M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 926 Press / ~~Mis.~~

408. 409

Dated 24. 4. 1861.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 24th April 1861.

No. 408. Read the following Proceedings of the Madras Government in the Military Department, dated 27th March 1861:—

Refer a letter from the Military Auditor General suggesting a modification of the Order of Government, dated 21st March on certain points connected with the Income Tax Act. (Vide Military Proceedings, 27th March 1861.)

Ordered that the following letter be despatched.

No. 409. From J. D. BOURDILLON, Esq., Secretary to the Government of Fort Saint George, to the Secretary to the Government of India, Financial Department, dated 24th April 1861, No. 926.

SIR,

1. I am directed to request the decision of the Government of India on the following question connected with the Income Tax Act.

2. The Madras Civil Auditor having requested to be informed whether he had acted rightly in granting exemption under Section 129 of the Act, to the Military Officers marginally* indicated, who draw consolidated salaries in the Civil Department, on a sum equivalent to the tentage of their Military rank, this Government decided† that the exemption should be allowed, because the Government of India had ruled (14th September 1860, No. 9,242, Calcutta Gazette, page 2,429) that "*Military* men in Civil "employ, whose *consolidated salary*, or whose Military "pay and Civil allowance exceed a Captain's pay, are "to be charged on the total, after *deductions* on "account of *tentage* and horse allowance" as the latter are exempt under Section 129 of Act XXXII of 1860.

* Private Secretary to the Governor.
Military do. do.
Secretary to Government, Military Department.
Mint Master.
Assay Master.
Superintendent, School of Arts.
Chief Engineer, Department Public Works.
Railway Consulting Engineer.
Conservator of Forests.
Commissioner of Police.
Police Magistrates.
Superintendents of Police.
Government Agent in Orissa.
Military Assistant Agent, Ganjam.
Superintendent Revenue Survey.
Zila and Civil Surgeons.
Inspectors of Schools.

† 21st March 861, No. 666.

3. It has, however, been subsequently brought to the notice of this Government that the practice‡ in Bengal regarding consolidated salaries in the Military Department is that where any *express* rate of house-rent, tentage, or horse allowance is included in such salary, those allowances are to be exempted from Income Tax; but that such exemption is not allowed where no rate of tentage or house-rent is defined as either forming a part of consolidated salaries, or as being issuable in addition.

‡ Vide letter from Lieutenant-Colonel J. Hannyngton, Officiating Military Auditor General, No. 701, dated 3rd November 1860, recorded in Proceedings Madras Government, 3rd January 1861, No. 9, Military Department.

4. When requesting orders on the point the Civil Auditor remarked that some of the appointments referred to might be regarded as Military, though the salaries were passed in his Office: also that some necessitated frequent travelling, for which however extra allowances are of course granted; and that some were very analogous to appointments in the Revenue Department in which a fixed tentage is expressly authorized. It does not, however, appear that any *express* rate of tentage is included in any of the consolidated salaries in question, though several of them are entered in the Pay and Audit Regulations as including full pay and Regimental allowances.

5. As it is desirable that a similarity of procedure in such matters should obtain throughout India, I am to request the final orders of the Supreme Government on the point at issue.

We ruled (14 September 1860

Military Depart.t

Proceedings of the Madras Government
Read the following

B.

Military Auditor Gen.l's Office
Fort St. George 26.th March 1861

From

Major J. Stewart.
D.y Mily Aud.r General

To

Colonel H. Marshall.
Secretary to Gov.t
Military Depart.t

Sir

I have the honor to acknowledge the receipt of the Proceedings of Government, "Revenue Department" 21.st instant, N.o 666, and respectfully to observe, that, the decision in the 4.th Para: thereof, passed with advertence to the Orders of the Government of India, 14.th September 1860, N.o 9242, should apparently be modified with reference to the communication from the Supreme Govern.t recorded in Proceedings of Government 3.rd January 1861 N.o 9 "Military Department", ruling

Ulla ruled (14 September 1860.

puling that when any expresspate of
Tentage, Horse, or House Allowance is in-
-cluded in consolidated Salaries, such al-
-lowances are exempt from Income Tax,
but not otherwise.

I have &c.

(Signed) J. Stewart Major
Deputy Mily Aud: General.

Order thereon 27th March 1861.

Referred to the Revenue
Department with Proceedings of Govt. No. 9. 3rd Jany 61
marginally noted.

(Signed) H. Marshall. Colc.
Secy: to Govt.

To
The Revenue Departt.
with Order No 9 of 1861

Ed. Wht.

Ans ruled (14 September 1860.

MILITARY DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following papers:—

From the Officiating Secretary to the Government of India, Military Department, Fort William, 10th December 1860, *No.* 285; *to the Secretary to Government, Military Department, Fort Saint George.*

I am directed to transmit to you, for the information of the Government of Fort Saint George, the accompanying copy of a communication from the Officiating Military Auditor General, No. 701, dated 3rd November last, reporting the principle on which Income Tax has been assessed on consolidated salaries in the Bengal Presidency.

Report by Lieutenant Colonel J. Hannyngton, Officiating Military Auditor General,—(No. 701, *dated Fort William, the 3rd November* 1860.

The Officiating Military Auditor General has the honor to state that, in this Presidency, Income Tax has been assessed on consolidated salaries on the following principle: If, as in the cases noted in the margin, any express rate of house-rent, tentage, or horse allowance is included in a consolidated salary, such house-rent has been exempted from deduction:—but no exemption is allowed, where no such rate is included, as in the cases, marginally* specified, of Officers who hold other than regimental commissions, and for whom no rate of tentage or house-rent is defined as either forming a part, or as being issuable in excess, of their consolidated salaries.

Appointment.	Authorized.		
	Salary.	House-rent.	Horse Allowance.
		Included in consolitated salary.	
Adjutant General Her Majesty's British and Indian Forces...	2,250 0 0	120	...
Deputy, Ditto	800 0 0	...	60
Military Auditor General	3,333 5 4	120 Tentage	
General Officer.....	3,333 5 4	400	
Commandant of Irregular Cavy.	1,000 0 0	Tentage of	30
2nd in Command	500 0 0	Regtl. rank.	30
*Deputy Inspector of Hospitals.	1,800 0 0		...
Military Secretary to Governor General	1,000 0 0	...	...

2. This appointment of Military Secretary to the Governor General is held by an Aide-de-camp to the Governor General, who receives pay and allowances with staff salary at Rupees 334 as Aide-de-camp, in addition to Rupees 1,000, as Military Secretary; house-rent being included in the Aide-de-camp's salary of Rupees 334,—the salary of Rupees 1,000, as Military Secretary, is exclusive of that allowance.

ORDER, No. 9, *3rd January* 1861.

Communicated to the Commander-in-Chief and Pay Department.

(True Extract.)

/Signed/ H. Marshall Col.
Secretary to Government.

To the **Adjutant General.**
„ **Military Auditor General.**
„ **Accountant General.**
„ Civil Auditor.

Exd. W. D'Arachy.

We ruled (14 September 1860.

Rev Dept

No 926.

To The Secretary to the Govt of India
Financial Dept

Sir

I am directed to request the decision of the Govt of India on the following question connected with the Income Tax Act.

2. The Madras Civil Auditor having requested to be informed whether he had acted rightly in granting exemption under section 129 of the Act, to the Military officers marginally indicated, ~~and~~ who draw consolidated salaries in the Civil Dept, on ~~account of~~ a sum equivalent to the tentage of their Military rank, the Govt decided that the exemption should be allowed, because the Govt of India had ruled (14 September 1860

Private Secretary to the Governor.
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Asst Master
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Superintendent Schools of Arts
Chief Engineer P.W.D.
Railway Consulting Engineer
Conservator of Forests
Commissioner of Police
Police Magistrates
Superintendents of Police
Govt Agent in Orissa
Military Asst Agent. Ganjam
Superintendent Revenue Survey
Civil Surgeons.
Inspectors of Schools.

21 March 1861. No. 666.

No. 9,242 - Calcutta Gazette Page. 2,429) that "Military "men in Civil employ, "whose consolidated "salary, or whose Military "pay and Civil allowance "exceed a Captain's pay, "are to be charged on "the total, after deduc "tions on account of "tentage and horse al. "lowance" as the latter are exempt under sec. 129 of Act XXXII of 1860.

3. It has, however, been subsequently brought to the notice of this Govt. that the practice in Bengal regarding consolidated salaries in the Military Dept. is that when any express rate of house-rent, tentage, or horse-allowance is included in such salary, those allowances are to be exempted from deduction on account of Income Tax; but that such exemption is not allowed where no rate of tentage

* 17th letter from Lieut. Col. J. Hamyngton, Officiating Military Auditor General, No 701. dated 3 November 1860. recorded in Pro. Madras Govt. 3 January 1861. No. 9. Mil. Dept.

or house-rent is defined as either forming a part or as being issuable in excess of consolidated salaries, or as being issuable in addition. —

4. When requesting orders on the point the Civil Auditor remarked that some of the appointments referred to might be regarded as Military, though the salaries were passed in his office: also that some necessitated frequent travelling, for which however extra allowances are of course granted; and that some were very analogous to appointments in the Revenue Dept. in which a fixed tentage is expressly authorized. It does not, however, appear that any express rate of tentage is included in the consolidated salaries in question, though several of them are entered in the Pay & Audit Regulations as including full Pay & Regimental Allowances. —

5. As it is desirable

(6)

that a similarity of
Procedure in such
matter should ob-
-tain throughout India,
I am to request the
favor of the
Supreme Govt on the
points at issue —

~~Lt Lt George~~ Esqrs
24th April 1861.

I have &c

Revenue 1861 Deptt.
Pro: of Govt for April.

No 926.

To the Secretary to the
Government of India.
Financial Deptt.
Dd 24 April 1861.

From Dd 2d July 1861 C. No 1867

Letter to Government
of India requesting their
decision on some question
connected with the Income
Tax Act.

No 408 & 409.