealed:

Provided that such repeal shall not affect,-

(a) the previous operation of the said enactments, laws, rules or bye-laws or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability (including liability to pay any tax), acquired, accrued or incurred under the said enactments, laws, rules or bye-laws; or

(c) any penalty, or punishment incurred in respect of any offence committed against the said enactments, laws, rules or bye-laws; or

(d) any investigation, legal proceeding (including proceeding for recovery of any tax) or remedy in respect of any such right, privilege, obligation, liability or punishment as aforesaid, and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty or punishment may be imposed as if this Act had not been passed.

(2) Notwithstanding anything contained in sub-section (1), for the purpose of giving effect to the proviso to sub-section (1), the State Government may, by notification make such provision as appears to it to be necessary or expedient,-

(a) for making omissions from, additions to and adaptations and modifications of the rules, notifications and orders issued under the repealed enactments or laws;

(b) for specifying the authority officer or person who shall be competent to exercise such functions exercisable under any of the repealed enactments or laws or any rules, notifications, or orders issued thereunder as may be mentioned in the said notification.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1973.

20. Power To Remove Difficulties :-

If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by notification, make such provisions as appear to it to be necessary or expedient for removing the difficulty.