M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 538 Press Mis.

143 144

Dated 8-3- 1861.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 8th March 1861.

No. 143. Read the following Proceedings of the Madras Government in the Military Department, dated 20th February 1861 :—

Read the following letter from Captain H. ROBERTS, Superintendent of Pensions, to Colonel H. MARSHALL, Secretary to Government, Military Department, Fort Saint George, dated 19th February 1861, No. 5,288.

SIR,

1. In submitting the following case, I have the honor to request that you will favor me with the orders of Government on the same.

2. The Officer in charge of Pensioners, Madras, reports that Mohdeen Shereef, sixth class heir, holds a Pension Certificate No. 1,504, for Rupees 50 and Annas 12, which was granted to him as heir of a Subadar of the Body Guard from 1st September 1849.

3. On 31st May 1850, the Superintendent of Pensions, Captain M. Watts, directed that the sum of 9 Rupees should be paid monthly out of that sum to be divided between the step-mother and sister of the holder of the Certificate.

4. On the introduction of the Income Tax, the Pension being granted originally to one individual and standing as such on the Government records, 4 per cent. was deducted from the heir for the full amount.

5. The heir is dissatisfied with this arrangement, and objects to pay tax on the whole amount while only receiving part.

6. On the other hand the Pensioners who receive Rupees 4 and Annas 8 each, object to pay anything on the plea that they are receiving a sum below the mininum on which Income Tax is levied.

7. In requesting a decision on the subject, I have the honor to request that Government will be pleased to inform me what course should be taken in future in the cases of Pensioners similarly situated.

Referred to the Revenue Department.

(True Extract.)

(Signed) H. MARSHALL, Colonel,
Secretary to Government.

No. 144. ORDER THEREON, 8th March 1861, No. 538.

1. The Superintendent of Pensions submits for the orders of Government a question in relation to the Income Tax as affecting Military Pensions, which have been divided, subsequent to the original grants, amongst different members of families.

2. Prior to the General Order No. 62, dated 22nd March 1853, the Superintendent of Pensions had authority, under paragraph 24, Section 5, Pension Regulations, to distribute among the members of families, pensions, granted to heirs of Native Officers, &c. That authority was cancelled by the General Order just quoted, which directed that any distribution should be provided for solely by family arrangement, the pension being payable to the nominated heirs only. The pension now under reference appears from the date of its division (31st May 1850) to have been distributed under the orders of the Superintendent.

3. Though the Government are of opinion that the General Order referred to above, made all distributions then existing optional, they will not compel the Pensioner in question to pay Income Tax on a sum larger than that which he *bonâ fide* receives.

4. This ruling will be observed in all other cases of a similar nature in which the distribution was made by the Superintendent of Pensions, prior to General Order No. 62 of 1853.

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

R. D.

No. 538

Proceedings of the Madras Government

Under date the 8th March 1861.

Read the following Proceed.

:ings of the Madras Govt in

the Military Department.

Read a letter from the Superintendent of Pensions re: garding the objection of the holder of a Pension Certificate to pay Income tax on a portion of his Pension which he was directed to pay to his Step Mother and Sister.

(Home enter 20th Feby 1861)

1. The Superintendent of Pensions submits for the orders of Govt a question in relation to the Income Tax as affecting Military Pensions, which have been divided, subsequent to the original grants, amongst different members of Families.

2. Prior to the General Order No. 62, dated 22nd March 1853, the Superintendent of

Pensions

Pensions had authority, under para 24 Section 5. Pension Regulations, to distribute as among the Members of Families, pensions, granted to Heirs of Native Officers &c. That authority was cancelled by the General order just quoted, which directed that any distribution should be provided for solely by family arrangement, the pension being payable to the nominated Heirs only. The pension now under reference appears from the date of its division (31st May 1850) to have been distributed under the orders of the Supt.

3. Though the Govt are of opinion that the G.O. referred to above, made all distributions then existing optional, they will not compel the Pensioner in question to pay Income Tax on

on a sum larger than that which he bona fide receives.

4. This ruling will be observed in all other cases of a similar nature in which the distribution was ~~not~~ made by the Supt of Pensions ~~subsequent~~ prior to G.O. No. 62 of 1853.

CJW

JAL

7 Copies to the Military Depart. Dirs. C.J.

Question in relation to Income Tax as affecting Military Pensions.

26-10-67

Revenue 1861 Depart.
Pro: of Govt for March.

No 538.

Pro: of the Madras Govt.
Dt 8th March 61.

On a question in relation to the Income tax as affecting Military Pensions which have been decided subsequent to the original grants, amongst different members of families.

No: 143 & 144.