

- (1) பக்கங்களின் எண்ணிக்கை 8
 (2) புதுக்கித் திருப்பிய நாள் 10/9/00
 (3) ஆதாரங்குறிப்பவர் சுருக்கொப்பம் 10/9/00

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

PWD துறை

(24)

அரசாணை எண். 2656 அச்சகம்
 மு. கோப்புத் தாள் எண். 2656 பலவகை

நாள் : 5-10-1891 198 .

மடிக்கவோ கண்டபடி கையாளவோ கூடாது

4 Sheet

GOVERNMENT OF MADRAS.

LEGISLATIVE DEPARTMENT.

READ—the following paper:—

From S. HARVEY JAMES, Esq., Secretary to the Government of India, Legislative Department, to the Chief Secretary to the Government of Fort St. George, dated Simla, 8th August 1888, No. 1403.

Referring to your endorsement No. 19, dated the 16th May 1888 (Legislative), I am directed to communicate the sanction of His Excellency the Governor-General, under section 43 of the Indian Councils Act, 1861, to the Bill to consolidate and amend the laws relating to the Salt-revenue in the Presidency of Fort St. George being proceeded with by the Governor in Council, and to say that, subject to the observations in the next paragraph of this letter, the penal clauses of the Bill are approved by the Governor-General in Council.

2. I am to offer the following remarks respecting the sections of the Bill herein-after mentioned:—

- (1) *Sections 53 and 62.*—The rate of duty to be paid in respect of alimentary salt removed from a salt-factory will be the rate for the time being in force under section 7 of the Indian Salt Act, XII of 1882, the rate at which customs-duty is leviable on salt imported by sea being, under the second schedule to the Indian Tariff Act, XI of 1882, the rate at which excise-duty is for the time being leviable on salt manufactured in the place where the import takes place. I am to suggest that, for the purpose of indicating the rate of duty leviable, the reference should be to the Indian Salt Act and not to the Indian Tariff Act, and in this connection I am to invite attention to the Salt-duty Bill which was introduced in the Council of the Governor-General on the 25th ultimo.
- (2) *Section 73.*—The word “any” should be substituted for the word “either.”
- (3) *Section 89.*—It appears to be with reference to that part of the definition of “salt-factory” which makes the expression include “all lands on which salt is spontaneously produced” that the words “unlicensed salt-factory” are used in this section. The objection which the Board of Revenue took to the definition of “salt-factory” in paragraph 3 of its Resolution No. 1533, dated the 5th July 1886, appears to the Governor-General in Council to be deserving of attention.
- (4) *Sections 95, 98, 103 and 110.*—The definition of “contraband salt” seems to render unnecessary the reference in these sections to contraband saline substances.
- (5) *Sections 101 and 104.*—The Select Committee to which the Bill will be referred will doubtless consider whether it is desirable to repeat in this Bill the provisions of sections 62 and 64 of the Madras Abkari Act, 1886, which made cowardice on the part of a revenue-officer, and negligence on the part of a licensee, punishable by a Criminal Court.

(6) *Section 105.*—There is precedent for this section in section 67 of the Madras Abkari Act, 1886, and there are sections similar to it in the several Forest Acts in force in British India. But the section, which was imported into India from the French forest law, is one which is liable to be abused anywhere, and, in the opinion of the Governor-General in Council, it would be advisable to substitute for the first ten words of the section, as it stands in the Bill, the following, namely:—

“Any officer of the Salt Department whose rank is not below that of an Inspector in that department, and who, either by name or as holding an office, has been specially empowered by the Governor in Council in this behalf by a notification in the *Fort St. George Gazette*.”

(7) *Section 106.*—The mention of section 67 of the Indian Penal Code is rendered unnecessary by section 21, sub-section (1), Act X, 1886.

3. The despatch from the Right Honorable the Secretary of State, No. 2 (Legislative), dated the 12th July 1888, will have been received by His Excellency in Council, and such provision as is therein mentioned will doubtless be made in the Bill before the measure is further proceeded with.

4. In conclusion, I am to suggest, for the consideration of His Excellency in Council, that the practice which has been prescribed with respect to bills in the Council of the Governor-General, of citing on the margin of each section of a Bill the authority for the section in existing legislation, or any authority which has been considered in the drafting of the section, should be adopted with respect to bills in the Council of the Governor of Fort St. George. The convenience of the practice to persons who have to study a Bill is obvious.

ORDER—dated 29th August 1888, No. 67, Legislative.

Recorded.

2. The remarks of the Government of India in paragraph 2 of the foregoing letter will be communicated to the Select Committee on the Madras Salt Bill when the Committee is appointed.

(True Extract.)

A. G. CARDEW,
Ag. Under Secy. to Govt.

To the Revenue Department.

Exd. P. L. Pereira.

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Gobt. of (1888) Madras.

LEGISLATIVE.

Issued

Recd.

Encl.

G.O., 29th August 1888, No. 67.

AUGUST.

Bill to consolidate and amend the laws relating to Salt-revenue.

Recording letter from the Government of India sanctioning the introduction of the —, and ordering that paragraph 2 of the letter be communicated to the Select Committee, when appointed.

12TH SEPTEMBER 1891, No. 62, LEGISLATIVE.

GOVERNMENT OF MADRAS.

LEGISLATIVE DEPARTMENT.

Read—again the following paper:—

G.O., dated 20th April 1891, No. 22, Mis., Legislative.

Read—the following paper:—

G.O., dated 17th February 1891, No. 118, Revenue.

Abstract—Transferring to the Legislative Department draft Zemindar Karams Bill in view to steps being taken to introduce it into the Legislative Council at an early date.

Order—dated 23rd April 1891, No. 22, Mis., Legislative.

The Bill will be referred to the Advocate-General for remarks.

(True Extract)

(Signed) A. BUTTERWORTH,
Under Secy. to Govt.

To the Honorable the Advocate-General
through the Government Secretary.

Read—also the following paper:—

From the Government Solicitor, Madras, dated 15th July 1891, No. 322.

Abstract—Forwarding the following opinion of the Acting Advocate-General, dated 15th July 1891:—

OPINION.

I have no remarks to offer on this Bill.

(Signed) H. G. WEDDERBURN,
Acting Advocate-General.

ORDER—dated 12th September 1891, No. 62, Legislative.

By paragraph 2 of a Resolution of the Government of India, dated 19th June 1877, No. 1213, and G.O., dated 5th July 1877, No. 1843, Encl., the introduction into any Legislative Council of a Bill containing provision for the formation of a special fund is required contingent upon the prior sanction of the Government of India in the Financial Department.

2. In the original Bill, as amended by the Select Committee appointed in 1883, provision was made in section 17 for the creation of a special fund of which the proceeds were to be exclusively devoted to the improvement of the condition of Karams in Zamin lands and the sanction of the Government of India to this provision was accorded and obtained in the regular course.

3. The Bill was transferred to the Legislative Department by G.O., dated 17th February 1891, No. 118, Revenue, goes further, however, than the original measure and provides in section 21 for the establishment of a fund from which are to be paid the salaries of Karams, but also, if necessary, of other village officers.

4. A further interpretation of the Resolution of the Government of India above referred to seems therefore to demand that special sanction for the creation of the fund described in section 21 of the Bill shall be obtained before any steps are taken to introduce the proposed measure into the Legislative Council.

5. This question will be considered in the Revenue Department which will, if necessary, address the Government of India on the subject. The attention of the Revenue Department will, at the same time, be invited to the Despatch from the Secretary of State communicated with G.O., dated 7th May 1891, No. 28, Legislative.

6. The opportunity will be taken to communicate to all Departments of the Secretariat a copy of G.O., dated 29th August 1888, No. 67, Legislative. It will be observed that, in paragraph 4 of a letter, dated the 8th August 1888, No. 1403, read in this Proceedings, the Government of India impressed upon this Government the desirability of adding in the margin of each section of a Bill the authority for the section in existing legislation or any authority considered in the drafting of the section. Most measures emanating from Government are received from the Executive Department concerned by the Legislative Department in the form of a draft Bill, and it is obviously most convenient that the marginal notes required by the Government of India should be prepared in the Department in which the Bill is prepared.

(True Extract.)

A. BUTTERWORTH,
Ag. Under Secy. to Govt.

To the Revenue Department, } with copy of G.O., dated 29th August 1888,
,, all other Departments of the Secretariat, } No. 67, Legislative.

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Govt. of {1891} Madras.
LEGISLATIVE.

Issued

Recd.

Encl.

G.O., 12th Sept. 1891, No. 62.

SEPTEMBER.

Zemindari Karnams' Bill.

Referring to the Revenue Department, for re-consideration, the provision contained in section 21 of the draft — for the establishment of a fund, and drawing attention to the ruling of the Government of India as to the desirability of citing in the margin of each section of the Bill the authority on which it is based.

Referred for guidance
True Extract
10/10/91 B
D.W.

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To
L. I.
E. R.