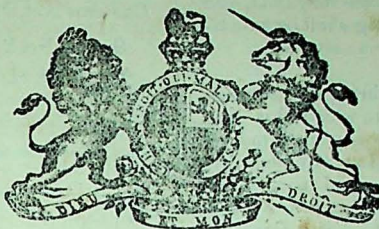


THE



# 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 7th January 1887:—

#### Bill No. II of 1887.

*A Bill to amend the Sea Customs Act, 1878, the Excise Act, 1881, and the Indian Tariff Act, 1882.*

VIII of 1878. XXII of 1881. XI. of 1882. WHEREAS it is expedient to amend the Sea Customs Act, 1878, the Excise Act, 1881, and the Indian Tariff Act, 1882;

It is hereby enacted as follows:—

*Sea Customs Act, 1878.*

1. (1) In clause (b) of the second paragraph of Section 144 of the Sea Customs Act, 1878, there shall be inserted after the word "unless" the word "either" and after the word "destination" the following, namely:—

"or the delivery of the spirit into a warehouse appointed in this behalf by the Local Government having authority at that port."

(2) In the third paragraph of the same section of the same Act the following shall be substituted for the word "paid", namely:—

"so paid or the spirit so delivered."

2. In section 146 of the same Act, for the word "shall" in each of the two places where that word occurs, the word "may" shall be substituted.

Amendment of section 146.

3. (1) To section 148 of the same Act the following words shall be prefixed, namely:—

"Notwithstanding anything in the Indian Tariff Act, 1882."

(2) To the same section of the same Act the following shall be added, namely:—

"Provided that the Local Government may authorise the import of such spirit without the payment of that duty at the port of importation when the spirit is to be delivered into a warehouse appointed by the Local Government in this behalf, and the excise-duty thereon is to be paid on the removal of the spirit from a warehouse so appointed."

4. (1) To section 151 of the same Act the following words shall be prefixed, namely:—

"Notwithstanding anything in the Indian Tariff Act, 1882."

(2) After the same section of the same Act the following shall be added, namely:—

"Provided that the Local Government may authorise the import of such spirit without the payment of the differential duty at the port of importation when the spirit is to be delivered into a warehouse appointed by the Local Government in this behalf, and the differential duty is to be paid on the removal of the spirit from a warehouse so appointed."

*Excise Act, 1881.*

X XII of 1881 5. For section 23 of the Excise Act, 1881, the following shall be substituted, namely:—  
New section substituted for section 23.

“23. (1) A person shall not bring into any territory to which this Act extends any spirit manufactured at any place in India beyond the limits of British India, until he has obtained a pass therefor from such officer as the Local Government from time to time appoints in this behalf, and has paid in respect thereof—

“ (a) if the Local Government has fixed a duty under clause (a) of section 7 for like spirit manufactured in the part of the territory into which the spirit is to be brought, that duty, or

“ (b) if the Local Government has not fixed a duty under that clause for like spirit manufactured in that part, a duty at such rate as the Local Government from time to time prescribes in this behalf, not exceeding the highest rate leviable, under the law for the time being in force, on spirit imported into British India by sea.

“ (2) The provisions of sub-section (1) with respect to spirit shall apply to fermented liquor also, with this modification that the duty to be paid in respect of the liquor shall be the duty leviable on like liquor under the Indian Tariff Act, 1882.

“ (3) If any question arises as to the duty to be charged on any spirit or fermented liquor under this section, the decision of the Local Government thereon shall be final.”

6. (1) In clauses (c) of section 36 of the same Act the words “or fermented liquor” shall be inserted after the words “any spirit”.

Amendment of section 36.

(2) In the last paragraph of the same section of the same Act the words “or fermented liquor” shall be inserted between the words “the spirit” and the words “together with”.

*Indian Tariff Act, 1882.*

XI of 1882. 7. In the preamble to the Indian Tariff Act, 1882, the words “and for fixing a maximum duty of excise on spirit manufactured in British India” are repealed.  
Repeal of portion of preamble.

8. To section 7 of the same Act the following shall be added, namely:—

“Nothing in this section applies to spirit which is exported under bond for excise-duty

from one customs-port to another customs-port under the provisions of Chapter XIV of the Sea Customs Act, 1878.”

VIII of 1878.

9. In No. 2 of the Second Schedule to the same Act, for the following, namely:—  
Amendment of Second Schedule.

No.	Names of Articles.	Per	Tariff valuation.	Rate of duty.
*	*	*	*	*
	Spirit when so used in a proportion of twenty per cent. and upwards.	Impl. Gal- lon or six quart bottles of the strength of London proof.	...	Rs. 4, and the duty to be increased in proportion as the strength of the spirit exceeds London proof.
	Spirit, perfumed, in wood, or in bottles containing more than four ounces.	Ditto ...	...	
	Spirit, other sorts.	Ditto ...	...	

there shall be substituted the following, namely:—

No.	Names of Articles.	Per	Tariff valuation.	Rates of duty.
*	*	*	*	*
	Spirit when so used in a proportion of twenty per cent. and upwards.	Impl. Gal- lon or six quart bottles of the strength of London proof.	...	Rs. 5, and the duty to be increased or reduced in proportion as the strength of the spirit exceeds or is less than London proof.
	Spirit, perfumed, in wood or in bottles.	Impl. Gal- lon or six quart bottles.	...	Rs. 6.
	Spirit, other sorts.	Impl. Gal- lon or six quart bottles of the strength of London proof.	...	Rs. 5, and the duty to be increased or reduced in proportion as the strength of the spirit exceeds or is less than London proof.

STATEMENT OF OBJECTS AND REASONS.

This is a Bill to amend three Acts.

The first of these Acts is the Sea Customs Act, 1878, and the object of the amendment is to accommodate the provisions of Chapter XIV of that Act, relating to the exportation of spirit under bond for excise-duty, to the new excise system of the Madras Presidency, of which one of the essential features is the transport of spirit under bond from one part of the presidency to another by sea for eventual issue for local consumption from an appointed warehouse on payment of excise-duty.

The second of the Acts is the Excise Act, 1881, and the object of the amendment is to remove from that Act a reference to a portion of the Indian Tariff Act, 1882, which was repealed in 1885, and to provide in a substituted section 23 not only for the import of spirits from places beyond the limits of British India, but also for the import from Kashmir of the wine which is being manufactured in that State and must eventually find its consumers in Northern India.

The third of the Acts is the Indian Tariff Act, 1882. Under the second of the schedules appended to that Act, imported spirit of the strength of London proof is subject to a duty of Rs. 4 per imperial gallon, the duty being increased in proportion as the strength of the spirit exceeds London proof. There is no provision for a proportionate reduction of duty when the strength falls below London proof. Representations have been made to the Government by several importers of spirit urging that provision should be made for reduction of duty on reduced strength. These representations have been considered in communication with the Local Governments, and the conclusion to which the Government of India has come is that, with the present rate of duty on spirit of London proof, the loss of revenue which a reduction of duty on reduced strength would entail cannot be afforded. At the same time it is admitted that the representations of the importers are reasonable, and it has been decided to comply with them, while, in order to prevent loss of revenue, raising the rate on spirit of London proof from Rs. 4 to Rs. 5 the gallon.

The opportunity of amending the Indian Tariff Act in this respect has been taken to make a further amendment. It has been found that quantities of spirit of inferior quality, slightly perfumed, are imported as perfumed spirit in bottles containing four ounces or less, and therefore free of duty under the present law, perfumed spirit being subject to duty only when imported in bottles containing more than four ounces. Such spirit, it has been ascertained, is in fact imported not for purposes of perfumery but for consumption as liquor, and the loss of revenue resulting from this abuse of the law is not immaterial. It has been decided therefore to tax all perfumed spirit as potable spirit irrespective of strength and of the size of the bottle in which it is contained, and to raise the duty on such spirit to Rs. 6 a gallon.

(Signed) A. COLVIN.

*The 7th January 1887.*

S. HARVEY JAMES,

Offg. Secretary to the Government of India.