



Bombay Government Gazette.

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Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART VI.

BILLS OF THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 23rd October 1884:—

Bill No. 16 of 1884.

A Bill to amend Act XXII of 1881.

WHEREAS it is expedient to amend the Excise Act, 1881; It is hereby enacted as follows:—

In the said Act, after section 34, the following section shall be inserted:—

“34A. The Local Government may, from time to time, invest any police-officers of or above the grade of head constable, either by name or in virtue of their offices, with the powers conferred on excise-officers by sections 27, 28 and 29 of this Act; and every officer so invested shall, for all purposes connected with the exercise of these powers, be deemed to be an excise-officer within the meaning of this Act.”

XXII of 1881.

STATEMENT OF OBJECTS AND REASONS.

SECTION 46 of Act X, 1871, corresponding to section 59 of Act XXI of 1856, enabled Local Governments to confer on certain police-officers powers of searching for and seizing spirituous liquors and intoxicating drugs and arresting persons found in possession of them. These powers have been conferred and exercised up to the present time in the North-Western Provinces and Oudh, and are essential to the efficiency of the excise-administration, as no separate establishments for the prevention of smuggling are maintained in those provinces, and the land-revenue officials have little leisure for excise-duties.

2. The excise law came under revision in 1881 and was re-enacted in a somewhat simpler form by Act XXII of that year.

Section 24 of that Act gives Collectors power to appoint persons by name or by virtue of their office to be officers for the collection of the excise revenue, but as police-officers are not specially mentioned among the persons to be so appointed, and as section 20 of Act V, 1861, precludes the exercise by them of any such authority, it has been held that they cannot be appointed to discharge excise functions, and that the power of so employing them conferred upon Local Governments by Act X, 1871, has been taken away by the Act of 1881.

3. This seems to have escaped notice when Act XXII of 1881 was passed. In the Statement of Objects and Reasons, in the Report of the Select Committee and in the speeches of the Hon'ble Member in charge of the Bill, nothing whatever is said of depriving the Local Governments of the power hitherto enjoyed by them of employing police-officers on excise-duties. Mr. Whitley Stokes, accounting for the omissions in the later Act, stated that they were provided for by other enactments or were fit subjects for executive orders. The omission now brought to light does not fall under either of these categories, and it is impossible to suppose that a power held to be necessary for the excise-administration was taken away from Local Governments by a side wind.

4. The Government of the North-Western Provinces and Oudh urge that the omission should now be rectified, and with this object the present Bill is introduced

The 23rd October 1884.

(Signed) J. W. QUINTON.

D. FITZPATRICK,
Secretary to the Government of India.

[Published with the "Bombay Government Gazette" on the 13th November 1884.]

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[Published with the "Bombay Government Gazette" on the 20th November 1884.]

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