M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1781 60-61	Press Mis.
Dated 4-10	18 60.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 4th October 1860.

No. 60. Read the following Proceedings of the Board of Revenue, dated 22nd September 1860, No. 4,319 :—

Read Proceedings of the Madras Government, dated 10th September 1860, No. 1,565, Revenue Department, referring to the Board of Revenue for early report, a letter from the Secretary to the Government of India, calling attention to certain Sections of Act XXXII of 1860, (the Income Tax Act) under which it will be necessary that Rules should be passed by the local Government.

(In Cons., 12th September 1860, No. 4,556.)

1. No further Rules than those already prescribed in Parts XI and XII of the Act seem for the present necessary for regulating the mode of procedure when it is found expedient to assess any portion of the country by Punchayet; neither does it appear to the Board that any other provisions are requisite for the disposal of appeals against such assessments beyond those contained in Part XII. All that it is needful to lay down is, that whenever Collectors, empowered to assess under this Act, see reason to believe that it is expedient to resort to assessment by Punchayet, they are at once to report the circumstances to the Board of Revenue for the orders of Government.

2. In reference to Section 122 the Board are of opinion that Collectors should obtain the sanction of the Board before making refunds of wrongly collected duties and that the Board's orders should be considered sufficient for the debits to be admitted.

3. The Board think that when the Commissioners for the Town of Madras have occasion to make such refunds, they should have power to do so at once under an order signed by two Commissioners directed to the Sub-Treasurer.

4. As regards Section 142 the Board would observe that it would be premature at the present moment to prescribe other periodical instalments and terms of payment than those fixed by the Act.

5. In the event of its being found objectionable to adhere to the quarterly payment already fixed, the Collectors would report on the subject to the Board of Revenue, when other periods for payment might be selected. The Board, however, do not apprehend that there will be any objection to the payments being made as already prescribed.

6. The Board have considered the Table of Fees which accompany the Government order and consider them too high. They therefore suggest that the increasing rates should be Annas 8 for every 10, instead of for every 5 additional Rupees for which Distraint is made.

7. The Board think that the duties levied in the provinces should be paid precisely as the land Revenue is, and be brought to account in the Collectors' Húzur Treasury, while in the Town of Madras such sums will be at once brought to credit by the Sub-Treasurer (who is Collector under the Act), in the General Treasury.

(A true Extract.)

(Signed) J. D. SIM, *Secretary.*

No. 61. ORDER THEREON, 4th October 1860, No. 1,781.

1. In these Proceedings the Board reply to the Order of Government dated 10th September last, No. 1,565, Revenue Department, on certain points connected with the Income tax Act.

2. The Government agree with the Board (paragraph 1) that no further rules are required for regulating the assessments of Punchayets, or for disposing of appeals from such assessments. Parts XI and XII of the Act are sufficient. Collectors will adopt the plan proposed by the Board when a resort to Punchayet is considered necessary.

3. The course, pointed out in paragraphs 2 and 3, regarding the mode of making refunds, is approved. A brief annual report from both the Board of Revenue and the Presidency Commissioners will be submitted, in which this and other matters will appear. As regards paragraph 3, one of the two Commissioners should in every case be an Officer of Government.

Proceedings of the Madras Government, Revenue Department,
4th October 1860.

4. Paragraphs 4 and 5. The Governor in Council is of the Board's opinion that there is no occasion to prescribe other periodical instalments, &c., than those fixed by Section 142 of the Act. When the existence of a necessity for other arrangements shall appear, it will be time enough to consider the matter. If the question is referred by any Collectors it should be reported to Government.

5. Paragraph 6. The Government do not agree in the Board's remarks on the table of fees sent down from Calcutta. As it is to include all charges it does not appear to Government to be too high. They would add one Rupee for every fifty Rupees above one hundred. The Board will circulate to Collectors a table formed in accordance with these remarks. Copies should also be furnished to the Presidency Commissioners.

6. Paragraph 7. The Board's proposal regarding Treasuries is approved.

7. It will be necessary to open a new head of account in the Extra Revenue, viz., "Income tax:" and when the License Bill passes, two more heads, viz., "License tax" and "Tobacco tax:" as it will be convenient to show the two distinct. The heads "Muhtarafa" and "Visabadi" will then disappear.

(Signed) C. G. MASTER,
Deputy Secretary to Government.

brought to account in the Collectors' Hoozoor Treasury, while in the Town of Madras such sums will be at once brought to credit by the Sub Treasurer (who is Collector under the Act), in the General Treasury.-

/ Atrue Extract /

I D Sullivan
Secretary.

To
J. D. Bourdillon, Esq^re.,
Secretary to Government,
Revenue Department.

60-61
6-X-60

Note - Orders are requested on the various points marked.

There seem no objection to the course proposed respecting refunds; a brief account will of course be submitted, in which that & other matters will appear.

If the fees are lowered or the Act further, it will be better I think to carry on the work

Capt. Clinton

Revenue Department

2

No 1319

Proceedings of the Board of Revenue
dated 22 September 1860

Read Proceedings of the Madras Govern-
-ment dated 10th September 1860 No 1565. Revenue -
Department. referring to the Board of Revenue for
early report a letter from the Secretary to the Government
of India calling attention to certain Sections of Act
XXXII of 1860 (the Income tax Act) under which it
will be necessary that rules should be passed
by the local Government. -

(Infans 12th September 1860. No 4556)

1. No further Rules than those -
already prescribed in Parts XI and XII of the
Act seem for the present necessary for regulating
the mode of procedure when it is found -
expedient to assess any portion of the country
by Punchayet; neither does it appear to the
Board that any other provisions are requisite

for

4

at the rate of 1 1/4 Rupee per
every Ten rupees - above 100 Rupees -
a new head of
account in the Custom Re-
-venue to spring; viz. Income
tax - and when the Income
tax Papers, two more heads
viz - "Income tax" & "Arrears
tax" as it will be neces-
-sary to keep the two
distinct - The two heads
Customs & Excise
will then disappear -

for the disposal of appeals against such assessments beyond those contained in part XII. All that it is needful to lay down is, that whenever Collectors, empowered to assess under this Act, see reason to believe that it is expedient to resort to assessment by Punchayet, they are at once to report the circumstances to the Board of Revenue for the orders of Government.

2. In reference to Section 122 the Board are of opinion that Collectors should obtain the sanction of the Board before making refunds of wrongly collected duties and that the Board's orders should be considered sufficient for the debits to be admitted.

3 The Board think that when the Commissioners for the Town of Madras have occasion to make such refunds, they should have power to do so at once under an order signed by two Commissioners directed to the Sub Treasurer.

4. As regards Section 142 the Board would

3

would observe that it would be premature at the present moment to prescribe for other periodical instalments and terms of payment than those fixed by the Act.

5. In the event of it being found objectionable to adhere to the quarterly payment already fixed, the Collectors would report on the subject to the Board of Revenue, when other periods for payment might be selected. The Board however do not apprehend that there will be any objection to the payments being made as already prescribed.

6. The Board have considered the Table of Fees which accompany the Government order and do not consider them too high. They therefore suggest that the increasing rates should be as 8 for every 10, instead of for every additional Rupees for which Distraint is made.

7. The Board think that the duties levied in the provinces should be paid precisely as the land Revenue is, and be brought

Rec.d 10th Sept.r 1860 by
155 - 160
YA.

(15)

Rev. 1860 Department
Pro: of Gov.t Rec.d 7th Oct.r
Proceedings of the Board
of Revenue

Dated 22.
Rec.d 22d } September 1860
Read 24

No 1781. 4th Oct.r
No 1319.

Respecting that no
further Rules than those
already prescribed in Parts
XI and XII of the Income
tax Act seem for the present
necessary for regulating the mode
of proceeding -

For orders.

No 160.

24th September

as there now under consideration.

The Collector's decision is final whether he is acting especially under Sec. LVIII (see sec LX) or in the ordinary manner (see sec LVI). Sec 6 says "under the control of the "ordinary Revenue authorities, & whom" he is "subject in matters relating "to the Land Revenue" (see XVIII) but it does not appear from the act that they can upset any particular assessment tho' he had made.

When the Collector or Commissioners acting in the ordinary way surcharge any person after hearing what he has to say, that assessment is final (see sec. LVI. cl. I.) and yet such assessment, if made by the Collector, (see cl. 2) may be revised by the "authorities" abovementioned, "for the pur "pose of correcting any "mistake in law or for "deciding any point "specially referred by "the Collector". But no revision is provided for in the case of such assessments made by Commissioners.

When the Collector or Special Commissioner shall make a surcharge under sec. LIX they shall "give the party notice" "in the manner specified "in sec. IV" and shall proceed to make his assessment and surcharge "in the manner hereinbefore prescribed" i.e. under the different clauses of sec. LVI apparently in which case the Collector's assessment would be liable to the aforesaid "revision", while

the Special Commissioner assessment would be exempt from such revision.

Rev. Dept.

No. 1781.

Proceedings of the Madras Government.

Under date the 4th October 1860.

Read the following Proceedings of the Board of Revenue.

Reporting with reference to the order of Govt. dated 10 Sept. 1860 - No. 1565 on the rules necessary under certain sections of Act. XXXII of 1860.

Received 22 Sept. 1860 No. 4319.

1. In these Proceedings the Board reply to the order of Govt. dated 10 September last. No. 1565. R. Dn certain points connected with the Income tax Act

2 The Government agree with the Board that no further rules are required for regulating the assessments of Panchayets, or for disposal of appeals from such assessments. Parts XI and XII of the Act are sufficient. Collectors will adopt the plan proposed by the Board when a resort to Panchayet is considered necessary.

3. ~~Paras. 2 & 3.~~ The Course pointed out in these paragraphs (2 & 3) regarding the mode of making refunds is approved. A brief annual report from both the Board of Revenue and the Presidency Commissioners will be submitted, in which this and other matters will appear. As regards para 3, it ~~is indispensable that~~ one of the two Commissioners (in every case) should be an officer of Govt.

Paras. 4 & 5. The G. in C. is of the Board's opinion that there is no occasion to prescribe other periodical instalments &c. than those fixed by sec. CXLII of the Act. When the existence of a necessity for other arrangements shall appear, it will be time enough to consider the matter. If the question is referred by any Collectors it should be reported to Govt

5. Para 6. The Govt do not agree in the Board's remarks on the table of fees sent down from Calcutta. As it is to include all charges it does not appear to Govt to be too high. They would add one Rupee for every fifty Rupees above one hundred. The B. will circulate to Collectors a table formed in accordance with these remarks. Copies should also be furnished to the Presidency Commissioners.

6. Para 7. The Board's proposal regarding Treasuries is approved.

7. It will be necessary to open a new head of account in the Extra Revenue, will have to be opened: viz. "Income Tax": and when the License Bill passes, two more heads. viz. "License Tax" and "Tobacco Tax": as it will be convenient to shew the two district. The heads

"Muhtarafa" and "Vicabadi"
will then disappear.

C.J.

12 Copies
To the Board of Revenue Dipt. 5
7 " Presidents of the Income Tax Commission ✓
2 " Special Comm. do. ✓
3 " Accts. Genl. ✓
2 " Other Incometax ✓

15

Dep. - Under
actus
Som-

R. 10th September/60 Nos 159-160

Revenue 1860 Departt.
Pro: of Govt for October.

No 1781.

Pro: of the Madras Govt
Dd 4th October 1860.

Forwd Accountant Genl 9th October/60
(Reference to Para 7 of the Order)
No 2209 in V/10. 15: Oct Nr No 1869

Forwd Accountt Genl (reference Para 3 of the Order)
No 2283 in V/1023. Oct Nr
No 1936.

Forwd Accountt Genl 3rd January/61 No 16.
(Circular on the Subject of Despatch) - in Pro:
31st January No 250

Passing Orders on certain
points connected with the Income
Tax Act.

Nos 60 & 61.