

## **Madhya Pradesh Entertainments Duty And Advertisements Tax Act, 1936**

**30 of 1936**

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## **Madhya Pradesh Entertainments Duty And Advertisements Tax Act, 1936**

**30 of 1936**

An Act to impose a duty in respect of admission to entertainments  
3[and a tax in respect of certain forms of advertisement exhibited

at such entertainments] in Madhya Pradesh. It is hereby enacted as follows :- 1. Substituted M.P Act No 14 of 1960 word " central Provinces and brar" vide. 2. Inserted vide Sec. 2(1) of M.P entertainment duty Act , 1965. 3. Substituted vide M.P. Act No 12 of 1965.

## **1. Short title, extent and commencement :-**

1[(1) This Act may be called the 2[Madhya Pradesh] Entertainments Duty 3[and Advertisements Tax] Act, 1936.

4(2) It extends to the whole of Madhya Pradesh.

4(3) It shall be in force in all such areas of Madhya Pradesh in which it was in force immediately before the commencement of the Madhya Pradesh Taxation Laws (Extension) Act, 1957 (18 of 1957) and shall come into force on the commencement of the said Act in the areas in which any corresponding law repealed by Section 6 of the said Act was in force and may be brought into force in any other areas on such dates as the State Government may, by notification, direct.

1. Related to M.P entertainment Duty (amendment) Act 1964 (Number 12 of 1965) which has been published in M.P. Gazette (extraordinary)

2. Substituted vide Sec 2 of M.P. Act No 14 of 1960.

3. Substituted vide M.P. Act No 12 of 1965.

4. Established vide sub sections (2) and (3) of M.P Tax Law (expansion) Act, 1957.

## **2. Definitions :-**

In this Act unless there is anything repugnant in the subject or context --

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

1[(aa) "Advertisement" means the intimation or announcement of any goods, property, entertainment, trade, business or profession by means of a slide or film exhibited on the screen in a cinema licensed under the Madhya Pradesh Cinemas (Regulation) Act, 1952 (17 of 1952) or at any other place of entertainment;

(aaa) "Advertisement tax" means a tax levied and payable under section 3-A;]

2[(aaaa) "Cable Operator", "Cable Service", "Cable Television Network" and "Subscriber" shall have the same meaning as assigned to them in the Cable Television Network (Regulation) Act,

1995 (No. 7 of 1995);]

(b) "entertainment" includes any exhibition<sup>3</sup>, performance, amusement, game or sport to which persons are admitted for payment;

4[(c) "entertainment duty" means a duty <sup>5</sup>[.....] levied under section 3;]

6[(cc) "Local area" shall mean a Municipal Area/Notified Area/Town Area within the meaning of the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961) or Special Area within the meaning of the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973) or a Cantonment within the meaning of the Cantonment Act, 1924 (No. 2 of 1924) or a village within the meaning of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959);]

7[(d) "Payment for admission" includes --

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

(ii) any payment for a programme or synopsis of an entertainment;

(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 or enjoyment of the entertainment, which without the aid of such instrument or contrivance such person would not get;

8[(iv) any payment made by a person by way of contribution or subscription or installation and connection charges or any other charges, by whatever name called, for providing access to any entertainment, whether for a specified period or on a continuous basis;]

9[(v)] any payment, by whatever name called for any purpose whatever, connected with an entertainment, which a person is, required to make in any form as a condition of attending or continuing to attend the entertainment, either in addition to the payment, if any, for admission to the entertainment or without any such payment for admission;

10[(vi)] 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 tax or more tax is required;

Explanation I - Any subscription raised or donation collected in connection with an entertainment in any form shall be deemed to be payment for admission;]

11[Explanation II -- Where entertainment is provided as part of any service by any person, whether forming an integral part of such

service or otherwise the charges received by such person for providing the service shall be deemed to include charges for providing entertainment or access to entertainment also;]

11[(dd) "population" shall mean the urban agglomeration population according to the latest official census of the place, city, town or the locality concerned;]

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

(f) "proprietor" in relation to any entertainment, includes any person responsible for or for the time being incharge of the management thereof;

12[(g) "Video Cassette Recorder" or "V.C.R." means an apparatus designed to record sound and picture in both black and white and colour on magnetic tape and to replay them on T.V. screen when required or play back on T.V. screen tapes recorded on other machines and prerecorded cassettes of movies and when fitted with R.F. tuner sections or monitors for transmission and reception of radio and T.V. broadcasts is duly licensed under the Madhya Pradesh Cinema Regulation Act, 1952 (No.17 of 1952)] 13[and includes Video Cassette Player];

14[(h) "Video Cassette Player" or "V.C.P." means an apparatus designed to replay sound and picture in both black and white and colour on magnetic tape and to replay them on T.V. Screen when required or play back on T.V. Screen tapes recorded on other machines and prerecorded Cassettes of movies and when fitted with R.F. Tuner Sections or monitors for transmission and reception of Radio and T.V. broadcast is duly licensed under the Madhya Pradesh Cinemas (Regulation) Act, 1952 (No. 17 of. 1952).]

1. Inserted vide sec 12 of M.P Manoranjan sulk (amendment) act 1965.

2. Inserted vide M.P Act No 6. of 1999 (Applicable from 1.5.1999)

3. Play, Act , Music etc.

4. Substituted vide M.P. Karadhan vidhi (amendment) Act 1972 (9 of 1972) which was published in M.P gazette (extra ordinary) dated 28.4.1972 on pages 1472-1475.

5. Words "or extra duty" delete through act NO 8 of 1982.

6. Inserted vide M.P. Act No 3 of 1991(applicable from 1.4.1991) and published in M.P. Gazette (extraordinary) dated 1 feb 1991, page 313to 314.

7. Substituted vide M.P Act No 3 of 1991.

8. Inserted vide M.P Act No 6 of 1991 (applicable from 1.9.1999)

9. Renumbered existing part (iv) to (v) vide M.P. Act No 6 of 1999

(w.e.f. 1.5.1999).

10. Renumbered existing part (v) to (vi) vide M.P. Act No 6 of 1999 (w.e.f. 1999)

11. Inserted vide M.P Act No 6 of 1999(w.e.f. 1-5-1999)

12. Inserted vide M.P. Act No 34 of 1983.

13. Inseted vide M.P Act no 3 of 1991 (w.e.f. 1.4.1991) and Published in page 313, 314 of M.P Gazette (extraordinary) dated 1 february 1991.

14. Inserted vide M.P. Act No 3 of 1991 (w.e.f. 1-4-1991).

### **3. Entertainment Duty payable by proprietor of an entertainment :-**

1[2[(1) Every proprietor of an entertainment other than proprietor of an entertainment by Video Cassette Recorder (hereinafter referred to as V.C.R.) or Video Cassette Player (hereinafter referred to as V.C.P) or a Cable Operator, shall in respect of every payment for admission to the entertainment pay to the State Government a duty at the rate 2[as prescribed by the State Government not exceeding seventy five percentum thereof]:

Provided that no duty shall be payable in respect of any payment for admission to an entertainment not exceeding fifty paise except when such payment is for admission to a cinematograph exhibition in a permanent structure :

Provided further that where cinematographic exhibitions are carried out in cinema hall, no duty shall be levied on an amount 3[not exceeding two rupees per ticket as may be determined by the State Government] on the basis of payment for admission for providing facilities to persons admitted in the Cinema Hall :

Provided also that the details of facilities provided for the spectators and the amount expended thereon shall be presented by the proprietor of the cinema hall to the Collector in such manner as may be prescribed and if the Collector is not satisfied with the facilities provided, he may recover the duty in respect of the amount allowed for facilities also from the proprietor of the cinema. Explanation -- The expression "facilities" shall mean such improvement as may be notified by the Government from time to time.

(2) The duty payable under subsection (1) shall be paid to or collected or realised by such officer or authority and in such manner as may be prescribed

(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 person, 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 without further payment or at a reduced charge, the entertainments duty shall be paid on the amount of such lump sum :

Provided that where the State Government is of opinion that the payment of a lump sum 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 duty has not been in operation, the duty shall be charged on such an amount as appears to the State Government to represent the right of admission to entertainment in respect of which the entertainment duty is payable.

( 4 ) In calculating the entertainments duty payable under subsection (1)--

(i) where the duty payable is less than fifty paise, the duty shall be rounded off to nearest lower multiple of five paise; and

(ii) where the duty payable is more than fifty paise, the duty shall be rounded off to nearest higher multiple of five paise.]

1 . Substituted vide M.P Act No 6 of 1999 (w.w.f 1.5.1999).this section shall be only for M.P. For chhattisgarh Its amended.

2 . Substituted vide M.P Act No 9 of 2003 (w.e.f. 1-5-2003) applicable only in M.P.

3. Substituted vide M.P Act No 9 of 2003 (w.e.f. 1-5-2003) applicable only in M.P.

### **3A. Entertainment Duty payable by proprietor of V.C.R. or V.C.P. :-**

1[(1) Notwithstanding anything contained in Section 3, every proprietor of--

(a) an entertainment by V.C.R. or V.C.P. held in a place or town, where there is a Cinema, and such town or place having population mentioned in column (2) of the table below, on such screen size as mentioned in the table, shall pay to the State Government entertainments duty per month at the rate specified in the corresponding entry in column (3) or column (4) thereof, as the case may be --

Table

S. No. Population Size of the Screen

Upto 51 cm (Rs. per month) Above 51 cm (Rs. per month)

1. Upto 10,000 2625.00 3937.00
2. From 10,001 to 20,000 3375.00 5062.00
3. From 20,001 to 50,000 4500.00 6750.00
4. From 50,001 to 1,00,000 6000.00 9000.00
5. More than 1,00,000 at the rate specified in sub-section (1) of Section 3 on payment for admission at the rate specified in sub-section (1) of Section 3 on payment for admission.

(b) an entertainment by V.C.R. or V.C.P. held in a place or town, where there is no cinema and such town or place having population mentioned in column (2) of the table below, on such screen size as mentioned in the table, shall pay to the State Government entertainments duty per month at the rate specified in the corresponding entry in column (3) or column (4) thereof, as the case may be --

Table

S. No. Population Size of the Screen

Upto 51 cm (Rs; per month) Above 51 cm (Rs. per month)

1. Upto 10,000 1125.00 1687.00
2. From 10,001 to 20,000 1687.00 2530.00
3. From 20,001 to 50,000 2250.00 3375.00
4. From 50,001 to 1,00,000 3000.00 4500.00
5. More than 1,00,000 at the rate specified in sub-section (1) of Section 3 on payment for admission at the rate specified in sub-section (1) of Section 3 on payment for admission.

Provided that the State Government may, by notification, increase the amount of consolidated duty specified in the tables under clauses (a) and (b) at an interval of not less than two years and where the rate is increased the same shall not be more than twenty five percent of the rate as mentioned in the above table :

Provided further that every notification under the above proviso shall as soon as may be after it is issued be laid on the table of the Legislative assembly and the provisions of Section 24-A of the Madhya Pradesh General Clauses Act, 1957 (No. 3 of 1958) shall apply thereto as they apply to a rule.

(2) No duty shall be payable under sub-section (1) from the month next following the month in which such proprietor closes exhibition by VCR or VCP for commercial purposes and gives notice in writing to that effect to such officer in such form and fulfills such terms and conditions as may be prescribed.

(3) The duty payable under subsection (1) shall be paid to or collected or realised by such officer or authority and in such manner

as may be prescribed.]

1. Inserted vide M.P. Act No. 6 of 1999 (w.e.f. 1.5.199)

**3B. Entertainment Duty payable by Cable Operator :-**

1[2[(1) Notwithstanding anything contained in Section 3 or 3-A, every Cable Operator providing access to entertainments through cable service to subscribers of such service, not being owner or occupants of rooms of hotel or lodging house, shall pay to the State Government an amount of duty at the rate of twenty rupees per month per subscriber in urban and cantonment areas:

Provided that the State Government may, by notification, increase the rate of duty at an interval of not less than two years and such increase shall not be in excess of twenty five percent of the existing rate of duty :

Provided further that every notification under the above proviso shall, as soon as may be after it is issued, be laid on the table of the Legislative Assembly and the provisions of Section 24-A of the Madhya Pradesh General Clauses Act, 1957 (No. 3 of 1958) shall apply thereto as they apply to a rule.]

3[TABLE S. No.

(1) Population

(2) Rate of consolidated duty per month

(3)

1.

2.

3. from 1 to 10,000

from 10,001 to 50,000

more than 50,000 --

Rs. 10/-

Rs. 20/-]

(2) 4[Every proprietor of hotel or lodging house providing access to entertainments in the rooms of a hotel or lodging house through the cable service of his own or obtained through any "Cable Operator"], shall pay to the State Government based on the number of rooms in the hotel or lodging house in which cable-service is provided and the average of room rents being charged for the occupation of the rooms as mentioned in column (2) and (3) respectively of the table below, a consolidated amount of the duty per month at the rate specified in column (4) thereof, as the case may be :-

TABLE



S. No.

1 No. of rooms in the hotel or lodging house in which cable service is provided

2 Average of room rents charges per day (in rupees)

3 Rate of consolidated duty per month (in rupees)

4

1. Upto 20 rooms Upto 200

from 201 to 500

from 501 to 1000

more than 1000 500

750

1000

1500

2. more than 20 rooms upto 200

from 201 to 500

from 501 to 1000

more than 1000 750

1000

1500

2000

Provided that the State Government may, by notification, increase the amount of consolidated duty, as shown with tables aforesaid at an interval of not less than two years and where the rate is increased the same shall not be in excess of twenty five percent of the rate shown in the table above :

Provided further that every notification under the above proviso shall as soon as may be after it is made be laid on the table of the Legislative Assembly and the provisions of Section 24-A of the Madhya Pradesh General Clauses Act, 1957 (No. 3 of 1958) shall apply thereto as they apply to a rule.

(3) The duty payable under subsection (1) or sub-section (2) shall be paid to or collected or realised by such officer or authority and in such manner as may be prescribed.]

5[(4) The Cable Operator and proprietor of hotel or lodging house shall not be liable to pay consolidated entertainments duty specified in subsection (1) and sub-section (2) from the month following the month in which he discontinues to provide cable service to subscribers from his Cable Television network, provided he immediately informs such Officer regarding it in such manner as may be prescribed.]

1. Inserted vide M.P. Act No 7 of 2001. Effective vide Notification no (14)-B-1-2000-Wa-Kar-Five dated 31st march 2001.

2. substituted vide M.P extraordinary duty (No. 13 of 2006) w.e.f. 1-4-2006. Applicable only in M.P. State
3. Substituted vide chhattisgarh Act no 16 of 2002 Applicable only in chhattisgarh state .
4. Substituted vide M.P. Act no. 28 of 1999.
5. Inserted vide M.P. Act NO 28 of 1999(w.e.f. 1-5-1999)

### **3C. Levy of Advertisement Tax :-**

1[2[(1) There shall be levied and paid to the State Government an advertisement tax on every advertisement exhibited at an entertainment at the rates specified below :-

I. (a) in towns having population of one lakh or more according to the last census.

50 paise per slide per show subject to rupee 1.00 per day and not more than Rs. 25.00 for a month.

(b) in other areas.

25 paise per slide per show subject to 50 paise per day and not more than Rs. 12.50 for a month.

II. Films and Trailers.

75 paise per film/trailer per show subject to Rs. 2.00 per day and not more than Rs. 50.00 for a month.]

(2) The advertisement tax shall be paid in the prescribed manner by the proprietor to the State Government.

1. Renumbered vide M.P. Act NO of 1999.

2. Substituted vide M.P Act No. 8 of 1982.

### **4. Method of levy :-**

1[(1) Save as otherwise provided by this Act, no person shall be admitted 2[to any entertainment other than entertainment by V.C.R.] except with a ticket stamped with an impressed, embossed, engraved or adhesive stamp, (not before used) issued by the State Government, of nominal value equal to the duty payable under section 3.]

3[(1-A) Omitted]

4[(2) 2[The State Government may, on the application of a proprietor of any entertainment other than entertainment by V.C.R.] in respect of which entertainments duty is payable under section 3, allow such proprietor to pay by one of the modes specified hereunder as it may think fit, in such manner and subject to such conditions as may be prescribed, the amount of the duty due, namely :-

1[(a) by a consolidated payment of such percentage 2[as determined by the State Government] of the gross sum received by the proprietor on account of payments for admission to the entertainment and on account of the duty to be fixed by the State Government;]

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

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

4[(d) by compounding duty, in lieu of the duty chargeable under Section 3 in such manner and subject to such condition as may be prescribed by the State Government;]

(e) by a consolidated payment in advance of a sum in lieu of entertainment duty to be fixed, in accordance with such principles as may be prescribed, by the State Government or by any officer authorised by the State Government in this behalf;

(f) by a consolidated payment in advance for the tickets specially printed by the State Government for payment for admission including entertainment duty due thereon for use for admission to the entertainment.]

5[(3) The provisions of sub-section (1) 6[\*\*\*] of this section and of section 5 shall not apply to any entertainment in respect of which the entertainments duty due is payable in accordance with the provisions of sub-section (2).]

7[(4) The Proprietor of an entertainment shall maintain such records, in such manner and in such form as may be prescribed.]

1. Substituted vide M.P Act No. 8 of 1982.

2. Substituted vide M.P. Act No 34 of 1983.

3. Deleted vide M.P. Act No. 8 of 1982.

4. Substituted vide M.P. Act No 22 of 1979.

5. Substituted vide M.P. Act No. 9 of 1972.

6. Deleted vide M.P. Act No. 8 of 1982 which was published in page 430-432 of M.P. Gazette (extraordinary) on date 31th march 1976.

7. Inserted vide M.P. Act No 32 of 1976 which was published in page 2141-2246 of M.P gazette (extraordinary) on dated 31st May 1976.

#### **4A. Procedure for payment of Advertisement Tax to the State Government :-**

1[(1) The Proprietor shall, at such time and in such manner and to

such officer, as may be prescribed, forward a return stating the total number of advertisements exhibited at an entertainment and shall at the prescribed time pay to such officer the amount of tax for that entertainment.

(2) The Proprietor shall maintain such records, in such manner and in such form as may be prescribed.]

1. Inserted vide M.P Entertainments Duty (Amendment) Act, 1965 (No 12 of 1965), which was published in M.P Gazette (extraordinary on date 31.03.1965)

#### **4B. Restriction on admission without payment or at concession rates :-**

1[No Proprietor shall admit any person to 2[an entertainment other than entertainment by V.C.R.] without payment for admission thereto or at concession rates unless the entertainments duty payable in respect thereof or on the full value of the ticket for the class to which such person is admitted 3[\*\*\*] has been paid.

4[Provided that nothing in this section shall apply in respect of admission at concessional rates --

(i) to such class of persons; and

(ii) to such entertainment or class of entertainments;

as the State Government may, by notification, specify.]

1. Inserted vide C.P. & Berar Act No. 13 of 1949 mainly like section 4 ka. Section 4ka was given to M.P Entertainments Duty (Amendment) Act, 1965 (No. 12 of 1965), Section 4-ka established vide this act see previous step. Substituted vide M.P. Karadhan Vidhi (Amendment) Act 1972 (No. 9 of 1972) in present form.

2. Established vide M.P. Act No. 34 of 1983.

3. Deleted vide M.P. Act No. 8 of 1982 which Published on Page 430-432 on 27 March, 1982.

4. Established vide M.P. Entertainments duty and Advertisements tax Commandment Act, 1973 (No. 12 of 1973).

#### **4BB. Restriction on charge of facility of air conditioning or air cooling :-**

1[No proprietor of an entertainment other than entertainment by V.C.R. shall charge for the facility of air conditioning or air cooling without providing such facility.]

1. Inserted vide sec 5 of M.P. Act No. 3 of 1991.

#### **4C. Power to impose penalty :-**

1[If on an inspection of a place of entertainment or after examination of the records, accounts and stocks of stamps maintained by a proprietor, the Excise Commissioner or any other officer as may be authorised by the State Government in this behalf, comes to the conclusion that entertainments duty or advertisement tax payable under this Act has been evaded by the proprietor, he may, after giving the proprietor a reasonable opportunity of being heard, 2[assess to the best of his judgment the duty or tax payable by the proprietor for a period not exceeding thirty days immediately preceding as if the evasion subsisted for the whole of such period and he may direct that the proprietor shall pay by way of penalty in addition to the amount of duty or tax so assessed, as the case may be, a sum equal to half that amount for the first such evasion in a calendar year, and a sum not exceeding twice but not less than half that amount, for the second or subsequent evasion in that year.]

1. M.P Act No. 12 of 1976 which was published on page no 2242-2246 on dated on 31.05.1976.

2. Substituted vide M.p Act No.22 of 1979.

#### **4D. Appeal :-**

1[(1) Any proprietor aggrieved by an order made under section 4-C, may, within such time as may be prescribed prefer an appeal to the 2[Commissioner of the Revenue Division] 3[Commissioner of Excise] concerned and the decision of the Commissioner on such appeal shall be final.

4[(1 -A) No appeal against an order of assessment of duty or tax and penalty under sub-section (1) shall be admitted unless --

(i) for the amount specified in column (1) of the table below the duty or tax and penalty has been deposited in the proportion specified in the corresponding entry in column (2) thereof--

#### **TABLE**

Amount (1) Proportion of duty or tax and penalty (2)

Where the amount of the duty or tax and penalty does not exceed one thousand rupees The full amount of duty or tax and penalty

Where the amount of the duty or tax and penalty exceeds one thousand rupees. One thousand rupees or one third of the amount of the duty or tax and penalty, whichever is higher.

(ii) documentary evidence of such deposit has been filed with the appeal.]

(2) The provisions of Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959), and the rules made thereunder, so far as they relate to appeal shall apply to the appeal preferred under sub-section (1) as they apply to the appeal to the Commissioner of Revenue Division under the said Code.]

1. Substituted Vide M.P Act. 32 of 1976 which was published on page no 2242-2446 of M.P Gazette (extraordinary) on date 31.05.1976.

2. Applicable only in state of M.P .

3. Substituted vide chhatisgarh Act no.3 of 2004 Applicable only in state of Chhatirgarh.

4. Inserted vide M.P. Act No. 8 of 1982.

## **5. Penalties :-**

If the proprietor --

1[(a) admits any person to any entertainment in contravention of section 4 or 4-B; or

(b) exhibits any advertisement in contravention of section 3-A; or

(c) fails without sufficient cause to submit any return required by section 4-A;

he shall, without prejudice to the recovery of any tax that may be due from him, be punishable with a fine which may extend to 2[Five thousand] rupees.]

1. Substituted vide M.P Entertainment Duty (Amendment) Act, 1965 (No.12 of 1965) which was published in M.P Gazette (extraordinary) on 31.03.1965.

2. Substituted vide M.P Entertainment Duty (Amendment) Act, 1965 (No.12 of 1965) which was published in M.P Gazette (extraordinary) on 11.06.1979.

## **5A. Composition of offences :-**

1[2(1) Subject to such conditions as may be prescribed, the Excise Commissioner or such other officer of the Excise Department as may be authorised by the State Government in this behalf, may -

(a) on acceptance of a sum not exceeding 3[twenty times] the amount of entertainments duty or advertisement tax with ought to have been paid under section 3 or section 3-A, as the case may be, compound any offence under this Act;

(b) on acceptance of a sum not exceeding 4[five thousand] rupees, compound any offence relating to breach of rules made under this Act.

(2) On the composition of the offence no further action in respect thereof shall be taken against the person accused of it and if any proceedings have already been instituted against him in any court, the composition shall have the effect of an acquittal of such person.]

1. This Section is established Vide M.P Kar vidhi (explosion) Act 1957 (No.18 of 1957). Substituted vide sub section 1 of section M.P entertainments Duty (Amendment) Act, 1974.

2. Substituted vide M.P Act No. 32 of 1974.

3. Substituted vide M.P Act No. 22 of 1979 which published on 2031-2033 of M.P gazatte (Extraordinary) date 11.06.1979

4. Substituted vide M.P Act No. 22 of 1979 which published on 2031-2033 of M.P gazatte (Extraordinary) date 11.06.1976.

### **5B. Suspension of revocation of licence for entertainment :-**

1[(1) Notwithstanding anything contained in any other law and without prejudice to the other provisions of this Act, the Collector or the Excise Commissioner, may, by order, revoke or suspend by way of punishment for a period not exceeding three months, any licence granted for an entertainment under any other law for the time being in force if he is satisfied that the proprietor has --

(a) admitted any person to any place of entertainment without payment of duty or tax, or

(b) failed to pay the duty or tax due from him within the time prescribed, or

(c) fraudulently evaded the payment of any duty or tax due under this Act, or

(d) obstructed any officer in carrying out inspection or records, or

(e) failed to produce the records required for inspection by any officer carrying out an inspection under this Act, or

(f) contravened any other provisions of this Act or the rules made thereunder or any order or direction issued under any such provision :

Provided that where either of the aforesaid officers has commenced a proceeding under this sub-section the other officer shall have no jurisdiction to proceed subsequently in respect of the same matter and any such subsequent proceedings, if commenced, shall be of no effect and shall be dropped.

(2) No order to revoke or suspend any licence shall be made under sub-section (1) without giving the holder of the licence a reasonable opportunity of being heard :

Provided that where the Collector of the Excise Commissioner is of the opinion that the object of the action proposed to be taken would be defeated by the delay, he may while or after communicating to the holder of the licence the grounds on which the action is proposed, pass an interim order suspending the licence in the meantime.

(3) Any person aggrieved by an order revoking or suspending any licence under this Section may, within fifteen days from the date of communication of such order, prefer an appeal to the State Government in such manner as may be prescribed and the order of the appellate authority shall be final.]

1. Inserted vide M.P Act. No 3 of 1991 (w.e.f. 01.04.1991).

#### **6. Entertainments for charitable or educational purpose :-**

(1) Entertainments duty shall not be levied on payments for admission to any entertainment if the 1[Collector] is satisfied that -  
-

(a) the whole of the takings thereof are devoted to philanthropic or charitable purposes without any charge on the takings for any expenses of the entertainment; or

(b) the entertainment is of a wholly educational character; or

(c) the entertainment is provided partly for educational or partly for scientific purposes by a society, institution or committee not conducted or established for profit.

(2) Where the 1[Collector] is satisfied that the whole of the net proceeds of an entertainment have been or are to be devoted to philanthropic or charitable purposes, and that the whole of the expenses of the entertainment do not exceed twenty percent of the receipts, the amount of the entertainments duty paid in respect of such entertainment shall be refunded to the proprietor.

2[\*\*\*]

1. Inserted vide sec 8 of M.P Act. No 3 of 1991 (w.e.f. 01.04.1991).

2. Deleted vide M.P. Act No 8 of 1982

#### **6A. Advertisement for charitable or educational purposes :-**

1[Advertisement tax shall not be levied on any advertisement if the Collector is satisfied that the advertisement relates to philanthropic, charitable or educational purposes.

1 . This Section was inserted vide M.P entertainment duty (Amendment Act, 1965 (12 of 1965) published in M.P Gazette Date



31.5.1965

## **7. Power of general exemption :-**

1[The State Government may, by general or special order, except -  
-

(i) any entertainment or class of entertainments from the operation of section 3;

(ii) any advertisement or class of advertisements from the operation of section 3-A.]

2[\*\*\*]

1. Substituted vide M.P Act No 12 of 1965.

2. Substituted vide M.P Act No 32 of 1976.

## **8. Power to make rules :-**

(1) The State Government may make rules, consistent with this Act, for securing the payment of entertainments duty 1[and advertisement tax] and generally for the purposes of carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, the State Government may make rules --

(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 duty thereon, and for the payment of the duty on the transfer from one part of a place of entertainment to another and on payment for seats or other accommodation;

(c) for controlling the use of mechanical contrivances for payment for admission to an entertainment (including the prevention of the use of the same mechanical contrivance for payments of a different amount), and for securing proper records of such payments;

(c-i) 2[Omitted]

3[(c-ii) the manner in which the details of facilities and the amount expended thereon may be presented to the collector;

(c-iii) the officer or authority to whom and the manner in which duty may be paid or by it may be collected or realised under sub-section (2) of Section 3;

(c-iv) the officer to whom and the form in which notice may be given and the terms and conditions which may be fulfilled under sub-section (2) of Section 3-A;

(c-v) the officer or authority to whom and the manner in which duty may be paid or it may be collected or realised under sub-section (3) of Section 3-A and sub-section (3) of Section 3-B;]

4[(d) (i) for the checking of admission, the keeping of accounts and the furnishing of returns by the proprietors of entertainments in respect of which entertainments duty is payable in accordance with the provisions of sub-section (2) of section 4;

(ii) for prescribing the manner in which and conditions subject to which a proprietor shall be allowed to pay entertainments duty under sub-section (2) of section 4;

(iii) for prescribing the principles in accordance with which consolidated payment may be made under clause (c) of sub-section (2) of section 4;

(iv) for prescribing the record to be maintained and the manner and form in which such record shall be maintained by the proprietor under sub-section (4) of section 4;]

(e) for the renewal of damaged or spoiled stamps and for the procedure to be followed on applications for refund in respect thereof;

5[(e-1) for prescribing the time within which an appeal shall be preferred under subsection (1) of section 4-D;]

(f) for the keeping of accounts of all stamps used under this Act;

(g) for the presentation and disposal of applications for exemption from payment of 6[entertainments duty or advertisement tax] or for the refund thereof; and

(h) for the exemption of British and Indian soldiers in uniform from entertainments duty;

6[(h-1) for prescribing the time at which and the manner in which and the officer to whom the payment of advertisement tax shall be made by the proprietor;

(h-2) for prescribing the time at which and the manner in which and the officer to whom the return shall be forwarded;

(h-3) for prescribing the records, and the form and the manner in which such records shall be kept by a proprietor;

7[(h-4) for laying down the conditions subject to which the Excise Commissioner or an authorised officer may require the proprietor to produce accounts, registers and documents or to furnish any information under subsection (1) of section 9-A;]

8[(i) for any other matter which has to be, or may be prescribed.

(3) All rules shall be subject to the condition of previous publication.

(4) In making any rule, the State Government may direct that a

breach thereof shall be punishable with fine which may extend to five hundred rupees.

9[(5) All rules made under this section shall be laid on the table of the Legislative Assembly.]

1. Inserted vide see 11(1) of M.P Act No 12 of 1965.

2. Deleted vide M.P. Act No 3 of 1991.

3. Inserted vide M.P Act. No 6 of 1999 (w.e.f. 01.05.1999).

4. Substituted vide M.P Act No. 22 of 1979 which published on 2031-2033 of Gazatee (extraordinary) 11.06.1969.

5. Inserted vide M.P. Act No. 32 of 1976.

6. Inserted vide M.P entertainment duty (Amendment) Act, 1965 (12 of 1965).

7. Inserted vide M.P Act. No 32 of 1976.

8. Substituted vide M.P . Karadham vidhi (expansions) Act, 1957 (No. 18 of 1976) established the year 1949.

9. Inserted vide M.P Act. No 22 of 1979 which was Published on page 2031-2033 of M.P Gazatte (extraordinary) dated 11-06-1979.

## **9. Entry and inspection :-**

(1) The State Government may authorise any officer, not below the rank of sub-inspector of police, to enter into and inspect any place of entertainment while the entertainment is proceeding, or any place ordinarily used as a place of entertainment, at any reasonable time, for the purpose of ascertaining whether there is any contravention therein of any of the provisions of this Act or any rule made thereunder.

(2) The proprietor of every entertainment or the owner or the person incharge 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) The inspecting officer shall not be required to pay for his admission to any entertainment.

## **9A. Production and inspection of accounts and documents and search of premises :-**

1[(1) The Excise Commissioner or any other officer as may be authorised by the State Government in this behalf may, subject to such conditions as may be prescribed, require any proprietor to produce before him any accounts, registers or documents, relevant to entertainments duty or advertisement tax or to furnish any

information, relating to admission to an entertainment and to advertisement exhibited, as may be necessary for the purposes of this Act.

(2) All accounts registers and documents relating to entertainments duty or advertisement tax or relating to admission to an entertainment or advertisement exhibited and all goods kept in any place of entertainment or any place ordinarily used as a place of entertainment shall, at all reasonable times, be open to inspection by any officer mentioned in sub-section (1).

(3) If any officer mentioned in sub-section (1) has reason to suspect that any proprietor is attempting to evade payment of entertainments duty or advertisement tax, he may, for reasons to be recorded in writing, seize such accounts, registers or documents as he may consider necessary and shall grant a receipt for the same and shall retain the same only for so long as may be necessary for examination thereof or for a prosecution.]

1. Inserted vide M.P Act No. 32 of 1976.

#### **10. Recovery of arrears of entertainments duty, etc. :-**

1[Any arrear of entertainments duty or advertisement tax or any penalty levied under this Act 2[or any sum payable on composition of offence under section 5-A] shall be recoverable as an arrear of land revenue.]

1. Substituted vide M.P Act No.32 of 1976.

2. Inserted vide M.P Act. No 22 of 1979.

#### **10A. Protection of persons acting in good faith and limitation of suit and prosecution :-**

1[(1) No suit, prosecution or other proceedings shall be instituted 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 a civil or criminal proceeding if the act was done in good faith in the course of the execution of duties imposed on him, or the discharge of function entrusted to him, by or under this Act.

(3) No suit shall be instituted against the State Government and no prosecution or suit shall be instituted against servant of the State Government in respect of any thing done or intended to be done under this Act unless the suit or prosecution has been instituted

within three months from the date of the act complained of :

Provided that in computing the period of limitation under this subsection the time taken for obtaining sanction under sub-section (1) shall be excluded.]

1. Inserted vide M.P Act. No 32 of 1976.

### **11. Delegation of powers and functions :-**

The State Government may, subject to such condition as it may deem fit to impose, delegate to any authority all or any of its powers and functions under this Act.

### **12. Bar of imposition of entertainments duty by any local authority :-**

1[(1) Notwithstanding anything contained in any other enactment for the time being in force, no local authority shall on or after the date of coming into force of the Madhya Pradesh Taxation Laws (Extension) Act, 1957 (18 of 1957) impose or recover a duty or tax on or in respect of any entertainment with respect to period falling after such date.

(2) The State Government shall pay to every local authority which before the coming into force of the Madhya Pradesh Taxation Laws (Extension) Act, 1957 (18 of 1957) had imposed a tax or duty in respect of entertainments and annual grant-in-aid for such period and in accordance with such principles as may be prescribed in this behalf.

2[(3) Nothing in this section shall apply to the imposition of a show tax leviable by a local authority under any law for the time being in force.

Explanation -- For purposes of this section "show tax" means a tax leviable on the proprietor of an entertainment in the form of a fixed sum for each show or performance.]

1. Established vide M.P karadham vidhi (expulsion) Act, 1957 (No 18 of 1957).

2. M.P Entertainment Duty (Amendment) Act 1961 which.