

Tamil Nadu Entertainments Tax Act, 1939

10 of 1939

[10 June 1939]

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SCHEDULE 1 :- Schedules I

Tamil Nadu Entertainments Tax Act, 1939

10 of 1939

[10 June 1939]

AN Act to impose 1[taxes] on 2[entertainments], in the 3[State] of Tamil Nadu WHEREAS it is expedient to provide for the levy by the 3[State] Government of 1[taxes] on 2[entertainments], to repeal the Madras Local Authorities Entertainments Tax Act, 1926, and to provide for the payment of compensation to local authorities now levying a tax under the Act aforesaid; it is hereby enacted as follows :-- 1. Substituted for the words "a tax" by Section 2 of the Madras Entertainments Tax (Amendment) Act, 1949 (Madras Act No. XVII of 1949), with effect from 1st August, 1949. 2. Substituted for "amusements and other entertainments" by Madras Act No. V of 1958. 3. Substituted for the word 'Province' by the

Adaptation Order of 1950.

1. Short Title, Extent And Commencement :-

(1) This Act may be called The 1[Tamil Nadu] Entertainments Tax Act, 1939.

(2) It extends to the whole of the 2[State] of 1[Tamil Nadu];

(3) This section shall come into force at once, and the rest of this Act shall come into force on such 3[date] as the 4[State] Government may, by notification in the Official Gazette, appoint.

1 Substituted for "Madras" by Tamil Nadu Adaptation Order of 1969.

2 Substituted for the word Province by the Adaptation Order of 1950.

3 Came into force on 1st August, 1939.

4 Substituted for the word Provincial by the Adaptation Order of 1950.

2. Repeal Of Madras Act No. V Of 1927 :-

The Madras Local Authorities Entertainments Tax Act, 1926, is hereby repealed.

3. Definitions :-

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

(1) "admission" includes admission as a spectator or as one of an audience, and admission for the purpose of amusement by taking part in an entertainment ;

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

1[(2A) "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 the like by whatever name called ;]

2[(2AA) "antenna" means an apparatus which receives television signals which enables viewers to tune into transmissions including national or international satellite transmissions and is erected or installed for television exhibition ;]

2[(2B) "cable television" means a system organised for television exhibition by using a video cassette or disc or both, recorder or player or similar such apparatus on which pre-recorded video

cassettes or discs or both are played or replayed and the films or moving pictures or series of pictures which are viewed and heard on the television receiving set at a residential or nonresidential place of a connection holder;]

3[(3) "complimentary ticket" means a ticket or pass for admission to an entertainment free of any payment or at a reduced rate of payment for such admission.

Explanation.--For the purposes of this clause and clause (10), "pass" shall not include any authorisation given by the proprietor to a person who has to perform any duty inside any place of entertainment, or in connection with any entertainment or any duty imposed upon him by or under this Act or any other law, for admission to any entertainment without payment ;]

4[(3A) "dubbed film" means any film for Cinematograph exhibition made or produced originally in a language other than Tamil and subsequently dubbed in Tamil language] ;

5[(4) "entertainment" means a horse-race or cinematograph exhibition to which persons are admitted on payment]; 6[or television exhibition for which persons are required to make payment by way of contribution, or subscription, or installation or connection charges or any other charges collected in any manner whatsoever] 7[or an amusement] 8[or a recreation parlour where a game such as bowling, billiards, snooker or the like is provided] ;

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

9[(6) "local authority" means --

10[(a) the Municipal Corporations of Madras, Madurai, Coimbatore or any other Municipal Corporation that may be constituted under any law for the time being in force, or]

(b) a Municipal Council constituted under the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act No. V of 1920); or

(c) a township committee constituted under the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act No. V of 1920) or the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act No. XXXV of 1958), or the Mettur Township Act, 1940 (Tamil Nadu Act No. XI of 1940), or the Courtallam Township Act, 1954 (Tamil Nadu Act No. XVI of 1954) or the Bhavanisagar Township Act, 1954 (Tamil Nadu Act No. XXV of 1954), or under any other law for the time being in force, or

(d) a panchayat union council or a panchayat constituted under the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act No. XXXV of 1958)]

11[(6-A) "new film" means a film of not more than ten years old;
Explanation.-- For the purpose of this clause and clause (6B), the ten years period shall be calculated from the date of issue of certificate for the film for the first time under the Cinematograph Act, 1952 (Central Act No. XXXVII of 1952) ;

(6-B) "old film" means a film of more than ten years old ;]

(7) "payment for admission" includes --

(a) 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 ;

(b) any payment for seats or other accommodation in a place of entertainment 12[***]

(c) 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; 13[and]

14[(d) any payment deemed to have been made under sub-section (1-A) of Section 4 in respect of any taxable complimentary ticket; but shall not include such maintenance charge --

(a) in the case of fully air-conditioned theatres and partially air-conditioned theatres in so far as it relates to seats provided with air-conditioned facility, 15[of one rupee] ;

(b) in the case of non-air conditioned theatres and partially air-conditioned theatres in so far as it relates to seats not provided with air-conditioned facility, 16[of fifty paise] ;

and collected by any licensee of cinematograph exhibition under the Tamil Nadu Cinemas (Regulation) Act, 1955 (Tamil Nadu Act No. IX of 1955):

Provided that such maintenance charge shall be printed in the tickets.]

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

17[(9) "proprietor" in relation to any entertainment means a licensee of cinematograph exhibition under the Tamil Nadu Cinemas (Regulation) Act, 1955 (Tamil Nadu Act No. IX of 1955) 18[or the licensee of an Exhibition of Cinematograph Film on Television Screen through Video Cassette Recorder 19[or through Cable Television Network] under the Tamil Nadu Exhibition of Films on Television Screen through Video Cassette Recorders 18[and cable Television Network] (Regulation) Act, 1984 (Tamil Nadu Act No. VII of 1984)] 18[or any person providing Television exhibition] 7[or

any person providing amusement] 8[or any person providing recreation parlour] and includes the State Government, any local authority or any person responsible for the management thereof.]

8[(9-A) "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 ;]

(10) "taxable complimentary ticket" means any complimentary ticket issued in excess of ten complimentary tickets or of two per cent of the seating capacity of the place of entertainment, whichever is less, --

(a) for each entertainment, in the case of single ticket or pass ; or,
(b) for each season, in the case of season ticket or pass.

Explanation.-- For the purpose of determining the taxable complimentary ticket under this clause, any fraction of a ticket shall be regarded as one ticket.

6[(11) "Television exhibition" means an exhibition with the aid of any type of antenna with a cable network attached to it or an cable television, of a film or moving picture or series of moving pictures, by means of transmission of television signals by wire where subscribers television sets at residential or nonresidential place are linked by metallic coaxial cable or optic fibre cable to a central system called the head-end].

1 Inserted by the Amendment Act No. 32 of 1998, from 1st April 1998 (See Act No. 46 of 1998).

2 Inserted by Act No. 37 of 1994 from 1st September 1994; Clause (2A) was renumbered clause (2AA) by the Amendment Act No. 32 of 1998, from 1st April 1998 (See Act No. 46 of 1998).

3 Inserted by Act No. 25 of 1982.

4 Inserted by Tamil Nadu Act No. 38 of 1994, from 1st September 1994 and omitted from 1st August 1998 by Act No. 47 of 1998. Inserted again from 2nd June 2003 by Amendment Act No. 15 of 2003.

5 Substituted by Madras Act No. V of 1958.

6 Added by Tamil Nadu Act No. 37 of 1994, with effect from 1st September 1994.

7 Added by Tamil Nadu Act No. 32 of 1998, from 1st April 1998 (See Act No. 46 of 1998).

8 Added by Tamil Nadu Act No. 21 of 2001 with effect from 1st November, 2001.

9 Substituted by Tamil Nadu Entertainments Tax (Amendment) Act, 1974, (III of 1975).

10 Substituted for "the Municipal Corporation of Madras, or of Madurai; or" by Act No. 35 of 1985.

11 Inserted by Ordinance No. 3 of 1998, which was replaced by Act No. 47 of 1998 with effect from 1st August 1998.

12 The word "and" omitted by Tamil Nadu Act No. 25 of 1982.

13 Inserted by *ibid*.

14 Substituted by Tamil Nadu Act No. 39 of 1995.

15 Substituted for the words "not exceeding fifty paise per ticket, as may be prescribed" by Section 2(i) of the Amendment Act (38 of) 2004, effective from 4th October 2004.

16 Substituted by Section 2(ii) *ibid* for the words "not exceeding twenty-five paise per ticket, as may be prescribed".

17 Substituted by Tamil Nadu Act No. 51 of 1979.

18 Inserted by Tamil Nadu Act No. 25 of 1984.

19 Inserted by Tamil Nadu Act No. 37 of 1994, with effect from 1st September 1994.

4. Tax On Payment For Admission To Entertainments :-

1[2[(1) There shall be levied and paid to the State Government, a tax (hereinafter referred to as the entertainments tax) calculated at the following rates, namely :--

3[(a) on each payment for admission to any cinematograph exhibition in the theatres located, --

(i) within the limits of the areas of the Municipal Corporations, Municipalities, Special Grade and in the theatres, whether permanent or semi-permanent, within five kilometres from the outer peripheral limits of such areas of the Municipal Corporations and Municipalities, Special Grade, --

(A) at the rate of fifteen per cent of the gross payment for admission inclusive of the amount of the tax for new film ; and

(B) at the rate of ten per cent of the gross payment for admission inclusive of the amount of the tax for old film ;

(ii) in the areas other than those specified in sub-clause (i), at the rate of ten per cent of the gross payment for admission inclusive of the amount of the tax for new or old film.

Explanation I.-- For the purposes of this clause, "Municipal Corporations" mean, the Municipal Corporations of Chennai, Madurai, Coimbatore, Tiruchirappalli, Tirunelveli, Salem or any other Municipal Corporation that may be constituted under any law for the time being in force.

Explanation II.-- For the purposes of this clause, "Municipality,

Special Grade" means a municipality classified as Municipality, Special Grade under the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920)].

4[(1-A) Notwithstanding anything contained in subsection (1), there shall be levied and paid to the State Government (except as otherwise expressly provided in this Act), on every taxable complimentary ticket entertainments tax at the appropriate rate specified in sub-section (1), as if full payment has been made for admission to the entertainment according to the class of seat or accommodation which the holder of such taxable complimentary ticket is entitled to occupy or use; and for the purposes of this Act, and the Tamil Nadu Local Authorities Finance Act, 1961 (Tamil Nadu Act No. LII of 1961), the holder of such taxable complimentary ticket shall be deemed to have been admitted on payment)].

5[(2) In the determination of the amount of tax payable on each payment for admission under sub-section (1) or under subsection (1-A) fractions of a 6[***] paisa less than half a 6[***] paisa shall be disregarded and fraction of a 6[***] paisa equal to or exceeding half a 6[***] paisa shall be regarded as one 6[***] paisa].

7[(3) The tax levied under clause (a) of sub-section (1) shall be recovered from the proprietor.].

1 Substituted by Section 3 of the Madras Entertainments Tax (Amendment) Act No. 27 of 1947.

2 Substituted by Tamil Nadu Act No. 40 of 1989 with effect from 1st July, 1989 (page 42 of 76 STC Statutes etc).

3 See Notes below this section.

4 Inserted by Tamil Nadu Act No. 25 of 1982.

5 Inserted by Tamil Nadu Act No. I of 1957.

6 The word "naye" omitted by Tamil Nadu Act No. 47 of 1971.

7 Inserted by Tamil Nadu Act No. 40 of 1989 with effect from 1st July, 1989 (page 42 of 76 STC Statutes etc).

4A. Omitted :-

1[***]

1 Omitted by Act No. 40 of 1989.

4B. Additional Surcharge On Tax On Payment For Admission To Horse Race :-

1[2[3[(1) ***]

(2) 4[On each payment inclusive of the amount of the entertainments tax and of the amount of surcharge on entertainments tax levied under 5[***] sub-section (1)

of Section 3 of the Tamil Nadu Local Authorities Finance Act, 1961 (Tamil Nadu Act No. LII of 1961), for admission to any horse race, there shall be levied and paid to the State Government an additional surcharge of--

(a) fifty paise, where such payment does not exceed five rupees; and,

(b) one rupee, where such payment exceeds five rupees.

(3) The provisions of this Act 6[***] and the rules made thereunder shall, so far as may be, apply in relation to the additional surcharge payable under this section, as they apply in relation to the entertainments tax payable under this Act].

1 Inserted by Act No. 44 of 1971.

2 Substituted for "Additional surcharge on tax on payment for admission to entertainments" by Tamil Nadu Act No. 40 of 1989 with effect from 1st July, 1989 (page 42 of 76 STC Statutes etc.)

3 Omitted by ibid.

4 Substituted by Tamil Nadu Act No. 36 of 1973.

5 "Clause (a) of", omitted by Tamil Nadu Act No. 40 of 1989, with effect from 1st July, 1989 (page 42 of 76 STC Statutes or).

6 "Save as otherwise provided in sub-section (1)" omitted by Tamil Nadu Act No. 40 of 1989 with effect from 1st July, 1989 (page 42 of 76 STC Statutes or).

4C. Omitted :-

[* * *]

4D. Tax On Cinematograph Film Exhibited On Television Screen [Through] Video Cassette Recorder Or Through Cable Television Network :-

1[(1) Notwithstanding anything contained in 3[Section 4 of this Act] in respect of cinematograph film exhibited on Television Screen through Video Cassette Recorder, 2[or through Cable Television Network] there shall be levied and paid to the State Government a tax on each payment for admission, --

(i) at the rate of fifty per cent of the gross payment for admission inclusive of the amount of tax 4[for old film]; and

(ii) at the rate of sixty per cent of the gross payment for admission inclusive of the amount of tax 5[for new film].

(2) The provisions of this Act (other than Sections 4(1), 6[***] 7[***] and 13) and the rules made thereunder shall, so far as may be apply in relation to the tax payable under sub-section (1).

1 Inserted by Tamil Nadu Act No. 25 of 1984, with effect from 17th May, 1984.

2 Added by Act No. 37 of 1994, from 1st September, 1994.

3 Substituted for "Sections 4, 4-A, 4-B and 4-C" of this Act and sub-section (1) of Section 3 of the Tamil Nadu Local Authorities Finance Act 1961, (Tamil Nadu Act No. LII of 1961) by Tamil Nadu Act No. 40 of 1989, with effect from 1st July, 1989.

4 Substituted for the expression "for any film other than dubbed film" by Ordinance No. III of 1998 and Act No. 47 of 1998 with effect from 15th August, 1998.

5 Substituted for the expression "for dubbed films by ibid".

6 The figures and letters "4-B, 4-C", Omitted by Tamil Nadu Act No. XL of 1989, with effect from 1st July, 1989.

7 The figures and letters "5-A, 5-B, 5-C, 5-D, 5-E" were omitted by Section 4 of the Amendment Act 38 of 2004, effective from 4th October, 2004.

4E. Tax On Television Exhibition :-

1[(1) Notwithstanding anything contained in Sections 4 and 7, there shall be levied and paid to the State Government a tax (hereinafter referred to as the

entertainment tax) on television exhibition at the following rates, namely:--

(i) Within the limits of the Municipal Corporations of Chennai, Madurai, Coimbatore, Tiruchirappalli, Tirunelveli, Salem or any other Corporation that may be constituted under any law for the time being in force ; Six thousand rupees per month

(ii) Within the limits of the Municipalities constituted under the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act No. V of 1920). Threethousand rupees per month

(iii) Within the limits of Town Panchayats constituted under the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act No. V of 1920) or any other area not specified in items (i), (ii) or (iv). One thousand and five hundred rupees per month

(iv) Within the limits of Village Panchayats constituted under the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act No. 21 of 1994).] One thousand rupees per month

(2) The tax levied under sub-section (1) shall be recoverable from the proprietor.

(3) The provisions of this Act [other than Sections 4, 4-B, 4-D, 4-F, 4-G, 2[***], 5-F, 5-G, 6(1), 7 and 13] and the rules made thereunder shall, so far as may be, apply in relation to the tax payable under sub-section (1).

1 See notes below this section on page 20 regarding insertion of, and amendments made to, this section.

2 The figures and letters "5, 5-A, 5-B, 5-C, 5-D, 5-E" were omitted from 4th October 2004, by Section 5 of Amendment Act No. 38 of 2004.

4EE. Omitted :-

Omitted from 1st June, 2003.

4F. Tax On Amusement :-

(1) Notwithstanding anything contained in Section 7, there shall be levied and paid to the State Government a tax (hereinafter referred to as the entertainment tax), calculated at ten per cent on each payment for admission to an amusement.

(2) The tax levied under sub-section (1) shall be recoverable from the proprietor.

(3) The provisions of this Act [other than Sections 4, 4-B, 4-D, 1[***], 5-F, 5-G, 6(1) and 7] and the rules made thereunder shall, so far as may be, apply in relation to the tax payable under sub-section (1).

1 The figures and letters "5, 5-A, 5-B, 5-C, 5-D, 5-E" were omitted from 4th October 2004, by Section 6 of Amendment Act No. 38 of 2004.

4G. Tax On Recreation Parlour :-

(1) Notwithstanding anything contained in Section 7, there shall be levied and paid to the State Government a tax (hereinafter referred to as the extertainment tax), calculated at twenty per cent on each payment to the recreation parlour.

(2) The tax levied under sub-section (1) shall be recoverable from the proprietor.

(3) The provisions of this Act [other than Sections 4, 4-B, 4-D, 4-F, 1[***], 5-F, 5-G, 6(1), 7 and 13] and the rules made thereunder shall so far as may be, apply in relation to the tax payable under sub-section (1).

1 The figures and letters "5, 5-A, 5-B, 5-C, 5-D, 5-E" were omitted from 4th October 2004, by Section 7 of Amendment Act No. 38 of 2004.

4H. Tax On Dubbed Film :-

(1) Notwithstanding anything contained in this Act, there shall be levied and paid to the State Government, a tax (hereinafter referred to as the entertainment tax), on

each payment for admission to any cinematograph exhibition of dubbed film, calculated at the rate of fifty per cent of the gross payment for admission inclusive of the amount of the tax.

(2) Notwithstanding anything contained in sub-section (1), there shall be levied and paid to the State Government (except as otherwise expressly provided in this Act), on every taxable complimentary ticket, entertainment tax at the rate specified in sub-section (1), 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 taxable complimentary ticket is entitled to occupy or use ; and for the purposes of this Act and the Tamil Nadu Local Authorities Finance Act, 1961 (Tamil Nadu Act No. 52 of 1961), the holder of such taxable complimentary ticket shall be deemed to have been admitted on payment.

1(3) Omitted.

(4) The tax levied under sub-section (1) shall be recovered from the proprietor.

(5) The provisions of this Act other than Sections 4, 4-B, 4-D, 4-E, 4-F, 4-G, 1[***], 5-F and 5-G and the rules made thereunder shall, so far as may be, apply in relation to the tax payable under sub-section (1).

1 Sub-section (3) and the figures and letters "5, 5-A, 5-B, 5-C, 5-D, 5-E" were omitted from 4th October 2004, by Section 8 of Amendment Act No. 38 of 2004.

5. Omitted :-

5A. Omitted :-

5B. Omitted :-

5C. Omitted :-

5D. Omitted :-

5E. Omitted :-

5F. Tax Under Section 4-D To Be In Lieu Of Tax Under Section 4 Of This Act :-

(1) No tax shall be payable under Section 4, [***] of this Act by any proprietor exhibiting a cinematograph film on Television Screen through Video Cassette Recorder or through Cable Television Network.

(2) The State Government may make rules whether prospectively or retrospectively for carrying into effect the provisions of Section 4-D [***] and also for matters incidental or ancillary thereto.

(3) Omitted.

5G. Special Provision For Assessment, Levy Of Tax And Penalty In The Case Of Unlicensed Exhibition Of

Cinematograph Films Exhibited On Television Screen Through Video Cassette Recorder [Or Through Cable Television Network] :-

1[(1) Notwithstanding anything contained in this Act, if any person exhibits any cinematograph film on Television screen through Video Cassette Recorder 2[or through Cable Television Network] at any place in the State without obtaining a licence under the Tamil Nadu Exhibition of Films on Television Screen through Video Cassette Recorder 2[and Cable Television Network] (Regulation) Act, 1984 (Tamil Nadu Act No. 7 of 1984) the authority competent to assess the tax under this Act shall after making such enquiry as it may consider necessary and after giving a reasonable opportunity to such person, assess such person at the rate specified under Section 4-D to the best of its judgment.

(2) In making assessment under this section the authority referred to under sub-section (1) may direct such person to pay in addition to the tax assessed under sub-section (1) a penalty not lower than fifty per cent and not more than one hundred and fifty per cent of the tax so levied.

1 Added by Act No. 25 of 1984, with effect from 17th May, 1984.

2 Inserted by Tamil Nadu Act No. 37 of 1994, from 1st September, 1994.

6. Admission To Entertainments :-

1[(1) 2[Save as otherwise provided in this Act] no person other than a person who has to perform any duty inside any place of entertainment, or in connection with any entertainment or any duty imposed upon him by or under this Act or any other law, shall be admitted to any entertainment except --

(a) with a ticket issued in such manner and subject to such conditions as may be prescribed, or,

(b) in special cases, with the approval of the State Government, through a barrier which, or by means of a mechanical contrivance which, automatically, registers the number of persons admitted].

3[(1-A) Save in the case referred to in 4[***] clause (b) of sub-section (1), no proprietor of an entertainment shall conduct the entertainment unless he has given security upto an amount and in a manner approved by the State Government for the payment of the entertainment tax, 5[and the additional surcharge on tax on payment for admission to horse-race].

(2) Nothing in sub-section (1) 6[or sub-section (1-A)] shall be deemed to preclude the 7[State] Government from requiring security from the proprietor of an entertainment for the payment of the entertainments tax, 6[and the additional surcharge on tax on payment for admission to horse-race] in any other case.

1 Substituted for original sub-clause (1) by Madras Act No. 5 of 1958.

2 Substituted by Tamil Nadu Act No. 25 of 1982, with effect from

3rd January, 1983.

3 Added by Madras Act No, 5 of 1958.

4 The words "Section 5 or Section 5-A and" omitted by Tamil Nadu Act No. 3 of 1975.

5 Substituted by Tamil Nadu Act No. 40 of 1989, with effect from 1st July, 1989.

6 Added by Madras Act No. 5 of 1958.

7 Substituted for the word "Provincial" by the Adaptation Order of 1950.

7. Manner Of Payment Of Tax :-

1[(1) The entertainment tax shall be levied in respect of each person admitted 2[or deemed to have been admitted] on payment, and shall be calculated and paid on the number of admissions.

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

(3) Where the payment for admission to an entertainment is made wholly or partly by means of a lump sum paid as a subscription or contribution to any institution 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, the entertainment tax shall be paid on the amount of the lump sum, but where the 3[State] Government are of opinion that the payment of a lump sum or any payment for a ticket represents payment for other privileges, rights or purposes besides the admission to an entertainment, or covers admission to an entertainment during any period during which the tax has not been in operation, the tax shall be levied on such an amount as appears to the 3[State] Government to represent the right of admission to entertainment in respect of which the entertainment tax is payable.

1 Substituted by Madras Act No. 5 of 1958.

2 Added by Tamil Nadu Act No. 25 of 1982.

3 Substituted for the word "Provincial" by the Adaptation Order of 1950.

7A. Returns :-

1[(1) Every proprietor of an entertainment shall submit such returns relating to payments for admission 2[and all complimentary tickets,] 3[or relating to collection of amount for television exhibition 4[or for amusement] 5[or recreation parlour], as the case may be, to such authority, in such manner and within such periods, as may be prescribed.

(2) If the prescribed authority is satisfied that any return submitted under sub-

section (1) is correct and complete, 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 inquiry, as it considers necessary, determine the tax due under Section 4 6[***] 7[or Section 4-E 8[or Section 4-F] 5[or Section 4-G], as the case may be, 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.]

1 Added by Tamil Nadu Act No. 5 of 1958.

2 Added by Tamil Nadu Act No. 25 of 1982.

3 Added by Act No. 37 of 1994 from 1st September 1994.

4 Inserted by Tamil Nadu Act No. 32 of 1998, with effect from 1st April 1998 (See Act No. 46 of 1998).

5 Inserted by Tamil Nadu Act No. 21 of 2001 with effect from 1st November, 2001.

6 "or 4-A or under both", omitted by Tamil Nadu Act No. 40 of 1989, with effect from 1st July, 1989 Tamil Nadu Government Gazette Extraordinary Part IV, Section 2, dated 20th November, 1989.

7 Added by Tamil Nadu Act No. 37 of 1994, from 1st September, 1994.

8 Inserted by Act No. 32 of 1998, with effect from 1st April, 1998 (See Act No. 46 of 1998).

7B. Payment For Admission, Etc. Escaping Assessment :-

1[2[(1) Where, for any reason any payment for admission to any entertainment or any amount collected for television exhibition has escaped assessment to tax under 3[Section 4, 4-E or 4-F or 4-G 4[***]], as the case may be, the authority prescribed under subsection (1) of Section 7-A may, subject to the provisions of subsection (3) and at any time within such period as may be prescribed, assess to the best of its judgment the tax due on such payment or 3[exhibition under Section 4 4[***] or on such amount collected for television exhibition under Section 4-E or on such payment under Section 4-F], 5[or on such payment for recreation parlour under Section 4-G] as the case may be, after making such enquiry as it may consider necessary and after giving the proprietor a reasonable opportunity to show cause against such assessment.]

(2) Where, for any reason, any payment for admission to any entertainment or any cinematograph exhibition or any amount collected for television exhibition has been assessed at a rate lower than the rate at which it is assessable under 6[Section 4, or 4-E, or 4-F 5[or 4-G] or 4[***] as the case may be the authority prescribed under sub-section (1) of Section 7-A may, subject to the provisions of sub-section (3) and at any time within such period as may be prescribed, reassess the tax due on such payment or 7[exhibition under Section 4 or 8[***] or on such amount collected for television exhibition under Section 4-E, or on such payment under Section 4-F], 5[or on such payment for recreation parlour under Section 4-G] as the case may be, after making such enquiry as it may consider necessary and after giving the proprietor a reasonable opportunity to show cause against such re-assessment.

9[(3) In making an assessment or reassessment under subsection (1) or sub-section (2), as the case may be, the authority prescribed under sub-section (1) of Section 7-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 by way of penalty in addition to the tax assessed or reassessed under sub-section (1) or sub-section (2), as the case may be, 10[a sum which shall be, --

(a) fifty per cent of tax assessed or reassessed, if the tax paid as per the return, falls short of the tax assessed or reassessed by not more than ten per cent ;

(b) one hundred per cent of tax assessed or reassessed, if the tax paid as per the return, falls short of the tax assessed or reassessed by more than ten per cent but not more than fifty per cent ;

(c) one hundred and fifty per cent of tax assessed or reassessed, if the tax paid as per the return falls short of the tax assessed or reassessed by more than fifty per cent :

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].

11[(3-A) Notwithstanding anything contained in sub-section (1) or sub-section (2), in making an assessment or reassessment under sub-section (1) or sub-section (2), as the case may be, the authority prescribed under sub-section (1) of Section 7-A may pass a single order in respect of a financial year or any part thereof].

(4) The powers under sub-section (1) or sub-section (2) may be exercised by the authority prescribed under sub-section (1) of Section 7-A even though the original order of assessment, if any, passed in the matter has been the subject-matter of an appeal or revision.

(5) In computing the period of limitation for assessment or reassessment under this Section, the time during which the proceedings for assessment or reassessment remained stayed under the orders of a Civil Court or other competent authority shall be excluded].

1 Inserted by Tamil Nadu Act No. 20 of 1960, with effect from 1st April, 1960.

2 Substituted by Tamil Nadu Act No. 40 of 1989, with effect from 1st July, 1989.

3 These two expressions were substituted for the expressions Section 4 or Section 4-E and Exhibition under Section 4 or on such amount collected for television exhibition under Section 4-E respectively, by Section 5 of the Amendment Act No. 32 of 1998. The date of effect of this Amendment was prescribed as on such date as the State Government may, by notification, appoint but this was later amended, in so far as Sections 5 and 8 of that Act are concerned, as shall come into force at once, by Section 2 of the Amendment Act No. 46 of 1998, which was notified to come into effect from 12th January, 1999. Thus, these two amendments to this sub-section and to sub-sections (2) and (3) as well as to Section 14, made by the aforesaid Amendment Act No. 32 of 1998, will have effect only from 12th January, 1999, in terms of Section 5 of the Tamil Nadu General Clauses Act, 1891, as the amendments made by Act No. 46 of 1998 to these Sections had not been given retrospective effect by it.

4 The term or 5-A or 5-B omitted by Section 11 of the Amendment Act No. 38 of 2004 from 4th October 2004.

5 Added by Tamil Nadu Act No. 21 of 2001 with effect from 1st November, 2001.

6 Substituted for "Section 4 or Section 4E" by Act No. 32 of 1998 with effect from 12th January, 1999 - (See foot note 1 above).

7 Substituted by ibid for the expression "exhibition under Section 4 or on such amount collected for television exhibition under Section 4E". Inserted by Tamil Nadu Act No. 37 of 1994, with effect from 1st September, 1994.

8 The term or S-A or 5-B omitted by Section 11 of the Amendment Act No. 38 of 2004 from 4th October 2004.

9 Added by Tamil Nadu Act No. 32 of 1998 with effect from 12th January, 1999 - (See foot note 3 below sub-section (1)).

10 The words "a penalty not exceeding one and a half times the tax in the original Act" were substituted by the words "a penalty which shall not be less than fifty percent but which shall not be more than one hundred and fifty percent, of the tax so assessed or reassessed" by the Amendment Act No. 25 of 1982, which were again substituted by these words by the Amendment Act No. 32 of 1998 read with Act No. 46 of 1998, with effect from 12th January, 1999 - See foot note 3 below sub-section (1).

11 Inserted by Act No. 1 of 1974.

7C. Assessment Of Legal Representatives :-

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

Provided that in respect of any tax, penalty or other amount assessed as payable by any such proprietor or any tax or penalty or other amount which would 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 charge].

1 Inserted by Tamil Nadu Act No. 35 of 1985, with effect from 1st April, 1970.

8. Power To Exempt Or Remit Tax :-

(1) 1[2[***]

3[(2) The State Government may, subject to such conditions as they deem fit, by general or special order, exempt any entertainment or class of entertainments from liability to the entertainments tax payable under this Act.

(3) The State Government may, in such circumstances and subject to such conditions as may be prescribed, by order, --

(i) remit, whether prospectively or retrospectively, the whole or any part of entertainments tax payable under this Act in respect of any entertainment or class of entertainments or by any proprietor or class of proprietors or any person or class of persons liable to pay such tax, and

(ii) cancel or vary such order].

1 Substituted by Act No. 19 of 1987, with effect from 23rd February, 1988

2 Omitted by Tamil Nadu Act No. 5 of 1958, with effect from 1st April, 1958.

3 Substituted by Act No. 19 of 1987, with effect from 23rd February, 1988.

9. Omitted :-

1[***]

1 Omitted by Tamil Nadu Act No. V of 1958, with effect from 1st April, 1958.

10. Manner Of Recovery Of Tax, And Priority Of Arrears Of Tax Over Other Claims :-

1[2[3[(1)] Any amount due on account of the tax under Section 4 4[* * *] 5[or Section 4-E, 6[or Section 4-F], 7[or Section 4-G] as the case may be] may, without prejudice to any other mode of

collection, be recovered --

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

(b) on application to any Magistrate, by such Magistrate as if it were a fine imposed by him.]

8[(2) Without prejudice to the provisions of sub-section (1), and notwithstanding anything contained in any other law for the time being in force, any tax assessed on, or any other amount due under this Act from, the proprietor shall, subject to the claims of the Government in respect of land revenue, have priority over all other claims against the property of the said proprietor].

1 Substituted by *ibid*.

2 Added by Tamil Nadu Act No. 47 of 1971.

3 Section 10 re-numbered as sub-section (1) of that Section and sub-section (2) inserted by *ibid*.

4 The words "or 4-A or under both" omitted by Tamil Nadu Act No. 40 of 1989, w.e.f. 1st July, 1989.

5 Inserted by Tamil Nadu Act No. 37 of 1994.

6 Inserted by Tamil Nadu Act No. 32 of 1998, with effect from 1st April, 1998 (See Act No. 56 of 1998).

7 Added by Act No. 21 of 2001 with effect from 1st November, 2001.

8 Added by Act No. 47 of 1971.

10A. Special Power Of Prescribed Authority Under Revenue Recovery Act :-

1[(1) The authority prescribed under sub-section (1) of Section 7-A shall have the power of a Collector under the 2[Tamil Nadu] Revenue Recovery Act, 1864 (Tamil Nadu Act II of 1864), 3[* * *] for the purpose of recovery of any 5 [amount] due under this Act.

(2) Subject to the provisions of sub-section (3), the said authority shall, for the purpose of recovery of any 4[amount] due under this Act, have the powers of the Commissioner under the 4[Tamil Nadu] Rent and Revenue Sales Act, 1839 6[Tamil Nadu] (Act VII of 1839) for the sale of property distrained for any 4[amount] due under this Act.

(3) Notwithstanding anything contained in the 5[Tamil Nadu] Rent and Revenue Sales Act, 1839 5[Tamil Nadu] (Act VII of 1839), the said authority in the exercise of the powers conferred by sub-section (2) shall be subject to the control and superintendence of his superior authorities.

1 Inserted by Tamil Nadu Act No. 20 of 1961.

2 Substituted for "Madras" by Tamil Nadu Adaptation Order of 1969.

3 The expression "and the Madras City Land Revenue Act, 1851 (Central Act No. XII of 1851), (as amended by the Madras City Land Revenue (Amendment) Act, 1867 (Tamil Nadu Act No. VI of 1867)" Omitted by Tamil Nadu Act No. 47 of 1971.

4 Substituted for the word "tax" by Tamil Nadu Act No. 20 of 1966.

5 Substituted for Madras by A.O. of 1969.

6 Inserted by Tamil Nadu Act No. 51 of 1979.

10AA. Publication Of Information Respecting Proprietors :-

1[(1) If the State Government are of opinion that it is necessary or expedient, in the public interest, to publish the names of any proprietors and any other particulars relating to any proceeding under this Act, in respect of such proprietors, they may, subject to such conditions as may be prescribed, cause to be published such names and particulars in such manner as they think fit.

(2) No publication under this section shall be made in relation to any penalty imposed or any conviction for any offence connected with any proceedings under this Act until the time for presenting an appeal or a revision, as the case may be, has expired without an appeal or revision having been presented or the appeal or revision, if presented, has been disposed of.

Explanation.-- In the case of a firm, company or other association of persons, the names of the partners of the firm, directors, managing agents, secretaries and treasurers, or managers of the company, or the members of the association, as the case may be, may also be published if, in the opinion of the State Government, the circumstances of the case justify it].

1 Inserted by Tamil Nadu Act No. 51 of 1979.

10B. Recovery Of Penalty :-

1[Any penalty payable under this Act shall be deemed to be tax under this Act, for the purpose of collection and recovery and shall be without prejudice to the institution of any proceeding for an offence under this Act, or for the recovery of the entire amount remaining unpaid under this Act].

1 Inserted by Tamil Nadu Act No. 20 of 1966.

10C. Further Mode Of Recovery :-

1[(1) The assessing 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 assessing 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 assessing 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 the whole of the money when it is equal to or less than the arrears of such tax.

(2) The assessing authority may, at any time or from time-to-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 assessing 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 any payment to the proprietor after receipt of the notice referred to in this section shall be personally liable to the assessing authority to the extent of the payment made 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 by a statement on oath, 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 part thereof, as the case may be, to the assessing authority, but if it is discovered that such statement was false in any material particular, such person shall be personally liable to the assessing authority

to the extent of the liability of the proprietor on the date of the notice or to the extent of the liability of the proprietor for the amount due under this Act, whichever is less.

(6) Any amount which a person is required to pay to the assessing authority or for which he is personally liable to the assessing 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.-- For the purposes 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.]

1 Inserted by Tamil Nadu Act No. 67 of 1971.

10D. Liability To Tax Of Partitioned Family, Dissolved Firm Etc :-

1[Where a proprietor is a Hindu undivided family, firm, or other association of persons and such family, firm or association is partitioned, or dissolved, as the case may be, --

(a) the tax payable under this Act by such family, firm or association of persons for the period up to the date of such partition or dissolution shall be assessed as if no such partition or dissolution had taken place and all the provisions of this Act shall apply accordingly; and

(b) every person, who was at the time of such partition, or dissolution a member or partner of the Hindu undivided family, firm or association of persons and the legal representative of any such persons who is deceased shall, notwithstanding such partition or dissolution, be jointly and severally liable for the payment of the tax, penalty or other amount payable under this Act by such family, firm or association of persons, whether assessment is made prior to or after such partition or dissolution.]

1 Inserted by Tamil Nadu Act No. 67 of 1971.

10E. Rounding Off Of Tax, Penalty Etc :-

1[The amount of tax, fee, penalty, fine or any other sum payable, 2[or the amount of assignment made], and the amount of refund due, under the provisions of this Act shall be rounded off to the nearest rupee and, for this purpose, where such amount contains a part of a rupee consisting of paise, then, if such part is fifty paise or more, it shall be increased to one rupee and if such part is less than fifty paise it shall be ignored].

1 Inserted by Tamil Nadu Act No. 67 of 1971.

2 Inserted by Tamil Nadu Act No. 25 of 1982. The word "assignment" is printed in the Gazette for the word "assessment".

10F. Interest For Belated Payment :-

1[2[3[If the tax assessed or the tax that has become payable] under this Act or any instalment thereof is not paid by any proprietor or any person from whom such tax is due within the time specified therefor in the notice of assessment, the proprietor or the person liable to pay such tax shall pay by way of interest, in addition to the amount due, a sum equal to a sum calculated at the rate of two per cent of such amount for each month or part thereof after the date specified for its payment:

Provided that 3[if the tax assessed or the tax that has become payable] under this Act is less than one hundred rupees, no interest shall be levied for a period of one month after the expiry of the time specified in the notice of assessment:

Provided further that where a proprietor or a person has preferred an appeal or revision against any order of assessment under this Act, the interest payable under this section, in respect of the amount in dispute in the appeal or revision shall be postponed till the disposal of the appeal or revision, as the case may be, and shall be calculated on the amount that becomes due in accordance with the final order passed on the appeal or revision as if such amount had been the subject matter of the appeal or revision].

1 Added by Tamil Nadu Act No. 25 of 1982.

2 Substituted for the word "Penalty" by Act No. 35 of 1985, from 1st April 1986.

3 Substituted for the expression "If the tax assessed" by Act No. 19 of 1987.

11. Inspection :-

(1) (a) Any Officer authorised by the 1[State] Government in this behalf may enter any place of entertainment while the entertainment is proceeding, and any place ordinarily used as a place of entertainment at any reasonable time, for the purpose of seeing whether the provisions of this Act or any rules made thereunder are being complied with.

(b) Every officer so authorised shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code.

(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, be punished with fine which may extend to five hundred rupees.

2[Explanation.-- For the purposes of this section and Section 12-C, place of entertainment in relation to television exhibition shall mean the place from where such television exhibition is provided.]

1 Substituted for the word "Provincial" by the Adaptation Order of 1950.

2 Inserted by Tamil Nadu Act No. 37 of 1994, from 1st September, 1994.

12. Exemption From Payment For Admission :-

The officer referred to in Section 11 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.

12A. Powers Of Entry, Search And Seizure :-

1[(1) If any officer authorized by the State Government in this behalf has reasonable ground to suspect that a contravention of the provision of this Act or the rules made thereunder has been committed, he may enter and search at all reasonable times any premises where books, records, accounts, registers, tickets, used and unused, and portions thereof or any other article connected therewith are kept or suspected to be kept by the proprietor of an entertainment, and, may, for reasons to be recorded in writing, seize such books, records, accounts, registers, tickets, used and unused and portions thereof, or any other article connected therewith as he may consider necessary, and shall give the proprietor or the person in charge of the premises a receipt for the same. The books, records, accounts, registers, tickets and portions thereof, or any other article so seized shall be retained by such officer only for so long as may be necessary for the purpose of investigation

(2) If any person prevents or obstructs entry, search or seizure by any such officer, he shall, in addition to any other punishment to which he is liable under any law for the time being in force, be punished with fine which may extend to five hundred rupees.]

1 Inserted by Tamil Nadu Act No. 20 of 1961.

12B. Power To Summon Witnesses And Production Of Documents :-

1[(1) The authority competent to assess tax under this Act or any appellate or revising authority shall, for the purpose of this Act, have all the powers conferred on a Court by the Code of Civil Procedure, 1908 (Central Act No. V of 1908) for the purpose of--

(a) Summoning, and enforcing the attendance of any person and examining him on oath or affirmation; and

(b) Compelling the production of any document.

(2) The authority referred to in sub-section (1) shall have powers to call for such information, particulars and records as he may require, from any person, for the purpose of assessment, levy and collection of tax under this Act].

1 Inserted by Tamil Nadu Act No. 47 of 1971.

12C. Authorisation Of Manager Or Person In Charge Of Any Place Of Entertainment To Appear Before The Prescribed Authority :-

1[Any person who intends to appear before any prescribed authority and any person who is acting as manager or person in charge of any place of entertainment shall be duly authorised by the proprietor, partner, or permit holder of the place of entertainment in such form and in such manner as may be prescribed].

1 Inserted by Tamil Nadu Act No. 25 of 1982.

13. Payment Of Compensation To Local Authorities :-

1[(1) 2[Ten per cent] of the proceeds of 3[the tax under Section 4], 4[Section 4-F] 4[and Section 4-H]] collected every year] in respect of entertainments held within the jurisdiction of any local authority shall be credited to the 5[State] Government, and the balance of 3 [ninety per cent] shall be paid to the local authority: Provided that the 5[State] Government may direct that such balance shall be distributed between the local authority aforesaid

and any other local authority or authorities in the neighbourhood in such proportions as the 5[State] Government may fix:

Provided further that in respect of entertainments held within a panchayat development block the balance of 6[ninety per cent] of the proceeds of the tax aforesaid shall be distributed between the panchayat union council and the panchayat functioning in the panchayat development block in such proportions as the State Government may fix:

7[Provided further that nothing contained in this sub-section shall be deemed to prevent the State Government from modifying at any time any order which assigns the entire balance of 8[ninety per cent] of the proceeds of the tax to a local authority, or as the case may be, fixes the proportions in which such balance should be distributed among local authorities, if, in the opinion of the State Government, --

(1) the said order had been passed under any mistake, whether of fact or of law; or

(2) the said order had been passed in ignorance of, or without duly taking into account any material fact; or,

(3) any new circumstances have arisen since the order was passed which make it expedient to modify it:

Provided also that no such modification shall be made in respect of any period after the expiry of two years from the end of the period:]

9[***]

Explanation -- In this sub-section, "year" means the financial year.

10[(2) Whenever any modification is made under the second proviso to sub-section (1) in respect of any period, the State Government may recover from any local authority any sum paid to it in excess of what it would have been entitled to in accordance with the order as modified.]

1 Substituted by Section 5 of the Madras Entertainments Tax (Amendment) Act, 1947 (Madras Act No. 27 of 1947) with effect from 1st January, 1948.

2 The words "Ten per cent" in the original Act were substituted by the words "Thirty per cent" by the Amendment Act No. 40 of 1989 from 1st July 1989 and again substituted by Ten per cent by the Amendment Act No. 38 of 1997 from 1st June 1997, which date has been amended as 1st April, 1997 by Act No. 26 of 1998.

3 Substituted for the words "the tax collected under this Act every year" by Section 4 of the Madras Entertainments Tax (Amendment) Act, 1949 (Madras Act No. 17 of 1949) with effect from 1st August,

1949.

4 The words "Section 4-F" inserted by Act No. 32 of 1998, with effect from 1st April, 1998 (See Act No. 46 of 1998) and the words "and Section 4-H" by Act No. 15 of 2003 from 2nd June, 2003.

5 Substituted for the word Provincial by the Adaptation Order of 1950.

6 The words "Ninety per cent" were substituted by the words "Seventy per cent" by the Amendment Act No. 40 of 1989 but again substituted by "ninety per cent" by the Amendment Act No. 38 of 1997 from 1st June, 1997, amended as 1st April, 1997 by Act No. 26 of 1998.

7 Inserted by Section 2 (1) of Act No. 6 of 1953.

8 The words Ninety per cent were substituted by the words seventy per cent by the Amendment Act No. 40 of 1989 from 1st July, 1989 but again substituted by ninety per cent by the Amendment Act No. 38 of 1997 from 1st June, 1997, amended as 1st April, 1997 by Act No. 26 of 1998.

9 Added by Tamil Nadu Act No. 5 of 1978 and omitted from 4th October 2004 by Section 12 of the Amendment Act No. 38 of 2004.

10 Substituted by Section 2 (2) of the Madras Entertainments Tax (Amendment) Act, 1953 (Tamil Nadu Act No. 6 of 1953).

14. Penalties :-

1[(1) (a) 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 6, or

(b) the proprietor of any entertainment who --

(i) fraudulently evades the payment of any tax due under this Act, or

(ii) contravenes any of the provisions of this Act, 2[or]

3[***]

4[(d) The proprietor of an entertainment or any person employed by him who collects any amount as price of admission in excess of the amount prescribed by the licensing authority under the provisions of the Tamil Nadu Cinemas (Regulation) Act, 1955 (Tamil Nadu Act No. IX of 1955) and the rules made thereunder,]

5[shall, on conviction by a Magistrate, --

(i) in respect of each such offence falling under clause (a) or sub-clause (ii) of clause (b) 6[***] or clause (d), be liable to a fine which may extend to one thousand rupees;

(ii) in respect of an offence falling under sub-clause (i) of clause (b) be punished with imprisonment of either description for a term which may extend to one year and with fine].

7[(1-A) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act II of 1974), an offence falling under sub-clause (i) of clause (b) of sub-section (1) shall be cognizable.

(1-B) No Court shall take cognizance of an offence falling under sub-clause (1) of clause (b) of sub-section (1), except upon complaint, in writing, made by any officer not below the rank of Deputy Commercial Tax Officer and authorised in this behalf by the State Government by general or special order].

(2) Where any person is found without a ticket or pass in any place of entertainment, the proprietor of the entertainment or the person employed by him shall be deemed to have admitted such person in contravention of the provisions of Section 6 unless the proprietor or the person employed by him proves that the person found without a ticket or pass had entered such place without the knowledge or connivance of the proprietor or the person employed by him.

1 Substituted by Tamil Nadu Act No. 20 of 1966.

2 Added by Tamil Nadu Act No. 25 of 1982, with effect from 3rd January, 1983.

3 Added by Tamil Nadu Act No. 25 of 1982, with effect from 3rd January, 1983 and omitted from 4th October 2004 by Section 13 of Amendment Act No. 38 of 2004.

4 Inserted by Act No. 32 of 1998 [See Section 2(2)(b) of Act No. 46 of 1998] with effect from 12th January, 1999. See foot note 1 below sub-section (1) of Section 7-B on page 33.

5 Added by Act No. 32 of 1998, as amended by Section 3 of Act No. 46 of 1998 from 12th January, 1999; vide Notification No. II (2)/CT/II (1-I)/ 99 - G.O. Ms.No. 5, dated 12th January, 1999. See Foot Note No. 1 below sub-section (1) of Section 7-B on page 33.

6 The term "or clause (e)" omitted from 14th October 2004 by Section 13 of the Amendment Act No. 38 of 2004.

7 Added by Tamil Nadu Act No. 5 of 1978.

14A. Penalty For Being Found Without A Ticket Or Pass :-

Any person who is found without a ticket or pass in any place of entertainment shall, unless he proves that he was admitted to such place with the knowledge or connivance of the proprietor or any person employed by him, on conviction by a Magistrate, be liable to a fine which may extend to one hundred rupees.

14B. Penalty For Abettors :-

Whoever abets the commission of any offence under this Act shall be punished with the punishment provided for the offence.

15. Power To Compound Offences :-

The prescribed authority may accept from any person who has committed or is reasonably suspected of having committed an offence against this Act 1 [or the rules made thereunder,] by way of composition of such offence --

(a) where the offence consists of 2[***], the evasion of any tax payable under this Act, in addition to the tax so payable, a sum of money not exceeding 3[one thousand and five hundred rupees or thrice the amount of the tax] payable, whichever is greater, and
(b) in other cases, a sum of money not exceeding 3[one thousand] rupees.

1 Inserted by Tamil Nadu Act No. XLVII of 1971.

2 Omitted by Tamil Nadu Act No. V of 1958.

3 Substituted by Tamil Nadu Act No. V of 1978.

15A. Power To Rectify Any Error Apparent On Face Of Record :-

1[(1) The authority competent to assess tax under this Act or any appellate or revising authority may, at any time, within three years from the date of any order passed by it, rectify any error apparent on the face of the record:

Provided that no such rectification which has the effect of enhancing an assessment or any penalty shall be made unless such authority has given notice to the proprietor and has allowed him a reasonable opportunity of being heard.

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

(3) Where any such rectification has the effect of enhancing an assessment or penalty, the authority competent to assess tax under this Act shall give the proprietor a revised notice of assessment or penalty and thereupon, the provisions of this Act and the rules made thereunder shall apply as if such notice has been given in the first instance].

1 Inserted by Tamil Nadu Act No. I of 1974.

15B. Prohibition Of Disclosure Of Particulars Produced Before The Entertainment Tax Authorities :-

1[(1) All particulars contained in any statement made, return furnished, or accounts, registers, records or documents produced under the provisions of this Act or in any evidence given or affidavit or deposition made, in the course of any proceeding under this Act or in any record of any proceeding relating to the recovery of a demand, prepared for the purposes of this Act shall be treated as confidential and shall not be disclosed.

(2) Nothing contained in sub-section (1) shall apply to the disclosure of any such particulars --

- (i) for the purpose of investigation of, or prosecution for, an offence under this Act, or under the Indian Penal Code (Central Act No. XLV of 1860) or under any other law for the time being in force; or,
- (ii) to any person enforcing the provisions of this Act where it is necessary to disclose the same to him for the purposes of this Act; or,
- (iii) occasioned by the lawful employment under this Act or any process for the recovery of any demand; or,
- (iv) to a Civil Court in any suit to which the Government are party and which relates to any matter arising out of any proceeding under this Act; or,
- (v) occasioned by the lawful exercise by a public servant of his powers under the Indian Stamp Act, 1899 (Central Act No. II of 1899) to impound an insufficiently stamped document; or,
- (vi) to an officer of--
 - (a) the Government of India; or
 - (b) the Government of any State or Union Territory in India with which an agreement for disclosure on a reciprocal basis has been entered into by the Government of the State; or
 - (vii) to an officer of any department other than the Commercial Taxes Department of the State Government after obtaining the permission of the prescribed authority:

Provided that such particulars shall be furnished under clause (vii) only in exceptional cases and that any officer obtaining such particulars shall keep them as confidential and use them as confidential only in the lawful exercise of the powers conferred by or under any enactment.]

1 Inserted by Tamil Nadu Act No. XXV of 1971 with effect from 1st April, 1986.

16. Power To Make Rules :-

(1) 1[The 2[State] Government may, 3[***] make rules] for securing the payment of the entertainments tax and generally for carrying into effect the purposes of this Act.

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

4[(a)***]

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

(c) for controlling the use of barriers or mechanical contrivances (including the prevention of the use of the same barrier or mechanical contrivance for payments of a different amount) and for securing proper records of admission by means of barriers or mechanical contrivances;

(d) for the checking of admission, the keeping of accounts and the furnishing of returns by the proprietors of entertainments. 4[***]

4[(e) ***]

4[(f) ***]

(g) for the presentation and disposal of application for exemption from payment of the entertainments tax, or for the refund thereof, made under the provisions of this Act;

(h) for the collection of the entertainments tax under this Act and the powers to be exercised by the officers of the 5[State] Government in that behalf;

(i) for authorizing any local authority to collect the entertainments tax 6[***] in the area within the jurisdiction of the local authority or any part of such area, 7[***], and for the powers to be exercised by the officers of the local authority in connection with such collection;

8[(j) for the issue of passes by proprietors of entertainments for the admission of persons who have to perform any duty inside any place of entertainment, or in connection with any entertainment, or any duty imposed upon them by or under this Act or any other law; and]

9 [(k) for appeals and revisions in respect of proceedings under this Act, the period within which such appeals and revisions should be preferred and the fees to be paid, in respect of such appeals and revisions.]

(3) In making a Rule under sub-section (1) or sub-section (2), the 5[State] Government may provide that a breach thereof shall be punishable with fine which may extend to five hundred rupees.

9[(4) (a) All Rules made under this Act shall be published in the Official Gazette and, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(b) All Notifications issued under this Act shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are published.

(5) Every Rule made or Notification issued under this Act shall, as soon as possible after it is made or issued, be placed on the table of both Houses of the Legislature, and if, before the expiry of the session in which it is so placed or the next session, both Houses agree in making any modification in any such Rule or Notification or both Houses agree that the Rule or Notification should not be made or issued, the Rule or Notification shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that Rule or Notification.]

1 Substituted by Madras Act No. V of 1958 from 1st April, 1958.

2 Substituted for the word Provincial by the Adaptation Order of 1950.

3 The words "by notification in the Official Gazette" omitted by

Tamil Nadu Act No. XX of 1966.

4 Omitted by Adaptation Order of 1950.

5 Substituted for the word Province by the Adaptation Order of 1950.

6 Omitted for the words "On behalf of the Provincial Government" by Section 6 of Act No. 27 of 1947, with effect from 1st January 1948.

7 The words for the payment of a commission to the local authority for making the collection were omitted by Madras Act No. 27 of 1947.

8 Substituted by Tamil Nadu Act No. 25 of 1982.

9 Inserted by Act No. 20 of 1966.

16A. Omitted :-

1 Omitted.

1 Section 16-A omitted from 4th October 2004 by Section 14 of the Amendment Act No. 38 of 2004. See the previous editions for the text of this Section.

17. Bar Of Certain Proceedings :-

(1) No suit, prosecution or other proceeding shall lie against any officer or servant of the 1[State] Government, for any act done or purporting to be done under this Act, without the previous sanction of the 2[State] Government.

(2) No officer or the servant of the 2[State] Government shall be liable in respect of any such act in any Civil or Criminal proceedings, if the act was done in good faith in the course of the execution of duties or the discharge of functions imposed by or under this Act.

1 Section 16-A omitted from 4th October 2004 by Section 14 of the Amendment Act No. 38 of 2004. See the previous editions for the text of this Section.

2 Substituted for the word "Provincial" by the Adaptation Order of 1950.

18. Limitation For Certain Suits And Prosecutions :-

No suit shall be instituted against the 1[Government] and no suit, prosecution or other proceeding shall be instituted against any officer or servant of the 2[State] Government in respect 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.

1 Substituted for the word "Crown" by the Adaptation Order of 1950.

2 Substituted for the word "Provincial" by ibid.

19. Proceeding, Etc., Against Officers And Servants Of Local Authority Collecting The Tax :-

If any local authority has been authorized under this Act to collect the entertainments tax on behalf of the 1[State] Government, the provisions of Sections 17 and 18 shall apply in regard to the officers and servants of such authority in the same manner as they apply in regard to the officers and servants of the 1[State] Government.

1 Substituted for the word "Provincial" by the Adaptation Order of 1950. conditions, if any, as may be laid down by the 1[State] Government, and shall also be subject to control and revision by them.

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

(1) The 1[State] Government may, by notification in the Official Gazette, delegate all or any of their powers under this Act except those conferred upon them by sub-section (3) of Section 1, Section 16 and this section, to any person or authority subordinate to the 1[State] Government and may in like manner withdraw any powers so delegated.

(2) The exercise of any powers delegated under subsection (1) shall be subject to such restrictions, limitations and Order of 1950. conditions, if any, as may be laid down by the 1[State] Government, and shall also be subject to control and revision by them.

1 Substituted for the word "Provincial" by the Adaptation Order of 1950. conditions, if any, as may be laid down by the 1[State] Government, and shall also be subject to control and revision by them.

SCHEDULE 1

Schedules I

Schedules I to III

Omitted by Section 15 of the Amendment Act No. 38 of 2004, effective from 4th October 2004.