

Educational (1896) Department.

ORDINARY MS.

G.O., No. 391

Dated 30th June 1896

INDEXED.

[Despatch Abstract.]

FEES OR HONORARIA PAID BY GOVERNMENT TO EXAMINERS.

Communicating to the Director of Public Instruction and the Commissioner for Government Examinations, proceedings, Revenue department, forwarding letter from the Government of India stating that --- for conducting examinations are not taxable as salary or gratuity under Part I of Schedule II of the Income-tax Act.

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BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Current No. 799

No. 243, REVENUE, 9TH JUNE 1896.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

Read—the following Resolution of the Government of India, Finance and Commerce Department (Separate Revenue—Assessed Taxes—Income-tax), dated Simla, the 26th May 1896, No. 2268-S.R.

Read—the following letter from the Government of India, in the Finance and Commerce Department, to the Accountant-General, Bombay, No. 6245-S.R., dated the 21st December 1894:—

I am directed to acknowledge the receipt of your letter, No. 23759-P.A., dated the 5th December 1894, relating to the question whether fees or honoraria paid by Government to Examiners for conducting examinations are liable to income-tax under Part IV of Schedule II of Act II of 1886 as income, or as salary under Part I of the schedule.

2. The Government of India are of opinion that the fees in question cannot be regarded as a salary or gratuity and taxed as such under Part I of Schedule II of the Act unless it is actually part of the officer's recognised duty to conduct such examinations. If it is not part of his duty, and if he is simply invited to do certain work which might equally well be done by a non-official on similar invitation, the fee which he receives is "income" not salary, and the disbursing officer is not concerned with the recovery of income-tax on the amount.

3. In the present case it is clear that the fee paid by the Government of Madras to an officer under the Government of Bombay cannot be considered salary. It should not, therefore, be taxed under the rules applicable to salaries.

Resolution.—Ordered, that copy be forwarded to all Local Governments and Administrations (except Assam), to the Comptroller and Auditor-General, and to all Accountants-General and Comptrollers (except the Accountant-General, Bombay), for information and guidance.

(Signed) R. NATHAN,
Offg. Under Secy. to the Govt of India.

ORDER—No. 243, Revenue, dated 9th June 1896.

Separate Revenue No. 36.

Communicated to the Educational Department and to the Board of Revenue.

(True Extract.)

Ag. Secretary to Government.

To the Educational Department.
„ the Board of Revenue (Separate Revenue).

Ed. C. M. BRISON.

41 Copies.

Current No 799 ED

Gobt. of 1896 Madras.
REVENUE.

Issued

Recd. 28 June 1896.

Encl. 4 Sc

G.O., No. 243, 9th June 1896.

JUNE.

Income-tax.

Resolution of the Government of India forwarding copy of its letter to Accountant-General, Bombay, directing that fees or honoraria paid by Government to Examiners for conducting examinations are not taxable as salary or gratuity under Part I of Schedule II of Act II of 1886, communicated to the Board of Revenue.

To
The D.P.S. } scf Despt.
C. G. } 31/7/96

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189

READ AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURES TO G. No

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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