Revenue (1897) Department.

MISCELLANEOUS SERIES.

G.O., No. 470

DATED 7 Sept^r

[Despatch Abstract.]

Stating that the L&N Guarantee Fund shd be considered to be a Provident Fund for purposes of the Income Tax Act and that subject to the usual maximum limit contributions made to it are exempt from assessment

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

O
18 4,000—19-7-97.

Revenue (189) Department.

CURRENT No.

Secy
DO 7/9/97

From The Jt. Secy. to Govt. P.W.D. Railway Branch

Order Issue. No 1707 dt 7 Sept 97

No. 2541 C

The Govt understands that the objects of the Guarantee Fund remain the same as they were in 1886. This being the case, subscription to that Fund ~~the Govt~~ (under the Govt Guarantee) continue to be exempt from liability to income-tax, subject to the general proviso that the total amount of their contributions (annual salary ~~&~~ claimed to be on the ground of contribution to the Fund) ~~to~~ exempt shall not exceed one-sixth

Dated 17th August 1897

Received

Registered

Enclosures

Spare copies

SUBJECT.

Providend

stating that there appears to be no reason to ~~enforce~~ call upon Govt to regard this Guarantee Fund as a Provident Fund since a property constituted Provident Fund has been opened on the S. I. Ry. —

11.9.97 7/9/97.

To the P.W.D. Ry with 5 Enclosures.
DO. 11-9-97.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Seey

To the Board of Rev:
Sep Rev (R&O)
with all papers

Seey
Issued with GOP
Current
Roll

Re at cus. 7178 of 97

Order_wise
Referred to the Board of Revenue for early remarks

Note

The question raised in these papers is whether a "Guarantee Fund" which had been started in connexion with the South Indian Rail-

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Form No. 23.

MEMORANDUM.

From

THE ASSISTANT TO THE CONSG. ENGINEER AND JOINT SECY TO GOVT., P. W. DEPT., RAILWAY BRANCH, *Madras.*

To

THE First Assistant Revenue Secretariat.

Put up

I am having the correction in G.O. No. 4704 Rev: dt 7-9-97 carried out as per your telephone message of to-day. I am also having our G.O. No. 642 R dt 16.9.97 reprinted with an Endorsement No: 3541. C. dt 17.8.97, modified & will send you a copy so that the necessary corrections may be made in your G.O. above quoted.

Submitted for the Understood's information

Jas. G. Ladden

Asst. to Consulting Engineer and Joint Secy. to Govt., P. W. D., Railway Branch.

CHEPAK, 23rd Octr 1897

Recd 26.x.97

Seen 26.x.97

Leey

To the Board of Rev:
Sep Rev (A&O)
with all papers

Leey
Perused with great
Current
G.O. in
& approved

Read G.O. 7178 of 97

Order_wise.

Referred to the Board of Revenue for early remarks

Note

The question raised in these papers is whether a "Guarantee Fund" which had been started in connexion with the South Indian Railway prior to 1886 and the contributions to which were declared in that year to be not liable to Income tax should now have the privilege withdrawn from it on the ground that another and a properly constituted "Provident Fund" has since been opened in connexion with the same Railway.

The Examiner of accts Guaranteed Railways considers that the first institution must

must be held to have lost the purpose it served on the opening of the second and that it should therefore no longer be treated as a Provident Fund. In this view the R.W.D. (joint Secy?) agrees. The Agent to the S.E.R. on the other hand contends that as the only alteration made in the Since 1886 scope of the first institution is being the reduction* of the limit of the contributions payable to it in certain cases and as its objects are the same now as in 1886, it must still be treated as a Provident Fund and the contributions to it exempted from Income Tax. It is submitted that there is very little doubt that the Agent is right. The Govt of India has not fixed the number of Provident institutions to which a person may make contributions all that it says is that the total amount in respect of which exemption is asked for should does

* It is stated that this reduction represents the ~~difference between~~ amount paid to the 2nd institution

Will depend upon the question whether the nature of the R.W. Guarantee Fund has not changed since the institution of the new Provident Fund. The Examiner of Rly Accts seems to think so though he gives no reasons for his view.

Lilly
2/9/97

should not exceed one sixth of the Contributor's salary the year. (Civil. art 34 of the Civil Acct Code vol I and no 232 Rev: dy 24th March 1886)

Before however the papers are circulated to the Bd. it is thought advisable to ascertain what the Board has to say on the point. The joint Secy's opinion should it is submitted have been expressed in an office note instead of in an Endt. as it is, the Endt. cannot be communicated to the Board

Dossier received from P.W.D. 31/8/97

B.W.M. 24/VIII/97

Submitted that under the recent orders the Secy may dispose of the case, which he considers is a suitable one.

This file + Hy C. before Secy's holiday

From the chief auditor's letter it would appear that the Guarantee Fund has still the same objects as it had in 1886 and that its contributions to it are exempt from income tax (subject to the limit of one sixth salary). But the Examiner of Rly Accts the R.W.D. (Rly) apparently say that the holds that objects of

enclosure 77.

= guarantee fund have
must ~~be~~ regard since the institution
purpose Provident Fund:
wig: Submitted that rules
it si in which the fund
be at present governed
~~for~~ may be called for or, if
such rules are not available
a clear statement of
the object & reasons for each
fund. The folly ~~draft~~
is submitted for approval

Draft.

From Revl Secy To Joint Secy
Ry Branch

With reference to the endt he
the Joint Secy is requested
to state for the information of
this department copies of the
rules under which the two
fund in question are at present
governed, or, if no such rules are
available, a clear statement
of the objects & reasons for each
fund & the rate of contribution
thereto.

2/8/86

To Joint Secy P.W.D. (Ry)
With papers
returned

Submitted that a G.O. may
issue stating that, provided
the objects of the Guarantee
Fund remain the same
as in 1886, the contributions
to the Fund ~~with~~ are exempt
from tax subject to the
general limit of one-
sixth Salary. A draft is
submitted for approval in the docket
Submitted for approval
4.9.11

No 744 G.

Accountant General
Public Works Department
General.

Simla 16th August 1886.

The following is forwarded to the Examiners noted in the margin for information and guidance

The Examiners of P.W. Apts. Madras & Coorg Bombay Bengal. North-Western Provinces & Oudh Punjab Central Provinces Burmah Assam Hyderabad Central India and Rajputana.
The Examiner of Apt. Military Works.
The Examiner of Telegraph Accounts.
The Examiner of Apts. North Western Eastern Bengal Northern Bengal Kirkoot Madras Central Provinces. Burmah Sind-Pishin and Bolan and Sagar State Railway.
The Examiner of Provincial Ry Apts N.W. Provinces & Oudh.
The Examiner of Accounts Bhavnagar-Gondal State Ry.
The Dy Examiner of Accounts State Ry Stores.
The Joint Auditor and Examiner of Apts B.N.W. Railways

For information only.

The Examiners of Gtd Ry. Apts. Madras Bombay & Calcutta
The Auditor of Apts Oudh & Rohilkhand Railway.
The Government Examiners of Apts Southern Mahratta and Indian Midland Railway Companies

Sd R.G. Macdonald
Offg Dy Accountant General

No 1214 G dated 4th August 1886.

Endorsed by the Under Secretary to the Govt of I. P.W.D.

The following is forwarded to the Accountant Genl. P.W.D. for information and guidance.

No 1214 G dated 4th August 1886.
From The Secretary to the Govt of India P.W.D.
To The Director General of Railways.

I am directed to acknowledge receipt of your endorsement No 1633 E dated 14th July 1886, forwarding for disposal, letter from the Govt of Bengal, enquiring whether in case of resignation or dismissal the Provident Fund money refunded to an employe is subject to taxation.

2. In reply I am to state that, refunds from a Provident Fund are not so liable. (True Copy) F. Stewart

Under Secretary P.W.D. Ry Branch

77.

R, Form No. 11.

No. 2541C

Government of Madras.

PUBLIC WORKS DEPARTMENT,

RAILWAY BRANCH.

MEMORANDUM.

Dated Madras, 17th August 1897.

G.O. No. 811 Revenue, dated 21st September 1886.

Letter from the Agent, South Indian Railway, No. 389, dated 10th April 1897.

Note by the Government Examiner Railway Accounts, Madras, dated 22nd April 1897.

Letter from the Agent, South Indian Railway, No. 724, dated 14th July 1897.

Transferred to the Revenue Department with remark that the opinion of this Department is that since a properly constituted Provident Fund has been opened on the South Indian Railway there appears to be no reason for continuing to regard the Guarantee Fund as a Provident Fund.

F. N. Hawkins

Under Secretary.

To

The Revenue Department.

When given for copying ____
When copied ____
When examined ____
When signed ____
} 189

READ AGAIN G.O., No. 189 DATED

CURRENT No.

ENCLOSURES TO O. No.

ORDER OF GOVERNMENT	..	..	..	A	A	A	A	A	A	A
LETTER OF GOVERNMENT.										
STATEMENT WITH DITTO.										
PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.										

U.E.—
A = Copy in full.
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