

ACT No. II OF 1878.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 9th February,
1878.)

An Act for the licensing of trades and dealings in
the Panjáb, the North-Western Provinces and
Oudh.

WHEREAS, in order to provide means for defray-
ing the public expenditure from time to time
incurred and to be incurred for the relief and preven-
tion of famine in British India, it is necessary to effect
a permanent increase of the revenue; and it is there-
fore expedient that persons carrying on trades and
dealings in the territories and provinces respectively
administered by the Lieutenant-Governor of the
Panjáb, the Lieutenant-Governor of the North-Western
Provinces and the Chief Commissioner of Oudh, should
take out licenses and pay for the same; It is hereby
enacted as follows:—

Preamble.

1. This Act may be called "The Northern India
License Act, 1878: "

Short title.

It extends to the territories under the administra-
tion of the Lieutenant-Governor of the Panjáb, the
Lieutenant-Governor of the North-Western Provinces
and the Chief Commissioner of Oudh, respectively;
but nothing herein contained applies to persons earn-
ing their livelihood solely by agriculture.

Local extent.

This Act shall come into force in each of the said
territories on such date as the Governor General in
Council by notification in the *Gazette of India* directs
in this behalf.

Commence-
ment.

2. When this Act comes into force in the terri-
tories under the administration of the Lieutenant-
Governor

Repeal of
Act VIII of
1877.

Governor of the North-Western Provinces, Act No. VIII of 1877 (*for the licensing of certain trades and dealings in the North-Western Provinces*) shall be repealed.

“Collector”
defined.

3. In this Act “Collector” means the chief officer in charge of the revenue-administration of a district.

Annual
licenses to be
taken out.

4. Every person who, on or after the first day of April 1878, falls under any of the heads specified in the schedule hereto annexed, and carries on (whether on behalf of himself or any other person) his trade or dealing in any district situate in the said territories, shall take out a license under this Act in such district, and shall pay for the same the annual fee mentioned in such schedule as payable by persons of the class and grade to which he belongs.

Officer to
grant license.

5. Such license shall be granted by the Collector of such district, and shall be signed by him, or by such officer as he may appoint in this behalf.

Particulars
to be specified
in the license.

6. Every such license shall specify—

- (a) the date of the grant thereof :
- (b) the name, father's name, caste and trade or dealing of the licensee :
- (c) the class and grade to which he belongs :
- (d) the fee paid for the license :
- (e) the term for which the license shall remain in force, and
- (f) the place or places within such district where the licensee intends to carry on his trade or dealing during such term ;

and shall be received in evidence as *prima facie* proof of all matters contained therein.

Commence-
ment and
expiration of
license.

7. Every such license shall have effect in such district only and shall continue in force from the day of the date thereof till the first day of January next after the date of the grant thereof.

Renewal of
license.

8. Every person to whom any such license has been granted, and who desires to continue to carry on his trade or dealing in such district after the expiration of such license, shall take out a fresh license for
that

that purpose for the following year, to expire on the day appointed in the last preceding section, and shall renew the same so long as he desires to continue to carry on such trade or dealing in such district.

9. As soon as may be after the first day of April 1878 and the first day of January in every subsequent year, the Collector shall prepare a list of the persons to be licensed under this Act in his district. Such list shall state—

Collector to prepare annual list of licensees.

(a) the trade or dealing of each of the persons therein named;

(b) the class and grade under which he is charged; and

(c) the fee to be paid for his license.

Such list shall be in the language of the district, shall be filed in the office of the Collector, and shall be open to public inspection at all reasonable times without any payment.

10. The Collector shall, from time to time, determine under which of the classes and grades mentioned in the said schedule every person to whom a license may be granted by him as aforesaid shall be charged, and shall amend the said list accordingly.

Collector to determine class under which licensee is to be charged.

The list or such part or parts thereof as the Collector thinks fit shall be published in the principal muhallas or ganjes of all towns, and in the chaupál, or other public place, in all villages concerned, together with a notification that if any person falling under any of the heads specified in the said schedule, whether he is mentioned in such list or not, continues his trade or dealing in the said district, payment of the fee specified in the list as payable by him, or, when he is not mentioned in such list, of the fee mentioned in the said schedule as payable by persons of the class and grade to which he belongs, must be made by him in the year 1878 within thirty days of such publication, and in each succeeding year before the first day of February.

Publication of list and notification.

11. The Collector may, by a notice in writing, require the occupier of any house to forward to him

Collector may require list of persons in any house.

a statement in writing signed by such occupier, of the names of all persons residing in such house at the date of the notice and of their respective callings.

Petition of objector.

12. Any person mentioned in the list referred to in sections nine and ten and objecting to the class or grade under which he is charged may, within thirty days after such publication, or within such further time as the Collector may in each case think fit, apply by petition to the Collector in order to establish his right to have his name transferred to another class or grade, or altogether removed from the list.

Hearing of petition.

13. The Collector shall fix a day for the hearing of the petition, and on the day so fixed, or on such subsequent day as he may from time to time direct, shall hear the same and pass such order thereon as he thinks fit :

Provided that if, in his judgment, the petitioner is able to shew that the fee which has been charged exceeds two per cent. upon his annual nett earnings, such excess shall, for the purpose of section twelve, be deemed a valid objection.

Collector to exercise powers of a Civil Court.

14. The Collector may, for the purposes of any proceeding under section thirteen, exercise any of the powers conferred by the Code of Civil Procedure on a Civil Court for the trial of suits :

Provided that the Collector shall not, in the course of any such proceeding, call for any evidence except at the instance of the petitioner, or in order to ascertain the correctness of facts alleged by him.

Revision of order passed under section 13.

15. Subject to the control of the Local Government, the Commissioner of Revenue of the Division may, in his discretion, on the application of any person deeming himself aggrieved by an order passed by the Collector under section thirteen, call for the record of the case, and pass such order thereon as he thinks fit, and such order shall be final.

Power to remit fee.

16. The Collector may in his discretion remit the whole or any part of the fee payable under this Act

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by any person who has carried on his trade or dealing for a portion of the year only.

17. A person or firm coming under more than one of the designations in the said schedule shall be chargeable only under one of the said designations at the discretion of the Collector; and in the case of a firm, payment by any one of the partners shall, for the purposes of this Act, be considered payment by the firm.

Persons carrying on several trades

18. If, after expiry of the period mentioned in the notification published under section ten, for payment of the fee specified or referred to therein, any person (whether he is or is not mentioned in the said list) carries on his trade or dealing without having taken out a license as required by this Act, he shall be liable, by order of the Collector, to pay a fine not exceeding thrice the amount payable by him in respect of such license, exclusive of the amount so payable; and on receipt of such payment the Collector shall grant him a license.

Penalty for carrying on business without a license.

19. All sums due under section eighteen and all fees payable under this Act or the said Act No. VIII of 1877 shall be recoverable as if they were arrears of land-revenue.

Recovery of sums due under this Act.

But no fees or other sums due under this Act or the said Act No. VIII of 1877 shall be recoverable by any process whatsoever after the expiry of three months from the last day of the year in respect of which they are payable.

20. Every person holding a license under this Act shall produce and show such license when required so to do by an officer generally or specially empowered in writing by the Collector to make such requisition.

License to be produced on demand.

But no person shall be proceeded against for neglect or refusal to produce such license except at the instance of the Collector.

Prosecution to be at instance of Collector.

21. Courts of Wards and Receivers and managers appointed by any Court in British India, shall be chargeable under this Act in respect of any trade or dealing

Receivers and managers chargeable.

dealing of which the income is officially in their possession or under their control.

Power to retain assessment paid by trustee, &c.

22. When any trustee, guardian, curator, committee or agent is charged under this Act in such capacity, or when any Court of Wards or Receiver or manager appointed by any Court is charged under this Act, every person and Court so charged may, from time to time, out of the money coming to his or its possession as such trustee, guardian, curator, committee or agent, or as such Court of Wards, Receiver or manager, retain so much as is sufficient to pay the fee charged.

Every such person or Court is hereby indemnified for every retention and payment made in pursuance of this Act.

Disposal of fees and penalties.

23. The nett amount of all fees and penalties paid or recovered under this Act, after deducting the expenses of collection, or such portion of such nett amount as the Governor General in Council from time to time directs, shall be applied, in such manner as the Governor General in Council thinks fit, for the purpose of increasing the revenues available for defraying expenditure incurred or to be incurred for the relief and prevention of famine in the territories administered by the Local Government, or, if the Governor General in Council so directs, in any other part of British India.

The residue (if any) of such nett amount shall be carried to the credit of the Local Government.

Powers of Collector under Act may be exercised by other officers.

24. All or any of the powers and duties conferred and imposed by this Act on a Collector may, subject to the control and orders of the Collector of the District, be exercised and performed by an Assistant Collector or such other officer as the Local Government from time to time appoints in this behalf.

Obligation to furnish information to Collector.

25. Every person shall be legally bound to furnish information to any officer exercising any of the powers of a Collector under this Act when required by him to do so.

26. The

26. The Local Government may, from time to time, with the previous sanction of the Governor General in Council,— Power to exempt and make rules.

(a) exempt any portion of the territories administered by such Government, or any persons or class of persons in such territories, from the operation of this Act, and cancel such exemption ;

(b) exempt from the operation of this Act any persons whose respective nett annual earnings are less than such sum as the Local Government may, from time to time, fix in this behalf, and cancel such exemption ;

(c) make rules consistent with this Act, (1) for regulating the time and manner of collecting the fees charged under this Act, (2) for providing in any case or class of cases for serving notices on persons charged under this Act, (3) for determining the mode in which persons belonging to any class shall be distributed into grades, and (4) generally for the guidance of officers in matters connected with the enforcement of this Act.

THE SCHEDULE.

See section 4.

CLASS I.

Companies registered under the Indian Companies Act, 1866	...			
Bankers	...			Fee payable by licensee.
Professional money-lenders	...			
Owners of cotton-screws	...			
Persons keeping shops for the sale of European goods	...	First grade	...	Rs. 500
Hotel-keepers	...	Second grade	...	200
Wholesale-dealers	...	Third grade	...	150
Dealers in precious stones	...	Fourth grade	...	100
Sugar Manufacturers or Refiners	...			
Indigo Manufacturers	...			
Tea Manufacturers	...			

CLASS II.

CLASS II.

Cloth-sellers	...	...
Metal-vessel-sellers	...	...
Fuel-sellers (talwálas)	...	...
Chaudhris	...	...
Letters-out of conveyances and cattle	...	...
Contractors (thíkadárs)	...	...
Printers and publishers	...	...
Manufacturers of lac	...	...
Commission-agents	...	...
Brokers	...	...
Bill-brokers	...	...
Pawn-brokers	...	...
Money-changers	...	...
Dealers in gold and silver lace	...	...
Druggists	...	...
Harness-makers	...	...
Dealers in metals, not being merely artizans	...	...
Grain-lenders	...	...
Retail-dealers in grain	...	...
Auctioneers	...	...
Coach-builders	...	...
Tobacco-sellers	...	...
Dealers in horses, cattle or elephants	...	...
Timber merchants	...	...
Woollen manufacturers	...	...
Silk ditto	...	...
Persons carrying on trades and deal- ings specified in class I whose annual earnings are not so large as to warrant their assessment in that class	...	...

Fee payable
by licensee.

	Rs.
First grade	... 75
Second grade	... 50
Third grade	... 25
Fourth grade	... 10

CLASS III.

Artizans, traders and dealers not above specified	...	...
Persons falling under any head men- tioned in class I or class II, and whose annual earnings are not so large as to warrant their assess- ment in either of those classes	...	...

	Rs.
First grade	... 5
Second grade	... 2
Third grade	... 1