4-2-26 ✓
16-4-26 ✓
17-6-24 III ✓
3.2.25 II ✓

Extract Marine (1897) Department.

Print soon

G.O., No. 728 Mar

DATED 17 August 1897

19/8/97

[Despatch Abstract.]

Amendment of the Indian Ports Act: Communicating to the P.P. offices and to certain public bodies the views of the Govt of India on the subject of the proposed amendment of clause (p) of sub-section 1 of section 6 of the Indian Ports Act and desiring that replies may reach the Govt not later than the 20th September when the matter will be taken into consideration.

82/4

[illegible]

19/8/97

BACK PAPERS.

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

FURTHER PAPERS.

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

T 20 Aug 97
Jy 4 Aug 97

Government {1897} of Madras.

MARINE.

Recd. } 1897. Enclosures

Regd. } Spare copies

G.O., No. 728, 17th August 1897.

AUGUST.

Amendment of the Indian Ports Act

Communicating to the Presidency Port Officer and to certain public bodies, letter from the Government of India on the subject of the proposed amendment of clause (*p*) of sub-section (1) of section 6 of the Indian Ports Act, and desiring that replies may reach the Government not later than the 20th September when the matter will be taken into consideration.

GOVERNMENT OF MADRAS.

MARINE DEPARTMENT.

Read—the following paper:—

From J. P. HEWETT, Esq., C.I.E., Secretary to the Government of India, Home Department (Sanitary), to the Secretary to the Government of Madras, Marine Department, dated Simla, 21st July 1897, No. 1856.

I am directed to invite a reference to the correspondence ending with your letter, No. 235 (Marine), dated the 3rd August 1895, regarding the proposal of the Government of Bombay to amend clause (*p*) of sub-section (1) of section 6 of the Indian Ports Act, 1889, in order to give legal validity to those sections of the Medical Inspection Rules, already acted on in that Presidency, which purport to deal with the enforcement of precautions when death or disease has occurred on a vessel before its arrival in port, and also to regulate and enforce the disinfection and, where necessary, the destruction of infected bedding, clothes and cargo.

The Government of Bombay further suggested that the necessary legal steps might, with advantage, be taken for the addition to the Medical Inspection Rules of clauses to the following effect:—

(i) to empower the Health officer to deal with vessels and cargo, which, although free from certain infectious diseases, may be in such an insanitary condition on arrival, or may become so while in port, as to be a danger to the health of the crew, passengers or others;

(ii) to establish and regulate places to be used as sanitaria for the segregation of persons among whom infectious diseases dangerous to life exist, or have existed, on boardship.

2. In the circular of the Government of India in the Home Department, Nos. 135—137 (Sanitary), dated the 21st May 1895, the Maritime Governments, other than the Government of Bombay, were asked for an opinion upon these matters, for a report as to how the rules which are at present in force in the ports situated in those Provinces have been found to work, and generally for any suggestions they might desire to make regarding the scope and extent of the rules. Opinion was specially invited on the question whether it is necessary or not that the authorities should have power to order the destruction of cargo. In a separate letter of the same date, the Government of Bombay were asked for their matured opinion on the two proposals stated above.

3. The replies show that, although the existing rules in force in the several Provinces appear, on the whole, to have worked satisfactorily, there is a general consensus of opinion that it is desirable to legislate on the lines indicated by the Government of Bombay. In this view the Government of India are inclined to agree.

4. The Government of Bombay forwarded with their letter, No. 1299, dated the 18th March 1896, a draft Bill amending clause (*p*) of sub-section (1) of section 6 of the Indian Ports Act, which embodies the matured opinion of that Government on the points referred to them. After carefully considering the terms of this draft and the

opinions of the other Maritime Governments, the Government of India have caused the enclosed draft Bill to be prepared, which gives effect to the views which they are at present inclined to adopt. The draft is based on that forwarded by the Government of Bombay, and the main points on which it differs from it are explained below.

5. In sub-clause (2) of the draft forwarded by the Government of Bombay, provision is made for the destruction of infected cargo. This is omitted from sub-clause (2) of the draft appended to this letter.

The Governments of Bombay and Burma recommend that power should be taken to destroy cargo, etc., the Government of Madras have not expressed any opinion on the point, and the Government of Bengal has stated that none of the local officials have recommended an enlargement of the scope of the rules.

The rules for the medical inspection of vessels which were framed for the guidance of Local Governments and published in the resolution of the Government of India in the Home Department, No. 3—95—100 and 100 A—100 C (Sanitary), dated the 9th May 1879, do not provide for the destruction of bedding, clothes or cargo. The rules prepared by the Government of Bombay in 1889 to which sanction was given in the letter of the Government of India in the Home Department, No. 270 (Sanitary), dated the 31st August 1889, do contain a provision to this effect, but this departure from the model rules of 1879 was not, perhaps, sufficiently noticed at the time. The fact that no complaint has been made of this rule in Bombay is probably because it has rarely, if ever, been acted upon, and would therefore appear to be a stronger argument for omitting it as unnecessary than for retaining it. The English law does not empower the Board of Trade to deal with infected or suspected cargo, and the Medical Inspection rules in force elsewhere than in Bombay do not authorize the destruction of cargo.

It might be considered a serious interference with trade to authorize the framing of rules for the destruction of cargo of infected vessels, and the Government of India are, on the whole, of opinion that it is not necessary or desirable to authorize a general rule to this effect. But they consider that it is, perhaps, necessary to authorize special rules for dealing with the cargo of undecked native coasting sloops. The cargo of these vessels is peculiarly liable to contamination from the crew and to be fouled by choleraic excreta. The Government of India will be glad to be furnished with the opinion of the Government of Madras on this point. The above remarks do not refer to cargo, such as food-stuffs, which owing to fermentation or decomposition is in a condition dangerous to health. It is necessary that the Health officer should be authorized to destroy dangerous cargo of this nature, and provision to this effect is made in sub-clause (3) of the draft.

6. In sub-clause (7) of the draft an addition is made to the rules proposed by the Government of Bombay authorizing the removal of the sick to the sanitaria established under the provisions in sub-clause (4).

7. Under the rules framed by the Government of Bombay any master, owner, or ship's officer guilty of a breach of any of the rules is liable to imprisonment of six months or a fine which may extend to Rs. 1,000 or both. It appears to the Government of India that this penalty is unnecessarily rigorous, and the draft forwarded with this letter imposes a fine only which may extend to Rs. 1,000.

8. The Government of India have not considered it desirable to adopt a suggestion made by the Health officer of Madras that rules should be made under the Ports Act for the compulsory vaccination of the unprotected in the case of small-pox. Such a provision would go beyond the scope of any legislative enactment on the subject of vaccination.

9. The matters dealt with in the draft Bill intimately concern the mercantile interests of the ports, and the Government of India, therefore, desire before considering further the proposed legislation to ascertain the views on the subject of the mercantile community. I am accordingly to request that, with the permission of His Excellency the Governor in Council, the opinion of the Chamber of Commerce, the Port Trust and other Trade Associations may be obtained and communicated to the Government of India, with any remarks that His Excellency in Council may think fit to make.

Enclosure.

Proposed Law.

For clause (*p*) of sub-section (1) of section 6 of the Indian Ports Act, 1889, there shall be substituted the following, namely :—

"(*p*) (1) for regulating the action to be taken by a master in any such port, when
(i) there is a dead body on board his vessel, or
(ii) there is, or during the voyage at the end or in the course of which he arrives at any such port, there has been, disease or sickness on board his vessel ;

"(2) for regulating and enforcing the disinfection of cargo, and the disinfection or destruction of any infected live-stock, baggage, property or thing on board such vessel, and for providing for or apportioning the cost of any such disinfection or destruction ;

"(3) for regulating the destruction of food-stuffs which are in a condition to be dangerous to the health of the crew, passengers or others, and the action generally to be taken in respect of any vessel which, or the cargo of which, is in such a condition ; "

"(4) for the establishment and regulation of places to be used as sanitaria for the segregation of persons who are, or have recently been, suffering from any disease which may have been declared for the purposes of this Act to be dangerous to life ;

"(5) for the appointment and regulation of places for the reception of infected cargo and live-stock and for apportioning the cost of keeping and disinfecting such cargo and live-stock ;

"(6) for determining from time to time what diseases shall be declared for the purposes of this Act to be diseases dangerous to life ;

"(7) for regulating the removal from vessels to any place established under sub-clause (4) or elsewhere of persons found on board to be suffering from diseases declared for the purposes of this Act to be dangerous to life."

The following clause shall be inserted after section 6, sub-section (1), clause, (*q*) :—

"(*r*) generally for any purpose subsidiary or incidental to the foregoing purposes."

The following sub-section shall be inserted after section 6, sub-section (2) :—

"(3) Any master, owner, or ship's officer who shall be found guilty of a breach of any rule framed under section 6 (1) (*p*), shall be liable for every such offence to fine which may extend to one thousand rupees."

Order—No. 728, Marine, dated 17th August 1897.

Communicated to the Presidency Port Officer, the Chairman, Madras Chamber of Commerce, the Chairman, Harbour Trust Board, and the Chairman, Madras Trades Association, who are requested to be so good as to favour the Government with any remarks which they may wish to offer on the proposed amendment of the law.

2. It is desired that replies may reach the Government not later than the 20th September, when the matter will be taken into consideration.

(True Extract.)

(Signed) D. McNEIL CAMPBELL, Colonel, R.E.,
Secretary to Government.

To the Presidency Port Officer.
„ Chairman, Madras Chamber of Commerce.
„ Chairman, Madras Harbour Trust Board.
„ Chairman, Madras Trades Association.

Exd. T. K. Narayana Aiyangar,

A/ Amendment of Indian Ports Act urgent

Marine
Public Works Department.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Print soon

Read the following

C. No. 1046 of 1897 from the Government of India.

Hon'ble Sir Henry Blair R.C.I.E

No. 728 Mar & 17 Aug: 1897

Communicated to the Presidency Port Officer, the Chairman Madras Chamber of Commerce, the Chairman Harbour Trust Board, and the Chairman Madras Trades Association, who are requested to be so good as to favour the Government with any remarks which they may wish to offer on the proposed amendment of the law.

2. It is desired that replies may reach the Government not later than the ×20 September - ~~October~~ when the matter will be taken into consideration.

× Note. It seems necessary to specify a date - The Trades association do not always take the trouble to reply.

Rec-19/8/97

14/8/97

To The Presy. Port Officer.
„ Chairman, Madras Chamber of Commerce.
„ -do- Madras Harbour Trust Board.
„ -do- Madras Trades Association.

(40—4,000—2-11-95.)

Issue Some to the 6 to be brought before on the 20 Sept.

H.m. 14.8.97 R 17.8.97

Marine (1897) Department.

CURRENT No. 1046

Order

From
The Government of India
Home Department
(Sanitary)
No. 1856.

Dated 21-7-97
Received 29-7-97
Enclosures one
Spare copies 7.

SUBJECT.

The Indian Ports Act 1889

Forwarding a draft bill amending clause (f) of subsection 1 of section 6 of the —— with a request that the opinion of the Chamber of Commerce etc may be obtained thereon & communicated with any remarks that the Govt may think fit to make

[M 4.
1,000—8-5-00.]

BACK PAPERS.

G.O.	No.	Department.	Date.
act x of 89			
235	83		8-95
279	90		7-94
371	9	14-10	93
358	9	7-10	93.
324	9	4-9	93.
322	9	5-7	93.
296	9	15-8	93.
273	9	3-8	93
240	1	9	1-7-90
426	9	8-10	89
264	9	15-6	89
332	30	16-7	88
625	9	18-6	88 Pub.
518	9	11-4	87.
219	9	27-5	82
147	8	14-2	82
296	8	31-5	79
280	8	24-5	79
583	8	29-10	79 S. C.
427	8	3-8	79
675	6	8	31-12-78
653	48		31-12-77
508	8		4-10-78

FURTHER PAPERS:

G.O.	No.	Department.	Date.

C

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(ii) there is, or during the voyage at the end or in the course of which he arrives at any such port, there has been, disease or sickness on board his vessel ;

" (2) for regulating and enforcing the disinfection of cargo, and the disinfection or destruction of any infected live-stock, baggage, property or thing, on board such vessel, and for providing for or apportioning the cost of any such disinfection or destruction ;

" (3) for regulating the destruction of food stuffs which are in a condition to be dangerous to the health of the crew, passengers or others, and the action generally to be taken in respect of any vessel which, or the cargo of which, is in such a condition ;"

" (4) for the establishment and regulation of places to be used as sanitaria for the segregation of persons who are or have recently been suffering from any disease which may have been declared for the purposes of this Act to be dangerous to life ;

" (5) for the appointment and regulation of places for the reception of infected cargo and live-stock and for apportioning the cost of keeping and disinfecting such cargo and live-stock ;

" (6) for determining from time to time what diseases shall be declared for the purposes of this Act to be diseases dangerous to life ;

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" (3) Any master, owner, or ship's officer who shall be found guilty of a breach of any rule framed under section 6 (1) (*p*), shall be liable for every such offence to fine which may extend to one thousand rupees."

G. C. Press, Simla.—No. 118 H. D.—20-7-97.—230.

No. 1856.

FROM

J. P. HEWETT, ESQ., C.S.I.E.,
Secretary to the Government of India,

CHIEF SECRETARY'S
28 JUL 1897
GOVERNMENT OF MADRAS

TO

The Chief Secy. to the Govt. of Madras.

Home Department.
Sanitary.

Simla, the 21st July 1897.

SIR,

I AM directed to invite a reference to the correspondence ending with your letter No. 235, (Marine) dated the 3rd August 1895, regarding the proposal of the Government of Bombay to amend clause (*p*) of sub-section (1) of section 6 of the Indian Ports Act, 1889, in order to give legal validity to those sections of the Medical Inspection Rules, already acted on in that Presidency, which purport to deal with the enforcement of precautions when death or disease has occurred on a vessel before its arrival in port, and also to regulate and enforce the disinfection and, where necessary, the destruction of infected bedding, clothes and cargo.

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It might be considered a serious interference with trade to authorise the framing of rules for the destruction of cargo of infected vessels, and the Government of India are, on the whole, of opinion that it is not necessary or desirable to authorise a general rule to this effect. But they consider that it is, perhaps, necessary to authorize special rules for dealing with the cargo of undecked native coasting sloops. The cargo of these vessels is peculiarly liable to contamination from the crew and to be fouled by choleraic excreta. The Government of India will be glad to be furnished with the opinion of the Government of Madras on this point. The above remarks do not refer to cargo, such as food-stuffs, which owing to fermentation or decomposition is in a condition dangerous to health. It is necessary that the Health Officer should be authorized to destroy dangerous cargo of this nature, and provision to this effect is made in sub-clause (3) of the draft.

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I have the honour to be,

SIR,

Your most obedient Servant,

J. P. Hewett

Secretary to the Government of India.