(1) பக்கங்களின் எண்ணிக்கை 6

(2) புதுக்கித் திருப்பிய நாள் 10/87

(3) ஆதாரங்குறிப்பவர் சுருக்கொப்பம்

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

PWD துறை

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அரசாணை எண்.
மு. கோப்புத் தாள் எண். 2723

அச்சகம்
பல்வகை

நாள் : 30-9-1892

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மடிக்கவோ கண்டபடி கையாளவோ கூடாது

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GOVERNMENT OF MADRAS.

MILITARY DEPARTMENT.

9223/1

Pay and Allowances—Taxes.

Read the following papers :—

No. 72. *Memorandum from Colonel E. BEGBIE, for Adjutant-General, Madras Army, to Brigadier-General H. R. HOPE, Secretary to Government, Military Department; dated Ootacamund, 28th December 1891, No. 2827-BA (Pay and Allowances—Taxes).*

Submitted for the consideration and orders of Government.

2. The Commander-in-Chief concurs in the opinion expressed by the General Officer Commanding Belgaum District that a soldier's ordinary pay should not be liable to income-tax.

3. As regards the levying of income-tax on language rewards, His Excellency thinks that, as school prizes are exempt from that tax, the parallel case of language rewards should be equally free from deduction.

From Major S. G. SMYTH, R.A., Commanding 76th Field Battery, Royal Artillery, to the Adjutant-General, Madras Army, Ootacamund; dated Belgaum, 11th November 1891, No. 567-P.

Reference.—Para. 2489 (*c*), Army Regulations, India, Vol. II, Part II.

No. 447-P, dated 26th September 1891, to the Controller of Military Accounts.
No. 1499-BT, dated 17th October 1891, from Pay Examiner, Madras.
No. 517-P, to the Controller of Military Accounts.
No. 1618-BT, dated 2nd November 1891, from the Pay Examiner, Madras.

I have the honour to request that the decision of Government may be solicited in the case of a gunner under my command being assessed income-tax on his pay by the Pay Examiner, Madras.

2. The correspondence as per margin is enclosed for information.

From Major S. G. SMYTH, R.A., Commanding 76th Field Battery, Royal Artillery, to the Controller of Military Accounts, Madras; dated Belgaum, 26th September 1891, No. 447-P.

I have the honour to state that, in accordance with the objection statement of the Pay Examiner on my accounts for the month of August 1891, a deduction has been made from the pay of Gunner Power of the battery under my command under the heading of income-tax.

2. I submit that a gunner's pay is not liable to a deduction for income-tax.

3. The fact that a gunner obtains a reward for passing in a Native language is another matter and the reward may, of course, be made subject to any deduction sanctioned by regulations.

Vide G.O.C., No. 376 of 91.

4. On grounds of policy alone apart from the equity of the deduction, it would appear inadvisable to inflict this paltry stoppage of annas 10 and pies 3 (As. 10-3).

No. 1499-BT.

The Controller of Military Accounts' reply is as follows :—

"As decided in this office No. 4038, dated 29th October 1888, income-tax should be recovered on rewards in conjunction with salary drawn for the month in which the rewards are paid.

"2. The Officer Commanding 76th Field Battery, Royal Artillery, should be informed accordingly."

MADRAS,
17*th October* 1891. (Signed) C. G. CAUTLEY, Colonel,
Pay Examiner.

To the Officer Commanding 76th Field Battery, Royal Artillery, Belgaum.

From Major S. G. SMYTH, R.A., Commanding 76th Field Battery, Royal Artillery, to the Controller of Military Accounts, Madras; dated Belgaum, 26th October 1891, No. 517-P.

With reference to the attached correspondence as per margin, I have the honour to request you will be good enough to submit your decision in the case of the assessment of tax on the pay of a gunner in the battery under my command for the revision of Government.

This office No. 447-P, dated 26th Sept. 1891, and the Pay Examiner's reply thereto, No. 1499, dated 17th Oct. 1891.

2. The decision arrived at in your office No. 4038, dated 29th October 1888, appears strained and the soldier fails to see the justice of it.

3. I beg, therefore, that Government may be approached and solicited to remove the tax complained of.

No. 1618-BT.

The following decision has been given by the Controller of Military Accounts in reply to your letter No. 517-P, dated 26th October 1891, to his address :—

"The Officer Commanding the battery should refer the question (through Army Headquarters) for the decision of the Government, as he is not satisfied that the Examiner's objection is correct."

MADRAS,
2*nd November* 1891. (Signed) C. G. CAUTLEY, Colonel,
Pay Examiner.

To the Officer Commanding 76th Field Battery, Royal Artillery, Belgaum.

No. 2807-A.

The reward for passing in a language is subject to deduction on account of income-tax, but the Pay Examiner's decision to tax the pay of a soldier, which is daily pay, appears to me to be contrary to the usages of the service and the intention of Government.

2. The very fact of the Pay Examiner calling a soldier's pay "salary" appears erroneous, and the Controller of Military Accounts avoids giving any decision but forces an appeal through you.

3. I forward this appeal and most strongly urge the rectitude of the principles therein set out by the Officer Commanding 76th Field Battery.

BELGAUM,
16*th November* 1891. (Signed) M. W. E. GOSSET, Brigdr.-Genl.,
Commanding Belgaum District.

To the Adjutant-General, Ootacamund.

No. 73. *With report from Controller of Military Accounts; dated 18th February 1892, No. 158-G.*

No. 74.

No. 1281.

OFFICIAL MEMORANDUM.

With reference to Adjutant-General's memo. No. 2827-BA, dated 28th December 1891, the undersigned is directed to inquire—

(1) What was the nature of the employment of Gunner Power, 76th Field Battery, Royal Artillery?

(2) What was the amount of his reward?

(3) What was his pay for the month in which the deduction on account of income-tax was made?

2. Attention is also invited to Proceedings of Government, No. 3241, dated 31st May 1886, which rules that rewards are liable to income-tax.

(By Order.)

FORT ST. GEORGE,
24*th February* 1892. (Signed) H. R. HOPE, Brigdr.-Genl.,
Secretary to Government.

To the Adjutant-General.

2223/2

No. 75. *From Colonel G. SIMPSON, for Adjutant-General, Madras Army, to Brigdr.-Genl. H. R. HOPE, Secretary to Government, Military Department; dated Ootacamund, 17th March* 1892, *No.* 635-*BA* (*Pay and Allowances—Taxes.*)

I have the honour, by desire of the Commander-in-Chief, to forward herewith a letter from the Officer Commanding 76th Field Battery, Royal Artillery, giving the information asked for in Military Department memo. No. 1281, dated 24th February 1892.

2. With reference to para. 2 of the memorandum under reply, it is observed that the Officer Commanding 76th Field Battery, Royal Artillery, does not raise any objection to income-tax being levied on the reward granted Gunner Power, but appeals against the man's pay being taxed.

From Major S. G. SMYTH, R.A., Commanding 76th Field Battery, Royal Artillery, to the Assistant Adjutant-General, Belgaum District; dated Belgaum, 9th March 1892, No. 842-P.

In compliance with your minute No. 1066-A, dated 4th March 1892, I have the honour to state, for the information of the Secretary to Government, Military Department, that Gunner Power of the battery under my command was, at the time of his reward, employed as a Military student at the Civil Engineering College, Madras.

2. The amount of his reward was Rs. 500.

3. His pay, including G.C. pay for the month in which the deduction on account of income-tax was made, was Rs. 25-15-7.

4. Your minute quoted above and its accompaniment are returned herewith.

No. 76. *To the Secretary to the Government of India, Military Department; dated 7th April* 1892, *No.* 2385.

No. 77. *From Major-General E. H. H. COLLEN, C.I.E., Secretary to the Government of India, Military Department, to Brigdr.-Genl. H. R. HOPE, Secretary to the Government of Madras, Military Department; dated Simla, the 26th August* 1892, *No.* 2291-*F.*

Pay and Allowances—Taxes.

I am directed to acknowledge the receipt of your letter No. 2385,* dated the 7th April 1892, submitting, for consideration, an appeal on behalf of Gunner Power, 76th Field Battery, Royal Artillery, against the action of the Military Accounts Department in adding the amount of a language reward of Rs. 500, admissible to him on passing the Higher Standard examination in Tamil in July 1891, to his pay (Rs. 25–15–7) for the month in which the reward was charged; and deducting income-tax on the aggregate amount, namely, Rs. 525–15–7.

* Enclosures returned as requested.

2. The Government of Madras consider that the ordinary pay of the gunner should not be treated as salary for the purpose of assessing income-tax; and it is

explained that, if this is correct, no income-tax would have been leviable in the present case.

3. In reply I am to say, for the information of His Excellency the Governor in Council, that the pay only of an officer or soldier comes within the term "salary," and it was not correct to treat the language reward as "salary" and to tax it under Part I, Schedule II, of Act II of 1886. Such rewards are assessable for tax only by the Collector of Income-tax for the district, and then as "income" under Part IV *ibid.*

4. The fact that Gunner Power received in the month other income, assessable under Part IV of the Act, rendered his pay — that is, salary — of Rs. 25-15-7, liable to tax under Part I of the same. But the Governor-General in Council does not desire that the tax should be levied in this case; and the Military Accounts Department will, therefore, be instructed to refund the whole of the tax levied.

5. I am to add that, in future, it will not be considered the duty of the Paymaster to recover, or the Military Accounts Department to watch for recoveries of, income-tax on language rewards to commissioned officers and warrant and non-commissioned officers and men; nor need the amount of any such reward be taken into consideration by Paymasters, and that Department, in regard to the levy of income-tax on the military pay, or other allowances, of those ranks.

No. 78. ORDER THEREON, 9th September 1892, No. 5654.

The decision of the Government of India communicated for information to His Excellency the Commander-in-Chief and the Controller of Military Accounts, and for guidance.

(True Extract.)

Brigdr.-Genl.,
Secretary to Government.

To the Adjutant-General.
" Controller of Military Accounts.
" Public, &c., Departments.
" Revenue Department.
" Public Works Department.

Exd. T. K. Narayana Aiyangar.

2723/3

P. W. CURRENT No. 9697

Govt. of {1892} Madras.

MILITARY.

To

THE ADJUTANT-GENERAL,
&c., &c., &c.

Dated September, 9th.

Issued

Recd. 16-9-92 *Encl.*

G.O., 9th September 1892, No. 5654.

SEPTEMBER.
Nos. 72—78.

Pay and Allowances—Taxes.

Language rewards.—Decision of the Government of India on the subject of the levy of income-tax on — to commissioned officers and warrant and non-commissioned officers and men, communicated for information and guidance to His Excellency the Commander-in-Chief and the Controller of Military Accounts (case of Gunner Power, 76th Field Battery, Royal Artillery).