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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Revenue DEPARTMENT

G.O. No.	3376	Press.
B.P. No.		Mis.
Dated	11-12-1877	197

Not to be folded or roughly handled

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GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

11th December 1877, No. 3,376.

Read the following papers:—

No. 84. Proceedings of the Board of Revenue, dated 26th November 1877, No. 5,078.

Read G.O., Revenue Department, dated 17th November 1877, No. 3,262, referring, for the remarks of the Board of Revenue, Draft Bill to make further provision for the punishment of fraudulent practices in breach of the salt laws in the Presidency of Fort St. George.

Read also the following letter from W. S. FOSTER, Esq., Collector of the Godavery District, to H. E. STOKES, Esq., Secretary to the Board of Revenue, dated Cocanada, 12th November 1877, No. 313:—

I HAVE the honor to forward herewith a copy of the Madras High Court's Proceedings of the 18th September last, No. 2,119, declaring that the collection of salt earth from salt swamps and the being in possession of salt earth for the purpose of making salt illicitly are not offences under the existing salt law in districts in which the Madras Salt Excise Act of 1871 is not in force.

2. Section 18, Regulation I of 1805 enacts that "any person engaging in any clandestine or fraudulent transaction with respect to making salt in an illicit manner is liable to fine, and the High Court of 1869 and 1871 held that the collection of salt earth or the being in possession of salt earth was engaging in a clandestine transaction with respect to making salt illicitly. The present High Court consider that that decision was erroneous, and that it should be overruled. Whatever may be the correctness of the present ruling, I venture to point out that, strictly enforced, it entails a great loss of salt revenue.

3. There can be no question that making or obtaining salt in an illicit manner is a breach of the salt law, and the collection of salt earth is no doubt the first step in effecting the making of salt. Practically it is impossible to prove the making of salt, and, if the collection or possession of salt earth is no offence, we may be sure that the penal law in respect to making salt will become a dead letter. In many places, especially in the Nagaram island in the Narsapur Taluq, salt is made of salt earth. This earth is to be found in large quantities generally in every man's house however respectable he may be, and it is improbable that we should detect any large number of men in making salt. I, therefore, think that being in possession of salt earth for the purpose of making salt should be made penal in the interests of the salt revenue, and beg the Board of Revenue will move Government on the subject if they think it worth their while to do so.

4. I may remark that, even under Act VI of 1871 (Madras Salt Excise Act of 1871) referred to by the High Court, only the manufacture of salt is punishable. The "manufacture" includes the preparation or collection of salt. I cannot think that collection or possession of "salt earth," not of "salt," is a preparation, and the words of Section 15 are "who shall fraudulently make, purchase, obtain, possess, sell, or weigh salt."

THE Board do not think that any proviso by which salt earth or swamp salt may be possessed within certain limits is advisable, and they consider that the collection or possession of the former should be rendered penal irrespective of the manner in which it is to be utilized. The letter read above shows that in many parts of the Godavey District salt earth is found in large quantities in every house, and any concession as to possession within certain limits or provision requiring proof of the purpose to which the substance is to be applied would render the enactment inoperative and defeat the present object.

2. The Bill does not include earth salt within its scope, and, looking to the probability of a suppression of the manufacture hitherto permitted in the Ceded Districts (a question which is now under consideration and will be separately disposed of), it would be well to distinctly prohibit the manufacture or possession of earth salt, the preparation of salt modas, basins, or evaporating pans and the admixture of earth salt with sea salt or possession of such mixture. Power should also be conferred on Collectors, Divisional Officers, and Tahsildars in districts to which the Act may be extended to authorize and take measures for the destruction of any modas, basins, evaporating pans, or other work used for, or intended to be used for, the manufacture of earth salt or for facilitating the deposit of swamp salt wherever it may be found. The illicit manufacture or possession of earth salt may be held to fall within the terms of Section 18 of the Regulation, but it is advisable that the point should not be open to question; moreover the effect of the insertion of a clause declaring possession of earth salt illegal will be to prevent transport of the earth salt licitly manufactured in the Ceded Districts to any district into which the enactment under consideration may be introduced; at present earth salt is largely carried into Nellore, North Arcot, and Chingleput from the Ceded Districts, but being licitly manufactured, the Board have held that its transport is not an infringement of the law, and the Government have concurred in this view. As regards destruction of works for the manufacture of earth salt, difficulties are likely to arise if the requisite powers for suppression are not taken.

(True Copy and Extract.)

(Signed) C. A. GALTON,
Sub-Secretary.

To the Secretary to Government, Revenue Department.

No. 85. Proceedings of the Board of Revenue, dated 7th December 1877, No. 5,189.

Read the following letter from A. S. NARAINA, Acting Deputy Collector in charge of the Salt Department, Ganjam, to J. G. HORSFALL, Esq., District Magistrate, Ganjam, dated Nowpada, 5th October 1877, No. 268.

With reference to the Proceedings of the High Court, dated 18th September 1877, No. 2,119, declaring that the collection of salt earth from salt swamp, or the being in possession of salt earth for the purpose of making salt, is not punishable under the salt laws now in force in this district, I have the honor to forward, for your perusal and such notice as you may deem desirable, the accompanying letter with its enclosure received from the Sub-Inspector of the Nowpada salt pans.

2. I am given to understand that the inhabitants of the surrounding villages, being aware of the above Order, are now taking salt earth in great quantities for the purpose of making salt, and no action can be taken against them for doing so.

3. I venture to submit that, if the villagers are thus permitted to use the salt earth with impunity, I fear it will seriously affect the salt revenue, as most of them will cease purchasing salt. It will also retard the fish-curing operations as the fishermen prefer curing their fish with salt earth only.

ENCLOSURE No. 1.

From Mr. W. C. McCREADY, Sub-Inspector of Police, to the Salt Deputy Collector and Magistrate, Ganjam District, dated Nowpada, 3rd November 1877.

I HAVE the honor to forward a letter received from the Second-class Magistrate, Narsanapetta, in reply to occurrence reports of mine for the villages of Sonnapally, Attadah, and Kottapettah, which the Sub-Magistrate declined to grant, as the High Court considers the prosecution of persons found in possession of salt earth illegal until Act No. VI of 1871 comes into force in this district (High Court's Proceedings, No. 2,119, dated 18th September 1877).

2. The inhabitants of the surrounding villages, being aware that proceedings cannot be taken against them for being in possession of salt earth, have stored large quantities of earth in their houses and have consequently discontinued purchasing salt. I, therefore, request you will issue instructions as to how I am to act.

No. 3,991.

SUBMITTED for the information of the Board of Revenue.

CHETTERPORE,
21st November 1877.

(Signed) J. G. HORSFALL,
Offg. Collector and Magistrate Ganjam.

THE Board have already addressed Government on the subject, and a Bill to amend the law is now under consideration. The Collector's letter will, however, be submitted to Government as showing the urgent necessity for passing the enactment without delay.

(True Copies and Extract.)

(Signed) C. A. GALTON,
Sub-Secretary.

To the Secretary to Government, Revenue Department.

No. 86. ORDER THEREON, 11th December 1877, No. 3,376.

Separate Revenue, No. 7.
Salt.

HIS GRACE the Governor in Council desires that the Board will draft and submit a Bill to meet the proposals made in their Proceedings, dated 26th November last.

(True Extract.)

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

To the Board of Revenue.

Exd. J. W. Fischer.

Rev. Sept.

No 3376

Proceedings of the Madras Government.

1877

REVENUE DEPARTMENT.

No. 4946

From

Pres. Board of Revenue

Dated 26 November 1877

FOR ORDERS.

Following:

Board of

8th Nov^r 1894

November 1799

19 Salt-earthen

I think that we
must accept
the addition
proposed by Mr.

24/10

General. Some
times. but I think
the collection of

sures that the Board will

draft and submit a bill

I want the books &c

inack

Ms. C. 11.5.2.1877

Made by me on the subject of licensing the pos-
session of — permit.

possession of Licensesalt & regarding
East Salt or Salt Salt & the
East. or manufacture Salt & the
of East Salt must be in form of
conditioned as "illicit" draft but
(= without license) Bel 1877

I render the draft
bill acceptable

I observe that the
draft of the 1877 has
been made by G.O.

instead of by T.M.

or East. It is contrary

to practice or regulation

Rev. Sept.

No 3076

Proceedings of the Madras Government

March 1877

to result being
that we have
presented in return following
in our Prop. a Board of
the S. is not 1st Nov 1877
approved. Draft number 177
to be modified - 2 salt estate
I am disposed to
ask the Hon. L.
draft a bill to
meet this purpose
to admit the
heads of the case.

[Signature]

re the
council de.
Board with

draft and submit a bill
to meet the purpose
made

112
[Signature]

Ms. C. 11.5.2.1877

FOR ORDE

Salt Earth go

494

R.C. b. due / R. 10 / 12 / 77
C. 28. Nov / 77 R. 6. due / 77

made by them on the subject of rendering the pe-
rmission of — permit.

800
800.1

2376

Rev. S. P. S.

No 3376

Proceedings of the Madras Government
Under date the 11 December 1877

Read the following:
Proceedings of the Board of
Revenue, dated 26th Nov^r 77
No. 5078 and 7th December 77
No. 5189, regarding salt-earth
or Swamp-salt.

By 11/12

11/12

11/12

1. His Grace the
Governor in Council de-
sires that the Board will
draft and submit a bill
to amend the ~~provisions~~
inack

made in their Proceedings
dated 26th November last.

2. The collection or
possession of swamp-salt,
earth-salt, or salt-earth,
or manufacture of earth
-salt should be conditioned
as "illicit" i.e. without
licence.

per

and Capt. to the Board of
the Brewhouse of the

3370
x

(91)

90

Regarding Salt

Chronic

Do not take in
as a rule

84 286