

ACT No. VIII OF 1877.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 28th March 1877.)

An Act for the licensing of certain trades and dealings in the North-Western Provinces.

- Preamble. **W**HEREAS it is expedient that persons carrying on certain trades and dealings in the North-Western Provinces should take out licenses and pay for the same; It is hereby enacted as follows:—
- Short title. **1.** This Act shall be called “The North-Western Provinces License Act, 1877:”
- Local extent It extends to the provinces under the government of the Lieutenant-Governor of the North-Western Provinces; but nothing herein contained applies to persons earning their livelihood solely by agriculture.
- Commencement. **And it shall come into force at once.**
- “Collector” defined. **2.** In this Act “Collector” means the chief officer in charge of the revenue-administration of a district.
- Annual licenses to be taken out. **3.** Every person who, on and after the first day of April 1877, 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, shall take out a license under this Act, and shall pay for the same the annual fee mentioned in the same schedule as payable by persons of the class to which he belongs.
- Officer to grant license. **4.** Every license under this Act shall be granted by the Collector of the district in which the person requiring such license carries on his trade or dealing: provided that, if such person carries on his trade or dealing in more than one district in the North-Western Provinces, the license shall be granted by the

the Collector of the district in which his principal place of business is situate.

Every such license shall be signed by the Collector granting it, or by such officer as he may appoint in this behalf.

5. 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 fee paid for the license :
  - (d) the place or places where the licensee intends to carry on his trade or dealing for the ensuing year ; and
  - (e) the term for which the license shall remain in force,

Particulars to be specified in the license.

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

6. Every such license shall have effect and continue in force from the day of the date thereof till the first day of January next after the day of the granting thereof.

Commencement and expiration of license.

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

Renewal of license.

*List of Licensees.*

8. As soon as may be after the first day of April 1877 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 the district or place aforesaid. Such list shall state—

Collector to prepare annual list of licensees.

- (a) the trade or calling of each of the persons therein named ;
- (b) the class under which he is charged ; and
- (c) the

(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.

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

9. The Collector shall from time to time determine under which of the classes 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.

Publication of list and notification.

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 mentioned in such list continues his trade or dealing, payment of the amount specified in the list as payable by him must be made in the year 1877 within thirty days of such publication in that year and within thirty days next after the first day of January in each succeeding year.

Petition of objector.

10. Any person mentioned in such list and objecting to the class 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 altogether removed from the list.

Hearing of petition. Appeal from order on petition.

11. 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 the judgment of the Collector the nett annual earnings of the petitioner are less than two hundred rupees, the petitioner's name shall be removed from the list, and the fee, if any, paid by him shall be returned.

There shall be no appeal from an order under this section.

12. The

**12.** The Collector may in his discretion remit the whole or any part of the fee payable under this Act by any person who has carried on his trade or dealing for a portion of the year only.

Power to remit fee.

**13.** A person or firm carrying on several trades or businesses and 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.

**14.** If after expiry of the period mentioned in the notification published under section 9, for payment of the amount specified therein, any person (whether he is or is not mentioned in the said list) carries on his trade or calling without having taken out a license as required by this Act, he shall be liable, by order of the Collector, to pay twice the fee with which he would otherwise have been chargeable under this Act, and on receipt of such payment, the Collector shall grant him a license.

Penalty for carrying on business without a license.

All sums due under this section and all fees payable under this Act shall be recoverable as if they were arrears of land-revenue.

**15.** Every person required by this Act to take out a license, who without reasonable excuse neglects or refuses to produce and show his license when required so to do by an officer generally or specially empowered in writing by the Collector to make such requisition, shall, on conviction before a Magistrate, be liable to a fine not exceeding one hundred rupees.

License to be produced on demand.

No person shall be proceeded against for any such offence except at the instance of the Collector, and there shall be no appeal from any sentence under this section.

Prosecution to be at instance of Collector.

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

Receivers and managers chargeable.

**17.** When

Power to retain assessment paid by trustee, &c.

17. 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 Court and person so charged may, from time to time, out of the money coming to its or his 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.

*Municipalities.*

Power to require returns from Municipalities.

18. The Collector may require any Municipal Committee constituted under Act No. XV of 1873 to furnish, within a period to be specified under the orders of the Local Government, returns showing the names and numbers of persons chargeable under this Act resident within the limits of such Municipality, together with the class under which they respectively fall and the fees payable by them respectively.

If the Municipal Committee fails within the period prescribed to make such returns, or if it make such returns and the Collector has reason to doubt their accuracy, he may at any time cause a return showing the names, numbers, and classes aforesaid to be prepared in such manner as may be prescribed by the Local Government.

Notice to Municipalities.

19. When the return mentioned in section 18 has been furnished or prepared, notice shall be served on the Municipality, calling on it to pay to the Collector within a period to be specified in the notice, a sum calculated on such return in accordance with the provisions of this Act.

Any Municipality may appropriate any part of its revenues to the payment of the sum leviable from it under this section, or raise such further sums in addition to its existing revenue as may be needful for such payment :

payment : provided that such further sums be raised in accordance with the said Act No. XV of 1873.

*Miscellaneous.*

**20.** All taxes raised and penalties recovered under this Act shall be paid to the credit of the Local Government, or as such Government from time to time directs. Payment of taxes raised and penalties recovered under Act.

**21.** All or any of the powers and duties conferred and imposed by this Act on a Collector may, subject to the 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. Powers of Collector under Act may be exercised by other officers.

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

**23.** 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 from the operation of this Act any portion of the territories subject to such Government, or any class of trade or dealings falling under the said schedule ;

(b) 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, and (3) generally for the guidance of officers in matters connected with the enforcement of this Act.

## THE SCHEDULE ABOVE REFERRED TO.

## CLASS I.

	Fee payable by licensee.			
Bankers ... ..	...	...	...	...
Professional money-lenders ... ..	...	...	...	...
Companies registered under the Indian Companies Act, 1866 ..	...	...	...	...
Owners of cotton-screws ... ..	...	...	...	...
Persons keeping shops for the sale of European goods ... ..	...	...	...	...
Hotel-keepers ... ..	...	...	...	...
Wholesale-dealers ... ..	...	...	...	...
Dealers in precious stones ... ..	...	...	...	...

} Rs. 16.

## CLASS II.

Cloth-sellers ... ..	...	...	...	...
Metal-vessel-sellers ... ..	...	...	...	...
Fuel-sellers (talwálas) ... ..	...	...	...	...
Chaudhrís ... ..	...	...	...	...
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 artisans ... ..	...	...	...	...

} Rs. 8.

## CLASS III.

Persons carrying on any trades or dealings not above specified ... ..	...	...	...	...
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} Rs. 2.