

Public Works (1898) Department.

RAILWAY BRANCH.

G.O., No. 1291 R₂.

DATED 18th October 1898.

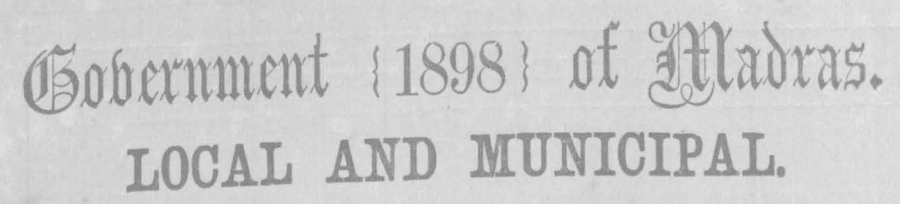
[Despatch Abstract.]

Tax on Arto.

Commg. to the agents, M & S. & Rys, Pres.
of the Board, forwarding to all Municipal
Councils G.O. No. 1201 M of 6-7-98 stating with
remark that the — cannot be imposed on
the South Indian & the Rys companies by the
Roads Municipality without the previous
sanction of the Govt of India & that it is
not desirable to apply at present to that
Govt for sanction to the levy of that Tax.

Indexed. —

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



Spare copies

SEPTEMBER.

Communicating to all Municipal Councils G.O., No. 1201 M., dated 6th July 1898, stating with remark that the — cannot be imposed on the South Indian and Madras Railway Companies by the Erode Municipality without the previous sanction of the Government of India and that it is not desirable to apply at present to the Government of India for sanction to the levy of that tax.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

READ—the following paper:—

From F. F. SMITH, Esq., Officiating Agent, South Indian Railway, to the Consulting Engineer for Railways, dated Trichinopoly, 2nd September 1898, No. 820.

Referring to G.O., No. 945 R., dated 22nd July 1898, regarding the levy of profession-tax from Railway Companies, I have the honour to inform you that as in more than one instance I have, when referring Municipal Councils to G.O., Mis. No. 1201 M., dated 6th July 1898, been asked to furnish copies of the order, I would suggest the advisability of the same being printed and supplied to all Chairmen of Municipalities in this Presidency.

No. 116 R.M.—O.

Transferred to the Local and Municipal Department with reference to Government Order in that department, Mis. No. 1201 M., dated 6th July 1898.

7th September 1898.

(Signed) J. C. LYLE,
Under Secretary.

ORDER—No. 1667 M., dated 27th September 1898.

G.O. No. 1201 M., dated 6th July 1898, will accordingly be communicated to all Municipal Councils.

(True Extract.)

for Secretary to Government.

To all Chairmen of Municipal Councils.
„ all Collectors.
„ the Public Works (Railway) Department.

Erd. P. Seetharam.

[Appendix.

APPENDIX.

G.O., Mis. No. 1201 M., dated 6th July 1898.

From M.R.Ry. R. LAKSHMI NARAYANA AIYAR Avargal, Chairman, Municipal Council, Erode, to the Secretary to Government, Local and Municipal Department, dated 11th March 1898, No. 750-M.G.

Under the provisions of section 62 of Act IV of 1884 as amended by Act III of 1897, I requested the Madras and South Indian Railway authorities at Madras and Trichinopoly, respectively, to let me have the monthly income of the respective Companies from the Erode railway station for purposes of assessing them to profession-tax. The Agent and Manager of the Madras Railway Company has not as yet sent in any reply; but the Agent of the South Indian Railway Company writes to me to say that he considers it unnecessary to furnish the information I required, as by Notifications, Nos. 270 and 136, dated 12th June 1890 and 5th April 1893, respectively, the Governor-General in Council has, under the authority of section 135 of Act IX of 1890 (The Indian Railways Act), declared that every Railway administration shall be liable to pay only such taxes as it was lawfully required to pay during the year ended 30th April 1890. He also says that he is unable to accept any demand for profession-tax inasmuch as the South Indian Railway was, on 30th April 1890, only liable to pay profession-tax in one municipality, i.e., Trichinopoly.

Section 60 of the Amended Act clearly says that if any person exercises in more than one municipality any such art profession, trade or calling or holds any such office or appointment he shall be liable subject to the provisions of section 55 in each of such municipalities.

Provided that the tax payable in each municipality shall be fixed with reference to the income derived from the business carried on or the appointment held therein.

The Railway Company comes under illustration 3 of section 60 of the Act and I am therefore led to think that the Company is liable to pay the tax on the income which it gets from the business carried on in the Erode railway station.

The whole correspondence was placed before the council at its meeting held on the 2nd instant and the council resolved to refer the matter to Government for favour of instructions. I have therefore the honour to request that you will be pleased to favour me with the instruction of Government as to how far the views held by me are correct or otherwise.

A copy of the resolution of the council on the subject is herein enclosed.

ENCLOSURE.

EXTRACT from the Proceedings of the Municipal Council, Erode, at its meeting held on Wednesday, the 2nd March 1898.

No. 10.—Read letter of the Chairman to the Agent, South Indian Railway, regarding the levy of profession-tax and the reply of the Agent, No. 18-A—810, dated 24th February 1898, forwarding copies of Government of India Notifications Nos. 270 and 136, dated 12th June 1890 and 5th April 1893, respectively.

The matter will be referred to Government for favour of instructions.

Submitted to the Collector of Coimbatore.

(Signed) L. G. MOORE,
Ag. Sub-Collector.

21st March 1898.

Forwarded.

2. The provisions of the Municipal Act cannot override section 135 of the Railway Act.
3. Notification No. 270, dated 12th June 1890, in the *Gazette of India* permits the levy from Railway Companies of all taxes lawfully demanded during the year ended on the 30th April 1890.

4. As professional-tax was but recently introduced in Erode, there is no authority for levying it from the Railway Company.

COIMBATORE,
6th April 1898.

(Signed) J. C. CUMMING,
Collector.

Order—Mis. No. 1201 M., dated 6th July 1898.

In the opinion of Government the tax on arts cannot be imposed on the Railway Companies referred to without the previous sanction of the Government of India; but as it is under contemplation to abandon schedule A of the Madras District Municipalities Act IV of 1884, as amended by Act III of 1897, in favour of the schedule annexed to the Act of 1884, under which the tax was imposed on professions and not on incomes, the Government does not consider it desirable to apply at present to the Government of India for sanction to levy the proposed tax on the Railway Companies in question.

(True Extract.)

(Signed) H. TREMENHEERE,
Secretary to Government.

To the Chairman, Municipal Council, Erode, through the
Collector of Coimbatore.
„ Public Works (Railway) Department.

By No 1291 Rev of 18/10/98.

*Communicated to the
Agent Madras S. I.
Railways for information*

[Signature]

Despatched on 19.10.98

*To The Agent & Managers, S. I.
- Agent S. I. R.
- Comptroller for Rys*

[Signature]

17/10/98