

THE INLAND CUSTOMS ACT, 1875.

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1875.]

ACT No. VIII OF 1875.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 2nd March 1875).

An Act for regulating Inland Customs Duties on Salt and Sugar, and for other purposes.

WHEREAS it is expedient to consolidate and amend the law relating to the levy of inland customs-duties on salt and sugar, and to the import of salt, the export of sugar, and the manufacture of salt and saltpetre, into, from and in the North-Western Provinces, the Panjáb, Oudh and the Central Provinces; It is hereby enacted as follows:—

Preamble.

CHAPTER I.—PRELIMINARY.

1. This Act may be called “The Inland Customs Act, 1875:” and shall come into force on the passing thereof.

Short title.
Commencement.

This section, section two, and so much of this Act as refers to offences against any of its provisions or against any rules made hereunder, extend to the whole of British India:

Local extent.

The rest of this Act extends to the territories for the time being respectively subject to the Lieutenant-Governors of the North-Western Provinces and the Panjáb, and the Chief Commissioners of Oudh and the Central Provinces;

And any portion of this Act other than the portions specified in the second clause of this section, may be extended, by order of the Governor General in Council

Power to extend Act.

published

published in the *Gazette of India*, to any part of British India other than the said territories.

Repeal of enactments.

2. The enactments specified in the schedule hereto annexed are repealed to the extent mentioned in the third column of the said schedule.

Interpretation-clause.

3. In this Act, unless there be something repugnant in the subject or context—

“the said territories” means the territories mentioned in the third clause of the first section :

“Collector.”

“Collector” means a Collector or Assistant Commissioner of Inland Customs, and includes any person invested by the Local Government with the powers of a Collector under this Act :

“Customs-officer.”

“Customs-officer” means any officer of Inland Customs, and includes any person invested by the Local Government with any of the powers of a customs-officer under this Act :

“Sugar.”

“Sugar” includes also saccharine produce, sweetmeats and all other articles of which sugar forms a principal ingredient :

“Saltpetre.”

“Saltpetre” includes rasi, sajjí and all other substances manufactured from saline earth, and *khá-ri-nín*, or Glauber’s salt, and every form of sulphate or carbonate of soda ; and

“Manufacture of salt.”

“Manufacture of salt” includes the separation or purification of salt obtained in the manufacture of saltpetre, the separation of salt from earth or other substance so as to produce alimentary salt, and the excavation or removal of natural saline deposits or efflorescence.

CHAPTER II.—OF THE IMPORT OF SALT, AND EXPORT OF SUGAR.

Regulation of the import of salt, and export of sugar.

4. No salt shall be imported into the said territories, and no sugar shall be exported therefrom, except subject to the provisions, payments and rules prescribed by or under this Act.

5. The

5. The Governor General in Council may from time to time by rule order the levy of duties not exceeding the following :—

		<i>Per maund of three thousand : two hundred tolas.</i>	
(a).	On salt imported into the said territories	Three rupees,
(b).	On refined sugar exported from the said territories	One rupee,
(c).	On unrefined sugar exported from the said territories	Six annas ;

Power to levy duties.

and in calculating the amount of any such duty, fractions of quarter maunds may be reckoned as quarter maunds.

The Governor General in Council may from time to time reduce or remit any duty imposed under this section.

The Governor General in Council may, for the purposes of this section, define by rule what shall be deemed refined sugar and what shall be deemed unrefined sugar.

6. In order to facilitate the collection of duties imposed under section five, the Governor General in Council may by rule define a zone of country not exceeding fifteen miles in breadth along any portion of the frontier of the said territories, and at such distance within the frontier as he deems expedient,

Power to define a customs-zone and establish a customs-line.

and may extend such zone so as to include any portion of a railway or canal or navigable river entering the same, and the place where dutiable goods are loaded or unloaded into wagons or boats for the purpose of entering or leaving the zone,

and may within such zone establish a chain of customs-posts extending along such zone.

And the establishment of such chain shall be deemed a public purpose within the meaning of the Land Acquisition Act, 1870.

A zone of country defined, and a chain of customs-posts established, under this section, are herein-

“Customs-zone.”

after

“Customs-line.” after termed respectively a “customs-zone” and a “customs-line.”

Effect of establishing a customs-zone and line. **7.** When a customs-zone has been defined and a customs-line established under section six along any portion of the frontier of the said territories, the following results shall ensue (namely)—

Salt when imported. (a) salt crossing such portion of the frontier shall be deemed to have been imported when it enters the customs-zone, and not before :

Sugar when exported. (b) sugar shall be deemed to be exported when it is brought within half a mile of the inner face of the customs-line, and not before :

Possession of salt within customs-zone. (c) the Governor General in Council may by rule prohibit any person absolutely, or subject to such conditions as the Governor General in Council thinks fit, from having in his possession any salt within the limits of the customs-zone :

Traffic crossing customs-line. (d) the Governor General in Council may, by notification or by the erection of a barrier or otherwise, prohibit or prevent the passage of traffic of any description across the customs-line, except at such points as the Commissioner of Inland Customs may determine,

and may by rule control and regulate the passage of traffic at such points, and provide for the searching of all persons and things crossing, or being taken across, the customs-line.

Levy of salt-duty in Central Provinces. **8.** The Governor General in Council may by rule direct that the duty leviable under section five, clause (a), shall be levied by way of a mileage-rate on—

(a) salt imported from the Presidency of Bombay into any part of the territories under the administration of the Chief Commissioner of the Central Provinces, and

(b) salt which, having been so imported, is afterwards moved from one place to another :

And may in like manner fix, for the purposes of this section, the rate per maund per mile which shall be so levied.

9. The

9. The Governor General in Council may by rule prescribe the manner, time, and place in and at which, and the persons by whom, the duties leviable under this chapter shall be collected, and the dutiable goods be permitted to be imported and exported.

Power to regulate collection of duties and import and export of goods.

When the rules made under this section allow dutiable goods to be imported or exported without prepayment of duty, all duty payable on such goods so imported or exported shall be deemed to be a first charge on the same, and such goods may be stopped and detained by a customs-officer until the duty is paid.

If such duty is not paid within such period as may be fixed by such rules, the goods in respect of which such duty is payable may be sold by public auction, and the proceeds of the sale shall be applied, first, in discharging the duty payable in respect of such goods, and then in defraying freight and other charges to which they are liable, and the surplus (if any) shall, if not claimed by the owner within two months, be forfeited to Her Majesty.

CHAPTER III.—OF THE MANUFACTURE OF SALT AND REFINING OF SALTPETRE.

10. The Governor General in Council may from time to time by rule—

Power of Governor General in Council

(a) prohibit absolutely, or subject to such conditions as he thinks fit, the manufacture of salt or the manufacture or refining of saltpetre throughout the whole or any portion of the said territories;

to regulate manufacture and refining of salt and saltpetre;

(b) fix fees for the following licenses not exceeding in the case of each such license the amount hereinafter mentioned:—

to fix fees for licenses;

	Rs.
License to manufacture saltpetre	2
License to manufacture and refine saltpetre and to separate and purify salt in the process of such manufacture and refining	100
License to manufacture <i>khárá-nán</i>	25
License to manufacture other saline substances	2;

(c) impose

to impose a duty on manufacture of salt;

(c) impose a duty not exceeding three rupees per maund of three thousand two hundred toláhs on salt manufactured in the said territories, and determine the manner, time, and place in and at which, and the persons by whom, such duty shall be collected;

to reduce or remit duties;

(d) reduce or remit any duty so imposed;

to regulate possession of salt in vicinity of saltpetre-manufactories;

(e) define an area no point in which shall be more than one hundred yards from the nearest point of any place in which salt is stored or sold by or on behalf of Government, or of any manufactory and its appurtenances in or on which saltpetre is manufactured or refined, and regulate the possession, storage and sale of salt within such area;

to regulate possession of salt in vicinity of places where salt is manufactured.

(f) define an area round any other place in which salt is manufactured, and regulate the possession, storage and sale of salt within such area.

CHAPTER IV.—OF OFFENCES AGAINST THE INLAND CUSTOMS REVENUE.

Penalty for contravention of Act or rules.

11. Whoever commits any of the following offences—

(a) does anything in contravention of this Act or of any rule made hereunder;

(b) evades payment of any duty or charge payable under this Act or any such rule; or

(c) attempts to commit or abets within the meaning of the Indian Penal Code the commission of any of the offences mentioned in clauses (a) and (b) of this section,

shall for every such offence be punishable with a fine not exceeding five hundred rupees, or with imprisonment for a term not exceeding six months, or with both,

and the convicting Magistrate, on the application of the Collector or customs-officer, may declare to be confiscated all works, materials, and implements constructed or prepared for the purpose of manufacturing or refining salt or saltpetre contrary to the provisions of this Act or any such rule.

12. Any

12. Any person convicted of an offence under section eleven, after having been previously convicted of an offence under that section or any enactment hereby repealed,

Punishment on second and subsequent convictions.

shall be punished with imprisonment which may extend to six months, in addition to the punishment which may be inflicted for a first offence under section eleven,

and every such person shall, upon every subsequent conviction of an offence under section eleven, be liable to imprisonment for a term which may extend to six months, in addition to any term of imprisonment to which he was liable at his last previous conviction.

13. A charge of an offence under section eleven shall not be entertained except on the complaint of the Collector or other customs-officer not inferior in rank to a Sub-Assistant Patrol,

Charge to be preferred by customs-officer.

and no such complaint shall be admitted unless it be preferred within six months after the commission of the offence to which it refers.

Limitation of time for complaint.

An offence under section eleven shall be tried by a Magistrate exercising powers not less than those of a Magistrate of the second class.

Jurisdiction.

14. All salt, sugar, or saltpetre in respect of which any offence mentioned in section eleven has been committed, together with the vessels, packages, or coverings in which such salt, sugar, or saltpetre is contained, and the animals and conveyances used in carrying it, shall be liable to confiscation.

Confiscation of articles in respect of which offence committed.

When the article seized exceeds five sers in weight, the Commissioner of the Division may, if satisfied on the report of any customs-officer, or on such enquiry as he deems fit to make, that such offence has been committed, declare such article to be confiscated, or impose such lesser penalty in lieu of confiscation as to him may seem fit.

If the quantity seized does not exceed five sers, the Collector shall possess the same powers in regard to its disposal which by this section are conferred on Commissioners of Division in regard to quantities exceeding

exceeding five sers, and may also confiscate the vessel, package or covering in which such article is contained.

Whenever a Commissioner of Division declares under this section any article to be confiscated, he may also declare to be confiscated any vessel, package or covering in which such article is contained, and any animal or conveyance used in carrying it.

Power to levy additional duty as a penalty.

15. The Governor General in Council may from time to time by rule direct that any customs-officer not inferior in rank to a Sub-Assistant Patrol, if satisfied in such manner as such rule may prescribe that any offence mentioned or referred to in section eleven has been committed in respect of any dutiable article, shall, instead of preferring a complaint before a Magistrate or instituting proceedings with a view to confiscation, impose as a penalty an additional duty on such article not exceeding the duty paid or leviable thereon under chapter II of this Act.

The imposition of every such penalty shall be at once reported, if the article in respect of which the offence has been committed exceeds five sers, to the Commissioner of Division, and if such article does not exceed five sers, to the Collector,

and shall require the sanction of the Commissioner or Collector to whom it is so reported.

Punishment for connivance at offences mentioned in section 11.

16. All zamindárs and other proprietors of land or their agents, who wilfully connive at any offence mentioned or referred to in section eleven, shall for every such offence be punishable by any Magistrate exercising powers not less than those of a Magistrate of the second class, with fine not exceeding five hundred rupees, or with imprisonment for a term not exceeding six months, or with both.

CHAPTER V.—OF THE POWERS OF STOPPAGE, SEIZURE, SEARCH AND ARREST.

Power to detain suspected person and to seize goods liable to confiscation.

17. Any customs-officer may stop and detain any person whom he has reasonable ground to suspect of being liable to punishment under this Act ;

and

and may seize any salt or sugar in respect of which there is reasonable ground to believe that any offence mentioned or referred to in section eleven has been committed or that any duty is payable, together with the vessels, packages or coverings in which such salt or sugar is contained, and the animals and conveyances used in carrying it.

18. Any customs-officer may arrest any person whom he has reasonable ground to suspect of having committed any such offence as last aforesaid. Power to arrest.

19. Whenever any customs-officer not inferior in rank to a Sub-Assistant Patrol, has reason to believe that salt or saltpetre is being unlawfully manufactured, refined or stored, Power to enter and search place of illicit manufacture.

such officer shall first record in writing (so far as may be practicable), (*a*) the name, residence and calling of the informant (if any), (*b*) the locality and description of the house, boat or place where the officer believes the salt or saltpetre is being manufactured, refined or stored, (*c*) the name of the person for or by whom the salt or saltpetre is manufactured, refined or stored, and (*d*) the supposed quantity and description of the salt or saltpetre, with the grounds of believing the same to be unlawfully manufactured, refined or stored,

and may then summon in writing the officer in charge of the police-station within whose jurisdiction the house, boat or place to be searched is situate to attend him ;

and may then, between sunrise and sunset (but always in the presence of an officer of police not inferior in rank to a head constable), enter and search any house, boat or place in which there is reason to believe that salt or saltpetre is being so manufactured, refined or stored,

and, in case of resistance, may break open any door, and force and remove any other obstacle to such entry,

and may seize and carry away all salt and saltpetre so unlawfully manufactured, refined or stored, and all materials used in the manufacture or refinement of such salt or saltpetre,

and

and may also arrest the occupier of the said house, boat or place, together with all persons concerned in the manufacture or refinement or storing of such salt or saltpetre, or in the concealing thereof.

If the place so entered is an apartment in the actual occupancy of a woman, who, according to the customs of the country, does not appear in public, the officer entering the same shall be guided by the rules prescribed in the Code of Criminal Procedure, section 384.

Before conducting a search under this section, the officer conducting it shall call upon two or more respectable inhabitants (if any) of the locality in which the house, boat or place to be searched is situate, to attend and witness the search, and the search shall be made in the presence of such inhabitants (if any), and also (if practicable) of the occupant of the house, boat or place searched.

Whenever it is necessary to cause a woman to be searched, the search shall be conducted with strict regard to the habits and customs of the country.

Failure of
police-officer
to attend.

20. Any officer in charge of a police-station, who, on application in writing made by a customs-officer to attend for any of the purposes specified in section nineteen, fails so to attend or to depute a subordinate officer not inferior in rank to a head constable so to attend, shall for every such offence be punished with fine not exceeding five hundred rupees.

Report of ar-
rest, seizure
or search.

21. Whenever a customs-officer under the rank of Collector arrests any person under this Act,

or seizes any article as liable to confiscation under this Act,

or enters any house, boat or place for the purpose of searching for any such article,

he shall (unless empowered under the next succeeding clause of this section), within forty-eight hours next after such arrest, seizure or entry, make a full report of all the particulars of such arrest, seizure or entry to his official superior for the information of the Collector.

Every

Every officer making any arrest under this section, or his official superior, shall, if generally empowered to do so by the Collector, either send with all convenient despatch the person arrested to the Magistrate having jurisdiction to deal with the case, or order the discharge of such person.

And every officer of police attending any search made under section nineteen shall report the same to his official superior.

22. Whenever the Collector is informed of the seizure of any article exceeding five sers in quantity, as liable to confiscation under this Act, he shall, with all convenient despatch, report the circumstances of the case to the Commissioner of the Division, who may thereupon proceed under section fourteen.

Procedure in respect of articles seized.

If the quantity seized does not exceed five sers, he may dispose of the case himself under the said section.

23. Any article in respect of which a penalty is imposed under section fifteen may be detained pending the receipt of the order of the Commissioner of the Division or Collector on the report required by the same section :

Procedure on detainer of article subject to additional duty.

Provided that, if the owner of any article so detained deposits the amount of such penalty with, and pays all ordinary duty and charges payable on such article to, the customs-officer detaining the same, such article shall be at once released.

When an article is so detained it shall, on the receipt of the said order, be dealt with in accordance with the rules made in this behalf under section twenty-seven.

When an article has been released under the second clause of this section, and the Commissioner or Collector reduces, or declines to sanction, the penalty imposed in respect of such article, the amount refundable to the owner shall be paid to him on his applying therefor to the Collector within six months, to be computed (where the order has been made by the Commissioner) from the day on which the Collector has received such order, and (where the order has

been

been made by the Collector) from the date of such order.

When any penalty the amount of which has been deposited under the second clause of this section, is sanctioned,

or when any sum refundable under this section has not been claimed within the said period of six months,

the amount so in deposit or the sum so refundable shall be forfeited to Her Majesty unless the Commissioner of Inland Customs otherwise directs.

Procedure in respect of person arrested.

24. Whenever the Collector is informed of the arrest of any person, he shall (unless such person has been dealt with under the penultimate clause of section twenty-one), either send, with all convenient despatch, the person arrested to the Magistrate having jurisdiction to deal with the case, or order the immediate discharge of such person.

Officers of police and land-revenue to assist customs-officers.

25. All officers of police and officers of Government engaged in the collection of land-revenue, are empowered and required to assist the customs-officers in the execution of this Act.

Vexatious search, seizure, &c., by customs-officer.

26. Any customs-officer who,

(a) without reasonable ground of suspicion, searches or causes to be searched any house, boat or place;

(b) vexatiously and unnecessarily seizes the movable property of any person, on pretence of seizing or searching for any article liable to confiscation under this Act;

(c) commits as such officer any other act to the injury of any person, when such officer has not reason to believe that such act is required for the execution of his duty,

shall for every such offence be punishable by a Magistrate exercising powers not less than those of a Magistrate of the second class, with fine not exceeding five hundred rupees.

Any person wilfully or maliciously giving false information and so causing a search to be made under this Act shall be punishable by a Magistrate exercising

exercising the same powers with fine not exceeding five hundred rupees, or with imprisonment for a term not exceeding two years, or with both.

27. The Governor General in Council may make rules to regulate the seizure, disposal, and destruction of things liable to be seized under this Act.

Power to regulate seizures and disposal of things seized.

Such rules may among other matters provide—

(a) that the owner or person having the charge of any animal seized and detained shall provide from day to day for its keep while detained, and that, if he omits to do so, such animal may be sold by public auction, and the expenses (if any) incurred on account of it defrayed from the proceeds of the sale:

(b) that when anything is seized and an order for its release is subsequently passed and the owner does not within a period to be fixed by such rules appear to claim such thing and tender the duties, penalties and charges (if any) due in respect thereof, it may be sold by public auction, and such duties, penalties and charges defrayed from the proceeds of the sale:

(c) that the surplus-proceeds of a sale under clause (a) or clause (b) of this section shall, if not claimed by the owner of the thing seized within a period to be fixed by such rules, be forfeited to Her Majesty.

CHAPTER VI.—MISCELLANEOUS.

28. The Governor General in Council may, from time to time by rule prohibit absolutely, or subject to conditions, the transit of salt or of sugar into, out of, or over, the said territories or any part thereof.

Power to prohibit import, export, and transit of salt or sugar.

Except in the case of a prohibition under this section, nothing in this Act shall affect the importation of salt or exportation of sugar into or from any of the said territories, from or into any other of the said territories, or the Lower Provinces of the Presidency of Fort William:

29. In

15

Further matters for which Governor General may make rules.

29. In addition to the rules which the Governor General in Council is hereinbefore empowered to make, he may from time to time make rules to regulate the following matters, namely :

(a) the persons by whom, and the time, place and manner at or in which, anything to be done under this Act shall be done ;

(b) the cases in which, and the officers to whom, and the conditions subject to which, orders given by customs-officers under this Act shall be appealable ;

(c) the fee to be charged on account of any license, pass, certificate, dákhilá, rawána or other such document issued under this Act ;

and generally to carry out the provisions herein contained.

Publication of rules.

30. All rules made under this Act must be consistent herewith and shall be published in the *Gazette of India*, and shall thereupon have the force of law.

Power of Local Government to confer powers of Collector and customs-officers.

31. Subject to the provisions herein contained and to any rules for the time being in force made by the Governor General in Council, the Local Government may invest any person with the powers of a Collector under this Act, or with all or any of the powers hereinbefore conferred on customs-officers.

Saving of existing duties on salt and sugar.

32. All duties now leviable on salt or sugar imported into or exported from, or moved through, or manufactured in, the said territories, shall, until otherwise directed by the Governor General in Council, be deemed to be leviable under this Act.

Existing rules. Existing customs-line.

33. All rules now in force which might have been made under this Act if it had been in force, shall be deemed to have been issued hereunder, and the existing customs-line shall be deemed to have been defined and protected hereunder.

SCHEDULE.

SCHEDULE.

A.—Acts.

Number and Year.	Title.	Extent of repeal.
XIV of 1843 ...	An Act for regulating the levy of Customs Duties, and the manufacture of Salt in the North-Western Provinces of the Presidency of Bengal.	So much as has not been repealed.
XXXVI of 1855	An Act to empower Officers of Customs and Land Revenue to search Houses and other enclosed places for contraband Salt in the North-Western Provinces.	The whole.
I of 1860 ...	An Act to empower the Governor General in Council to increase the rate of Duty on Salt imported into the North-Western Provinces of the Presidency of Bengal.	So much as has not been repealed.
XVII of 1861 ...	An Act to amend Act XIV of 1843 (for regulating the Customs Duties in the North-Western Provinces).	So much as has not been repealed.
XXXI of 1861 ...	An Act to regulate the manufacture of Saltpetre and the sale of Salt educed in the refinement thereof.	The whole, but so far only as regards the said territories.
XIX of 1862 ...	An Act to extend to the Province of Oude certain provisions of Acts XIV of 1843 and XXXVI of 1855, relating to the manufacture of contraband Salt, and to amend the last-named Act.	The whole.
VII of 1864 ...	An Act for regulating the importation and manufacture of alimentary Salt in the Territories administered by the Chief Commissioner of the Central Provinces.	So much as has not been repealed.
XXXIII of 1867	An Act to amend Act No. XXXI of 1861.	The whole.

SCHEDULE—(continued.)

A.—Acts—(concluded).

Number and Year.	Title.	Extent of repeal.
XXV of 1869 ...	An Act to provide Rules for the manufacture, storing and sale of Alimentary Salt in the North-Western Provinces, the Panjáb, Oudh and the Central Provinces, and for other purposes.	The whole.
XXV of 1872 ...	An Act to give the force of law to certain Rules relating to Salt in the Panjáb.	The whole.
X of 1874 ...	An Act to amend the Law relating to Salt.	Sections three and four.
XV of 1874 ...	Laws Local Extent Act ...	So far as it relates to Bengal Regulation I of 1833.

B.—Bengal Regulations.

Number and Year.	Title.	Extent of repeal.
XX of 1817 ...	A Regulation for reducing into one Regulation, with Amendments and Modifications, the several Rules which have been passed for the Guidance of Darogahs and other subordinate Officers of Police; for modifying the existing rules concerning the Resistance or Evasion of Criminal Process, and for requiring further Aid to the Police in certain cases, from Proprietors and Farmers of Land and their Local Managers, as well as from the Munduls and other Heads of Villages.	Section twenty-nine, clauses <i>fifth</i> , <i>sixth</i> , <i>seventh</i> , and <i>eighth</i> .

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Inland Customs.

SCHEDULE—(concluded).

B.—Bengal Regulations—(concluded).

Number and Year.	Title.	Extent of repeal.
X of 1819 ...	A Regulation for reducing into one Regulation, with Alterations and Amendments, the Rules at present in Force respecting the Manufacture, Adulteration, Importation, Transportation, and Sale of Salt.	So much as has not been repealed.
X of 1826 ...	A Regulation for removing Doubts as to the Application of Section L. Regulation X. 1819, to the District of Goruckpore: for prohibiting the Manufacture within any of the Districts of Bengal, Behar, and Orissa, of Noon-chye, or any Description of Saline Substance used as a condiment with Food, excepting on Account of, or with the Permission of Government: and for providing for the Retail Sale of Salt by Government Officers in certain Cases.	So much as has not been repealed.
IV of 1832 ...	A Regulation for declaring and explaining the Meaning and Intention of section XLI. Regulation X. 1819.	The whole.
I of 1833 ...	A Regulation for vesting in the Sudder Board of Revenue at Allahabad the Superintendence of the Customs and Town Duties in the territories to which the Revenue Jurisdiction of that Board extends.	The whole.