

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 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. 2 of 1888.

*A Bill to consolidate and amend the law relating to Salt and the Salt-revenue throughout the Presidency of Bombay.*

WHEREAS it is expedient to amend the Bombay Salt Act, 1873, and to enact a consolidated salt law for the whole of the Bombay presidency; It is enacted as follows :—

#### CHAPTER I.

##### PRELIMINARY.

1. (1) This Act may be cited as "The Bombay Salt Act, 1888."  
Short title.
- (2) It extends to the whole of the presidency of Bombay; but it shall not come into force in Sind till such date as the Governor of Bombay in Council, by notification in the *Bombay Government Gazette*, fixes in this behalf.  
Extent.  
Commencement in Sind.

2. (1) The Bombay Salt Act, 1873, and Bo. VII of 1873. Bombay Act V of 1882 (an Act to amend the Bombay Salt Act of 1873) are repealed:

(2) Provided that:

(a) all rules and appointments made, licenses and permits granted, notifications published and powers conferred under either of the said enactments and now in force shall, so far as they are consistent with this Act, be deemed to have been respectively made, granted, published and conferred hereunder;

(b) the said repeal shall not affect any act done, or any offence committed, or any proceedings commenced, or any claim which has arisen, or any penalty which has been incurred, before this Act comes into force.

3. In this Act, unless there is something repugnant in the subject or context:

Definitions.

(a) "Commissioner;"  
"Commissioner of Salt-revenue;"  
"Commissioner" means a

(b) "Collector," "Deputy" and "Assistant Collector" means, respectively, a Collector or a Deputy or Assistant Collector of Salt-revenue;

(c) "salt-revenue officer" means an officer of the Salt department and includes any other person, whether a Government officer or not, invested under section 9 with any power under this Act;

(d) "natural salt" means salt spontaneously produced, natural saline deposits and efflorescence;

"Salt;" (e) "salt" includes natural salt;

(f) "salt-earth" means earth naturally impregnated with salt, or with which salt is mixed;

(g) "manufacture" includes every process by which salt is separated from brine or earth or any other liquid or substance, and also every process for the purification or refinement of salt;

"Salt-work;" (h) "salt-work" includes:

(i) a place used or intended to be used for the manufacture of salt and all embankments, reservoirs, condensing and evaporating pans, buildings and waste places situated within the limits of the same;

(ii) all drying grounds and storage platforms and store-houses appertaining to any such place; and

(iii) land on which salt is spontaneously produced;

(k) "private salt-work" means a salt-work which is not the sole property of Government and, except in sections 15 and 16, includes a salt-work which is the sole property of Government, but which is being worked or at which salt is being manufactured, on his own account, by some other person;

(l) "licensee of a salt-work" means a person licensed to manufacture, excavate or collect salt at, or to remove salt from, a salt-work;

(m) "contraband salt" means salt or salt-earth manufactured, excavated, collected, packed, stored, landed, transported or removed from a salt-work or from a Government warehouse or store, or had in possession in contravention:

(i) of this Act, or of any other enactment relating to the salt-revenue at the time being in force, or

(ii) of any rule or order made under this Act or under any other such enactment as aforesaid, or

(iii) of any license or permit issued under this Act, or under any other such enactment as aforesaid;

(n) "maund" means an Indian maund of  $82\frac{2}{7}$  pounds avoirdupois weight;

(o) "possession" or "removal" of salt or salt-earth by a servant or agent of any person on that person's account shall be deemed to be possession or removal thereof by such person.

## CHAPTER II.

### ESTABLISHMENT AND CONTROL.

4. (1) Subject to the general control of the Governor-General in Council, the Governor in Council may, from time to time, appoint, either by name or by virtue of their office, so many persons as he thinks fit to be officers of the Salt Department.

(2) The said officers shall be appointed under the designations of,—

(a) Commissioner of Salt-revenue;

(b) Collector of Salt-revenue;

(c) Deputy Collector of Salt-revenue;

(d) Assistant Collector of Salt-revenue;

and such other designations, if any, as the Governor in Council thinks fit.

(3) Each such officer shall be appointed for such local area as the Governor in Council from time to time defines in this behalf.

(4) The Governor in Council may suspend, remove, dismiss, or accept the resignation of, any person appointed under this section.

5. (1) Subject to the control and direction of the Commissioners to whom they are respectively subordinate and to the

Collectors charged with carrying out this Act.

Act XII of 1882, s. 3, def. "salt-revenue officer."

Mad. Act I of 1882, s. 2, def. "salt."

Bo. Act VII of 1873, s. 3, def. "salt-work."  
Mad. Act I of 1882, s. 2, def. ditto.

Bo. Act VII of 1873, s. 3, def. "licensee of a salt-work."

Bo. Act VII of 1873, s. 3, def. "contraband salt."

Bo. Act VII of 1873, s. 38.

Comp. Act XII of 1882, s. 7 (a) and Act XI of 1882, Sch. II, Art. 4.

Bo. Act VII of 1873, s. 3, last para.

Bo. Act VIII of 1873, s. 4.  
Bo. Act V of 1882, s. 2.

Bo. Act V of 1873, s. 4.

orders of Government, the Collectors are charged with the collection of salt-revenue and with the carrying out of the provisions of this Act within the local areas for which they are respectively appointed :

Bo. Act V of 1882, s. 2.

(2) Provided that it shall be competent to the Governor in Council, whenever and for so long as he shall deem fit, to keep the office of Commissioner of Salt-revenue in any part of the presidency in abeyance and during the time that the said office is so held in abeyance the Collectors in such part shall exercise the powers and perform the duties of Commissioner within the local areas for which they are respectively appointed and their proceedings and orders shall, in that case, be subject to the immediate control of Government.

Bo. Act VII of 1873, s. 5.

6. Subject to such orders as may from time to time be passed by Government in this behalf, the Commissioners may :

(a) appoint such subordinate officers of the Salt department, with such designations as they deem fit ;

to appoint subordinate officers of the Salt department, and

(b) at any time, after inquiry recorded in writing, fine, dismiss, suspend or reduce any officer so appointed for any breach of departmental rules or discipline, or for carelessness, unfitness, neglect of duty or other misconduct.

to punish them for misconduct.

Bo. Act V of 1878, s. 8.

7. The powers conferred on Commissioners by the last preceding section, may be delegated by any Commissioner, in whole or in part, to any Collector or Deputy or Assistant Collector, and any such delegation may be at any time cancelled by the Commissioner.

Delegation of powers by Commissioners to Collectors, &c.

New.

8. Until appointments are made in Sind under sections 4 and 6, the officers who, on the day previous to the date on which this Act comes into force in that province, held any office in virtue of which they exercise powers or perform duties in connection with the collection or protection of the salt-revenue in that province, shall be deemed to have been appointed and shall continue to hold the same offices, respectively, under this Act.

Continuance of existing officers in Sind.

9. (1) The Governor in Council may, <sup>New.</sup> from time to time, by notification in the *Bombay Government Gazette*, invest :

Conferment of powers under this Act.

(a) any officer of the Salt department, either personally or in virtue of his office, or

(b) any Government officer of any other department, either personally or in virtue of his office, or

(c) any other person,

with all or any of the powers described in sections 27, 37, 38, 41 and 43.

(2) The Governor in Council may delegate the power vested in him by this section, either wholly or partly, to a Commissioner.

CHAPTER III.

MANUFACTURE, EXCAVATION AND COLLECTION OF SALT AND SALT-EARTH.

10. No salt shall be manufactured and no natural salt and, subject to the provisions of section 13, no salt-earth shall be excavated or collected or removed, except under the authority and subject to the terms and conditions of a license to be granted by the Collector in this behalf.

Manufacture, &c., of salt prohibited except under a license.

Bo. Act VII of 1873, s. 19. Comp. Bo. Act VII of 1873, s. 3, def. "manufacture."

11. The Collector shall, on application, grant a license for the manufacture, excavation, collection or removal of salt to any person entitled to the same under section 15 or section 16, and may, in his discretion, grant licenses for any of the said purposes or for the excavation, collection or removal of salt-earth to any other persons.

Licenses to be granted by the Collector.

Bo. Act VII of 1873, ss. 20 and 21.

12. (1) Each such license shall specify :

Licenses what to contain.

Bo. Act VII of 1873, ss. 20 and 21.

(a) the name of the person to whom it is granted ;

(b) the limits within which the manufacture, excavation or collection under it is to be carried on ; and

(c) the place where the salt or salt-earth so manufactured, excavated, collected or removed is to be stored ;

and shall be in such form and contain such conditions as the Commissioner, subject to the directions of Government, from time to time prescribes.

(2) The Collector may, at any time, call for any such license and alter or amend it in accordance with the conditions so prescribed.

(3) A register of licenses granted under this section shall be kept in the office of the Collector.

13. The Governor in Council may, from time to time, make rules for permitting the excavation, collection or removal of salt-earth without a license. any person or class of persons, in any local area or place defined in such notification, of salt-earth, without a license from the Collector, and may in such rules frame such provisions as he shall deem fit for limiting and regulating such excavation, collection or removal and prescribe the uses to which salt-earth so obtained may be put.

14. Every village officer shall communicate to a salt-revenue officer or to a Magistrate, or to an officer in charge of a police-station, within three days after the same shall come to his knowledge, any information which he may obtain of the manufacture, excavation, collection or removal of salt or salt-earth without a license or of any new formation of natural salt in or near his village.

CHAPTER IV.

PRIVATE SALT-WORKS.

Proprietors entitled to manufacturing licenses.

15. The proprietor of a private salt-work who establishes, by virtue of a sanad granted by the British or any former Government, a special and permanent right to manufacture salt, or to excavate or collect natural salt, shall, unless his salt-work is suppressed under section 23 of this Act or has been suppressed under section 33 of the Bombay Salt Act, 1873, be entitled, on application, to a license for such purpose.

16. (1) Except as is hereinafter otherwise provided, every proprietor of a private salt-work, to which section 15 does not apply and which is being lawfully worked at the time when this Act comes into force, or which was lawfully worked at any time within three years next before the date on which this Act comes into force, shall, unless his salt-work is suppressed under section 23 of this Act or has been suppress-

ed under section 33 of the Bombay Salt Act, 1873, be entitled, on application, to a license to manufacture salt or to excavate or collect natural salt at such work:

(2) Provided that the Collector may at any time withdraw or withhold a license from the proprietor of any salt-work to which section 15 does not apply, if no salt shall have been manufactured, excavated or collected in such salt-work for the three years ending on the thirtieth day of June last preceding the date of his order or, with the previous sanction of the Governor in Council, if such salt-work shall not have produced, on an average, during the said three years, at least five thousand maunds of salt per annum.

Control of Works.

17. (1) The Collector may, for the purposes of this Act, cause *chaukis* to be erected in such places as he thinks fit within a private salt-work, and the proprietor or licensee of the salt-work shall have no claim for compensation for the ground occupied by such *chaukis*.

(2) The Collector may also, for the purposes of this Act, station such salt-revenue officers and other persons as he deems fit within the limits of a private salt-work, and establish preventive stations wherever he thinks fit in the neighbourhood of any such salt-work.

18. (1) The Collector may, at any time, by written notice, require the licensee of a private salt-work to store in heaps any sifted or refuse salt which may be lying on such work, or, at such licensee's option, to destroy the same.

(2) If the licensee shall fail, within ten days from the date of service of any such notice, either to store in heaps or effectually to destroy the same, the Collector may cause the salt to be effectually destroyed and the cost of so doing shall be recoverable by him from the licensee of the salt-work.

(2) The decision of the Collector as to whether any salt is sifted or refuse salt shall, for the purposes of this section, be conclusive.

19. (1) When any heap of salt in a private salt-work has been opened and a portion of it removed, the salt-revenue officer, in charge of the salt-work, may, by

Mad. Act I of 1882, s. 27 (e).

Bo. Act VII of 1873, s. 23.

Bo. Act VII of 1873, s. 21.

Bo. Act VII of 1873, s. 21.

Bo. Act VII of 1873, s. 21.

Bo. VII of 1873.

Bo. Act VII of 1873, s. 22.

Bo. Act VII of 1873, s. 40.

Bo. Act VII of 1873, s. 41.

written notice, require the licensee of the salt-work either to remove the remaining portion of the salt in such heap or to re-heap and secure the same in such manner as the said officer shall deem sufficient.

(2) If the licensee shall fail to comply with such notice within three days from the date of service thereof, the officer aforesaid may offer the salt remaining from the heap for sale, and, if the price offered be not less than the duty leviable thereon, may sell it. If the price offered be less than the amount of the duty he may cause the salt to be destroyed and the cost of so doing shall be recoverable by him from the licensee of the salt-work.

Bo. Act VII of 1873, s. 44. Power for certain salt-revenue officers to require licensees of private salt-works to construct and repair places for storage of salt or to provide for protection of salt or to repair store-houses.

20. (1) Any salt-revenue officer not lower in rank than a sarkarkûn may, by written notice, require the licensee of a private salt-work:

(a) to construct within such salt-work an embankment, platform or other place for the storage of salt; or

(b) to repair any such embankment, platform or place already existing; or

(c) to protect, in any manner which shall appear to such officer sufficient, by thatch or in any other mode customary in the locality, any salt stored upon any such embankment, platform or place;

Bo. Act VII of 1873, s. 45.

(d) to repair, to such officer's satisfaction, any store-house, building or premises used for the storage of salt-manufactured, excavated or collected at such salt-work on which duty has not been paid.

(2) If the licensee shall fail to comply with such notice within twenty days from the date of service thereof, the officer aforesaid may cause the necessary work to be executed; and the cost of so doing shall be recoverable by him from the licensee of the salt-work.

New.

21. If the salt-revenue officer aforesaid shall be of opinion that unless any such work as is mentioned in the last preceding section is executed without delay, the salt-revenue will be endangered, he may, by written notice, and after recording his reasons for so doing in writing, require the licensee of the salt-work to execute the said work within such period as he shall deem fit, and if the licensee fails to comply

with the notice within such period, may cause the work to be executed; and the cost of so doing shall be recoverable by him as aforesaid.

22. (1) The Collector may, by written notice, require the licensee of a private salt-work, within a reasonable period to be prescribed in such notice, to his satisfaction:

(a) to construct a store-house or other building or premises for the storage of salt manufactured, excavated or collected at such salt-work, on which duty has not been paid; or

(b) to reconstruct, alter or extend any existing store-house or other building or premises used for the storage of such salt as aforesaid.

(2) If the licensee shall fail within the prescribed period to comply with such notice, the Collector may cause the necessary work to be executed; and the cost of so doing shall be recoverable by him from the licensee of the salt-work.

*Suppression of private Salt-works and determination of licenses.*

23. (1) If the licensee of any private salt-work, or his agent is guilty of any offence punishable under this Act, the Governor in Council may suppress such salt-work, or

suspend or withdraw the license to manufacture, excavate or collect salt thereat or to remove salt therefrom.

(2) If any such offence is committed by any person employed at a private salt-work, the Governor in Council may impose a fine not exceeding one thousand rupees on the licensee of such work, unless the said licensee establishes, to the satisfaction of the Governor in Council, that all due and reasonable precautions were exercised by him to prevent the commission of such offence.

(3) For the purposes of this section, the decision of the Governor in Council as to whether any such offence as aforesaid has been committed shall be conclusive.

(4) If any fine imposed under this section is not paid forthwith, the amount thereof may be recovered, upon application by the Collector, by any Magistrate, as if the same were a fine inflicted by such Magistrate.

Bo. Act VII  
of 1873, s. 34.

24. Whenever it shall appear necessary to the Governor in Council to obtain the ownership of any private salt-work with a view to suppressing it, he may proceed to acquire such salt-work under the provisions of the Land Acquisition Act, 1870.

Acquisition of private salt-works under Act X of 1870.

X of 1870.

Bo. Act VII  
of 1873, s. 42.

25. Whenever, under any of the provisions of this Act, a private salt-work is suppressed, or a license to manufacture, excavate or collect salt at or to remove salt from any salt-work is withheld, suspended, or withdrawn, the Collector may flood the said work with water or take such other measures as he may deem fit for preventing the manufacture or the spontaneous production of salt therein.

Power to destroy suppressed and unlicensed salt-works.

Bo. Act VII  
of 1873, s. 43.

26. (1) Salt in store at any private salt-work on the date when it is suppressed or when a license for the manufacture, excavation or collection of salt thereat or the removal of salt therefrom is withheld, suspended or withdrawn, may be removed by the licensee of the salt-work within the period of six months from the said date and for the purpose of such removal the license shall for the said period be deemed to continue in force.

Removal of salt from suppressed and unlicensed private salt-works.

(2) The Collector may cause any salt which remains at any such salt-work after the expiry of the said period of six months to be put up for sale, and if the price offered be not less than the duty leviable thereon may sell it. If the price offered be less than the amount of the duty, he may cause the salt to be destroyed.

## CHAPTER V.

### REMOVAL OF SALT FROM SALT-WORKS OR GOVERNMENT WAREHOUSES.

Bo. Act VII  
of 1873, ss. 25  
and 31.

27. No salt shall be removed from any salt-work or from any Government warehouse or store, otherwise than on account of Government, except under the authority and subject to the terms and conditions of a permit to be granted by a salt-revenue officer empowered in this behalf.

Removal of salt from a salt-work or Government warehouse without a permit prohibited.

28. No such permit shall be granted until after payment of the duty and other charges, if any, payable to Government in respect of the salt intended to be removed, nor except upon a written application for the same.

Permit to be granted only after payment of duty and charges and on a written application.

Bo. Act VII  
of 1873, ss. 26  
and 27.

29. (1) The duty and other charges, if any, payable to Government shall be paid to such officer as the Commissioner directs.

(2) If the officer authorized to receive the said payment is the same salt-revenue officer who is empowered to grant the permit, the amount of the duty and other charges, if any, payable to Government in respect of the salt intended to be removed shall be presented to the said officer, along with the written application for a permit, and the said officer's receipt therefor may be attached to the permit. Otherwise the receipt of the officer authorized to receive payment of the duty and other charges, if any, shall accompany the written application for a permit.

Bo. Act VII  
of 1873, s. 27.

30. (1) The receipt and written application shall, respectively, be in such form and be signed by such persons and contain

Form and contents of receipt, written application and permit.

Bo. Act VII  
of 1873,  
App. A. and  
B.

such particulars as the Commissioner from time to time directs.

(2) The permit shall specify:—

Bo. Act VII  
of 1873, s. 27.

(a) the amount of duty and other charges, if any, paid;

(b) the quantity of salt to be removed;

(c) the salt-work, or Government warehouse or store from which and the person by whom the salt is to be removed;

(d) in the case of salt removed from a salt-work, the preventive station at which the salt is to be examined;

(e) the place to which and the route by which the salt is to be taken;

(f) the period for which the permit shall be in force;

and shall be in such form and contain such other particulars, if any, as the Commissioner from time to time directs.

31. (1) If the Commissioner so directs, there shall be attached to the permit an order to the salt-revenue officer in subordinate charge of the salt-work or Government warehouse or store from which

Order to subordinate salt-revenue officer may be attached to permit.

Bo. Act VII  
of 1873, ss. 27  
and 28.

salt is to be removed, requiring him to allow the quantity of salt mentioned in the permit to be removed and to endorse upon the order a certificate signed by himself and by the person who removes the salt and, if it is removed from a private salt-work, by the licensee of the salt-work, as to the correctness of the weighment and of the scales and weights used in weighing the salt.

(2) The said order and certificate shall be in such form and contain such particulars as the Commissioner from time to time prescribes.

32. When a permit is presented to the salt-revenue officer in subordinate charge of a salt-work, or of a Government warehouse or store, he shall :

(a) fill up the blanks therein, if any, intended to be filled up by him ;

(b) permit the authorized amount of salt to be weighed out for removal ;

(c) tear off and retain the order, if any, attached to the permit ;

(d) fill in and take the signatures of the proper persons beneath, and himself attest the certificate to be endorsed on the said order, if any ;

(e) return the permit to the person entitled to remove the salt and permit the salt to be removed.

33. (1) Salt removed from a salt-work under a permit as aforesaid shall be taken, together with the permit covering it, direct to the preventive station named in the permit, within the period prescribed in such permit.

(2) Subject to such orders as the Collector from time to time issues in this behalf, the salt-revenue officer in charge of the preventive station may examine and re-weigh the salt under removal.

(3) If the said officer shall be satisfied that the quantity of salt under removal is not in excess of the quantity specified in the permit he shall allow it to pass and after endorsing the permit to the effect that he has passed the same, shall return it to the person removing the salt.

(4) Thereafter the salt shall be conveyed to the place named in the permit within the period prescribed therein.

34. It shall be incumbent on every person who has obtained a permit for the removal of salt, either personally or through an agent lawfully appointed for this purpose :

(a) to test the scales and weights used in weighing out such salt ;

(b) to prevent the removal of salt in excess of the quantity named in the permit ;

(c) if so required by the salt-revenue officer in subordinate charge of the salt-work, or Government warehouse, or store, from which the salt is removed, to sign a certificate as to the correctness of the weighment and of the scales and weights used in weighing out the salt ;

(d) to superintend the removal of the salt.

## CHAPTER VI.

### WAREHOUSING OF SALT FOR SALE.

Salt not to be stored for the purpose of sale within certain limits without a license.

35. No salt shall be stored or had in possession for the purpose of sale :

(a) in Sind ; or

(b) within one mile from the Mátunga salt-work in the island of Bombay, or

(c) within ten miles from any salt-work, or from any customs-station established under section four of Act No. XXIX of 1857 (*an Act to make better provision for the collection of land-customs on certain foreign frontiers of the presidency of Bombay*), or from any port or place at which at the time being it is lawful to import salt by sea or to land the same, or

(d) within any other limits which shall from time to time be defined for this purpose by the Governor in Council by notification in the *Bombay Government Gazette*,

except under the authority and subject to the terms and conditions of a license to be granted by the Collector in this behalf.

36. (1) The Governor in Council may, from time to time,

make rules for regulating and licensing the storage or possession of salt for the purpose of sale within any of the limits aforesaid.

Bo. Act VII  
of 1873, App.  
B.

Bo. Act VII  
of 1873, s. 28.

Course to be followed by salt-revenue officer in subordinate charge of salt-work, &c., when permit is presented to him.

Bo. Act VII  
of 1873, s. 30.

Bo. Act VII  
of 1873, App.  
B.

Bo. Act VIII  
of 1873, s. 29.

Salt how to be dealt with after leaving a salt-work.

Bo. Act VII  
of 1873, App.  
B.

Bo. Act VII  
of 1873, s. 36.

(2) Subject to the provisions of any rules so made, the Collector may, from time to time, grant licenses to such persons as he deems fit, authorizing them to store or possess salt within any of the said limits for the purpose of sale.

37. (1) No person shall, within any of the limits described in section 35, transport or possess salt exceeding one maund in weight, unless the same:—

(a) is being removed under a permit obtained under section 27; or

(b) is stored or possessed for the purpose of sale under a license granted under the last preceding section; or

(c) has been legally imported from a foreign port or place at some port or place within the said limits and is covered by a certificate signed by a customs-officer of the payment of the import-duty leviable thereon; or

(d) is covered by a special permit granted under the power next hereinafter conferred.

(2) The Collector or Deputy or Assistant Collector or any salt-revenue officer empowered in this behalf may grant to such persons as they shall think fit, special permits authorizing them to be possessed of salt exceeding one maund in weight for their private consumption within or for conveyance out of any of the said limits.

CHAPTER VII.

POWERS OF SALT-REVENUE OFFICERS.

38. Any salt-revenue officer empowered in this behalf, may:—

(a) enter, at any time by day or by night, any place where illicit manufacture of salt is suspected to be going on; and which he has reason to believe that:

(i) salt is being manufactured, excavated, collected or removed without a license granted under this Act; or

(ii) that there is a natural formation of salt; or

(iii) contraband salt is stored or concealed;

(b) in case of resistance, break open any door and remove any other obstacle to his entry, upon or into such land, building, enclosed place or premises;

(c) take possession of, or destroy any salt so manufactured, excavated, collected or formed and any work, apparatus, implement, utensil, or material constructed or employed for the purpose of such manufacture, excavation, collection or removal, or of utilizing the salt so formed contrary to any of the provisions of this Act or of any rule made hereunder;

(d) enter and inspect, at any time by day or night, any salt-work or any building, enclosed place, or premises used for storing salt, or any vessel laden with, or which is being laden with, or which it is intended to load with salt;

(e) detain and search any person, animal, vessel, conveyance, goods or package upon or in whom or which he shall have reason to believe that there is contraband salt;

(f) seize in any open place or in transit, any article which he has reason to believe to be contraband salt and any vessel, package or covering in which such article is found and the other contents, if any, of the vessel, conveyance or package in which the same is found and any animal, vessel or conveyance used or intended to be used in carrying the same;

(g) detain and search and, if he think proper, arrest any person whom he has reason to believe to be guilty of any offence punishable under this or any other law for the time being in force relating to salt-revenue, or in whose possession contraband salt is found.

39. All searches and arrests under the last preceding section shall be made in accordance with the provisions of the Code of Criminal Procedure, 1882, relating, respectively, to searches and arrests made under that Code.

Bo. Act VII of 1873, s. 37.

Bo. Act VII of 1873, s. 18.

New (see Bo. Act V of 1873, s. 36) (c.)

Bo. Act VII of 1873, s. 18.

Bo. Act VII of 1873, s. 8.

Bo. Act VII of 1873, s. 14.

Bo. Act VII of 1873, s. 14.

Bo. Act VII of 1873, s. 9.

Bo. Act V of 1878, s. 33.

Act X of 1882.



Bo Act VII  
of 1873, s. 16.

40. It shall be incumbent on every village officer and on every officer of the departments of Police, Customs, Opium, Abkari, Forests and Revenue:

Vide s. 150,  
Act X of  
1882.

(a) to communicate to some salt-revenue officer not lower in rank than a sarkarkún or a daroga, any information which he receives of a design to commit or of the commission of any offence punishable under this Act;

Vide s. 149,  
Act X of  
1882.

(b) to interpose for the purpose of preventing and to prevent such offences; and of all reasonable means within his power, the commission of any such offence;

(c) on receipt of notice or of a request from any salt-revenue officer, to assist such officer in carrying out any of the provisions of this Act.

Bo. Act VII  
of 1873, s. 15.

41. (1) Any Commissioner, or Collector, or other salt-revenue officer empowered in

Bo. Act V  
of 1878, s. 40.

this behalf, and any Magistrate may issue a warrant for the search, whether by day or by night, of any building, vessel or place in which he has reason to believe that contraband salt is kept or concealed.

Act X of  
1882.

(2) Every warrant issued under this section shall be executed in accordance with the provisions of the Code of Criminal Procedure, 1882, relating to search warrants, by a Police officer or by a salt-revenue officer empowered in this behalf, or, if the officer issuing the warrant deems fit, by any other person.

Bo. Act VII  
of 1873, s. 47

42. (1) Any officer who makes a search under this Act, or who examines any salt or salt-earth for any of the purposes of this Act, or of any rule made under this Act, may require the person who has the immediate possession or control of any animal, vessel, conveyance, goods, or package which he desires to search, or of any salt or salt-earth which he desires to examine, without delay and in such manner as he thinks fit to direct:

(a) to unload, unpack or open, any such animal, vessel, conveyance, goods or package; and

(b) to weigh any such salt or salt-earth.

(2) If the said person shall fail to comply with any such requirement, the officer aforesaid may cause the animal, vessel, conveyance, goods, or package to be unloaded, unpacked or opened or the salt or salt-earth to be weighed in the manner which he requires, and the cost of so doing shall be recoverable by the said officer from the said person.

43. Every person arrested under section 38 shall be forwarded without delay to the nearest salt-revenue officer empowered to send persons so arrested to a Magistrate, or if there be no such salt-revenue officer within a reasonable distance, to the officer in charge of the nearest police-station.

Disposal of person arrested.

44. The officer in charge of a police-station to whom any person is forwarded under the last preceding section, or who receives, direct, any complaint or information of the commission of an offence punishable under this Act, shall inquire into and deal with the case under the provisions of the Code of Criminal Procedure, 1882, relating to cognizable cases.

Bo. Act VII  
of 1873, s. 9.

Bo. Act V of  
1873, s. 41.

Procedure to be followed by officer in charge of a police-station in cases of offences punishable under this Act.

person is forwarded under the last preceding section, or who receives, direct, any

Bo. Act VII  
of 1873, s. 16.

complaint or information of the commission of an offence punishable under this Act, shall inquire into and deal with the case under the provisions of the Code of Criminal Procedure, 1882, relating to cognizable cases.

Act X of  
1882.

45. (1) When any person is forwarded under section 43 to a salt-revenue officer empowered to send persons so arrested to a Magistrate, the said salt-revenue officer may detain such person and shall proceed to inquire into the charge against him.

Bo. Act VII  
of 1873, ss.  
10-13.

Inquiry how to be made by salt-revenue officers against arrested persons forwarded to them under section 43.

under section 43 to a salt-revenue officer empowered to send persons so arrested to a Magistrate, the

said salt-revenue officer may detain such person and shall proceed to inquire into the charge against him.

(2) For this purpose the said salt-revenue officer may exercise the like powers and shall be subject to the same provisions as the officer in charge of a police-station may exercise and is subject to, under the Code of Criminal Procedure, 1882, when investigating a cognizable case:

Act X of  
1882.

(3) Provided that:—

(a) if the said salt-revenue officer shall be of opinion that there is sufficient evidence or reasonable ground of suspicion against the accused person, he shall forward him to a Magistrate having power to take cognizance of the offence.

Ci. s. 170,  
Crim. P. C.

(b) if it appears to the said salt-revenue officer that there is not sufficient evidence or reasonable ground as

Ci. ss. 169  
and 173,  
Crim. P. C.

aforesaid, he shall release the accused on his executing a bond, with or without sureties, as such salt-revenue officer may direct, to appear, if and when so required, before a Magistrate having power as aforesaid, and make a full report of all the particulars of the case to his official superior and be guided by the order which he shall receive upon such report.

### CHAPTER VIII.

#### PENALTIES.

46. Whoever, in contravention of this Act, or of any rule or order made under this Act, or of any license or permit obtained under this Act—

- (a) manufactures, removes or transports salt, or  
 (b) excavates, collects or removes natural salt, or salt-earth, and whoever :

(c) except in the exercise of some power or the discharge of some duty conferred or imposed upon him under this Act or any other enactment at time in force, receives or, without lawful excuse, retains contraband salt knowing or having reason to believe the same to be contraband salt,

shall for every such offence be punished with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to six months, or with both.

47. (1) Whoever, being a salt-revenue officer or a village officer or an officer of any of the departments of Police, Customs, Opium, Abkari, Forests or Revenue :

(a) does any act, or is guilty of any omission, in contravention of this Act, or of any rule or order made under this Act, or

(b) with intent to cause injury or annoyance to any person, vexatiously and unnecessarily makes use of any power conferred upon him under this Act, shall for every such offence be punished with fine which may extend to five hundred rupees.

(2) And whoever wilfully and maliciously gives false information and thereby causes a search or an arrest to be vexatiously and unnecessarily made under this Act shall, for every such offence, be punished with imprisonment which may extend to two

years, or with fine which may extend to five hundred rupees, or with both.

48. Whoever prepares, or signs, or uses, or attempts to use an incorrect application for a permit to remove salt, knowing or having reason to believe such application to be incorrect, shall, for every such offence, be punished with fine which may extend to two hundred rupees, and in default of payment of the fine, with simple imprisonment for a term which may extend to one month.

49. All contraband salt, and every vessel, animal or conveyance used, or intended to be used in carrying contraband salt, and

all goods, packages and coverings in which contraband salt is found, and the other contents, if any, of the vessel or conveyance in which contraband salt is found, and

every apparatus, implement, utensil or material employed, or intended to be employed, for the manufacture, excavation, collection or removal of salt without a license or for the purpose of utilizing natural salt or salt-earth contrary to any of the provisions of this Act or of any rule made hereunder,

shall be liable to confiscation.

### CHAPTER IX.

#### PROCEDURE.

50. (1) All offences punishable under this Act, except the offence described in the last paragraph of section 47, shall be cognizable by any Magistrate.

(2) The offence described in the last paragraph of section 47 shall be cognizable by a Magistrate of the first class.

51. (1) All confiscations under this Act shall be adjudged by the Collector or by any officer empowered by the Governor in Council in this behalf :

(2) Provided that no order of confiscation shall be made without hearing any person who claims a right to any thing intended to be confiscated and the evidence, if any, which he produces in support of his claim.

(3) Whenever confiscation is ordered under this Act, the owner of the thing confiscated shall be

Bom. Act VII of 1873, ss. 49 and 51.

Bom. Act VII of 1873, s. 49.

Bo. Act VII of 1873, s. 52.

For offences against this Act committed by public servants.

Bo. Act VII of 1873, ss. 23 and 54.

Bo. Act VII of 1873, s. 55.

Act XII of 1882, s. 25, (last para.)

Redemption to be permitted.

given an option of redeeming it, on payment of such fine as the Collector or other officer aforesaid thinks fit.

Bo. Act VII  
of 1873, s. 17.

52. (1) Any salt-revenue officer not

Power to summon  
persons to give evidence  
and produce documents.

lower in rank than a sarkarkún or a daroga shall have power to summon any person whose attendance he considers necessary either to give evidence or to produce a document or any other thing in any inquiry which such officer is making for any of the purposes of this Act. A summons to produce documents or other things may be for the production of certain specified documents or things or for the production of all documents or things of a certain description in the possession or under the control of the person summoned.

Bo. Act V of  
1879, s. 189.

(2) All persons so summoned shall be bound to attend, either in person or by an authorized agent, as such officer may direct: provided that exemptions under sections 640 and 641 of the Code of Civil Procedure shall be applicable to requisitions for attendance under this section;

and all persons so summoned shall be bound to state the truth upon any subject respecting which they are examined or make statements,

and to produce such documents and other things as may be required.

(3) Every such inquiry as aforesaid shall be deemed to be a "judicial proceeding" within the meaning of section 193 and section 228 of the Indian Penal Code.

Act XLV of  
1860.

Bo. Act VII  
of 1873, s. 60.

53. Every summons shall be in writing, in duplicate, and shall state the purpose for

Summons to be in  
writing, signed and  
sealed.

which it is issued, and shall be signed by the officer issuing it, and shall also bear his

official seal, if he have any; and shall be served by tendering a copy of it to be

How to be served.

person summoned, or, if he cannot be

found, by affixing a copy of it to some conspicuous part of his usual residence.

54. (1) Every notice under this Act shall

Service of notices.

be deemed to be served on the date on

which a copy thereof is tendered or delivered to the person on whom it is to be served, or to his agent, if he have any,

or on the date on which a copy thereof is affixed to the door of such person's last known place of residence or posted in a conspicuous part of the salt-work, if any, to which it has reference.

(2) No such notice shall be deemed void on account of any error in the name or designation of any person referred to therein, unless when such error has produced substantial injustice.

Notice not void for  
error.

Bo. Act V of  
1879, s. 191.

55. Whenever it is provided in this Act that the costs of doing anything shall be

Recovery of costs.

Bo. Act VII  
of 1873, ss.  
40, 44 and 45.

recoverable from any person by a salt-revenue officer, the said officer may recover the same by detention of any property of the person liable therefor and by sale of such property; and the said costs shall also be recoverable, if necessary, by a revenue officer in any manner in which, under the law at the time in force, an arrear of land-revenue may be recovered.

56. (1) Every order passed by any salt-revenue officer other

Appeals.

Bo. Act VII  
of 1873, s. 6.

than a Commissioner or a Collector, shall be appealable to such officer's immediate superior at any time within sixty days from the date of such order.

Bo. Act V of  
1882, s. 3.

Bo. Act V of  
1878, s. 60.

(2) Every order passed by a Collector shall be appealable within ninety days from the date of such order to the Commissioner, if any, to whom the Collector is subordinate and, if there be no such Commissioner, to Government.

(3) Every order passed by a Commissioner shall be appealable within ninety days from the date of such order to Government: Provided that no such appeal shall lie from any order passed by a Commissioner on appeal.

(4) Subject to the foregoing provisions, the rules for the time being in force relating to appeals in the Revenue department shall apply to appeals under this Act.

## CHAPTER X.

### MISCELLANEOUS.

57. (1) In addition to the rules which the Governor in Council is hereinbefore empowered to make, he may from time to time make rules, consistent with this Act, to regulate the following matters, namely:

Further matters for  
which the Governor in  
Council may make rules.

Bo. Act VII  
of 1873, s. 39.

the Governor in Council is hereinbefore empowered to make, he may from time to time make rules, consistent with this Act, to regulate the following matters, namely:

(a) the manufacture, deposit and storage of salt at any salt-work;

(b) the deposit and storage of salt in any building, enclosed place or premises used for the deposit or storage of salt on which duty has not been paid;

(c) the removal of salt from any such building, enclosed place or premises as last aforesaid or from any salt-work;

(d) the routes by which salt shall be taken from any such building, enclosed place or premises as aforesaid or from any salt-work to any preventive station;

(e) the routes by which manufacturers of salt and other persons shall approach, enter or leave any salt-work and the hours during which any person may remain within the limits of any salt-work or in any such building, enclosed place or premises as aforesaid;

(f) the conservancy of any salt-work and of any such building, enclosed place or premises as aforesaid;

(g) the situation and construction of places of residence for manufacturers of salt and other work-people employed in any salt-work;

(h) the attendance and the enforcement of the contract or agreement of any person who has contracted or agreed to manufacture, excavate or collect salt at any salt-work under the immediate management and control of Government;

(i) the grant of amended or duplicate copies of documents relating to proceedings under this Act, and the fees to be charged for such copies.

58. In making a rule under this Act,

the Governor in Council may direct that a breach of it shall be punishable with fine which may extend to two hundred rupees and, in default of payment of the fine, with simple imprisonment for a term which may extend to one month.

59. All rules made under this Act shall be published in the *Bombay Government Gazette* and, in Sind, in the *Sind Official*

*Gazette*, and shall thereupon have the force of law.

60. (1) No action shall lie against Government, Bo. Act VII of 1873, ss. 62 and 63.

Bar of actions. against any salt-revenue officer, for damages in any civil court for any act *bond fide* done or ordered to be done by them in pursuance of this Act, or of any law at the time in force relating to salt-revenue. Bo. Act V of 1878, s. 67.

(2) All prosecutions of any salt-revenue officer, and all actions which may be lawfully brought against Government, or against any salt-revenue officer, in respect of any thing done or alleged to have been done, in pursuance of this Act, shall be instituted within four months from the date of the act complained of, and not afterwards.

(3) Any such action shall be dismissed:

(a) if the plaintiff does not prove that, previously to bringing such action he has presented all such appeals allowed by the Act, or by any other law for the time being in force, as within the aforesaid period of four months it was possible to present; or

(b) in the case of an action for damages, if tender of sufficient amends shall have been made before the action was brought, or if, after the institution of the action, a sufficient sum of money is paid into court with costs, by or on behalf of the defendant:

(c) in the case of an action against a salt-revenue officer inferior in rank to a Collector, if the said officer pleads and establishes that the act complained of was done in good faith under the order of a superior officer:

(4) Provided that nothing in this section shall be deemed to affect the powers or jurisdiction of Her Majesty's High Court of Judicature, or of the Court of Small Causes at Bombay.

## STATEMENT OF OBJECTS AND REASONS.

The law for the regulation and control of the manufacture of, and traffic in salt in the province of Sind has hitherto been distinct from that in force in the rest of the Bombay presidency. The Indian Salt Act, 1882, is the enactment at present in operation in that province, but its provisions are found to be in some respects ill-adapted to local requirements and it is

thought that it will tend to administrative convenience if the same law which is in force in the presidency proper is extended to Sind.

2. Accordingly it has been enacted by the Governor General in Council in Act XX of 1884 that from such day as the Governor of Bombay in Council, by notification in the official Gazette, fixes in this behalf, the Indian Salt Act, 1882, shall cease to be in force in Sind. XII of 1882.

New; but cf. Bo. Act VII of 1873, s. 53.

Act XII of 1882, s. 29.

XII of 1882.

3. It would have been possible for the Governor of Bombay in Council to extend the existing Bombay salt\* law to Sind, without resorting to legislation; but the Bombay system required a few modifications to make it suitable for that province and it has been deemed desirable, therefore, to repeal the Bombay Salt Acts and to invite the Legislature to pass one new consolidated Act for the entire presidency. This present Bill has been prepared for this purpose.

4. The opportunity has been taken of thoroughly revising and re-arranging the provisions of the Bombay Salt Act, 1873, and of amending them by the light of the experience gained in the working of that Act.

5. The Bill contains some new provisions on the subject of salt-earth. Salt earth (called in Sind "kalar") is earth impregnated with or mixed with salt. Salt may be obtained from it, but it has been held by the Sadar Court of Sind that it is not a natural saline deposit or efflorescence within the meaning of the Indian Salt Act, 1882, and that nothing in that Act affects it. But salt-earth is obtainable in large quantities and without any trouble in Sind and in other parts of the presidency also and as there is very little difference in the saline properties of it and of natural salt, it is necessary, for the protection of the salt-revenue, to bring the collection of it under control. In sections 10-12 of the Bill, therefore, the excavation, collection and removal of salt-earth except under and subject to the terms and conditions of a license are prohibited in the same way in which the excavation, collection and removal of natural salt are prohibited. But in order that this prohibition may not inflict unnecessary hardship, power is taken by section 13 to dispense in any local area or place with the necessity for obtaining a

license for the excavation, collection or removal of salt-earth. The effect of this will be that in localities where there is no serious risk of loss to the salt-revenue, the excavation, collection or removal of salt-earth for certain prescribed purposes will be permitted, subject only to such limitations and regulations as Government think it necessary to lay down in rules framed by them for this purpose.

6. In Chapter VIII of the Bill some changes have been made for the purpose of assimilating the scale of punishments under the Bombay law to that laid down in the Indian Salt Act, 1882. With this XII of 1882. object:

(1) the fine of Rs. 1,000 which may be imposed under section 49 of Bombay Act VII of 1873 has been reduced in section 46 (a) of the Bill to Rs. 500, in conformity with section 9 of the Indian Salt Act;

(2) the punishment of imprisonment for two years and fine of an unlimited amount which may be imposed under sections 54 and 55 of Bombay Act VII of 1873 has been altered in section 47 of the Bill to a fine not exceeding Rs. 500, in conformity with section 25 of the Indian Salt Act;

(3) the same punishment has been provided in section 47 of the Bill for wilfully and maliciously giving false information as is laid down in the last paragraph of section 25 of the Indian Salt Act.

7. The other changes which the Bill proposes to make in the existing Bombay salt-law are designed for the purpose either of facilitating the introduction of the Bombay system into Sind or of improving the administration of the Salt Department in this presidency generally.

(Signed) J. B. RICHEY.

9th April 1888.

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

J. J. HEATON,

Acting Secretary to the Council of the Governor

of Bombay for making Laws and Regulations.

*Bombay Castle, 9th April 1888.*

Bo. VII of  
1873.

XII of 1882.