

THE



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## 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 10th March 1871, and was referred to a Select Committee with instructions to make their report thereon in a fortnight:—

#### Bill No. 8 of 1871.

#### THE LAND IMPROVEMENT BILL, 1871.

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#### SCHEDULE.

*A Bill to consolidate and amend the law relating to advances of money by the Government for the construction of permanent works of agricultural improvement.*

WHEREAS it is expedient to consolidate and amend the law relating to advances of money by the Government for the construction of permanent works of agricultural improvement; It is hereby enacted as follows:—

#### CHAPTER I.—Preliminary.

1. This Act may be called "The Land Improvement Act, 1871"; It extends only to the territories respectively under the government of the Lieutenant Governors of the North-Western Provinces and the Panjáb and under the administration of the Chief Commissioners of Oudh, the Central Provinces and British Burma; And it shall come into force on the passing thereof.
2. The enactments mentioned in the schedule hereto annexed shall be repealed to the extent specified therein.
3. In this Act—  
"Land" means land used for agricultural purposes, or waste land which is cultivable;

"Rent" means whatever is payable or deliverable for the use or occupation of land ;

"Landlord" includes a superior, mesne or immediate proprietor and any person entitled for the time being to receive rent directly from a tenant ;

"Tenant" means any person actually using or occupying land and liable pay or deliver rent therefor ;

"Improvement." "Improvement" means :—

1st, wells, tanks and other works for the storage supply, or distribution of water for agricultural purposes, or the preparation of land for irrigation.

2nd, works for the drainage of land ; for the reclaiming of land from rivers, or from other waters ;

for the protection of land from floods, or from erosion or other damage by water ;

3rd, the reclaiming, clearing, and enclosing of waste lands for agricultural purposes ;

4th, the clearing of the land from stones or other obstacles to cultivation ;

5th, the renewal or re-construction of any of the foregoing works, or such alterations therein, or additions thereto, as are not required for maintaining the same, and which increase durably their value ; and

"Collector" means the Collector of land-revenue, or the Deputy Commissioner, or any officer authorized by the Local Government to exercise the powers of a Collector under this Act.

#### CHAPTER II.—Advances of Money for making Improvements.

4. Any landlord or tenant desiring to make an improvement in any land of which he is in possession or occupation, and to obtain an advance of money to enable him to make such improvement, may make an application to the Collector for such advance, stating at the same time the nature and amount of the security which the applicant proposes to furnish for the repayment of such advance.

5. On receiving such application, the Collector shall make such inquiry as he deems necessary to ascertain the propriety or otherwise of making the advance.

6. If the Collector be satisfied—

(a) that the improvement will immediately or prospectively increase the annual value of the land to be improved by an amount exceeding the largest sum to be charged in any one year under this Act for the repayment of the advance, and

(b) that the proposed security is adequate, he may grant to the applicant a certificate sanctioning an advance of money for the purpose of making the improvement.

7. If (a) the applicant is a tenant not having the right to transfer his interest in the land without the consent of the landlord,

or (b) if the applicant is a tenant having such right, but the amount of the advance applied for exceeds the value of the said interest, and if, in either of such cases, the Collector is not satisfied that the proposed security is adequate,

the Collector shall serve notice of the application on the landlord personally or upon his agent authorized to receive service on his behalf.

8. No such notice shall be deemed to have been served unless the service is acknowledged by the landlord or his agent, or the fact of its having been made be otherwise established to the satisfaction of the Collector.

9. If the landlord does not within one month after such service signify in writing to the Collector his dissent to the making of the proposed improvement, or if he dissents but, after the Collector has explained his reason for thinking the improvement desirable, withdraws in writing such dissent, the Collector may grant the certificate.

10. The certificate shall

(a) state the amount of the advance ;

(b) state the conditions under which it is to be made and recovered ;

(c) specify the land or interest in the land (if any) which, in the event of any sum not being repaid by the person receiving the advance, shall become chargeable for the repayment of the same ; and

(d) state the nature and amount of any other security furnished.

11. When such certificate has been granted, the Collector may make the advance therein mentioned.

12. All sums stated in such certificate shall, when they become due, be recoverable from the person to whom the advance was made, or from any person who has become security for the repayment thereof, as if they were arrears of land-revenue due by the person to whom the advance was made or by his security.

If any such sum cannot be so recovered, it shall be recoverable as if it were an arrear of revenue due on the land specified in the said certificate :

Provided that when the person to whom the advance was made is a landlord or a tenant having a right to transfer his interest in the land without the consent of the landlord, the interest of no person, other than such landlord or tenant, in the said land shall be sold under this section.

13. The making of an advance under this Act to a tenant shall in no case be deemed to confer upon him any right to or interest in the land in respect of which the advance is made, or to alter the respective rights or interests of landlord and tenant in such land.

#### CHAPTER III.—Supplementary Powers.

14. The Governor General in Council shall determine, from time to time, the aggregate amount of advances which may be

applied by the Local Government for the purpose of making advances under this Act, or which may be permitted to remain outstanding and not repaid or discharged at any one time, on account of such advances.

15. The Local Government, with the previous sanction of the Governor General in Council, may make rules consistent with this Act in all matters connected with its enforcement, and may, from time to time, alter and add to the rules so made.

Such rules shall, among other things, make provision:—

1st, for prescribing the manner in which applications may be made by persons desiring to obtain advances from the Collector for making improvements, and in which inquiries relating to such applications shall be conducted;

2nd, for prescribing the forms which are to be used in any proceeding under this Act;

3rd, for determining the conditions under which such advances may be made, and under which they are to be repayable;

4th, for securing the due expenditure of such advances, and the due execution, inspection, and maintenance, during the term fixed for the repayment of the advance, of the improvements for which the advances are made;

5th, for keeping and auditing the accounts of such advances;

6th, for making local inquiries or otherwise carrying out the provisions of this Act.

Any sums expended by the Collector in accordance with rules made under this section shall be recoverable as if they were part of the advance in connection with which they were made.

## SCHEDULE.

### Bengal Regulations.

Number and Year.	Title.	Extent of Repeal.
II. 1793 ..	A Regulation for abolishing the Courts of Maal Adawlut or Revenue Courts, and transferring the trial of the suits which were cognizable in those Courts to the Courts of Dewanny Adawlut; and prescribing rules for the conduct of the Board of Revenue and the Collectors.	Sections twenty-three and forty-four.
XIV. 1793 ..	A Regulation for the recovery of arrears of the public revenue assessed upon the lands, from Zemindars, independent Talookdars, and other actual proprietors of land, and farmers of land holding farms immediately of Government.	Section forty.
III. 1794 ..	A Regulation for exempting proprietors of land (with certain exceptions) from being confined for arrears of revenue; and for prescribing the process by which Tehsildars are to demand payment of arrears; and for enabling the Collectors to recover from Native Officers employed under them, public money or papers which they may embezzle or retain; and for expediting the trial of causes relating to the public revenue or the rents of individuals.	Section eight.
VI. 1795 ..	A Regulation prescribing the process by which the Collectors and the Tehsildars are to realize the public revenue payable from the lands in the province of Benares.	Section forty-six.
XLVI. 1795 ..	A Regulation for extending to the Province of Benares, Regulations XXXIII. 1793, entitled, "A Regulation for re-enacting with Modifications, the Rules passed on the 11th February and 21st October, 1791, for repairing the Embankments kept in Repair at the public Expense; and for encouraging the digging of Tanks or Reservoirs and Watercourses, and making Embankments.	The whole.
XLIV. 1803 ..	A Regulation prescribing Rules for the Repair of Watercourses, Wells, and of other Works constructed for the Improvement of the Cultivation of the Lands, and kept in Repair at the public Expense, in the Provinces ceded by the Nawab Vizier to the Honourable the English East India Company, and for affording Encouragement to Individuals to construct such works.	The whole.

### STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to consolidate and amend the law relating to advances of money by the Government for the construction of works of agricultural improvement.

Almost from the commencement of the British rule in India, the Government has recognized the duty of making advances, usually called *takhávi* to the owners and occupiers of land, for the purpose of promoting the construction of minor works of agricultural improvement, not requiring much engineering skill or the employment of large num-

bers of labourers, but of such a description that they can be designed and carried out by the people themselves. The existing law upon the subject is contained in the Regulations mentioned in the schedule to the Bill. It is provided by these enactments that *takhávi* advances shall be recoverable by the same processes which are applicable to the recovery of arrears of land-revenue, and the security for repayment is thus rendered complete.

The provisions of the Regulations in question are, in some respects, hardly suited to the circumstances of the present time. The consolidation of the existing law upon the subject is necessary, and

it is desirable to take the opportunity of amending the law where it is defective.

The system under which *takhávi* advances have long been made in India for permanent agricultural improvements, and which it is proposed to continue under the present Bill, is indetical in principle with that which has been carried out, with admirable results, in the United Kingdom, by means of the Land Improvement Acts, and it is believed that this principle may properly receive a wider and more systematic development in India than has hitherto been given to it.

The Bill defines the classes of works for which the assistance of the Government may be granted; it authorizes the Local Governments, with the previous sanction of the Governor General in Council, to make rules prescribing the manner in which applications for advances may be made; the conditions under which advances may be granted, and under which they will be re-payable; for securing the due expenditure of the advances, the proper execution, inspection and maintenance of the works for which the advance was made; and for the keeping and auditing of accounts.

Long experience has shown that the system of granting advances of this description cannot throw any financial burden on the public, for no advance can be made unless the reproductive character of the work is certain, while the security for the repayment, both of the capital and interest, will be in every case complete.

The Bill refers only to advances for works of permanent agricultural improvement. A vicious system formerly prevailed in some parts of India, under which nominal advances, called *takhávi*, were often made to liquidate balances due on account of Government revenue, and for other temporary purposes. This system had nothing in common with that described in the present Bill.

(Signed) JOHN STRACHEY.

The 16th January 1871.

WHITLEY STOKES,  
Secretary to the Government of India.

The following Bill, and Statement of Objects and Reasons accompanying it, are published for general information, by order of His Excellency the Governor General, under the 19th of the Rules for the Conduct of Business at Meetings of the Council of the Governor General of India for the purpose of making Laws and Regulations.

### Bill No. 9 of 1871.

*A Bill to provide for the levy of rates on land in Oudh.*

WHEREAS it is expedient to provide for the levy of rates on land in Oudh to be applied to local and provincial purposes; It is hereby enacted as follows:—

1. This Act may be cited as "The Oudh Local Rates Act."

It extends only to the territories under the administration of the Chief Commissioner of Oudh.  
Local extent.  
and it shall come into force on the first day of Commencement. April 1871.

2. In this Act—

"Land" means land assessed to the land-revenue, and includes land whereof the land-revenue has been wholly or in part released, compounded for, redeemed, or assigned:

"Landlord" means the person in receipt of the rent of any land, and responsible for the payment of the land-revenue, if any, assessed on the estate. It also includes a Muáfidar or other person holding land, the land-revenue of which has been released, compounded for, redeemed, or assigned:

"Estate" means all or any part of a village separately assessed to the land-revenue, or separately exempted from payment thereof; and

"Annual Value." "Annual value" means as follows:—

- (1) In cases in which the settlement of the land-revenue is liable to periodical revision, it means double the amount of the land-revenue assessed on an estate;
- (2) In cases in which such settlement is not liable to such revision, or in which the land-revenue or a portion thereof has been released, compounded for, redeemed, or assigned, it means double the amount which, if the settlement were liable to such revision, would be assessable as land-revenue on the estate.

3. A rate, not exceeding one and a quarter per cent. on the annual value, shall be assessed on every estate.

Such rate shall be payable by the landlord independently of, and in addition to, any land-revenue for the time being assessed on the estate and any local cesses now imposed thereon.

4. Every landlord may recover from his co-sharers or pattidárs, if any, a share of the rate bearing the same proportion to the whole rate that the share of such co-sharer or pattidár recorded at the time of the settlement, bears to the whole estate for the rate on account of which such landlord is responsible.

5. In any case in which the rate is charged on a landlord on account of land in the use or occupation of an under-proprietor, or tenant with right of occupancy, or a permanent lessee, or a tenant with right of occupancy, such landlord may realize from such under-proprietor, lessee or tenant, a share of the rate bearing the same proportion to the whole rate that the share of such under-proprietor, lessee or tenant, in the annual value of the land on which the rate is charged, bears to half the annual value of such land.

6. Suits for the recovery from co-sharers, under-proprietors, permanent lessees, and tenants with rights of occupancy, of any sum on account of any rate imposed under this Act, and all suits on account of illegal exaction of such rate, or for the settlement of accounts, shall be cognizable by the Courts of Revenue in Oudh, and the provisions of the Oudh Rent Act, chapters VII., VIII., and IX. shall apply to such suits.

7. In case of revision of the land-revenue of any estate in consequence of alluvion or diluvion, rates assessed under this Act shall also be liable to revision.

8. The proceeds of all rates levied under this Act shall be carried to the credit of a general provincial fund, and, subject to the provisions of section nine, the balance for the time being at the credit of such fund shall be applied for the benefit of the province of Oudh in such manner as the Chief Commissioner from time to time directs.

9. The Local Government shall, from time to time, assign from such fund an amount to be applied in each district for expenditure on all or any of the following purposes—

- (1) The construction, repair, and maintenance of roads and communications;
- (2) The construction and repair of school-houses, the maintenance and inspection of schools, and the training of teachers;
- (3) The construction and repair of hospitals, dispensaries, lunatic asylums, markets, wells, and tanks, the payment of all charges connected with the purposes for which such buildings or works have been constructed, and any other local works and undertakings of public utility likely to promote the public health, comfort or convenience.

Such assignment shall not be less and may be more than seventy-five per cent. of the total sum assessed under this Act in such district.

10. Any portion of such assignment which remains unexpended at the end of the financial year in which the assignment was made shall, unless the Local Government otherwise directs, be held to be a portion of the general provincial fund mentioned in section eight.

11. Accounts of the receipts in respect of all rates levied under this Act, and of the receipts and expenditure of the assignment made under section nine, shall be kept in each district.

Such accounts shall, at all reasonable times, be open to the inspection of the Local Committee hereinafter mentioned.

An abstract of such accounts shall be prepared annually in English and in the vernacular language of the district, and shall be open, at all reasonable times, to public inspection at suitable place within the district without the payment of any fee.

An abstract of such accounts shall also be published annually in the local official Gazette.

12. The Local Government shall appoint, in each district, a Committee, consisting of not less than six persons, for the purpose of assisting in determining how the amount mentioned in section nine shall be applied, and in the supervision and control of the expenditure of such amount:

Provided that not less than one-half of the members of such Committee shall be persons not

in the service of the Government, and owning or occupying land in the district, or residing therein.

The Local Government shall from time to time prescribe the manner in which the members of such Committee shall be appointed or removed, and shall define the functions and authority of such Committee.

13. The Chief Commissioner may, by notification, from time to time, Power to make supplementary rules.

- (a) prescribe by what instalments and at what times any rate imposed under this Act shall be payable, and by whom it shall be collected and paid;
- (b) make rules consistent with this Act for the guidance of officers in matters connected with its enforcement;
- (c) exempt any portion of the territories under his administration from the operation of this Act.

Every notification under this section shall be published in the local official Gazette.

#### STATEMENT OF OBJECTS AND REASONS.

The Resolution of the Government of India, in the Financial Department, dated the 14th December 1870, confers upon Local Governments additional responsibilities for the administration of certain departments of the public service, specially connected with local and provincial requirements. It is proposed largely to reduce the amount which the Imperial Government has hitherto levied from the public by direct taxation, and it has become necessary to diminish, to a small extent, the grants hitherto made from the imperial revenues for expenditure on local and provincial purposes. In Oudh, many works of local public improvement are urgently required, but the funds already at the disposal of the Government of the Province are insufficient, and, for the reasons just stated, no further assignment from the imperial revenues can, under existing circumstances, be made. To supplement these funds, it is proposed by the Local Government to impose a small additional rate on the land.

This rate will be identical in its nature with the cesses for roads, schools and other local purposes which have long been levied, and with which the people have been familiar since the establishment of the British Government in Oudh. The more influential and wealthy representatives of the Taluqdars have signified to the Chief Commissioner their approval of the proposed measure.

The Bill imposes on all land in Oudh which has been assessed to the land-revenue, or assigned to Muáfidars and others, a rate not exceeding one and a quarter per cent. on the annual value of the land. The rate will be payable by the landlord, but where there are co-sharers, under-proprietors, or tenants with rights of occupancy, who intercept a portion of the annual value of the land, he will be entitled to recover from such persons a share in the rate bearing the same proportion to the whole rate as the landlord's share in the profits of the land bears to the share of the subordinate holder.

(Signed) JOHN STRACHEY.

The 10th March 1871.

WHITLEY STOKES,  
Secretary to the Government of India.

The following Bill, and Statement of Objects and Reasons accompanying it, are published for general information, by order of His Excellency the Governor General, under the 19th of the Rules for the Conduct of Business at Meetings of the Council of the Governor General of India for the purpose of making Law and Regulations.

**Bill No. 10 of 1871.**

*A Bill for the levy on Land of rates to be applied to provincial local purposes in the North-Western Provinces.*

WHEREAS it is expedient to provide, in the North-Western Provinces of the Presidency of Fort William, for the levy on land of rates to be applied to local purposes; It is hereby enacted as follows:—

*I.—Preliminary.*

1. This Act may be called “The North-Western Provinces Local Rates Act, 1871.”

It extends only to the territories subject to the Lieutenant-Governor of the North-Western Provinces,

and it shall come into force on the first day of April 1871.

2. In this Act—

“Commissioner” means Commissioner of a Division;

“Collector” means the Head Revenue Officer of a District;

“Division” and “district” mean the tracts of country ordinarily known by such names for purposes of civil administration;

“Land” means land used for agricultural purposes, or waste land which is cultivable.

“Rent” means whatever is payable or deliverable for the use or occupation of land.

“Tenant” means any person using or occupying land, and liable to pay or deliver rent therefor.

“Landlord” means the person in possession of an ‘estate’ or a share of an estate, or of the rents and profits of such estate or share.

“Estate” means all or any part of a village separately assessed to the payment of land revenue, or of which the land revenue has, either wholly or in part, been released, compounded for, redeemed, or assigned.

“Annual value” means as follows:—

(1). In cases in which the settlement of the land-revenue is liable to periodical revision, it means double the amount of the land-revenue for the time being assessed on an estate;

(2). In cases in which such settlement is not liable to such revision, or in which the land-revenue has been, wholly or in part, released, compounded for, redeemed, or assigned, it means double the amount which, if the settlement were liable to such revision, would be assessable as land-revenue on the estate.

“Local purposes” means—

(1). The construction, repair and maintenance of roads and communications;

(2). The maintenance of the police;

(3). The construction and repair of school-houses, the maintenance and inspection of schools, and the training of teachers;

(4). The construction and repair of hospitals, dispensaries, lunatic asylums, markets, wells, and tanks; the payment of all charges connected with the purposes for which such buildings or works have been constructed, and any other local works likely to promote the public health, comfort or convenience.

*II.—Rates on Land in Estates in Districts of which the Settlement is liable to Revision.*

3. Every estate situate in any district in which the term of the settlement of the land-revenue made under Regulation IX. of 1833 has expired, shall be liable to the payment of such rate, not exceeding five per cent. on its annual value, as the Lieutenant-Governor from time to time imposes.

Such rate shall be paid by the landlord independently of, and in addition to, any land-revenue assessed on the estates.

Provided that in estates in which, before the passing of this Act, provisional engagements have been taken from the landlord for the payment of the land-revenue and cesses in one consolidated sum, and in which it appears to the Lieutenant-Governor inexpedient to cancel such engagements, one-eleventh part of such sum shall be deducted on account of such cesses, and shall be treated in all respects as if it were a portion of a rate levied under the former part of this section.

*III.—Rates on Land in Estates of which the Land Revenue is not liable to periodical Revision.*

4. Every estate situated in a district of which the land-revenue is not periodically revised, shall be liable to the payment of such rate as the Lieutenant-Governor from time to time imposes, not exceeding two annas for each acre under cultivation or which has been cultivated within the three years next before the assessment of the rate.

5. The rate shall be paid by the landlord independently of and in addition to any land-revenue assessed on the estate, and in addition to the cess levied now on account of roads.

6. The Lieutenant-Governor shall, from time to time, prescribe rules for ascertaining the area of the cultivated land assessable under section four.

7. The landlord may recover, from every tenant paying rent to him in respect of land on which such rate has been assessed, and for the payment of which the landlord is liable, an amount equal to one-half of the rate assessed on the land held by such tenant.

8. The Lieutenant-Governor may from time to time make rules consistent with this Act, for determining the cases in which a landlord shall be entitled to recover, from tenants holding at fixed or beneficial rates of rent the whole or any portion of the rate assessed on the land held by such tenants.

*IV.—Manner in which the Rates are to be expended.*

9. The proceeds of all rates levied under this Act shall be carried to the credit of a general fund.

10. The Local Government shall, from time to time, make an assignment from such fund, of the amount to be applied in each district for expenditure for local purposes.

Such assignment shall not be less than seventy-five per cent. of the total sum assessed under this Act in such district.

11. In the case of works which benefit more districts than one, the Local Government may determine what proportion of the expense of the work shall be borne by each of the districts benefited thereby, and such proportion shall be payable out of the assignments made as aforesaid to such districts respectively.

12. Any portion of such assignment remaining unexpended at the end of the financial year in which the assignment was made shall, unless the Local Government otherwise specially directs, be held to be a portion of the general fund mentioned in section nine.

13. Accounts of the receipts on account of all rates levied under this Act, and of the receipts and expenditure of such assignment, shall be kept in each district.

The details of such accounts shall, at all reasonable times, be open to the inspection of the Committee appointed under section fourteen.

An abstract of such accounts shall be prepared annually in English and in the Vernacular language of the district, and shall be open, at all reasonable times, to public inspection at suitable places within the district without the payment of any fee.

An abstract of such accounts shall also be published annually in the local official Gazette.

14. The Local Government shall appoint, in each district, a Local Committee, consisting of not less than six persons, for the purpose of assisting in the determination of the objects to which any money made available in accordance with this Act for expenditure within the district for local purposes shall be applied, and in the supervision and control of the expenditure incurred.

The Local Government shall, from time to time, prescribe the manner in which the Members of such Committee shall be appointed or removed, and shall define the functions and authority of such Committee: Provided that not less than one-half of the Members of such Committee shall be

persons not in the service of the Government, and owning or occupying land in the district, or residing therein.

*V.—Miscellaneous.*

15. Suits for the recovery from co-sharers, tenants, or others of any sum on account of any rate imposed under this Act, and all suits on accounts of illegal exaction of such rate, or for the settlement of accounts, shall be cognizable by the Collector as if such suits had been included among the suits mentioned in section twenty-three of Act No. X. of 1859 and in section one of Act No. XIV. of 1863,

and appeals from decisions in such suits shall be cognizable in accordance with the provisions of Act No. X. of 1859 and Act No. XIV. of 1863.

16. In matters connected with the assessment and collection of any sum leviable under this Act, appeals to the Commissioner from the orders of the Collector, and appeals to the Board of Revenue from the orders of the Commissioner, shall be presented within thirty days from the date of the order.

17. The Lieutenant-Governor may invest any subordinate officer sub-ordinate to a Collector with all or any of the powers of a Collector for the purposes of this Act. The orders passed by any officer so invested shall be subject to revision by the Collector, but shall be appealable to the Commissioner only.

18. In case of revision of the land-revenue of any estate in consequence of alluvion or diluvion, rates assessed under this Act shall also be liable to revision.

19. All sums due on account of any rate imposed under this Act shall be recoverable as if they were arrears of land-revenue due on the land on account of which the rate is payable.

20. The Lieutenant-Governor may, by notification from time to time,

(a) prescribe by what instalments and at what times such rate shall be payable, and by whom it shall be collected and paid to Government;

(b) make rules consistent with this Act for the guidance of officers in matters connected with its enforcement.

(c) exempt any portion of the territories within its jurisdiction from the operation of this Act, or exempt any estate from liability to pay the whole or any part of any rate under this Act.

Every notification under this section shall be published in the *Government Gazette, North-Western Provinces.*

STATEMENT OF OBJECTS AND REASONS.

The Resolution of the Government of India in the Financial Department, dated 14th December 1870, confers upon Local Governments the charge of certain Departments of the public service specially connected with local requirements, and reduces the amount of the grants hitherto made for those services from the Imperial Revenue. With

the object of supplementing those grants and of providing the means of carrying out many works of local improvement which are urgently required, but for which under existing circumstances no assignments can be made from Imperial Funds, the Lieutenant-Governor of the North-Western Provinces desires to impose additional rates on the land. The present Bill is intended to give the necessary powers to the Local Government.

In districts temporarily settled, a rate of five per cent. on the annual value of every estate has been hitherto imposed, on the revision of the assessment of the Government demand on account of land-revenue, made under Regulation IX. of 1833. It is now proposed to impose this rate on all such estates of which the settlement has expired, without waiting for the regular revision of the assessment.

In the permanently settled districts, a rate of one per cent. on the Government demand on account of land-revenue is now paid by landlords. The amount realized by this rate is altogether inadequate to meet the local requirements of these districts; and it is therefore proposed to levy a further rate of two annas on each acre of cultivated land, in all estates of which the land-revenue is not liable to periodical revision, giving the landlord power to recover one-half the rate levied from the tenants holding under him.

(Signed) J. F. D. INGLIS,

The 10th March 1871.

WHITLEY STOKES,

Secretary to the Government of India.

The following Bill, and Statement of Objects and Reasons accompanying it, are published for general information, by order of His Excellency the Governor General, under the 19th of the Rules for the Conduct of Business at Meetings of the Council of the Governor General of India for the purpose of making Laws and Regulations:—

**Bill No. 11 of 1871.**

*A Bill for imposing a duty on certain trades and dealings in the North-Western Provinces and Oudh.*

WHEREAS it is expedient to impose a duty on certain trades and dealings in the North-Western Provinces and Oudh; It is hereby enacted as follows:—

1. This Act may be called "The License Tax (North-Western Provinces and Oudh) Act."

It extends to the territories respectively subject to the Lieutenant-Governor of the North-Western Provinces and the Chief Commissioner of Oudh, except such districts or tracts as the Local Government may from time to time, permanently or for a fixed period, exempt from its operation.

And it shall come into force on the first day of April 1871.

Interpretation clause. 2. In this Act—

"District" means the tract of country ordinarily known by such name for purposes of Civil Administration.

District. Collector of the District. "Collector of the District" means the Head Revenue Officer of a District.

Collector. "Collector" means any officer subordinate to the Collector of the District invested with all or any of the powers of a Collector of a District.

3. Every person falling under any of the heads specified under Schedule A hereto annexed, and carrying on (whether on behalf of himself or any other person) his trade or dealing, shall be required to pay a duty fixed by the Local Government not exceeding the duty specified in Schedule B hereto annexed.

4. For the purposes of this Act, trades and dealings shall be divided into the three classes enumerated in Schedule A.

5. In all cases of doubt or objection, the Collector to determine the class, if any, under which any person shall fall. There shall be no appeal from such decision.

6. On or before the first day of April in this year and the first day of January in every subsequent year, the Collector shall make a list of the persons liable to pay duty under this Act, and such list shall state the trade or dealing of each of the persons therein named, and the duty payable by them.

All lists made under this section shall be filed in the office of the Collector.

The Collector shall, at or about the same time, issue a notification, in such form as the Local Government directs, showing the classes assessable under this Act, and the rate at which each class is assessed, with such other information as the Local Government may direct.

The notification shall be published in the principal mahallas or ganjes of all towns, and in the chaupál, or other public place, in all villages concerned.

7. So soon as may be practicable after the issue of such notification, notice shall be served on each person assessed: provided that in any year it shall not be necessary that such notice shall be served on any person who may have been assessed under this Act in the year immediately preceding.

Such notice shall contain—  
the name and designation of the person assessed,  
the class under which he falls,  
the amount payable,  
the date or dates on which payment is to be made,  
the mode and place of payment,  
the penalty incurred by failure to make payment of the amount on the given date,



and shall notify that if the person so served continues his trade or dealing, payment of the amount specified in the notice must be made within thirty days next after the first day of January of each successive year.

8. Payment of the prescribed duty shall in all cases be made to the Collector within the district in which the trade or dealing is carried on: provided that in all cases where the trade or dealing is carried on in more than one district, payment shall be made in one district only, under the rules prescribed in this behalf by the Local Government.

Payment of duty.

9. The Collector shall thereupon grant a license to the person paying such duty. Such license shall be signed by the Collector or by any officer whom he authorises in this behalf, and shall specify—

Grant of license.

(1) The date of the grant thereof.

(2) The name and trade or dealing of the licensee.

(3) The sum paid for the license.

(4) The place or places where the licensee intends to carry on his trade or dealing for the ensuing year.

10. Receivers and managers appointed by any Court in India, and the Courts of Wards, 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.

11. When any trustee, guardian, curator, committee, or agent is assessed under this Act in such capacity, or when any receiver appointed by any Court or Courts of Wards is assessed under this Act, every person and Court so assessed may, from time to time, out of the money coming to his or its possession as such trustee, guardian, curator, committee, or agent, or as such receiver or Court of Wards, retain so much as is sufficient to pay the amount of the assessment.

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

12. The Collector of the District may require any Municipality constituted under Act No. XXVI, of 1850, Act No. XVIII, of 1864, or Act No. VI, of 1868 to furnish within a period to be specified under the orders of the Local Government, returns showing the names and numbers of persons assessable under this Act resident within the limits of such Municipality, together with the class under which they fall, and the amount payable by them.

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

13. When the return mentioned in section twelve has been furnished or prepared, notice shall

be served on the Municipality calling on it to pay to the Collector of the District, 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, subject to the provisions of section fifteen, appropriate all or any part of its revenues to the payment of the sum assessed upon 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 shall be raised in accordance with the Act under which it is constituted.

14. Every person not resident within the limits of a Municipality who is found, after expiry of the period specified in the notice to be served under section seven, carrying on any trade or dealing specified in Schedule A without possession of a license under this Act,

and every person required by this Act to take out a license who without reasonable excuse neglects or refuses to produce and show his license when required so to do by an officer empowered in writing by the Collector to make such requisition,

shall be punished on conviction before a Magistrate with a fine amounting to twice the sum payable by him under Schedule B.

There shall be no appeal from the order of a Magistrate under this section.

15. Sums assessed upon Municipalities under section thirteen shall be deemed, after payment of police charges, a first charge on their revenues, anything in Act No. VI. of 1868 notwithstanding.

16. All arrears due under this Act may be recovered as if they were fines.

17. Nothing in this Act applies to persons being itinerant vendors only.

18. The Local Government may from time to time by notification exempt from the operation of this Act,

(a) any portion of the territories under his Government,

(b) alter or add to Schedule A,

(c) make rules consistent with this Act for the guidance of officers in all matters connected with its enforcement.

All notifications under this section shall be published in the local official Gazette, and no notification under clause b shall take effect until the first day of April next after its publication.

## SCHEDULE A.

### CLASS I.

Bankers,  
Wholesale dealers in country produce.

### CLASS II.

Cloth-sellers.  
Metal Vessel-sellers.  
Fuel-sellers (Talwalla).  
Chowdrees,  
Agents.  
Letters-out of Carriages, Buggies, &c.  
Contractors,

## CLASS III.

Sellers of Sweetmeats-
" Tobacco.
" Grocery and Spices.
" Salt.
" Pán.
" Bracelets.
" Grain and Provisions.
" Butcher's-meat.
" Perfumes.
" Jewellery.
" Gold and Silver Laces, Threads, &c.
" Ghee.
" Lime.
" Articles made of stone: including Grindstones and Mortars.
" Miscellaneous Articles of European Manufacture.
" Silk.
" Shoes and Boots.
" Drugs and Medicines.
" Petty Timber Dealers.
" Blankets, Felt, &c.
" Durrees.
" Leather.
" Books.
" Manufactured Iron- " Wood.
Letters-out of Ekkas.
" " Camels.
Brokers.
Weighmen.

## SCHEDULE B.

Every person who shall exercise any trade, dealing, or profession, for gain or profit, for any period between the 1st of April in one year and the 1st of April in the succeeding year, shall pay for such period:—

If belonging to Class	I.	..	Rs. 6
"    "    "    "	II.	..	" 4
"    "    "    "	III.	..	" 2

## STATEMENT OF OBJECTS AND REASONS.

This Bill purports to impose a duty on trades, dealings, and professions in the North-Western Provinces and Oudh, and its object is to confer upon the Government of those territories the powers necessary to raise a part of the sum required for local expenditure.

The trades, dealings, and professions to be taxed are enumerated in schedule A. The duty will be levied on them if carried on in the North-Western Provinces or Oudh. Section eighteen gives the Local Government power to alter this schedule, by notification in the Gazette. It has been considered necessary to reserve this power because the schedule, as at present framed, may be found hereafter to have omitted trades, dealings, or professions, which should be included; or, on the other hand, it may be found necessary to exempt trades, dealings, or professions enumerated in it, or to alter the classification.

The schedule has been framed so as to include only trades, dealings, and professions which, it is believed, will everywhere be competent to pay the rate assessed. Exemption is restricted to the case of persons having no fixed place for carrying on trade, such as hawkers and pedlars.

Trades, dealings, and professions have been divided into three classes; the maximum rate to be charged on each class being 12, 8, and 4 per centum annum respectively. The amount assessed on any person will not be calculated on his supposed income or profits, but according to the class into which the trade, dealing, or profession he carries on, may fall.

The power of determining the class under which, in doubtful cases, any person may fall, is reserved by section five to the Collector without appeal.

It has been provided by section eight that payment shall, in all cases, be made to the Collector of the District in which the trade, dealing, or profession is carried on, and when it is carried on in more than one District, the District in which payment is to be made, is to be determined by the Lieutenant Governor.

Municipalities constituted under Act VI. of 1868 will be assessed in a lump sum, based upon returns to be furnished by the Municipality, of persons assessable under the Act. If the Collector has reason to doubt the accuracy of this return, power is given to him by section twelve to cause a return to be prepared under his own orders.

Section thirteen gives Municipalities so assessed the power to raise the sum required by any of the means enumerated in the Act under which it is constituted.

The remaining sections of the Bill do not require notice.

(Signed) J. F. D. INGLIS.

The 1st March 1871.

WHITLEY STOKES,

Secretary to the Government of India.

The following Bill is published for general information, by order of His Excellency the Governor General, under the 19th of the Rules for the Conduct of Business at Meetings of the Council of the Governor General of India for the purpose of making Laws and Regulations:—

## Bill No. 12 of 1871.

## THE INDIAN INCOME TAX BILL.

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*A Bill for imposing duties on income.*

For the purpose of imposing duties on income arising from offices, property, professions, and trades; It is hereby enacted as follows:—

## PART I.

## PRELIMINARY.

- |                             |  |
|-----------------------------|--|
| Short title.                | 1. This Act may be called "The Indian Income Tax Act."               |
| Local extent.               | It extends to the whole of British India;                            |
| Commencement of Act.        | It shall come into force on the first day of April 1871.             |
| Repeal of Act XVI. of 1870. | 2. On and from the said day, Act No. XVI. of 1870 shall be repealed: |

Provided that such Act shall continue in force until the first day of April 1872,

- (a) as to taxes due thereunder, and
- (b) as to assessments which ought to have been made thereunder, but which have not hitherto been made and completed.

The references made in the Court Fees Act, Schedule II., to the Indian Income Tax Act shall be deemed to be made to this Act.

3. In this Act—unless there be something repugnant in the subject or context—  
"Income" means income and profits accruing and arising in British India.

"Magistrate" means any person exercising the powers of a Magistrate, or of a Subordinate Magistrate of the First Class, and includes a Magistrate of Police and a Justice of the Peace:

"Company" means an Association carrying on business in British India whose stock or funds is or are divided into shares and transferable, whether such Company be incorporated or not, and whether

its principal place of business be situate in British India or not:

"Firm." "Firm" includes a Hindu undivided family:

"Person." "Person" includes a firm:

"Defaulter." "Defaulter" includes a firm making default under this Act:

"Rackrent" means the full rent or value at which lands or houses are worth to be let for the year.

In the case of any Company or Municipal or other public Body or Association not being a Company, "Collector"

means the Collector of Land Revenue of the place or district at or in which its principal place of business in British India is situate. And in the case of any person chargeable under this Act, "Collector" means the Collector of Land Revenue of the place or district at or in which such person resides.

4. Nothing in this Act applies to the pay and allowances of officers, warrant officers, non-commissioned officers and privates of Her Majesty's Forces or of Her Majesty's Indian Forces, who are not in Civil employment, when such pay and allowances do not exceed five hundred rupees per mensem;

or to any moveable or immovable property solely employed for religious or charitable public purposes.

And no member of a firm which is for the time being chargeable under this Act shall, as such, be chargeable under this Act.

5. The Governor General in Council may from time to time, by order, wholly exempt from the operation of this Act the whole or any part of the income and profits of any tribe or class of persons in British India.

The Governor General in Council may revoke any such order.

All orders and revocations made under this section shall be published in the *Gazette of India*.

## PART II.

### DUTIES ON OFFICES.

6. A duty of two pies for every rupee shall be levied in respect of every office or employment of profit in British India under Government or under a Company or a Municipal or other public Body or Association not being a Company,

and upon every salary, annuity, or pension paid in British India by Government or by a Company or by a Municipal or other public Body or Association not being a Company to any person residing in British India, or serving on board a ship plying to and from British Indian ports, whether on account of himself or another person.

7. No income amounting to less than sixty-two rupees eight annas per mensem shall be chargeable under this Part.

Exemption of incomes less than Rs. 62-8 per mensem.

8. In the case of every person holding any paid office, employment, or commission under Her Majesty or under the Government of India, or under any Local Government, or receiving any annuity or pension from Her Majesty or any such Government,

the duty to which he is liable under this Part shall be deducted from his pay, annuity or pension at the time of payment by the Examiner of Claims or other proper officer, and shall be deemed to be a tax paid under this Act.

9. In the case of every person holding a paid employment under or receiving any annuity or pension from any Company, or any Municipal or other public Body or Association not being a Company, the duty to which he is liable under this Part shall be deducted from his pay, annuity or pension at the time of payment by the Treasurer or other officer whose duty it is to make such payments, and shall be deemed to be a tax payable under this Act.

Every such Treasurer or other officer shall, as soon as may be after making such deductions, pay to the credit of the Government of India, or as such Government from time to time directs, the amount of such deductions, and shall be answerable to such Government for such payment.

Every Company, public Body or Association, Treasurer or other officer as aforesaid is hereby indemnified for all deductions and payments made in pursuance of this section.

The Treasurer, Secretary or principal Agent or Manager of every such Company and public Body or Association shall prepare, and, on or before the thirtieth day of April in each year, deliver, to the Collector, in such form as may be prescribed by the Governor General in Council, a return in writing showing the names of every person holding at the date of the said return a paid employment under or receiving a pension or annuity from the Company or Body or Association whose pay or pension or annuity as such amounts to sixty-two rupees, eight annas per mensem or upwards, together with the salaries, annuities, or pensions payable by the Company or public Body or Association to all such persons respectively.

10. Whenever the duty leviable under this Part in April 1871 is not deducted at the time of payment in that month from the pay, annuity or pension chargeable therewith, it shall be deducted from such pay, annuity, or pension at some subsequent time of payment.

## PART III.

### COMPANIES.

11. The Treasurer, Secretary or principal Agent, or Manager in India of every Company shall, in the case of a Shipping Company trading between British India and any other country, pay to Government in respect of one moiety of the nett

profits made by each of the ships of such Company engaged in such trade, during the year ending on the day on which the Company's accounts shall have been last made up, the duty of two pies in the rupee.

and in the case of every other Company pay to Government in respect of

Other Companies. the whole of the nett profits made in British India by such Company during the year ending on the day on which the Company's accounts shall have been last made up, the duty of two pies in the rupee,

and shall prepare, and, on or before the thirtieth day of April in each year, deliver, to the Collector, a statement in writing signed by him showing the result of such accounts.

12. If in the case of any Company no such accounts have been made up within any year ending on the thirty-first day of March, the Treasurer, Secretary or principal Agent or Manager of such Company shall prepare and, on or before the next following thirtieth day of April, deliver to the Collector a return in writing signed by him, and stating the nett profits made by such ships or by the Company (as the case may be) during the year ending on the said thirty-first day of March.

13. Whenever the Collector has reason to believe that any statement or return mentioned in section eleven or section twelve is incorrect or incomplete, he may cause a notice to be served on the Treasurer, Secretary, Agent or Manager by whom such statement or return was delivered, requiring him, on or before a day to be mentioned in the notice, to attend at the Collector's office and to produce for the inspection of the Collector such of the accounts of the Company as refer to the year mentioned in section eleven or section twelve (as the case may be) and as are in the possession or power of such Treasurer, Secretary, Agent or Manager.

The Collector shall thereupon make an order determining the amount at which the Company shall be assessed under this Part, and, subject to the provisions hereinafter contained, such sum shall be payable accordingly.

14. Every such Treasurer, Secretary, Agent or Manager is hereby indemnified for all payments made in pursuance of section eleven or section thirteen.

#### PART IV.

##### DUTIES ON INTEREST ON GOVERNMENT SECURITIES.

15. A yearly duty of two pies in the rupee shall be levied upon all interest on securities of the Government of India.

16. Every person empowered to pay such interest shall deduct the duty at the place where the interest is paid,

and shall, as soon as may be after making such deduction, pay the same to the credit of the Government of India, or as such Government from time to time directs,

and shall be answerable to the Government of India for such payment.

#### PART V.

##### DUTIES ON ALL OTHER INCOME AND PROFITS.

17. A yearly duty shall be levied in accordance with the first Schedule hereto annexed upon all income not chargeable under Part II., Part III., or Part IV., of this Act.

18. The trustee, guardian, curator, or committee of any infant, married woman subject to the law of England, lunatic or idiot, and having the control of the property of such infant, married woman, lunatic, or idiot, whether such infant, married woman, lunatic, or idiot resides in British India or not, shall, if the infant, married woman, lunatic, or idiot be chargeable under this Part, be chargeable with the said duty in like manner and to the same amount as would be charged to such infant if of full age, or to such married woman if she were sole, or to such lunatic or idiot if he were capable of acting for himself.

Any person not resident in British India, whether a subject of Her Majesty or not, being in receipt, through an agent, of any income chargeable under this Part, shall be chargeable in the name of such agent in the like manner and to the like amount as he would be charged if resident in British India and in actual receipt of such income.

19. Every trustee, guardian, curator, committee or agent shall, when required by the Collector, deliver a statement signed by him, of the amount of the income in respect whereof he is chargeable on account of such infant, married woman, lunatic, idiot, or non-resident, together with a declaration of the truth of the statement.

The Collector shall have power to serve a notice upon any person whom he has reason to believe to be a trustee, guardian, curator, committee or agent requiring him to deliver on or before a day to be specified in the notice, a statement signed by him of the names of the persons for or of whom he is trustee, guardian, curator, committee, or agent.

20. Receivers or Managers appointed by any Court in India, the Courts of Wards, Administrators General, and Official Trustees, of Bengal, Madras, and Bombay, and the Official Trustees, shall be chargeable under this Act in respect of all income officially in their possession or under their control.

21. When any trustee, guardian, curator, committee, or agent is assessed under this Act in such capacity;

Power to retain duties charged on trustees, &c. or when any receiver or manager appointed by any Court, Court of Wards, Administrator General, or Official Trustee is assessed under this Act in respect of the income and profits officially received by him;

every person and Court so assessed may, from time to time, out of the money coming to his or its possession as such trustee, guardian, curator, committee, or agent, or as such receiver, manager, Court of Wards, Administrator General, or Official Trustee, retain so much as shall be sufficient to pay the amount of the assessment.

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

Indemnity.

22. Owners of lands or of houses occupying the same shall be chargeable in respect of the annual value thereof at the rackrent at which such lands or

Owners of lands and houses occupying them.

houses are worth to be let for the year.

23. In the case of every person chargeable under this part whose annual income or profits is or are in the Collector's opinion four thousand rupees or upwards, the collector shall,

and in the case of every other person so chargeable, the Collector may

cause a notice to be served on him requiring him to fill in a return of his income during the three years ending on the thirty-first day of December next before the date of the notice, and to state in such return the period during which such income has actually accrued.

Such notice shall be in the form to be prescribed by the Governor General in Council, and shall specify the day by which the return is to be made, and the place of the Collector's office at which the return is to be made.

Every such notice shall be signed by the Collector.

The form of the return shall accompany the notice.

24. Every person on whom such notice is served shall send to or deliver at the Collector's office the return duly filled in and signed by him.

Return how made.

A declaration shall be added by such person at the foot of the return, (a) that the income stated therein is truly estimated on all the sources therein mentioned, (b) that it has actually accrued within the period therein stated, and (c) that he has no other source of income.

25. Every person, when required so to do by a notice in the form to be prescribed by the Governor General in Council shall, within the period mentioned in such notice, prepare and deliver to the Collector a list containing, to the best of his belief, the name of every lodger or inmate resident in his dwelling-house, and of any other persons receiving salary or emoluments amounting to sixty-two rupees eight annas per mensem or upwards, employed in his service, whether resident in such dwelling-house or not, and the place of residence of such of them as are not resident in such dwelling-house, and also of any such lodger or inmate who has any ordinary place of residence elsewhere, at which he is liable under this Act to be assessed, and who desires to be so assessed at such place.

Lists of lodgers and employees.

Such lists shall be signed by the persons respectively delivering the same, and shall be prepared in the form to be prescribed as aforesaid.

26. The Collector shall from time to time determine what persons are chargeable under this Part, and the amount at which every such person shall be assessed,

and in making such assessment income exempted under section seven shall be treated as chargeable under this Part.

27. Every such assessment shall be made upon an average of such person's income for three years ending on the thirty-first day of December next before the date of the assessment, and such average shall be computed upon the period during which the income has actually accrued.

In the case of a person for the first time becoming chargeable under this Part within the year of assessment, the assessment shall be made according to an average of his income and profits for such period as the Collector shall, under the circumstances, direct.

28. The Collector shall cause a notice to be served on every person chargeable under this Part, stating—

(1).—The name and the profession, trade or other source of the income of such person, or in respect of which he is chargeable:

(2).—The year or portion of the year for which the duty is to be paid:

(3).—The place or places, district or districts, where such income accrues or arise; and

(4).—The amount to be paid;

and requiring him within fifteen days from the date of the service either to pay such amount or to apply to the Collector to have the assessment reduced or cancelled.

29. Such amount shall be paid to the Collector, who shall give a receipt for such payment to the person making the same:

Provided that, if such income accrues at or in more than one place or district, the receipt shall be granted and payment made by and to the Collector for the place or district at or in which the person mentioned in the notice resides, or (in the case of a firm) at or in which its principal place of business in British India is situate.

Every such receipt shall be signed by the Collector granting it, or by such other officer as he shall from time to time empower in this behalf, and such signature shall be judicially noticed.

30. Every such receipt shall specify—

(1).—The name and source or sources of the income of the person by or on whose behalf the duty is paid:

(2).—The year or portion of the year for which the duty is paid:

(3).—The amount paid, and the date of payment; and

(4).—The place or places, district or districts, where the income accrues, and shall be admissible as *prima facie* proof of all matters contained therein.

Contents of receipt.

## PART VI.

## PETITIONS AND APPEALS AGAINST ASSESSMENTS.

31. Any person objecting to the amount at which he is assessed, or denying his liability to be assessed under Part V., may within the period mentioned in the notice mentioned in section twenty-eight, or if the Collector is satisfied that the objector has not received such notice, then at any time within one month from the expiration of such period, apply by petition to the Collector in order to establish his right to have the assessment reduced or cancelled :

Provided that no person who shall have been served with a notice under section twenty-three shall be entitled to apply by petition under this section unless he shall have made the return required in such notice on or before the day therein mentioned, or unless he shall satisfy the Collector that he had a sufficient excuse for not making such return.

The petition shall be in the form contained in the schedule hereto annexed, or as near thereto as circumstances admit, and the statements therein contained shall be verified by the petitioner or some other competent person in manner required by law for the verification of claims.

32. The Collector shall fix a day for the hearing of the petition, and, on the day so fixed, or on the day (if any) to which he has adjourned such hearing, shall hear such petition and pass his order thereon.

Such order may be in favour of the petitioner, or it may simply reject the petition, or it may reject the petition and enhance the petitioner's assessment to an amount to be specified in the order.

If the order be in favour of the petitioner, the Collector shall at once refund the fee on the petition.

If the order simply reject the petition or reject the petition and enhance the petitioner's assessment, the petitioner shall within one week from the passing of the order pay the amount mentioned in the said notice or in the order of enhancement (as the case may be).

33. Any person dissatisfied with any order under section fourteen or section thirty-two may, within fifteen days from the date thereof, on payment of the sum assessed or to which the assessment was enhanced, present a petition of appeal to the Commissioner of Revenue of the Division, whose order upon such appeal shall be final.

Such order may be in favour of the petitioner, or it may simply reject the petition, or it may reject the petition and enhance the assessment to an amount to be specified in the decision.

If the order rejects the petition and enhances the assessment, the petitioner shall within one week from the passing of the order pay the amount mentioned in the order of enhancement.

Every petition presented under this section shall be accompanied by a copy of the petition to the Collector, and a copy of the

Collector's order thereon and a list of the documents (if any) on which the appellant relies.

Copies of petition and order exempt from fees. Neither of such copies shall be chargeable under the Court Fees Act.

When the decision on such appeal is in favour of the petitioner, the value of the fee on his petition of appeal, and (where he has presented a petition to the Collector) the fee on such petition, together with the excess paid by him, or (when the decision is that the petitioner, or the Company which he represents, is not chargeable under this Act) the whole sum so paid, shall at once be refunded.

34. The Collector or Commissioner may summon any person whom he thinks able to give evidence for the purpose of enabling him to determine how the petitioner, or the Company which he represents, should be assessed, and may examine on oath the person so summoned and the petitioner, and may require each of them to produce any documents in his possession or power relating to the sources of the income in question.

35. Whenever the Collector has reason to believe that, in assessing any person under this Act, any source of income not specified in the receipt granted to him under section twenty-nine has been overlooked, which source, if it had then been known to exist, would have increased the assessment, the Collector may cause a further notice to be served on such person, stating the amount to be paid in respect of such source.

The provisions contained in sections twenty-eight to thirty-four (both inclusive) shall apply to such notice and regulate the procedure thereunder.

36. No Advocate, Pleader, or other legal practitioner shall be allowed to appear or plead on behalf of any other person on the hearing of any petition or appeal under this Part.

## PART VII.

## PAYMENT AND RECOVERY OF TAX.

37. All taxes under this Act, except when they are deducted under section eight or section nine, shall be payable on the first day of April in this and every subsequent year :

Provided that the amount so payable may be paid by two equal instalments: the first instalment to be paid on some day not later than fifteen days after service of the notice mentioned in section twenty-three upon the person paying the same, and the second instalment on the first day of October.

38. If the Collector has caused a notice to be served on any person liable to pay the said second instalment, and requiring him within seven days from the date of the service to pay the amount of such instalment (mentioning it), and if the person so served does not within that period pay such amount as re-

quired by the said notice, a sum not exceeding twice the amount so mentioned may be recovered from him in manner hereinafter mentioned.

39. In any case of default under this Act, the Collector may, if a notice has been served on the defaulter requiring him to pay, within fifteen days from the date of the service, the amount of the tax or instalment due by him under this Act, recover a sum not exceeding double the amount of such tax or instalment.

Every such sum shall be recoverable as if it were an arrear of land-revenue :

Provided that where any person has presented a petition under section thirty-one, such sum shall not be recoverable from him unless, within one week from the passing of the order thereon, he fails to pay the amount (if any) required by such order.

On the recovery of such sum from the defaulter, the Collector shall grant him a receipt without any further payment.

Every such receipt shall bear date from the recovery of the amount, and, save as aforesaid, the provisions of this Act relating to receipts shall apply to receipts granted under this section.

40. If within or at the end of the year for which any computation under Part V. has been made, the person assessed proves to the satisfaction of the Collector, that his income during such year fell short of the sum so computed, the Collector may cause the assessment made for such year to be amended as the case requires, and if the sum assessed has been paid, may refund the sum overpaid.

In case any person assessed under Part V. ceases to exercise the profession, or to carry on the trade, in respect whereof such assessment was made, or dies or becomes insolvent before the end of the year for which the assessment was made, or is, from any other specific cause, deprived of or loses the income on which the computation was made,

he or his representative in interest may apply to the Collector within three months after the end of such year, and on proof thereof to his satisfaction, the Collector shall amend the assessment as the case may require, and give such relief to the person charged or his representative in interest as is just, and in cases requiring it, the Collector shall refund such sum as has been overpaid on the assessment amended or vacated.

## PART VIII.

### PENALTIES.

41. Every Treasurer, Secretary, Agent, Manager or other person failing to make any payment or deduction, or to prepare and deliver any return required by section nine or section sixteen,

or failing to make any payment or to prepare and deliver in due time any statement or return required by section eleven,

and every trustee, guardian, curator, committee, or agent failing to deliver any statement or declaration required by section nineteen,

shall, for every day during which such default continues, be fined, on conviction before a Magistrate, ten rupees.

The Commissioner of the Division shall have power to remit wholly or in part any penalty imposed under this section.

42. Whoever makes a statement in any declaration or list made or delivered under section twenty-four or twenty-five, which is false, and which he either knows or believes to be false or does not believe to be true, shall be deemed to have committed the offence described in section one hundred and seventy-seven of the Indian Penal Code.

Whoever makes a statement in any petition presented under section thirty-one which is false, and which he either knows or believes to be false or does not believe to be true, shall be deemed to have intentionally given false evidence in a stage of a judicial proceeding.

43. No person shall be proceeded against for any offence under section forty-one or section forty-two except at the instance of the Collector.

44. In sections one hundred and ninety-three and two hundred and twenty-eight of the Indian Penal Code, the words "judicial proceeding" shall be taken to include any proceeding under this Act.

## PART IX.

### MISCELLANEOUS.

45. Subject to the provisions of section thirty-three, every order made under this Act shall be final and conclusive, and the proceedings of the Collector or Commissioner of Revenue shall not be removeable into any Court, or be subject to revision.

46. All or any of the powers and duties conferred and imposed by this Act on a Collector and on a Commissioner of Revenue may be exercised and performed by such other officers or persons as the Local Government shall from time to time appoint in this behalf.

47. Service of any notice under this Act shall be made by delivering or tendering a copy thereof under the signature of the Collector.

Whenever it may be practicable, the service of the notice shall be on the person therein named, or, in the case of a firm, on some member thereof.

When such person or member cannot be found the service may be made on any adult male member of his family residing with him; and if no such adult male member can be found, the serving officer shall fix the copy of the notice on the outer door of the house in which the person or firm therein named ordinarily dwells or carries on business.

48. When any Company or firm has several places of business in the territories subject to different Local Governments,



the Governor General in Council shall have power to declare which of such places shall, for the purposes of this Act, be deemed to be the principal place of business, and when any Company has several Agents or Managers, which of them shall, for the purposes of this Act, be deemed to be the principal Agent or Manager.

When any Company or firm has several places of business in the territories subject to a single Government, such Government shall have power to declare which of them shall, for the purposes of this Act, be deemed to be the principal place of business.

When any person has several places of residence in the territories subject to different Local Governments, the Governor General in Council shall have power to declare which of such places shall, for the purposes of this Act, be deemed to be his residence, and when any person has several places of residence in the

territories subject to a single Local Government, such Government shall have power to declare which of such places shall, for the purposes of this Act, be deemed to be his residence.

The powers given by this section may be delegated to and exercised by such officers as the Governor General in Council or the Local Government, as the case may be, shall from time to time appoint in this behalf.

49. The Governor General in Council may from time to time Power to prescribe forms and make rules. (a) prescribe forms for returns, notices and lists

hereinbefore mentioned,

(b) make rules consistent with this Act for the Governor General in guidance of officers in Council empowered to matters connected with its enforcement, and make rules.

(c) delegate to any Local Government the powers given by this section, clause (b), so far as regards the territories subject to such Government.

### SCHEDULE I.

#### Duties.

Persons whose annual income shall be assessed at not less

than	Rs.	750	but at less than	Rs.	1,000	shall pay	Rs.	9	0	0
Ditto.	..	"	1,000	"	"	..	1,500	"	"	13 0 0
Ditto.	..	"	1,500	"	"	..	2,000	"	"	18 0 0
Ditto.	..	"	2,000	..	..	..	..	"	"	two pies in the rupee.

### SCHEDULE II.

From of Petition under Section 31.

Stamp.
eight annas.

TO THE COLLECTOR OF

The day of 187  
The petition of A. B. of

SHOWETH—

1.—That under the Indian Income Tax Act your petitioner has been assessed in the sum of *Twenty-seven* rupees for the year commencing the first day of April 187

2.—That your petitioner's income and profits accruing and arising from [*here specify petitioner's trade or other source or sources of income or profits, and the place or places at which such income or profits accrues or arise*] for the three years ending the thirty-first day of December 187 were rupees, as will appear from the documents of which a list is presented herewith.

3.—That such income and profits actually accrued and arose during a period of months and days. [*Here state the exact number of months and days in which the income and profits accrued and arose.*]

4.—That during the said three years your petitioner had no other income or profits.

Your petitioner therefore prays that he may be assessed accordingly, and that the value of the fee on this petition may be refunded [*or that he may be declared not to be chargeable under the said Act, and that the value of the fee on this petition may be refunded.*]

(Signed) A. B.

#### Form of Verification.

I, A. B., the petitioner named in the above petition, do declare that what is stated therein is true to the best of my information and belief.

(Signed) A. B.

WHITLEY STOKES,

Secretary to the Government of India.