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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

REVENUE DEPARTMENT

G.O. No. B.P. No.	941	Press. Mis.
Dated	21-6-1876	197 .

Not to be folded or roughly handled

Archives I—5,806—24-2-78.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

21st June 1878, No. 941.

Read the following paper:—

No. 253. Proceedings of the Board of Revenue, dated 8th June 1878, No. 1,533.

Read the following letter from H. W. BLISS, Esq., Commissioner of Salt Revenue, to C. A. GALTON, Esq., Acting Secretary to the Board of Revenue, dated Madras, 1st June 1878, No. 197:—

As I understand that the Government Pleader is incapacitated by an accident from at once attending to the request made in the Board's Proceedings, No. 884, dated the 2nd April 1878, that he would draft an Act for the establishment of the Salt Department on its new footing, I have the honor to submit for approval a draft Act which I have prepared myself.

2. I have taken advantage of this opportunity to submit, for consideration as parts of the proposed Act, certain improvements of the law as to which I trust there may be no difference of opinion. Should th[illegible] be, I fear they must be omitted for want of time to discuss and meet objections. [illegible] am sure that if my suggestions are approved and adopted they will greatly facilitate the working of the new department.

3. I have also provided a remedy for a curious error (as I venture to think it) in "The Earth Salt Act, 1878." This Act has been declared by Government to be applicable to South Canara and Malabar, but is really of none effect there because of its providing that offences under it shall be punishable under Regulation I of 1805 and Act XVII of 1840, which have been repealed as regards those districts by the introduction therein of (Madras) Act VI of 1871.

4. I have thrown such other remarks as I desire to submit on my draft Act into the form of a marginal commentary.

5. As the Board are aware I have had but little time for the preparation of this Act. It is too probable therefore that I may have made mistakes, and particularly that I may have unnecessarily repeated some portions ~~of~~ existing laws. If so, I request that these repetitions at least may be excused. They will at all events do no harm, and to strike them out without a reconsideration of the whole Act might tend to nullify portions which they affect and which it is desired to retain.

ENCLOSURE No. 1.—Draft Bill.

SUBMITTED to Government with reference to G.O., dated 18th March 1878 No. 414.

2. The draft Bill prepared by Mr. Bliss seems very complete, and the Board have but few modifications to suggest:—

1st.—To Section 7 a clause should be added providing for the usual appeal to the Board and Government from the Commissioner's orders. This may be effected by a proviso in the terms of Regulation VII of 1822. "Provided that all such appointments, transfers, and punishments shall be subject to such rules and orders as the Governor in Council in his discretion may from time to time see fit to issue."

2nd.—With reference to the proviso to Section 14 (b) the Board would exclude the jurisdiction of Magistrates of the 3rd-class only in the case of persons who have been *more than once* convicted of a breach of the rules, as the powers of punishment vested in Magistrates of that class will be generally sufficient for the disposal of a second offence, and it is not desirable to hamper the magistracy more than is necessary.

3. With reference to paragraph 3 of the Commissioner's letter the Board observe that the error has been rectified by Notification, dated 31st May, published in the last Gazette. It would be well, however, to amend the Earth Salt Act so as to admit of its extension to Canara and Malabar.

(A true Copy and Extract.)

(Signed) C. A. GALTON,
Acting Secretary.

No. 254.

ORDER THEREON, 21st June 1878, No. 941.

Separate Revenue, No. 23.
Salt.

G.O., 18th March 1878, No 414.
,, 2nd May ,, ,, 643.

THE Bill submitted with these Proceedings will require careful consideration. In the meantime it is of importance that the Commissioner of Salt Revenue should be vested with the necessary powers throughout the Presidency. The Governor in Council is therefore pleased to direct that the accompanying Draft Bill be forw[illegible]o the Legislative Department for the purpose of being passed into law at the e[illegible]est possible date, after effecting such alterations as may appear necessary.

2. The Honorable Sir W. Robinson will be requested to take charge of the Bill.

(True Extract.)

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

To the Legislative Department,
,, the Board of Revenue.
,, the Commissioner of Salt Revenue.

Exd. W. J. Lewis.

941/2

DRAFT BILL.

Preamble.—Whereas it is expedient to inve[illegible] the Commissioner of Salt Revenue, Madras Presidency, and his Deputies [illegible]rtain powers, it is hereby enacted as follows :—

1. The words "Collector" or "General [illegible]ent" in the undermentioned Regulations and Act, that is to say,

Regulation II of 1803,
Regulation I of 1805,
Act VI of 1871 (Madras),

shall be taken to include any officer appointed by the Government of Madras from time to time to superintend the manufacture of salt or to perform, execute or exercise all or any of the duties imposed or powers conferred upon the Collector or General Agent by the said Regulations and Act relating to the administration of the Department of Salt manufacture or the revenue derived therefrom, who shall from time to time be declared by the Governor in Council to be vested with the powers of a Collector or General Agent under the said laws or any of them.

2. This Act shall extend to the whole of the Presidency of Fort St. George and shall come into force on the first day of July 1878.

Statement of Objects and Reasons.

UNDER the orders of the Secretary of Sta[illegible]or India in Council it has been determined to entrust the administration of [illegible]alt Department throughout the Madras Presidency to an officer styled Commi[illegible] of Salt Revenue.

2. To this end it is necessary pending spe[illegible]ation to vest in the Commissioner the duties and powers relating to salt [illegible]stration now vested in and exercised by Collectors of districts under existing [illegible]gulations and Acts and in the "General Agent of Salt Revenue" contemplated by Regulation I of 1805.

3. It is therefore proposed to empower the Governor in Council to invest the Commissioner and his Deputies (to be hereafter appointed) with such powers under the Regulations and Act named in the accompanying Draft Bill.

26-5-09
13-9-10

Original

Govt. of (1878) Madras.

REVENUE.

To

The LEGISLATIVE DEPARTMENT,

&c., &c., &c.

Dated June 21st.

Recd. Encl.

G.O., 21st June 1878, No. 941.

JUNE

Nos. 253-254.

Draft Salt Commissioners' Powers Bill.—Forwarding the — to the Legislative Department for the purpose of being passed into law, and requesting the Hon. Sir W. Robinson to take charge of the Bill.

THE MADRAS SALT ACT, 1878.

An Act for amending the Law relating to Salt in the Presidency of Fort St. George.

Preamble.

Whereas it is expedient to make better provision for the administration of the Department of Salt Revenue in the Presidency of Fort St. George, that is to say, for the collection of the Salt Revenue therein and for the supervision and management of the manufacture, storage, and sale of salt both under the system of monopoly established by Regulation I of 1805 and under that of excise provided for by (Madras) Act VI of 1871: It is hereby enacted as follows:—

Preliminary, Definitions, and extent of repeal.

Short title, extent and commencement of Act.

1. This Act may be cited as "The Madras Salt Act, 1878;" it shall extend to the whole of the Presidency of Fort St. George; and it shall come into force on the first day of July 1878.

Definitions.

2. Both in this Act and in all other Regulations and Acts relating to salt the following words shall have the several meanings hereby assigned to them, unless where a contrary intention shall appear from the context; that is to say:—

The word "Commissioner" shall mean the Commissioner of Salt Revenue appointed under this Act.

The word "salt" shall include "salt earth" and "earth salt" as defined by "The Earth Salt Act, 1878."

The word "manufacture" shall include the preparation and collection of salt.

The words "salt work" shall mean any place used or intended to be used for the manufacture of salt, and shall include all embankments, reservoirs, condensing and evaporating pans, houses, buildings and waste places situated therein; drying-grounds, platforms, places, buildings and premises at or in which salt is stored or which are intended for the storage of salt, whether on account of Government or on account of the owner thereof pending the payment of Excise or Customs duty; and all lands on which salt is spontaneously produced.

EXPLANATORY MEMORANDUM BY THE SALT COMMISSIONER.

The expression "Department of Salt Revenue" is a most useful one and will be of common application in the future. It is desirable therefore that it should be defined. I have failed to find a perfectly satisfactory definition to insert in the proper place (Section 2), but by the way in which I have worded the preamble I have, I think, practically effected the object desired.

2. The Board will have noticed that some words in common use in the Salt Department are not defined at all in Regulation I of 1805 nor completely defined in (Madras) Act VI of 1871. It will be convenient that all such words should be once for all defined so as to have the same meaning, so far as may be, both in monopoly and in excise districts and in all enactments bearing on the subject. I have provided accordingly.

3. Even "salt earth" is virtually "salt" when containing, as it sometimes does, as much as 60 per cent. of chloride of sodium. I propose therefore to include "salt earth" and "earth salt" under the general term "salt." This will save much verbiage and clear up many doubts.

4. I take the definition of the word "manufacture" from Act VI of 1871 and insert it here so as to make it applicable to the word when used in Regulation I of 1805.

5. The words "salt work" are defined in Act VI of 1871, but the definition is a very narrow one. I have taken, therefore, and I think improved on, the definition given in the Bombay Salt Act (No. VII) of 1873. The chief improvement is the widening of the definition so as to include bonded warehouses both of excise and customs. The way this addition saves verbiage may be seen from a comparison of my Section 15 (*a*) with clause 1, Section 39, of the Bombay Act, which latter is insufficient in any case for our purposes inasmuch as it includes no bonded *customs* warehouses—the regulation of which will be a matter of importance in our future salt administration.

The words "contraband salt" shall denote salt manufactured without license, excepting on account of Government and with the sanction, express or implied, of the Commissioner; and salt removed from any salt work, stored or in transit, packed or unpacked, landed or shipped, or in the possession of any person, in contravention of any provision of any Act relating to the Salt Revenue, or of any order or permit issued thereunder, or of any of the rules made or to be made in pursuance thereof.

3. So much of Madras Act VI of 1871, Section 2, as defines the words "manufactured" and "salt work" is hereby repealed.

Officers of the Department of Salt Revenue.

The Commissioner.

4. The control of the Department of Salt Revenue in the Presidency of Fort St. George shall be vested in an officer to be styled "The Commissioner of Salt Revenue" who shall be appointed and may be removed by the Governor in Council and who shall be subordinate to the Board of Revenue.

Duties and powers of the Commissioner.

5. The Commissioner shall perform all the duties imposed, and exercise all the powers conferred, upon Collectors of districts by Regulation I of 1805 and by (Madras) Act VI of 1871 and all other laws for the time being in force and relating to the Salt Revenue; and from and after the date on which this Act shall come into operation Collectors of districts shall cease to perform and exercise the said duties and powers.

Deputy and Assistant Commissioners of Salt Revenue.

6. The Governor in Council may appoint such officers in the Department of Salt Revenue as he may deem fit under the designations of Deputy and of Assistant Commissioners of Salt Revenue and may also reduce, suspend or remove them. They shall be subordinate to the Commissioner and shall perform such duties and exercise such powers not exceeding the powers of the Commissioner as he may from time to time under the general or special orders of the Board of Revenue think fit to delegate to them.

Subordinate officers of the department.

7. All other officers employed in the Department of Salt Revenue shall be appointed by the Commissioner, and may be fined, suspended, transferred or dismissed by him; and shall perform such duties and exercise such powers not exceeding those of the Commissioner as he may from time to time prescribe.

Saving of powers of existing officers of the department.

8. All persons employed in any capacity in the Department of Salt Revenue at the time this Act shall come into operation shall be deemed to have been appointed under it and shall continue to perform such duties

6. The words "contraband salt" are used in Act VI of 1871, but are not defined. I have supplied the omission by an extract (with amendments) from the Bombay Salt Act.

7. The above remarks explain the necessity of this repealing section.

8. The Commissioner will of course under the last preceding section delegate powers of appointment, &c., of the lower classes of Salt Officers to Deputy and Assistant Commissioners, who will also be vested with so much of the Commissioner's powers as may be necessary to enable them properly to assign duties and powers, at their discretion but within certain limits, to their immediate subordinates.

and to exercise such powers as they may then be performing or exercising unless and until the Commissioner shall by order under the last two preceding sections otherwise direct.

Procedure for the punishment of offences against the Salt Laws.

Authority to arrest without warrant any person suspected of offence against the Salt Laws.

9. Any officer appointed under this Act and any Revenue, Customs or Police officer, may, without warrant or order from a Magistrate, arrest and detain any person, whether on land or water, against whom reasonable suspicion exists that he has been guilty of any offence against this or any other Act relating to the Salt Revenue, or against any rule made or to be made in pursuance thereof. Persons arrested under the powers conferred by this section shall be forwarded with the least practicable delay to the nearest Magistrate or police station.

Persons arrested how to be proceeded against.

10. When any person arrested as aforesaid has been forwarded to any Magistrate or police station, such Magistrate or the officer in charge of such police station shall proceed to inquire into the charge preferred against such person in like manner as if he was charged under the Code of Criminal Procedure with a cognizable but bailable offence.

Power to seize salt suspected to be contraband and animals, carriages or vessels used in transporting it.

11. Any officer appointed under this Act, or any Revenue, Customs or Police officer, may seize and detain any salt which he may reasonably suspect to be contraband salt and any boxes, bags, packing materials, animals, carriages, or vessels, used in transporting it, or in or upon which it may be found, and all goods and packages in which or among which it may be contained or concealed, and shall have power to search all persons, animals, carriages, vessels, goods, boxes, bags and packages, in or upon whom or which he may have reasonable cause to suspect contraband salt to be or to be concealed.

Duties of Customs, Police, and Revenue officers in connection with this Act.

12. It shall be the duty of all Police, Customs, and Revenue officers to aid any officer appointed under this Act in the due execution of any duty imposed thereby on notice given or request made by such officer; and it shall be the duty of every officer in charge of a police station, upon receipt of complaint or information of the commission within the limits of his station of any offence punishable under any Act for the time being

9. This section gives power to Salt, Police &c. officers to arrest without warrant for offences against the Salt Laws—a power which it is perfectly well-known they practically exercise now and have exercised since the beginning of the century, though, so far as I can make out, without legal warrant. This legal power I now propose to give them, with proper safeguards of the usual kind against its abuse. There can be no doubt whatever that now the department is about to lose the great protection of the influence of the name of the Collector, *who is also the District Magistrate*, this assistance will be absolutely required. In fact, it will be impracticable to work without it—I mean, of course, if we are to work legally, instead of illegally as at present, for Salt officers witnessing an offence against the Salt Laws or Rules cannot possibly follow the offender about without touching him until they meet some one who will tell them his name and address (compare with section 9 of the Bombay Salt Act).

10. This section prescribes the procedure to be followed by the Police and Magistracy in the case of persons arrested without warrant. It is the mildest legally possible in cases in which the Police can arrest without warrant (compare with Sections 10 to 13 of the Bombay Salt Act).

11. Section 11 gives power to Police &c. officers to seize and detain contraband salt in transit. As the Board are doubtless aware the power is freely exercised now without ill-effects. It seems desirable however to legalise it (compare with Section 14 of the Bombay Salt Act).

12. Section 12 requires all servants of Government in the Police, Customs, and Revenue Departments to assist Salt officers when called on; and prescribes the duty of the Police in the case of complaint or information of any offence against the Salt Laws (compare with Section 16 of the Bombay Salt Act).

in force and relating to the Salt Revenue, or under any rule made under this or under any other such Act, to take action in the manner prescribed in the Code of Criminal Procedure for the conduct of such Police officer upon receipt of complaint or information of the commission within the limits of his station of any cognizable but bailable offence.

13. The Commissioner shall exercise throughout the Presidency of Fort St. George the powers of summoning persons to attend or to produce documents in cases in which it is his duty to hold investigations which are conferred upon Collectors by (Madras) Act III of 1869; and all persons summoned by him to attend or to produce documents shall be summoned in the way prescribed by the said Act, and shall be legally bound so to attend and give evidence or to produce documents or both.

General Provisions.

Powers of Government, &c., may be delegated to the Commissioner.

14. The Government and the Board of Revenue may respectively delegate to the Commissioner of Salt Revenue the whole or any portion of the powers with which they are invested under Regulation I of 1805, or (Madras) Act VI of 1871 or any other law for the time being in force relating to salt, and may withdraw, modify, reverse and annul such delegation.

Power to make Rules.

15. (*a*). The Governor in Council may from time to time make Rules, not being repugnant to the provisions of this or of any other Act relating to the Salt Revenue, for the following purposes, viz.:—

1. For regulating the manufacture, deposit, storage and sale of salt at or in any salt work.
2. For the establishment of preventive stations and for regulating the routes by which salt removed from any salt work shall be taken to a preventive station.
3. For regulating the routes by which salt manufacturers and other persons shall approach, enter, or leave any salt work; and the hours during which only it shall be lawful for any person to remain within the limits of any salt work, or in the immediate neighbourhood thereof.
4. For regulating the import and export of salt by sea and land.
5. For regulating and enforcing the attendance and labour of any person who has contracted or agreed to manufacture salt at any salt work under the immediate management and control of Government.
6. For the conservancy of any salt work.

13. Section 14 provides that the Government and Board may delegate their own powers to the Commissioner. For example, the Board could under it delegate the power of adjudging confiscations under Regulation I of 1805, if they should be pleased to do so.

14. Section 15 is taken with some improvements and omissions from the Bombay Salt Act. Both it and the preceding section are harmless as they stand because they are of optional application. If necessary, I can show good reason why they should be put in force; but for this there is now really no time. I trust therefore that they may be passed as they are, and that Government will be pleased to reserve any possible objections they may feel to them until the question of bringing them into operation arises. I have been very careful to provide very low penalties for a first offence, with a rise of course for subsequent ones: and as an additional safeguard I have introduced words which will have the effect of causing all second and subsequent offences to be tried at least before a Magistrate of the second class. I trust therefore that it will be thought that I have taken adequate precautions against oppression under the rules the framing of which I propose to legalise.

15. With regard to the last words of the paragraph authorising the framing of rules as to routes of approach, &c., to salt works, &c., I desire to explain that my object is to have power to prevent, if necessary, the assemblage and loitering of crowds in the neighbourhood of such places as salt swamps, ready to take advantage of the first moment the guards' backs are turned. Experience of the

(*b.*) The Governor in Council may from time to time fix penalties for breaches of rules framed under the preceding clause, which shall be recoverable by prosecution before any Magistrate;

Provided always, that no Magistrate of the third class shall inquire into any charge of a breach of such rules preferred against any person who has before been convicted of a breach thereof; and that the penalties to be fixed under this section shall not exceed the following scale; that is to say:—

On a first conviction of any breach of rules made under this section.	Rupees 20 fine or imprisonment of either description for ten days or both.
On a second do.	Rupees 100 fine or imprisonment of either description for two months or both.
On a third or subsequent do.	Rupees 200 fine or imprisonment of either description for six months or both.

(*c.*) All such rules and the penalties provided for breaches thereof shall be published in the *Fort St. George Gazette* and in the Official Gazette of the districts to which, or to parts of or to place in which, the Governor in Council may determine that they shall apply; and they shall thereupon be of the same force and effect as if they formed a part of this Act.

Amendment of "The Earth Salt Act, 1878."

16. In all districts or parts of districts to which Madras Act VI of 1871 has been, or may in future be, extended, all references in "The Earth Salt Act, 1878," to Regulation I of 1805 and Act No. XVII of 1840 shall be read as if they were references to Madras Act VI of 1871, under Section 15 whereof all offences committed in such districts or parts of districts against the provisions of "The Earth Salt Act, 1878," shall be, and are hereby made, punishable.

(Signed) H. W. BLISS,
Commissioner of Salt Revenue.

STATEMENT OF OBJECTS AND REASONS.

Upon the recommendation of the late Madras Salt Commission and under the orders of the Government of India and the Secretary of State for India in Council it has been determined to withdraw from Collectors of districts the administration of the Salt Department and to entrust it to a single officer who is styled the Commissioner of Salt Revenue and whose jurisdiction is intended to extend throughout the Presidency.

way that crowds do collect in some places in this way shows that this provision is necessary.

16. As to Section 15 generally compare with Section 39 of the Bombay Salt Act.

17. Section 16 amplifies "The Earth Salt Act, 1878," so as to make it applicable in Excise Districts, which as I have shown in my separate covering letter it now is not.

(Signed) H. W. BLISS,
Commissioner of Salt Revenue.

G.O. 21 June 1878 941

THE MADRAS SALT ACT, 1878—*contd.*

EXPLANATORY MEMORANDUM BY THE SALT COMMISSIONER—*contd.*

2. By this means it is hoped not only that an improvement may be effected in the revenue to which Collectors had no time to give the attention it requires, but also that it may be found possible to supply the public with a purer and therefore cheaper article.

3. To this end it is necessary to vest in the Commissioner the duties and powers now vested in and exercised by Collectors of districts. The Bill provides for this.

4. The opportunity is also taken advantage of to legalise the appointment of Deputy Commissioners and to alter the designation of the officers now employed in the Salt Department under what will in future be the confusing style and title of Deputy Collectors (appointed under Act VII of 1857) to that of Assistant Commissioners; to vest Salt and Police officers generally with certain powers of arrest and search which experience shows to be necessary for the protection of the revenue, and which they have always exercised though without express legal authority; to require officers of some other departments to render aid on requisition to officers of the Salt Department; to empower the Government to make rules for certain purposes and to prescribe penalties for breaches thereof; and to effect an alteration in "The Earth Salt Act, 1878," which is necessary to render it valid in districts in which "The Madras Salt Excise Act (VI of) 1871" is in force.

MADRAS,
1st June 1878.

(Signed) H. W. BLISS,
Comr. of Salt Revenue.

(True Copy.)

(Signed) C. A. GALTON,
Acting Secretary.

Recd. G.O. 21st June /78
Let 253.-

No. 1,533.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 8th June 1878.

Read the following letter from H. W. BLISS, Esq., Commissioner of Salt Revenue, to C. A. GALTON, Esq., Acting Secretary to the Board of Revenue, dated Madras, 1st June 1878, No. 197:—

As I understand that the Government Pleader is incapacitated by an accident from at once attending to the request made in the Board's Proceedings, No. 884, dated the 2nd April 1878, that he would draft an Act for the establishment of the Salt Department on its new footing, I have the honor to submit for approval a draft Act which I have prepared myself.

2. I have taken advantage of this opportunity to submit, for consideration as parts of the proposed Act, certain improvements of the law as to which I trust there may be no difference of opinion. Should there be, I fear they must be omitted for want of time to discuss and meet objections. But I am sure that if my suggestions are approved and adopted they will greatly facilitate the working of the new department.

3. I have also provided a remedy for a curious error (as I venture to think it) in "The Earth Salt Act, 1878." This Act has been declared by Government to be applicable to South Canara and Malabar, but is really of none effect there because of its providing that offences under it shall be punishable under Regulation I of 1805 and Act XVII of 1840, which have been repealed as regards those districts by the introduction therein of (Madras) Act VI of 1871.

4. I have thrown such other remarks as I desire to submit on my draft Act into the form of a marginal commentary.

5. As the Board are aware I have had but little time for the preparation of this Act. It is too probable therefore that I may have made mistakes, and particularly that I may have unnecessarily repeated some portions of existing laws. If so, I request that these repetitions at least may be excused. They will at all events do no harm, and to strike them out without a reconsideration of the whole Act might tend to nullify portions which they affect and which it is desired to retain.

ENCLOSURE No. 1.—Draft Bill.

SUBMITTED to Government with reference to G.O., dated 18th March 1878, No. 414.

2. The draft Bill prepared by Mr. Bliss seems very complete, and the Board have but few modifications to suggest:—

1st.—To Section 7 a clause should be added providing for the usual appeal to the Board and Government from the Commissioner's orders. This may be effected by a proviso in the terms of Regulation VII of 1822. "Provided that all such appointments, transfers, and punishments shall be subject to such rules and orders as the Governor in Council in his discretion may from time to time see fit to issue."

2nd.—With reference to the proviso to Section 14 (b) the Board would exclude the jurisdiction of Magistrates of the 3rd-class only in the case of persons who have been *more than once* convicted of a breach of the rules, as the powers of punishment vested in Magistrates of that class will be generally sufficient for the disposal of a second offence, and it is not desirable to hamper the magistracy more than is necessary.

3. With reference to paragraph 3 of the Commissioner's letter the Board observe that the error has been rectified by Notification, dated 31st May, published in the last Gazette. It would be well, however, to amend the Earth Salt Act so as to admit of its extension to Canara and Malabar.

(A true Copy and Extract.)

C. A. Galton
Acting Secretary.

To the Secretary to Government, Revenue Department, with copy of enclosure.
„ Commissioner of Salt Revenue.

Exd. A. Grubert.

N 1695

1878.

Board of Revenue,

MADRAS.

PROCEEDINGS, 8TH JUNE 1878, No. 1,533.

Desp 8/6/78.

Encl.

Received [illegible]

JUNE

No. 1,533.

Draft Act for the establishment of the Salt Department on its new footing—prepared by Commissioner of Salt Revenue.—Submitting to Government the — suggesting certain modifications therein, and stating that it would be well to amend the Earth Salt Act so as to admit of its extension to Canara and Malabar.

The Madras Salt Act, 1878

An Act for amending the Law relating to Salt in the Presidency of Fort Saint George.

Preamble. Whereas it is expedient to make better provision for the administration of the Department of Salt Revenue in the Presidency of Fort Saint George, that is to say, for the collection of the Salt Revenue therein and for the supervision and management of the manufacture, Storage and Sale of Salt both under the system of Monopoly established by Regulation I of 1805 and under that of Excise provided for by (Madras) Act VI of 1871, it is hereby enacted as follows:—

Preliminary. Definitions and extent of Repeal

1. This Act may be cited as The

Explanatory memorandum by the Salt Commissioner

The expression "Department of Salt Revenue" is a most useful one and will be of common application in the future. It is desirable therefore that it should be defined. I have failed to find a perfectly satisfactory definition to insert in the proper place (section 2) but by the way in which I have worded the preamble I have, I think, practically effected the object desired.

The Madras Salt Act, 1878

Short Title, extent and commencement of Act.

"The Madras Salt Act, 1878"; it shall extend to the whole of the Presidency of Fort Saint George; and it shall come into force on the first day of July, 1878.

Definitions

2. Both in this Act and in all other Regulations and Acts relating to Salt the following words shall have the several meanings hereby assigned to them, unless where a contrary intention shall appear from the Context; that is to say:—

The word "Commissioner" shall mean the Commissioner of Salt Revenue appointed under this Act.

The word "Salt" shall include "Salt Earth" and "Earth Salt" as defined by "The Earth Salt Act, 1878."

The word "Manufacture" shall include the preparation and collection of Salt.

The

Explanatory Memorandum by the Salt Commissioner

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4. I take the definition of the word "Manufacture" from Act VI of 1871 and insert it here so as to make it applicable to the word when used in Regulation I of 1805.

The Madras Salt Act, 1878

The words "Salt Work" shall mean any place used or intended to be used for the manufacture of Salt, and shall include all embankments, reservoirs, condensing and evaporating pans, houses, buildings and waste places situated therein; drying grounds, platforms, places, buildings and premises at or in which Salt is stored, or which are intended for the storage of salt, whether on account of Government or on account of the owner thereof pending the payment of Excise or Customs Duty; and all lands on which Salt is spontaneously produced.

The words "Contraband Salt" shall denote Salt manufactured without license, excepting on account of Government and with the sanction express or implied, of the Commissioner; and Salt removed from any Salt Work, stored or in transit packed or unpacked, landed or shipp

or

Explanatory memorandum by the Salt Commissioner

5. The words "Salt Work" are defined in Act VI of 1871, but the definition is a very narrow one. I have taken, therefore, and I think improved on, the definition given in the Bombay Salt Act (Act VII) of 1873. The chief improvement is the widening of the definition so as to include bonded warehouses both of Excise and Customs. The way this addition saves verbiage may be seen from a comparison of my Section 15 (a) with clause; section 39 of the Bombay Act, which latter is insufficient in any case for our purposes inasmuch as it includes no bonded Customs warehouses — the regulation of which will be a matter of importance in our future Salt Administration.

6. The words "Contraband Salt" are used in Act VI of 1871, but are not defined. I have supplied the omission by an Extract (with amendments) from the Bombay Salt Act.

or in the possession of any person, in contravention of any provisio of any Act relating to the Salt Revenue, or of any order or permit issued thereunder, or of any of the rules made or to be made in pursuance thereof.

3. So much of Madras Act VI of 1871, Section 2, as defines the words "Manufactured" and "Salt Work" is hereby repealed.

Officers of the Department of Salt Revenue.

The Commissioner 4. The control of the Department of Salt Revenue in the Presidency of Fort Saint George shall be vested in an Officer to be styled "The Commissioner of Salt Revenue" who shall be appointed and may be removed by the Govern

94/1

7 The above remarks explain the necessity of this repealing section.

Governor in Council and who shall be subordinate to the Board of Revenue.

Duties and powers of the Commissioner

5. The Commissioner shall perform all the duties imposed, and exercise all the powers conferred, upon Collectors of Districts by Regulation I of 1805 and by (Madras) Act VI of 1871 and all other laws for the time being in force and relating to the Salt Revenue; and from and after the date on which this Act shall come into operation Collectors of Districts shall cease to perform and exercise the said duties and powers.

Deputy and Assistant Commissioners of Salt Revenue

6. The Governor in Council may appoint such officers in the Department of Salt Revenue as he may deem fit under the designations of Deputy and of Assistant Commissioners of Salt Revenue and may also reduce, suspend or remove them. They shall be subordinate to the Commissioner and shall perform

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Explanatory Memorandum by the Salt Commissioner

341/72

The Madras Salt Act, 1878

perform such duties and exercise such powers not exceeding the powers of the Commissioner as he may from time to time under the General or Special orders of the Board of Revenue think fit to delegate to them.

Subordinate officers of the Department

7. All other officers employed in the Department of Salt Revenue shall be appointed by the Commissioner, and may be fined, suspended, transferred or dismissed by him; and shall perform such duties and exercise such powers not exceeding those of the Commissioner as he may from time to time prescribe.

Saving of powers of existing officers of the Department.

8. All persons employed in any capacity in the Department of Salt Revenue at the time this Act shall come into operation shall be deemed to have been appointed under it and shall continue to perform such duties and to exercise such powers as they may then be performing or exercising

unless

Explanatory Memorandum by the Salt Commissioner

8. The Commissioner will of course under the last preceding section delegate powers of appointment &c of the lower classes of Salt officers to Deputy and Assistant Commissioners, who will also be vested with so much of the Commissioner's powers as may be necessary to enable them properly to assign duties and powers, at their discretion but within certain limits, to their immediate subordinates.

13 8

unless and until the Commissioner shall by order under the last two preceding sections otherwise direct.

Procedure for the punishment of Offences against the Salt Laws.

Authority to arrest without warrant any person suspected of offence against the Salt Laws.

9. Any officer appointed under this Act and any Revenue, Customs or Police Officer, may, without warrant or order from a Magistrate, arrest and detain any person, whether on land or water, against whom reasonable suspicion exists that he has been guilty of any offence against this or any other Act relating to the Salt Revenue, or against any rule made or to be made in pursuance thereof. Persons arrested under the powers conferred by this section shall be forwarded with the least practicable delay to the nearest Magistrate or Police Station.

Persons arrested, how to be proceeded against

10. When any person arrested as aforesaid has been forwarded to any Magistrate

-trate

9441/14

9. This section gives power to Salt, Police &c officers to arrest without warrant for offences against the Salt Laws — a power which it is perfectly well known they practically exercise now and have exercised since the beginning of the century, though, so far as I can make out, without legal warrant. This legal power I now propose to give them, with proper safeguards of the usual kind against its abuse. There can be no doubt whatever that now the Department is about to lose the great protection of the influence of the name of the Collector, who is also the District Magistrate, this assistance will be absolutely required. In fact it will be impracticable to work without it — I mean, of course, if we are to work legally, instead of illegally as at present, for Salt officers witnessing an offence against the Salt Laws or Rules can [illegible] possibly follow the offender about without touching him until they meet some one who will tell them his name and address. (Compare with Section 9 of the Bombay Salt Act.)

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hw1

10. This section prescribes the procedure to be

-trate or Police Station, such Magistrate or the officer in charge of such Police station shall proceed to enquire into the charge preferred against such person in like manner as if he was charged under the Code of Criminal Procedure with a cognizable but bailable offence.

Power to seize Salt suspected to be contraband and animals, carriages or vessels used in transporting it.

11. Any officer appointed under this Act, or any Revenue, Customs or Police officer, may seize and detain any salt which he may reasonably suspect to be contraband salt and any boxes, bags, packing materials, animals, carriages, or vessels, used in transporting it, or in or upon which it may be found, and all goods and packages in which or among which it may be contained or concealed, and shall have power to search all persons, animals, carriages, vessels goods, boxes, bags and packages, in or upon whom or

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941/15

be followed by the Police and Magistracy in the case of persons arrested without warrant. It is the mildest legally possible in cases in which the Police can arrest without warrant. (Compare with sections 10–12 of the Bombay Salt Act)

11 Section 11 gives power to Police &c Officers to seize and detain contraband salt in transit. As the Board are doubtless aware the power is freely exercised now without ill effects. It seems desirable however to legalise it. (Compare with section 16 of the Bombay Salt Act.)

(17 80

or which he may have reasonable cause to suspect contraband salt to be or to be concealed.

Duties of Customs, Police and Revenue officers in connection with this Act.

12. It shall be the duty of all Police, Customs and Revenue Officers to aid any officer appointed under this Act in the due execution of any duty imposed thereby on notice given or request made by such officer, and it shall be the duty of every officer in charge of a Police Station, upon receipt of complaint or information of the commission within the limits of his station of any offence punishable under any Act for the time being in force and relating to the Salt Revenue, or under any rule made under this or under any other such Act, to take action in the manner prescribed in the Code of Criminal

Procedure

80
48

931/16

12. Section 12 requires all servants of Government in the Police, Customs and Revenue Departments to assist Salt Officers when called on; and prescribes the duty of the Police n the case of complaint or information of any offence against the Salt Laws (Compare with section 16 of the Bombay Salt Act)

The Madras Salt Act, 1878

Procedure for the conduct of such Police officer upon receipt of complaint or information of the commission within the limits of his station of any cognizable but bailable offence.

13. The Commissioner shall exercise throughout the Presidency of Fort Saint George the powers of summoning persons to attend or to produce documents in cases in which it is his duty to hold investigations which are conferred upon Collectors by (Madras) Act III of 1869; and all persons summoned by him to attend or to produce documents shall be summoned in the way prescribed by the said Act, and shall be legally bound so to attend and give evidence, or

or

Explanatory Memorandum by the Salt Commissioner

or to produce documents or both.

14. General Provisions.

Powers of Government &c may be delegated to the Commissioner

The Government and the Board of Revenue may respectively delegate to the Commissioner of Salt Revenue the whole or any portion of the powers with which they are invested under Regulation I of 1805, or (Madras) Act II of 1871 or any other law for the time being in force relating to Salt, and may withdraw, modify, reverse and annul such delegation.

Power to make Rules.

15. (a). The Governor in Council may from time to time make Rules, not being repugnant to the provisions of this or of any other Act relating to the Salt Revenue, for the following purposes, viz.—

1. For regulating the manufacture,

deposit

941/18

13. Section 14 provides that the Government and Board may delegate their own powers to the Commissioner. For example, the Board could under it delegate the power of adjudging confiscations under Regulation I of 1805, if they should be pleased to do so.

14. Section 15 is taken with some improvements and omissions from the Bombay Salt Act. Both it and the preceding section are harmless as they stand because they are of optional application. If necessary, I can show good reason why they should be put in force; but for this there is now really no time. I trust therefore that

they

deposit, storage and sale of Salt at or in any Salt work.

2. For the establishment of Preventive Stations and for regulating the routes by which Salt removed from any Salt work shall be taken to a Preventive Station.

3. For regulating the routes by which salt manufacturers and other persons shall approach, enter, or leave any Salt work and the hours during which only it shall be lawful for any person to remain within the limits of any Salt work, or in the immediate neighbourhood thereof.

4. For regulating the import and export of Salt by sea and land.

5. For regulating and enforcing the attendance and labour of any person who has contracted or agreed to

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they may be passed as they are; and that Government will be pleased to reserve any possible objections they may feel to them until the question of bringing them into operation arises. I have been very careful to provide very low penalties for a first offence, with a rise of course for subsequent ones: and as an additional safeguard I have introduced words which will have the effect of causing all second and subsequent offences to be tried at least before a Magistrate of the Second Class. I trust therefore that it will be thought that I have taken adequate precautions against oppression under the rules the framing of which I propose to legalise.

15. With regard to the last words of the paragraph authorizing the framing of

to manufacture Salt at any Saltwork under the immediate management and control of Government.

6. For the conservancy of any Salt work.

(b) The Governor in Council may from time to time fix penalties for breaches of Rules framed under the preceding clause, which shall be recoverable by prosecution before any Magistrate;

Provided always, that no Magistrate of the third class shall enquire into any charge of a breach of such Rules preferred against any person who has before been convicted of a breach thereof, and that the penalties to be fixed under this section shall not exceed the following scale, that is to say:-

Rules as to routes of approach &c to Salt works &c, I desire to explain that my object is to have power to prevent, if necessary, the assemblage and loitering of crowds in the neighbourhood of such places as Salt swamps, ready to take advantage of the first moment the guards' backs are turned. Experience of the way that crowds do collect in some places in this way shows that this provision is necessary.

(6) As to section 15 generally compare with section 39 of the Bombay Salt Act.

The Madras Salt Act, 1878

Say:—

On a first conviction	of any breach of rules made under this section.	Rupees 20. fine or imprisonment of either description for 10 days or both.
" Second	" "	Rupees 100. fine or imprisonment of either description for two months or both.
" Third or Subsequent	" "	Rupees 200 fine or imprisonment of either description for six months or both.

(C) All such rules and the penalties provided for breaches thereof shall be published in the Fort Saint George Gazette and in the Official Gazette of the Districts to which, or to parts of or to places in which, the Governor in Council may determine that they shall apply; and they shall thereupon be of the same force and effect as if they formed a part of this Act.

Explanatory Memorandum by the Salt Commissioner

The Madras Salt Act, 1878

Amendment of "The Earth Salt Act, 1878"

16. In all Districts or parts of Districts to which Madras Act VI of 1871 has been, or may in future be, extended, all references in "The Earth Salt Act, 1878" to Regulation I of 1805 and Act XVII of 1840 shall be read as if they were references to Madras Act VI of 1871, under Section 15 whereof all offences committed in such Districts or parts of Districts against the provisions of "The Earth Salt Act, 1878" shall be, and are hereby made, punishable.

(Signed) H. W. Bliss
Commissioner of Salt Revenue

Statement of objects and reasons.

Upon the recommendation of the late Madras Salt Commission

and

Explanatory Memorandum by the Salt Commissioner

17. Section 16 amplifies "The Earth Salt Act, 1878" as as to make it applicable in Excise Districts, which as I have shown in my separate covering letter it now is not.

(Signed) H. W. Bliss
Commissioner of Salt Revenue

and under the orders of the Government of India and the Secretary of State for India in Council it has been determined to withdraw from Collectors of Districts the administration of the Salt Department and to entrust it to a single officer who is styled the Commissioner of Salt Revenue and whose jurisdiction is intended to extend throughout the Presidency.

2. By this means it is hoped not only that an improvement may be effected in the Revenue to which Collectors had no time to give the attention it requires, but also that it may be found possible to supply the Public with a purer and therefore cheaper article.

3.

3. To this end it is necessary to vest in the Commissioner the duties and powers now vested in and exercised by Collectors of Districts. The Bill provides for this.

4. The opportunity is also taken advantage of to legalise the appointment of Deputy Commissioners and to alter the designation of the officers now employed in the Salt Department under what will in future be the confusing style and title of Deputy Collectors (appointed under Act VII of 1857) to that of Assistant Commissioners; to vest Salt and ~~Revenue~~ Police officers generally with certain powers of arrest and search which experience shows to be necessary for the protection of the Revenue, and which they have always exercised though

through without legal authority; to require officers of some other Departments to render aid on requisition to officers of the Salt Department; to empower the Government to make Rules for certain purposes and to prescribe penalties for breaches thereof; and to effect an alteration in "The Earth Salt Act, 1878" which is necessary to render it valid in Districts in which "The Madras Salt Excise Act (VI of) 1871" is in force.

Salt Commissioner's Office
Madras 1st June 1878.

(Signed) H. W. Bliss
Commissioner of Salt Revenue

(True Copy)

Ag: Secretary

Rev 2495/78

To be printed at once and copies for disposal of paper.

[illegible]

No 2495/78

Enclosure in Board's Proceedings, dated 8th June 1878 No 1533.

To
The Secretary to
Govt. R. D.

Mr Master
Salt Bill

Recd 12 June/78 LL 2[illegible]

Ooty 18th June 1878

My dear Mr Master

I very much doubt whether there is power by Executive order to give the authority to the Salt Commissioner which the Notification intended to confer. The authority which the Collector now exercises is an authority expressly conferred by legislation, and in the absence of any enabling enactment (which I cannot find) I think the transfer of the Collector's powers to another person might to be effected by legislation. All that is wanted is ~~for~~ the provision a Clause that the word "Collector" or "General Agent" in the Regulations and Acts shall be taken to include any officer appointed by the Government from time to time to superintend the manufacture of Salt or to perform all or any of the duties imposed upon the Collector or General Agent by the said Regulations and Acts.

I do not understand how far Regulation I of 1805 is repealed: this is to say to what Districts Madras

Act VI of 1871 has been extended.

Yours very sincerely
P O'Sullivan

941/28

REVENUE DEPARTMENT.

FOR ORDERS.

No. 941/29

Demi-official

From the Hon'ble the Advocate General

Dated 18 June 1878.

FOR ORDERS.

In accordance
with His Grace's
note on Memo for
Orders on No 2495
I sent Mr O'Sulli-
van a copy of
the draft G.O. which it
was proposed
to issue pending
special legislation
on the subject of
the powers of the
Salt Commissioner.

I have no objection
to legislation in this
sense and in the proposed
simple manner for
the special
purpose. But
a general scheme of
Salt legislation will
require time and care
and I am not prepared
to attempt it on the
basis of Mr. B's Bill
1866 ...

c 21.6.78. R 21.6.78

c 18.6.78 R 20.6.78

and this is his reply.

He thinks an Executive Order insufficient & that legislation is necessary but this, as he shews, may be of the briefest description.

The Draft Bill forwarded by the Board is again circulated for consideration.

It might be advisable to send this to the Advocate General?

I concur [illegible] that we sh[oul]d legislate at once in this brief manner. [illegible] is our Law Officer & we must be guided by him.

We might pass the Bill [illegible] the [illegible] for confirmation [illegible]

Ro 8 June 1878
No 1533

The longer & elaborate Bill sh[oul]d be [illegible] no point for consid[eratio]n. There is no such urgency as to need disposal in this hasty fashion [illegible]

1

REVENUE DEPARTMENT.

No. 2495

941/31

From Board of Revenue

Dated 8 June 1878.

FOR ORDERS.

The Board submit with their approval draft of a Bill framed by the Salt Commissioner to give effect to the proposal to invest him with the powers of a Collector (as regards Salt) throughout the Presidency.

The Board had asked the Government Pleader to draft the bill but he apparently has not been able to do so.

From the statement of "Objects & Reasons" it will

G.O. 18 March 1878
No 414

G.O. 2 May 1878
No 643

To expect so important a bill to be properly [illegible] prepared in Regulation Commission on the 6th day from its receipt [illegible] the draft from the Board indicates a want of [illegible] of the Com[missio]n of the magnitude [illegible] of the question which I think is to be [illegible]. I received the bill only last evening Sunday & I now forward it in order that the G.O. suggested be observed that the Bill (1) withdraws from the Collectors of Districts the powers heretofore exercised by them in Salt matters vesting the same in the Commissioner alone (2) legalizes the appointment of Deputy and Assistant Commissioners (3) gives additional powers of arrest & search to Police & other officers (4) empowers Govt. to make rules & prescribe penalties & (5) effects an alteration in the Salt-earth Act of 1878—

The papers are circulated at

If a Hindustani copy may be proper. I think it would be well that the Govt. of India should see & advise that it will be effective for the purpose & is properly worded—

The bill must be then recirculated so that Members of Council may have the necessary opportunity for considering its nature as well as its purport

R.C. 1/6

Pro: in G.O. 2 May 1878 No 643.

once — though the Bombay Salt Act (VII of 1873) is not immediately available for reference (much stress is laid on this Act by Mr Bliss) — because Mr Bliss is most urgent — see his accompanying semi-official letter — that the Bill should if possible be considered and passed at the sitting of the Legislative Council on the 15th inst.

It will be noted that the Board contemplate the propriety of Collectors continuing

FOR ORDERS.

to exercise some of their functions even after the Commissioner had assumed general control & their suggestion was to so draft the enactment that the Commissioners might have the powers needed without necessarily depriving Collectors of their powers.

This really seems the most reasonable and convenient course, but it has not been followed in the Bill.

In regard to the nomenclature of Assistant Commissioners adopted in the Bill, the Govt have lately

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REVENUE DEPARTMENT.

No.

From

Dated 187

FOR ORDERS.

expressed the opinion that the change of designation (from Deputy Collectors) is not advisable at present.

In regard to the 5th point referred to in the Statement of Objects and Reasons the Board point out that the error has been corrected in the revised Notification under the Earth-salt Act but they think that Act shd be amended so as to admit of its extension to Malabar & Canara —

If it is found impossible to legislate with the

On the Salt Rize Rules — the order has not yet issued —

I have examined the Bill cursorily — of course this kind of legislation is out of the question — & even if the Bill passed much of the legislation would remain alone — I would direct the Bd. & the Bd. to prepare a full consolidation measure

In the mean time the G.O. proposed by [illegible] [illegible] covers the whole apparently [illegible]

[illegible]

rapidity antici-
pated by Mr Bliss
it may be desir-
able, as verbally
suggested by the
Honble W. Hud-
leston to give Mr
Bliss at once the
necessary powers
by a simple
order of Govt.–
A draft order
is appended for
consideration

GMC
11/6/75

Concur in the draft.
The present position is not
only to be deprecated in
so important a matter
but will probably not
advance matters eventually.
I think the proposed G.O.
is quite within the competency
of Govt. [illegible]

? Enable Mr Bliss at once to assume
charge of the dept. I think the addition
proposed is necessary – unless our object be
to withdraw all powers from Collrs. in connection
with the Salt.

94/34

on the subject

? the Administration of
the department of Salt
Manufacture & Revenue
derived therefrom

? Add
In all cases in wh. the
authority of the Salt Commr.
& of the Collr. of the District
~~would~~ clash under the
above order, the authority
of the Salt Commr. shall
prevail

Pending further special legis-
lation, His Grace the G. in C.
is pleased to invest
the Commissioner of
Salt Revenue with the
powers of General Ag
of Salt Revenue und
Reg I of 1805 and
of a Collector of a Dis
trict under Regulat
II of 1803, I of 1805
& Act VI of 1871 (Ma
dras) so far as Salt
~~administration~~
is concerned – the
said powers to hav
effect in all Distr
in the charge o
Presidency.–

GMC

Very

FOR ORDERS.

No. 2495

c 11-6-75 RC 20-8-75
11-21-8 75 R 11-7-75
c 11-6-78. R 16-6-75 R.C. 18-6-75
R 20-6-75

941/35

My dear Dr Sullivan
Kindly look at
these papers & see if
the Draft will do —
& let me have
same at Council by
midday Yours

24/6

Very Urg

FOR ORDERS.

21/6

[illegible]

941

21st June 1878

My dear Sir Wm. Robinson

I return the Salt papers. I have made a few alterations in pencil on the margin of the draft bill but they are not of much importance — I see from the papers that further legislation on the subject will probably be needed.

Yours very sincerely
P O'Sullivan

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c 21-6-78 RE 29-6-78
TR 24-6-78 TR 12-7-78
c 11-6-78 TR 16-6-78 RE 18-6-78
R 20-6-78

FOR O

c 20-6-78 R 29-6-
R 21-6-78

Revenue Department

2

No 941

Proceedings of the Madras Government
Under date the 21st June 1878

941/37

Read the following

Pro of the Bd of Revenue dated 8th June 1878 No 1633, submitting Salt Commr's letter forwarding for approval a Draft Act for the establishment of Salt Dept in its new footing prepared by himself

1. The Bill submitted with these Proceedings will require careful consideration. In the meantime it is of importance that the Commissioner of Salt Revenue should be vested with the necessary powers throughout the Presidency. The Governor

in

GO 18 March 1878 No 414
GO 2d May 1878 No 643.

in Council is therefore pleased to direct that the accompanying draft Bill be forwarded to the Legislative Dept for the purpose of being passed into law at the earliest possible date after effecting such alterations as may appear necessary.

2. The Hon'ble Sir W. Robinson will be requested to take charge of the Bill.

Bill

Preamble. Whereas it is expedient to invest the Commissioner of Salt Revenue, Madras Presidency and his Deputies with certain powers it is hereby enacted as follows:-

1. The words "Collector or General Agent" in the undermentioned Regulations and Act - that is to say

Regulation

Regulation II of 1803
Regulation I of 1805
Act II of 1871 (Madras)

shall be taken to include any officer appointed by the Govt of Madras from time to time to superintend the manufacture of Salt or to perform execute or exercise all or any of the duties imposed or powers conferred upon the Collector or General Agent by the said Regulations and Act ~~in~~ ~~regard~~ relating to the administration of the Dept of Salt manufacture ~~and~~ or the revenue derived therefrom, ~~and~~ who shall from time to time be declared by the Governor in Council to be vested with the powers of a Collector or General Agent under the said laws or any of them -

2. This Act shall

extend

extend to the whole of the Presidency of Fort St George and shall come into force on the first day of July 1878

941/39

Statement of Objects and Reasons.

1. Under the orders of the Secretary of State for India in Council it has been determined to entrust the administration of the Salt Department throughout the Madras Presidency to an officer styled Commissioner of Salt Revenue.

2. To this end it is necessary pending special legislation to vest in the Commissioner the duties and powers relating to Salt administration now vested in and exercised by Collectors of Districts under existing Regulations and Acts and in the General Agent of Salt Revenue contemplated by Regulation I

of 1805.

3. It is therefore proposed to empower the Governor in Council to invest the Commissioner and his Deputies (to be hereafter appointed) with such powers under the Regulations and Act named in the accompanying draft Bill.

ECCC

Issd Copy to the Legislative Dept on 21 Jan
Do the Board of Revenue }
Do the Commissioner of Salt Rev
Recorded Copies on 28 June

10
6

G.O.

Salt Draft Act

L 253-254

No. 1533

94/112

Rev Dept.

Proceedings of the Board of Revenue.
Dated 8th June 1878.

Read the following:—

No. 197.

From
H. W. Bliss Esquire
Commr. of Salt Revenue

To
C. A. Galton Esquire
Act. Secretary to the
Board of Revenue

Sir,

As I understand the Govt. Pleader is incapacitated by an accident from at once attending to the request made in the Bd. Pro. No. 584 dated the 2nd April 78, that he wd. draft an Act for the Establishment of the Salt Department on its new footing I have the honor to submit for approval a draft Act which I have prepared myself.

2. I have taken advantage of this opportunity to submit for consideration as parts of the proposed Act certain improvements of the Law as to which I trust there may be no difference of opinion. Should there be, I fear they must be omitted for want of time to discuss and meet objections, but I am sure that if my suggestions are approved and adopted they will greatly facilitate the working of the new Department.

3. I have also provided a remedy for a curious error (as I venture to think it) in "The Earth Salt Act, 1878". This Act has been declared by Govt. to be applicable to South Canara & Malabar, but is [illegible] of none effect there because of its providing that offences under it shall be punishable under Regulation I of 1805 and XXV of 1802, which have been repealed as regards those districts by the introduction therein of (Madras) Act III of 1871.

4. I have thrown such other remarks as I desire to submit on my draft Act into the form of a marginal commentary.

5. As the Board are aware I have had but little time for the preparation of this Act. It is too probable therefore, that I may have made mistakes and particularly that I may have unnecessarily repealed some portions of existing Law. If so I request that these repetitions at least may be excused. They will at all events do no harm, and to strike them out without a re-consideration of the whole Act might tend to nullify portions which they [illegible] which it is desired to retain.

Salt Commrs Office
Madras 1st June 78

I have &c
(Sd) H. W. Bliss
Commr of Salt Revenue

Submitted to Government with reference to G.O. dated 18th March 1878, No. 414.—

2. The Draft Bill prepared by Mr. Bliss seems very complete and the Board have but few modifications to suggest.—

1st To Section 7 a clause should be added providing for the usual appeal to the Board and Govt. from the Commrs. Orders. This may be effected by a proviso in the terms of Regulation ~~III~~ of 1828.

"Provided that all such appointments, transfers and punishments shall be subject to such rules and orders as the Governor in Council in his discretion may from time to time see fit to issue.

2d With reference to the proviso to Section 14 (b) the Board would exclude the jurisdiction of Magistrates of the 3rd class only in the case of persons who have been more than once convicted of a breach of the rules, as the powers of punishments vested in Magistrates of that class will be generally sufficient for the disposal of a second offence, and it is not desirable to hamper the magistracy more than is necessary.

3. With reference to para 3 of the Commrs. letter the Board observe that the error has been rectified by Notification dated 31st May published in the last Gazette. It would be well however to amend the Ex. Me Salt Act so as to admit of its extension to Canara & Malabar.

(True Extract)

Acting Secretary

To
The Secretary to Government
Rev. Dept.
With copy of Encls:

Revenue 1878 Deptt

No. 2495

C.S. of the Bd. of Rev

Dated 8th
Despd
Recd 10th June 1878.

Encl 1

S.O. No. 941 - 21 June 1878

Submitting to Govt. Salt Commr's letter forwarding for approval a draft Act for the Establishment of Salt Deptt in its new footing prepared by himself.

No. 253.

R.C. 16-7-78.
C. 20-6-78. R.C 29-6-78.
R. 21-6-78 R. 12-7-78.
[illegible]-6-78. R. 16-6-78 [illegible] 18-6-78 R 20-6-78.