

500-22-7-95.

Educational (1896) Department.

ORDINARY PRINTED.

G.O., No. 637

DATED 12-10-96.

INDEXED.

[Despatch Abstract.]

Delegation of Powers.

Authorizing the Wd of Rev (Seph. Rev)
to sanction the appointment of candidates
who have passed the Entrance Exam in
of the Calcutta or the Allahabad University
as clerks or sub-inspectors in the
Salt & Abkari dept. in Orissa only.

[illegible][illegible]

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G.O., No. 637, 12th October 1896.

OCTOBER.

Authorizing the Board of Revenue (Separate Revenue) to sanction the appointment of candidates who have passed the Entrance Examination of the Calcutta or the Allahabad University as Clerks or Sub-Inspectors in the Salt and Abkari Department in Orissa only.

[E. 11.]
5
500-29-7-96.

Educational (1896) Department.

2 No. 637, EDUCATIONAL, 12TH OCTOBER 1896.

CURRENT No. 1163

GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

READ—the following paper :—

Proceedings of the Revenue Department, No. 327, dated 13th July 1896.

ORDER—No. 637, Educational, dated 12th October 1896.

The Board of Revenue (Separate Revenue) is hereby authorized to sanction the appointment of candidates who have passed the Entrance Examination of the Calcutta or the Allahabad University as Clerks or Sub-Inspectors in the Salt and Abkari Department in Orissa only.

(True Extract.)

A. T. ARUNDEL,
Ag. Chief Secretary.

To the Board of Revenue (Separate Revenue).

Ed. C. M. Thambaswamy.

Order No. 637. 8/12/10/96

The Bd of Rev. (Sep. Rev)
is hereby authorized to sanction
the appointment of candidates who
have passed the ^{Entrance} ~~matriulation~~ exa-
mination of the Calcutta or ~~the~~
Allahabad University ^{as} ~~as~~ clerks or
Sub-Inspectors in the Salt and
Abkari dept in Orissa only.

No. 327

Dated 13 July
Received 25 Sept
Registered 26
Enclosures —
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SUBJECT.

Delegation of powers
Board's (S.R.) recommenda-
tions for the — approved
subject to certain remarks

To The Bd of Rev (SR). 12/10/96
Note. ^{Entrance} ~~As the matriulation~~ exa-
mination of the Calcutta or the Allahabad
University has not been recognized
as equivalent to the matriulation exa-
mination of the Madras University it would
not be correct to say that the Bd will be
authorized to ~~san~~ exempt the matriulates
of these universities from passing the Handwriting
Test. 1/10.

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of these universities from passing the Handwriting
Test. 1/10.

BACK PAPERS.

G.O.	No.	Department.	Date.
	514	Est ^l	21-8-96
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FURTHER PAPERS.

G.O.	No.	Department.	Date.

Government { 1896 } of Madras. REVENUE.

Current No 1163
Letter No. 637 Est. 812-10-96

Recd.

2554/

1896.

Enclosures —

Regd.

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G.O., No. 327, 13th July 1896.

JULY.

Delegation of Powers.

Board's (Separate Revenue) recommendations for the —, approved subject to certain remarks.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue (Separate Revenue),
No. 65, dated 7th February 1895:—

Resolution—No. 65, dated 7th February 1895.

With reference to paragraph 4 of G.O., No. 49, Revenue, dated 22nd January 1894, the Board begs leave to submit, for

* Appendices A and B relate to powers exercised under the Salt Act. Paragraph 7 *infra* deals with powers under the Abkári Act.

the approval of Government, lists* of cases in which the powers now exercised by Government and the Commissioner under the Salt and Abkári Acts may, with a view to curtail correspondence in the several offices, be delegated, respectively, to the Commissioner and the officers subordinate to him. A list † of powers under the Salt Act which have already been, with the

† Appendix C.

approval of Government, delegated by the Commissioner to Deputy and Assistant Commissioners and which it is now proposed to further delegate to Assistant Commissioners and Inspectors, respectively, is also submitted for approval.

2. To deal with each appendix separately.

Appendix A shows the powers at present exercised by Government under the Madras Salt Act and the rules framed thereunder which may, if Government approves, be delegated to the Commissioner. In regard to (a), if it is found necessary to invest an officer of lower grade than Second-grade Assistant Inspector with the powers of an Inspector, the special sanction of Government will be obtained.

3. *Appendix B*.—This is a list of powers now vested in the Commissioner which it is proposed under section 7 of the Salt Act to give to Deputy and Assistant Commissioners and Inspectors of Circles in order that they may have adequate powers for the management of factories without unnecessary reference to the Board in each case. It may be remarked that power (a) is merely to call on the licensee to store sifted or refuse salt or, at his option, to destroy it, and that there can be no harm in entrusting it to Inspectors. The other cases call for no remarks.

4. *Appendix C*.—The powers referred to in this appendix have, either by Government or, with its approval, by the Commissioner, been already delegated to the officers mentioned in column 3 thereof. It is now proposed to further delegate them to the officers mentioned in column 4, in modification of the notifications already issued. No remarks are called for in regard to this appendix except in regard to power (b); this power can best be exercised by the Inspector who has already been empowered under section 24 to take steps for the execution of works in case of default by a licensee.

5. Draft notifications * embodying the foregoing proposals are submitted for approval and publication in the *Fort St. George Gazette*.

* Appendices E to H.

6. The present opportunity is taken to rectify Notification No. 407-II, published on pages 685 and 686 of the *Fort St. George Gazette*, dated 9th September 1890. The third of the powers delegated to Deputy Commissioners in that notification is the same as the fifth of those delegated to Assistant Commissioners in the same notification, and as the powers delegated to Deputy Commissioners are stated in the notification to be in addition to those

† Appendix H-1 (ii).

given to Assistant Commissioners, an erratum † to set the notification right is submitted for the approval of Government.

7. Appendix (1) is a further draft notification relating to the delegation of powers reserved to the Governor in Council under the Abkari Act. Powers under sections 5 (1), 21, 24, 27 (b), 29 (f and o in part), 32, 56 (a) and 66 of the Act have already been conferred on the Commissioner. It is now suggested that powers under sections 4 (d), 5 (2), 7, 9, 10, 11, 13, 14 (c), 29 (a to e, g to j except the power under j relating to the preparation of intoxicating drugs, and l to n) may also be delegated to him.

Section 14 (c) states that the Commissioner may, with the previous sanction of Government, grant licenses for private warehouses, but under Rule 23 of the Distillery and Warehouse Rules, the Commissioner is the authority that practically sanctions the issue of such licenses. It is therefore submitted that the power under the section may be delegated to the Commissioner. The power under section 24 already conferred on the Commissioner by Notification No. 58, published on page 99 of the *Fort St. George Gazette* (Part I), dated the 4th February 1890, is to be exercised subject to the orders of Government. It is now requested that he may be authorized to exercise the power absolutely.

Rules have already been framed by Government under most of the sections referred to above in this paragraph, and the present proposals are made with a view to carry out, without reference to Government, any alterations in them that may become necessary in future.

8. Under section 4 of the rules issued by Government under section 85 (i) of the Salt Act and in modification of his orders in paragraph 20 of Board's Proceedings, dated 8th January 1891, No. 2, and in continuation of Board's Proceedings, dated 25th May 1893, No. 217, the Commissioner resolves to authorize Deputy and Assistant Commissioners to exercise the following powers in the factories within their jurisdiction:—

Rule under which the power is given. Nature and extent of power delegated.

To Deputy Commissioners within their divisions—

Rule II-B-14 under section 85 (c) of the Act.

Power to order the destruction of salt that has been in store for more than five years and for which there is no bid in the auction sales ordered by the Commissioner under the rules.

To Assistant Commissioners within their sub-divisions—

Rule I-2 under section 85 (a) of the Act.

Power to grant license for the manufacture of salt for general sale to another party if the registered licensee refuses or neglects for the space of one year to accept a license tendered to him.

Rule I-4 under section 85 (a) of the Act.

Power to grant license for the manufacture of salt for sale to Government to another party if the registered manufacturer refuses or neglects for the space of one year to accept a license tendered to him.

Rule I-6 (i) under section 85 (a) of the Act.

Power to fix the dates within which the licensee shall commence and close manufacture in excise factories.

All factory officers will see that this delegation of powers is duly notified at the factory offices.

9. The Board also takes this opportunity to submit a list * of powers at present exercised by Government under the Civil Service Regulations, &c., that may, if the Government approves, be delegated to the Board to save frequent references to Government. Powers (a) to (c) in this appendix are vested in Government under the articles of the Civil Service Regulations noted against each. With a view to relieve Government of constant references in the matter of exercising these powers, the Board begs leave to suggest that the Government of India may be moved to modify the articles so as to permit of those powers being delegated to the Board. As regards the other powers noted in the appendix, which have hitherto by custom been exercised by Government, the Board hopes it may be trusted to deal with each of the cases rightly and equitably without reference to Government.

(True Extract.)

(Signed) D. D. MURDOCH,
Secretary.

To the Secretary to Government, Revenue Department.
„ all Deputy Commissioners of Salt and Abkari Revenue.
„ all Assistant Commissioners of Salt and Abkari Revenue.
„ all Inspectors of Circles.

APPENDIX A.

STATEMENT showing powers now exercised by Government under the Madras Salt Act and the rules framed thereunder which may be delegated to the Commissioner.

Rule or section under which the power is given.	Nature of the power.	To whom it is proposed to delegate the power.
(a) Section 3 (k) of the Salt Act.	To invest any subordinate officer not inferior in rank to an Assistant Inspector of the second grade appointed under section 6 of the Act with the powers of an Inspector under that Act.	Commissioner.
(b) Section 32 of the Salt Act and rule 6-VII (c) of the rules framed under section 85 (a) of the Act and issued in notification No. 126 and published in page 214 of the <i>Fort St. George Gazette</i> , dated 24th March 1891.	To sanction the departmental execution of Excise works whenever it appears desirable that such works should be undertaken by the Salt department or whenever the Excise licensees themselves desire that any of the works which they have to execute should be undertaken by the Salt department on their behalf.	Do.

APPENDIX B.

STATEMENT showing powers now exercised by the Commissioner which it is proposed to delegate to the officers mentioned in column 3 below.

Rule or section under which the power is given.	Nature of the power.	To whom it is proposed to be delegated.
(a) Section 30 of the Salt Act	Power to call on any licensee to store or destroy any sifted or refuse salt manufactured by him.	Inspectors of Circles.
(b) Do. 40 of the do.	Power to require a saltpetre licensee, whose license has been cancelled under section 73 of the Act, to destroy all materials in his possession capable of being used in the manufacture of salt or in the refinement of saltpetre.	Assistant Commissioners.
(c) Do. 15 of the do.	Power to summon all licensees to receive new licenses in consequence of any change in the system of manufacture that may be ordered by Government.	Do.
(d) Do. 84 of the do.	Power to recover all sums recoverable under the Act or due to Government on account of the salt revenue from any person in the manner provided by the Act.	Do.
(e) Do. 20 of the do.	Power to cause guard sheds to be erected at any place in any salt factory without payment of compensation for the use of the land occupied thereby.	Deputy Commissioners.
(f) Do. 42 of the do.	Power to cancel or suspend B licenses for failure to execute the necessary works in a refinery.	Do.

APPENDIX C.

STATEMENT showing powers conferred on certain officers of the department under the Salt Act or the rules framed thereunder which it is now proposed to further delegate to the officers in column 4.

Rule or section under which the power is given.	Nature of the power.	Officers at present exercising such.	Officers to whom the powers are proposed to be further delegated.
1	2	3	4
(a) Section 15 of the Salt Act.	Power to declare existing licenses cancelled if, on substitution of one system of manufacture for another, the licensees fail to receive new licenses.	Deputy Commissioners under notification No. 127 published on page 214 of the <i>Fort St. George Gazette</i> , dated 24th March 1891.	Assistant Commissioners.
(b) Section 24 of the Salt Act.	Power to determine the proportion in which the licensees shall execute the several works, &c., specified in section 23.	Assistant Commissioners in notification No. 127 published on page 214 of the <i>Fort St. George Gazette</i> , dated 24th March 1891.	Inspectors.
(c) Rule 5 (iv) under section 85 (a) issued in notification No. 406, dated 5th September 1890.	To prescribe the dates within which the licensees manufacturing salt for sale to Government shall commence and close manufacture.	Deputy Commissioners ..	Assistant Commissioners.
(d) Rule II-A-2 under section 85 (c) issued in notification No. 406, dated 5th September 1890.	To fix the hour at which estimation shall daily begin at each factory.	Do. ..	Do.

APPENDIX D.

STATEMENT showing miscellaneous powers exercised by Government under Civil Service Regulations, &c., which, it is suggested, may be delegated to the Board.

Rule or section under which the power is given.	Nature of the power.	To whom the power may be delegated.
1	2	3
(a) Article 67 of the Civil Service Regulations.	Power to sanction transfer of charge by Deputy and Assistant Commissioners at stations other than their head-quarters.	Board. (The approval of the Government of India has to be obtained.)
(b) Article 176 of the Civil Service Regulations.	Power to grant charge allowances to Inspectors when in charge of sub-divisions temporarily.	Do. do.
(c) Article 215 of the Civil Service Regulations.	Power to incur excess expenditure in consequence of an officer's degradation, suspension or dismissal and his subsequent reinstatement by the appellate authority.	Do. do.
(d) ..	Power to sanction the transfer of head-quarters of Circles from one place to another.	Board.
(e) ..	Power to sanction advances of kudivaram to manufacturers in factories worked for the sale of salt to Government.	Do.
(f) ..	Power to sanction permanent advance for Circles newly opened or to increase the same for existing Circles.	Do.
(g) ..	Power to exempt Matriculates of the Calcutta or Allahabad University from passing the handwriting test for employment as clerks or Sub-Inspectors in Orissa only.	Do.
(h) ..	Power to sanction charges incurred for the supply of drinking-water to establishments.	Do.

APPENDIX E.

Notification.

Under section 3 (h) of the Madras Salt Act, IV of 1889, the Right Honourable the Governor in Council hereby empowers the Commissioner of Salt Revenue to invest any subordinate officer not inferior in rank to an Assistant Inspector of the second grade appointed under section 6 of the Act with the powers of an Inspector under that Act.

APPENDIX F.

Notification.

Under section 32 of the Madras Salt Act IV of 1889 and in modification of rule 6 (vii-c) of the rules framed under section 85 (a) of the Act and issued in notification No. 126 in page 214 of the *Fort St. George Gazette*, dated 24th March 1891, the Right Honourable the Governor in Council hereby authorizes the Commissioner of Salt Revenue to sanction the departmental execution of Excise works whenever it appears desirable that any such works should be undertaken by the Salt department or whenever the Excise licensees themselves desire that any of the works which they have to execute should be undertaken by the Salt department on their behalf.

APPENDIX G.

Notification.

Under section 7 of the Madras Salt Act IV of 1889 and in continuation of notifications Nos. 407-II, 127 and 228, published on pages 685 and 686, 214 and 681 of the *Fort St. George Gazette*, Part I, dated 9th September 1890, 24th March 1891 and 31st May 1892, respectively, the Commissioner of Salt, Abkari and Separate Revenue further delegates his powers as follows:—

To Inspectors within their Circles.

(a) Power, under section 30 of the Act, to call on any licensee to store or destroy any sifted or refuse salt manufactured by him.

To Assistant Commissioners within their sub-divisions.

(a) Power, under section 15 of the Act, to summon all licensees to receive new licenses and to declare existing licenses cancelled, if on substitution of one system of manufacture for another the licensees fail to receive new licenses.

(b) Power, under section 40 of the Act, to require a saltpetre licensee, whose license has been cancelled under section 73 of the Act, to destroy all materials in his possession capable of being used in the manufacture of salt or in the refinement of saltpetre.

(c) Power, under section 84 of the Act, to recover all sums recoverable under the Act or due to Government on account of the salt revenue from any person in the manner provided by the Act.

To Deputy Commissioners within their divisions.

(a) Power, under section 20 of the Act, to cause guard-sheds to be erected at any place in any salt factory without payment of compensation for the use of the land occupied thereby.

(b) Power, under section 42 of the Act, to cancel or suspend B licenses for failure to execute the necessary works in a refinery.

APPENDIX H.

Errata.

1. Omit—

(i) power (b) from each of the lists of powers delegated by the Commissioner to Deputy Commissioners and to Assistant Commissioners in Notification No. 127, published on page 214 of the *Fort St. George Gazette*, Part I, dated 24th March 1891, and

(ii) the third of the powers delegated to Deputy Commissioners in Notification No. 407 II-c, published on page 686, Part I of the *Fort St. George Gazette*, dated 9th September 1890; and

For—

Power (b) of the powers delegated to Inspectors in Notification No. 127 referred to above,

Read—

“Power under section 24 of the Act to determine the proportion in which the licensee shall execute the several works, &c., specified in section 23 of the Act, and to take steps for the execution of works in case of default by licensees.”

2. In Notification No. 406 framed under section 85 of the Madras Salt Act, IV of 1889, and published on pages 678—685, Part I of the *Fort St. George Gazette*, dated 9th September 1890.

For—

(i) rule 5 (iv) of the rules framed under sub-section (a), and

(ii) the last sentence of Rule A-2 of the rules for the manufacture of salt framed under sub-section (c),

Read, respectively, the following :—

- (a) "That the licensee shall commence and close manufacture within such dates as may be prescribed by the Assistant Commissioner of the sub-division."
 (b) "The daily hour at which estimation shall begin at each factory will be fixed by the Assistant Commissioner."

APPENDIX I.

In supersession of Notification, dated the 15th January 1890, No. 58, published on page 99 of the *Fort St. George Gazette*, dated the 4th February 1890, the Right Honourable the Governor in Council hereby delegates, under section 4 (g) of the Madras Abkari Act, 1886, the following powers, viz. :—

To the Commissioner of Salt, Abkari and Separate Revenue.

I. Power to appoint, promote, suspend, reduce, dismiss and otherwise punish all officers of the department of Salt and Abkari Revenue below the rank of Inspectors; to suspend Inspectors pending enquiry; and to reduce Inspectors within their grades and Probationary Inspectors to the rank of Assistant Inspectors.

II. Power, under section 4 (d), to appoint officers of not lower grade than Second-grade Assistant Inspectors to perform the acts and duties mentioned in sections 40 to 63 inclusive of the Act.

III. Power, under section 5 (1), to make rules, from time to time, prescribing the powers and duties to be exercised and performed by Abkari officers of the several classes, where not specifically provided for by the Act or by rules framed by the Governor in Council under the Act.

IV. Power, under section 5 (2), to make rules regulating the delegation by Collectors of any powers conferred by the Act or exercised in respect of abkari revenue under any Act for the time being in force.

V. Power, under section 7, to authorize Collectors to permit from time to time the export of liquor or intoxicating drugs, or of any kind of liquor or intoxicating drugs, on payment of the duty, if any, to which the same is liable under the Abkari Act and on such other terms as they think fit, and to cancel such permission.

VI. Power, under section 9, to prohibit by notification from time to time the transport of liquor or intoxicating drugs or of any kind of liquor or intoxicating drugs from any local area into any other local area.

VII. Power, under section 10, to prescribe by notification from time to time, either generally for the whole Presidency or for any local area, the maximum quantity in excess of which permit for transport of liquor or intoxicating drugs under the provisions of section 11 shall be required, and to direct that permit for the transport of foreign liquor shall not be dispensed with in respect of any local area to be notified.

VIII. Power, under section 11, to empower persons other than Collectors to issue permits for the transport of liquor or intoxicating drugs, and to prescribe any other particulars than those mentioned in the Act to be specified in every permit.

IX. Power, under section 13, to prescribe by notification from time to time, either generally for the whole Presidency or for any local area, the maximum quantity of any specified description or kind of liquor or intoxicating drug, in excess of which license for possession shall be required.

X. Power, under section 14 (c), to license at or in connection with any licensed distillery or elsewhere a private warehouse wherein liquor and intoxicating drugs may be deposited and kept without payment of duty.

XI. Power to make the declaration provided for in section 21 and to cancel such declaration.

XII. Power, under section 24, to determine from time to time, as he shall see fit, "subject to the orders of Government" omitted—vide second clause of paragraph 7 in the case of licenses and permits granted under the Act—

(a) the fees to be charged for such licenses and permits and the periods for which they shall be issued;

(b) subject to what restrictions and conditions and in what forms such licenses and permits shall be granted; and

(c) what particulars such licenses and permits shall contain "in addition to those which may from time to time be prescribed by the Governor in Council," omitted.

XIII. Power, under section 27 (b), to empower any Abkari officer to require manufacturers of liquor and vendors of country liquor to measure out or to test the strength or quality of any such liquor in their possession and from time to time to vary or cancel the grant of such powers as he may deem fit.

XIV. Power, under section 29, to frame from time to time rules—

- (1) regulating the mode in which toddy may be supplied to licensed vendors of the same, or to persons who distil spirits from it, or who use it in the manufacture of bread;
- (2) for determining the number of licenses of each description to be granted in any district or place;
- (3) for regulating the number, size and description of stills, utensils, implements and apparatus to be used in any distillery;
- (4) prescribing the instruments to be used in the testing of liquor and the tables of corrections according to temperature to be used therewith;
- (5) prescribing the measures to be used for the sale of country liquor;
- (6) fixing for any local area a minimum price below which any country liquor shall not be sold;
- (7) for the warehousing of liquor and intoxicating drugs and for the removal of the same from any warehouse in which they are deposited for deposit in any other warehouse or for local consumption or for export;
- (8) for the inspection and supervision of stills, distilleries, private warehouses and breweries;
- (9) for the management of any public distillery or public warehouse established under section 14;
- (10) for placing the storage, import, export, possession or transport of liquor or intoxicating drugs under such supervision and control as may be deemed necessary for the purposes of the Act;
- (11) for the grant of batta to witnesses, and of compensation for loss of time to persons released by any Abkari officer under section 40 (3) of the Act on the ground that they have been improperly arrested, and to persons charged before a Magistrate with offences under the Act and acquitted;
- (12) regulating the power of Abkari officers to summon witnesses from a distance under section 44; and
- (13) for the disposal of articles confiscated and of the proceeds thereof.

XV. Power, under section 32, to vest Police officers with any or all of the powers conferred by that section, and from time to time to vary or cancel the grant of such powers as may be deemed fit.

XVI. Power, under section 56 (a), to empower officers, not being Abkari officers, to demand the production of licenses and permits by the holders thereof.

XVII. Power, under the third paragraph of section 66, to authorize officers to enquire into and determine cases of confiscation thereunder.

To Collectors.

Power, under section 27 (b), to empower any Abkari officer to require manufacturers of liquor and vendors of country liquor to measure out or to test the strength or quality of any such liquor in their possession and from time to time vary or cancel the grant of such powers as they may deem fit.

Read—the following Proceedings of the Board of Revenue (Separate Revenue), Mis. No. 2640, dated 25th June 1895 :—

Read—again Proceedings of the Board of Revenue (Separate Revenue), No. 65, Press, dated 7th February 1895.

Resolution—Mis. No. 2640, dated 25th June 1895.

Clause XII (a) and (b) of the draft notification submitted as Appendix I to the Board's Proceedings read again above is liable to be understood to mean (vide South Arcot Session Judge's judgment in the Nellikuppam Abkari case forwarded to Government with Board's Proceedings, Mis. No. 2470, dated 13th June 1895) that, as regards licenses, the Commissioner has power only to clothe in suitable language the restrictions and conditions subject to which they are to be granted, there being no express provision in the notification empowering the Commissioner to prescribe them. The Board therefore begs leave to request that the following may be substituted for items (a) and (b) of the Clause XII of the draft notification under reference :—

"(a) The fees to be charged for such licenses and permits and the periods for which they shall be issued."

"(b) Subject to what restrictions and conditions and in what forms such licenses and permits shall be granted."

2. If the draft notification under reference as now amended cannot be approved and published by the time orders are passed on the Board's toddy proposals submitted in Board's Proceedings, No. 215, dated 21st May 1895, the Board requests that Government will be pleased to substitute Clause XII of the draft notification, as now amended, for Clause IV of notification No. 58, published on page 99 of the *Fort St. George Gazette*, dated 4th February 1890, Part I, and to re-publish the latter notification at a very early date, so that the legal validity of the Board's toddy sale notices for the next lease, to be published in the *Fort St. George* and *District Gazettes* very shortly, may not be questioned.

(True Extract.)

(Signed) EDMUND MILLETT,
Assistant Secretary.

To the Secretary to Government, Revenue Department.

ORDER—No. 327, Revenue, dated 13th July 1896.

Separate Revenue No. 50.

The Board's recommendations for the delegation of powers contained in its Proceedings read above are approved, subject to the following remarks:—

(1) The powers specified in Appendix A cannot be delegated to the Commissioner as no provision exists in Act IV of 1889 similar to section 4 (g) of Act I of 1886 authorizing the delegation.

(2) Item II should be omitted from Appendix I. It is undesirable to delegate this power under the Abkari Act as a similar power cannot be delegated under the Salt Act.

(3) The Government does not consider that the delegation of the first three powers shown in Appendix D will diminish work to such an extent as to justify a reference to the Government of India.

(4) The Government is not prepared to delegate to the Board the power to sanction the transfer of head-quarters of circles from one place to another.

(5) The proposal to delegate to the Board the powers lettered (e) to (h) in Appendix D is approved and transferred to the Financial and Educational Departments for sanction.

2. The Government desires that all rules that may be made by the Board under any of the powers now delegated should be reported for the information of Government.

3. The notifications contained in Appendices H and I will be amended in accordance with the foregoing remarks and published in the *Fort St. George Gazette*. The Commissioner will issue, as amended, the notification in Appendix G.

(True Extract.)

[Signature]
Ag. Secretary to Government.

To the Board of Revenue (Separate Revenue).
„ the Financial Department.
„ the Educational Department.
„ the Superintendent, Government Press, with notifications.

APPENDIX I.

NOTIFICATION.

Errata.

1. Omit—

- (i) power (b) from each of the lists or powers delegated by the Commissioner to Deputy Commissioners and to Assistant Commissioners in Notification No. 127, published on page 214 of the *Fort St. George Gazette*, Part I, dated 24th March 1891, and
- (ii) the third of the powers delegated to Deputy Commissioners in Notification No. 407 II-c, published on page 686, Part I, of the *Fort St. George Gazette*, dated 9th September 1890; and

For—

Power (b) of the powers delegated to Inspectors in Notification No. 127 referred to above,

Read—

“Power under section 24 of the Act to determine the proportion in which the licensee shall execute the several works, &c., specified in section 23 of the Act, and to take steps for the execution of works in case of default by licensees.”

2. In Notification No. 406 framed under section 85 of the Madras Salt Act, IV of 1889, and published on pages 678–685, Part I, of the *Fort St. George Gazette*, dated 9th September 1890,

For—

- (i) rule 5 (iv) of the rules framed under sub-section (a) and
- (ii) the last sentence of Rule A-2 of the rules for the manufacture of salt framed under sub-section (c),

Read, respectively, the following:—

- (a) “That the licensee shall commence and close manufacture within such dates as may be prescribed by the Assistant Commissioner of the sub-division.”
- (b) “The daily hour at which estimation shall begin at each factory will be fixed by the Assistant Commissioner.”

APPENDIX II.

NOTIFICATION.

In supersession of Notification, dated the 15th January 1890, No. 58, published on page 99 of the *Fort St. George Gazette*, dated the 4th February 1890, the Right Honourable the Governor in Council hereby delegates, under section 4 (g) of the Madras Abkari Act, 1886, the following powers, viz.:—

To the Commissioner of Salt, Abkari and Separate Revenue.

I. Power to appoint, promote, suspend, reduce, dismiss and otherwise punish all officers of the department of Salt and Abkari Revenue below the rank of Inspectors; to suspend Inspectors pending enquiry; and to reduce Inspectors within their grades and Probationary Inspectors to the rank of Assistant Inspectors.

II. Power, under section 5 (1), to make rules, from time to time, prescribing the powers and duties to be exercised and performed by Abkari officers of the several classes, where not specifically provided for by the Act or by rules framed by the Governor in Council under the Act.

III. Power, under section 5 (2), to make rules regulating the delegation by Collectors of any powers conferred by the Act or exercised in respect of abkari revenue under any Act for the time being in force.

IV. Power, under section 7, to authorize Collectors to permit from time to time the export of liquor or intoxicating drugs, or of any kind of liquor or intoxicating drugs, on payment of the duty, if any, to which the same is liable under the Abkari Act and on such other terms as they think fit, and to cancel such permission.

V. Power, under section 9, to prohibit by notification from time to time the transport of liquor or intoxicating drugs or of any kind of liquor or intoxicating drugs from any local area into any other local area.

VI. Power, under section 10, to prescribe by notification from time to time, either generally for the whole Presidency or for any local area, the maximum quantity in excess of which permit for transport of liquor or intoxicating drugs under the provisions of section 11 shall be

required, and to direct that permit for the transport of foreign liquor shall not be dispensed with in respect of any local area to be notified.

VII. Power, under section 11, to empower persons other than Collectors to issue permits for the transport of liquor or intoxicating drugs, and to prescribe any other particulars than those mentioned in the Act to be specified in every permit.

VIII. Power, under section 13, to prescribe by notification from time to time, either generally for the whole Presidency or for any local area, the maximum quantity of any specified description or kind of liquor or intoxicating drug, in excess of which license for possession shall be required.

IX. Power, under section 14 (c), to license at or in connection with any licensed distillery or elsewhere a private warehouse wherein liquor and intoxicating drugs may be deposited and kept without payment of duty.

X. Power to make the declaration provided for in section 21 and to cancel such declaration.

XI. Power, under section 24, to determine from time to time, as he shall see fit, in the case of licenses and permits granted under the Act—

(a) the fees to be charged for such licenses and permits and the periods for which they shall be issued;

(b) subject to what restrictions and conditions and in what forms such licenses and permits shall be granted; and

(c) what particulars such licenses and permits shall contain.

XII. Power, under section 27 (b), to empower any Abkari officer to require manufacturers of liquor and vendors of country liquor to measure out or to test the strength or quality of any such liquor in their possession and from time to time to vary or cancel the grant of such powers as he may deem fit.

XIII. Power, under section 29, to frame from time to time rules—

- (1) regulating the mode in which toddy may be supplied to licensed vendors of the same, or to persons who distil spirits from it, or who use it in the manufacture of bread;
- (2) for determining the number of licenses of each description to be granted in any district or place;
- (3) for regulating the number, size and description of stills, utensils, implements and apparatus to be used in any distillery;
- (4) prescribing the instruments to be used in the testing of liquor and the tables of corrections according to temperature to be used therewith;
- (5) prescribing the measures to be used for the sale of country liquor;
- (6) fixing for any local area a minimum price below which any country liquor shall not be sold;
- (7) for the warehousing of liquor and intoxicating drugs and for the removal of the same from any warehouse in which they are deposited for deposit in any other warehouse or for local consumption or for export;
- (8) for the inspection and supervision of stills, distilleries, private warehouses and breweries;
- (9) for the management of any public distillery or public warehouse established under section 14;
- (10) for placing the storage, import, export, possession or transport of liquor or intoxicating drugs under such supervision and control as may be deemed necessary for the purposes of the Act;
- (11) for the grant of batta to witnesses, and of compensation for loss of time to persons released by any Abkari officer under section 40 (3) of the Act on the ground that they have been improperly arrested, and to persons charged before a Magistrate with offences under the Act and acquitted;
- (12) regulating the power of Abkari officers to summon witnesses from a distance under section 44; and
- (13) for the disposal of articles confiscated and of the proceeds thereof.

XIV. Power, under section 32, to vest Police officers with any or all of the powers conferred by that section, and from time to time to vary or cancel the grant of such powers as may be deemed fit.

XV. Power, under section 56 (a), to empower officers, not being Abkari officers, to demand the production of licenses and permits by the holders thereof.

XVI. Power, under the third paragraph of section 66, to authorize officers to enquire into and determine cases of confiscation thereunder.

To Collectors.

Power, under section 27 (b), to empower any Abkari officer to require manufacturers of liquor and vendors of country liquor to measure out or to test the strength or quality of any such liquor in their possession and from time to time vary or cancel the grant of such powers as they may deem fit.

Ed. C. M. Brison.

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