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PART V.

PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

The following Bill, together with the Statement of Objects and Reasons accompanying it, is published in accordance with Rule 15 of the Rules for the conduct of Business at Meetings of the Council of His Excellency the Governor of Bombay for making Laws and Regulations:—

Bill No. 1 of 1878.

A Bill for the licensing of trades and dealings in the Presidency of Bombay.

Preamble. WHEREAS, in order to provide means for defraying the public expenditure from time to time incurred and to be incurred for the relief and prevention of famine, it is necessary to effect a permanent increase of the provincial revenue; and it is therefore expedient that persons carrying on trades and dealings in the Presidency of Bombay should take out licenses and pay for the same; it is hereby enacted as follows:—

Short title. 1. This Act may be called "The Bombay License Act, 1878."

Extent. It extends to the whole of the Presidency of Bombay; but nothing herein contained applies to persons earning their livelihood solely by agriculture.

Commencement. This Act shall come into force on such date as the Governor in Council by notification in the *Bombay Government Gazette* directs in that behalf.

2. In this Act "Collector" means the chief officer in charge of the revenue-administration of a district.

3. Every person who, on or after the first day of April 1878, falls under any of the heads specified in the schedule hereto annexed, and carries on (whether on behalf of himself or any other person) his trade or dealing, shall take out a license under this Act, and shall pay for the same the annual fee mentioned in such schedule as payable by persons of the class and grade to which he belongs.

4. Every license under this Act shall be granted by the Collector of the District in which the person requiring such license carries on his trade or dealing: provided that, if such person carries on such trade or dealing in more than one district, the license shall be granted by the Collector of the district in which his principal place of business is situate.

Every such license shall be signed by the Collector granting it, or by such officer as he may appoint in this behalf.

5. Every such license shall specify—
(a) the date of the grant thereof:
(b) the name, father's name, caste and trade or dealing of the licensee:

- (c) the class and grade to which he belongs;
- (d) the fee paid for the license;
- (e) the place or places where the licensee intends to carry on his trade or dealing for the ensuing year; and
- (f) the term for which the license shall remain in force,

and shall be received in evidence as *prima facie* proof of all matters contained therein.

6. Every such license shall have effect

Commencement and expiration of license. and continue in force from the day of the date thereof till the first day of January next after the date of the grant thereof.

7. Every person to whom any such

Renewal of license. license has been granted, and who desires

to continue to carry on his trade of dealing after the expiration of such license, shall take out a fresh license for that purpose, for the following year, to expire on the day appointed in the last preceding section, and shall renew the same from year to year so long as he desires to continue to carry on such trade or dealing.

List of Licensees.

8. As soon as may be after the first day

Collector to prepare annual list of licensees. of April 1878 and the first day of January in every subse-

quent year, the Collector shall prepare a list of the persons to be licensed under this Act in his district. Such list shall state—

- (a) the trade or dealing of each of the persons therein named;
- (b) the class and grade under which he is charged; and
- (c) the fee to be paid for his license.

Such list shall be in the language of the district, shall be filed in the office of the Collector, and shall be open to public inspection at all reasonable times without any payment.

9. The Collector shall, from time to

Collector to determine class under which licensee is to be charged. time, determine under which of the classes and grades mentioned in the said schedule

every person to whom a license may be granted by him as aforesaid shall be charged, and shall amend the said list accordingly.

The list or such part or parts thereof as

Publication of list and notification. the Collector thinks fit shall be published in the chawri or some

other public building in every village, town, or city concerned, together with a notification that if any person mentioned in such list continues his trade or dealing, payment

of the amount specified in the list as payable by him must be made in the year 1878 within thirty days of such publication in that year and within thirty days next after the first day of January in each succeeding year.

10. The Collector may, by a notice in

Collector may require list of persons in any house. writing, require the occupier of any house to forward to him a statement in writing,

signed by such occupier of the names of all persons residing in such house at the date of the notice and of their respective callings.

11. Any person mentioned in the list

Petition of objector. referred to in sections eight and nine and

objecting to the class or grade under which he is charged may, within thirty days after such publication, or within such further time as the Collector may in each case think fit, apply by petition to the Collector in order to establish his right to have his name transferred to another class or grade, or altogether removed from the list.

12. The Collector shall fix a day for the

Hearing of petition. hearing of the petition, and on the day so

fixed, or on such subsequent day as he may from time to time direct, shall hear the same and pass such order thereon as he thinks fit:

Provided that if, in his judgment, the petitioner is able to show that the fee which has been charged exceeds two per cent. upon his annual net earnings, such excess shall, for the purpose of section eleven, be deemed a valid objection:

Provided also that the Collector shall not, in the course of any proceedings under this section, call for any evidence except at the instance of the petitioner, or in order to ascertain the correctness of facts alleged by him.

13. Any person dissatisfied with such

Appeal from order on petition. order may within fifteen days from the date thereof present

a petition of appeal to the Revenue Commissioner of the Division, or, in Sind, to the Commissioner in Sind, whose decision upon such appeal shall be final.

Every petition presented under this section shall be accompanied by a copy of the petition to the Collector, a copy of his order thereon, and all other documents (if any) connected with the case.

14. The Collector may in his discre-

Power to remit fee. tion remit the whole

or any part of the fee payable under this Act by any person

who has carried on his trade or dealing for a portion of the year only.

15. A person or firm coming under more than one of the designations in the said schedule shall be chargeable only under one of the said designations at the discretion of the Collector; and in the case of a firm, payment by any one of the partners shall, for the purposes of this Act, be considered payment by the firm.

16. If, after expiry of the period mentioned in the notification published under section nine, for payment of the amount specified therein, any person (whether he is or is not mentioned in the said list) carries on his trade or dealing without having taken out a license as required by this Act, he shall be liable, by order of the Collector, to pay a fine not exceeding thrice the amount payable by him in respect of such license, exclusive of the amount so payable; and on receipt of such payment the Collector shall grant him a license.

All sums due under this section and all fees payable under this Act shall be recoverable as if they were arrears of land-revenue.

17. Every person holding a license under this Act shall produce and show such license when required so to do by an officer generally or specially empowered in writing by the Collector to make such requisition.

But no person shall be proceeded against for neglect or refusal to produce such license except at the instance of the Collector.

18. Receivers and managers appointed by any Court in British India shall be chargeable under this Act in respect of any trade or dealing of which the income is officially in their possession or under their control.

19. When any trustee, guardian, administrator, curator, committee or agent is charged under this Act in such capacity, or when any receiver or manager appointed by any Court is charged under this Act, every person and Court so charged may, from time to time, out of the money coming to his or its possession as such trustee, guardian, administrator, curator, commit-

tee or agent, or as such receiver or manager, retain so much as is sufficient to pay the fee charged.

Every such person is hereby indemnified for every retention and payment made in pursuance of this Act.

Municipalities.

20. The Collector may require any Municipality to furnish, within a period to be specified under the orders of Government, returns showing the names and numbers of persons chargeable under this Act resident within the limits of such Municipality, together with the class and grade to which they respectively belong and the fees payable by them respectively.

If the Municipality fails within the period prescribed to make such returns, or if it make such returns but the Collector has reason to doubt their accuracy, he may at any time cause a return showing the names, numbers, classes and grades aforesaid to be prepared in such manner as may be prescribed by Government.

21. When the return mentioned in section twenty has been furnished or prepared, notice shall be served on the Municipality, calling on it to pay to the Collector, within a period to be specified in the notice, a sum calculated on such return in accordance with the provisions of this Act.

Any Municipality may appropriate any part of its revenues to the payment of the sum leviable from it under this section, or raise such further sums in addition to its existing revenue as may be needful for such payment: provided that such further sums be raised in accordance with the Act under which such Municipality is constituted.

Miscellaneous.

22. All fees and penalties paid or recovered under this Act shall be carried to the credit of the Government of Bombay.

The amount so credited shall be applied, in such manner as the Governor General in Council thinks fit, for the purpose of defraying expenditure incurred or to be incurred for the relief and prevention of famine in any of the territories administered by the said Government, or, if the Governor General in Council so directs, in any other part of British India.

23. All or any of the powers and duties conferred and imposed by this Act on a Collector may, subject to the orders of the Collector, be exercised and performed by an Assistant or Deputy Collector, or by a Mámlatdár or Mahálkari, or such other officer as Government from time to time appoints in this behalf.

24. Every person shall be legally bound to furnish information to any officer exercising any of the powers of a Collector under this Act when required by him to do so.

25. Government may, from time to time, with the previous sanction of the Governor General in Council,—

(a) exempt any local area, or any persons or class of persons, from the operation of this Act;

(b) exempt from the operation of this Act any persons whose respective nett annual earnings are less than such sum as Government may, from time to time, direct in this behalf;

(c) make rules consistent with this Act, (1) for regulating the time and manner of collecting the fees charged under this Act; (2) for providing in any case or class of cases for serving notices on persons charged under this Act; (3) for determining the mode in which persons belonging to any class shall be distributed into grades, and (4) generally for the guidance of officers in matters connected with the enforcement of this Act.

THE SCHEDULE.

See section 3.

CLASS I.

Companies registered under the Indian Companies Act, 1866	
Bankers	
Professional money-lenders	
Owners of cotton-screws	
Persons keeping shops for the sale of European goods	
Hotel-keepers	
Wholesale-dealers	
Dealers in precious stones	
Sugar Refiners	

Fee payable by licensee.

Rs.

First grade .200
Second grade 100
Third grade...15

CLASS II.

Cloth-sellers	
Metal-vessel-sellers	
Fuel-sellers	
Letters-out of conveyances and cattle	
Contractors	
Printers and publishers.	
Manufacturers of lac ..	
Commission-agents	
Brokers	
Bill-brokers	
Pawn-brokers	
Money-changers	
Dealers in gold and silver lace	
Druggists	
Harness-makers	
Dealers in metals, not being merely artisans.	

Rs.

First grade ...75
Second grade.50
Third grade...25
Fourth grade.10

CLASS III.

Artizans, traders, and dealers not above specified.	
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Rs.

First grade ...5
Second grade...2
Third grade ...1

STATEMENT OF OBJECTS AND REASONS.

It having been determined by the Government of India that additional taxation is necessary in order to provide a surplus each year to enable the Government to discharge the obligation placed upon it by the periodical occurrence of Famine in different parts of British India, the present measure is proposed, with a view of supplying such portion of the said additional taxation as it is at present deemed reasonable to levy in the Presidency of Bombay.

2. The Bill is based on a similar measure recently introduced into the Council of the Governor General for Northern India (Bill No. 23 of 1877).

(Signed) L. R. ASHBURNER.

14th January 1878.

By order of His Excellency the Honourable the Governor in Council,

J. NUGENT,

Under Secretary to Government,

Bombay Castle, 14th January 1878.