

Marine
Public Works (189⁸) Department.

✓ G.O., No. 569 Mar

DATED 2 July '98

Inspection of Vessels [Despatch Abstract.] Letter to the Superintendent

requesting to be furnished with copy of letter
from the Govt of Bombay on the subject of charging
special fees for medical inspection on Sundays
or other holidays

FURTHER PAPERS.

707398

Marine Department
No 5690 or of 2nd July 1898
Lo

The Secretary to the
Government of India,
Home Department.

Les,

The Government of Bombay has forwarded for the information of this Government a copy of its letter S^c 3183 dated 6th June 1898, on the subject of charging special fees to ships for medical inspections on Sundays and certain holidays. As the question is also under the consideration of this Government, I am directed to request that, with the permission of His Excellency the Governor-General in Council, a copy of the Resolution of the Government of India on the reference from Bombay may be communicated to the Madras Government for information and guidance.

298. *R. S.*

I have + c
H. H. H. 1-2-86

Marine DEPARTMENT.
Read again G.O. 288 Mar. d/19th April 1898.
480-81 Mar. d/13th June 1898.
C. Nos. 790 & 803 of 1898.

~~HIS EXCELLENCY THE GOVERNOR.~~

THE HON'BLE SIR HENRY BLISS, K.C.I.E.

~~THE HON'BLE MR. GROSE, C.I.E.~~

SUBJECT.

Fees for medical inspection
of ships.

FOR ORDERS.

As directed by the Hon. Member in his note dated 13th April 1898 on paper Flag E, the Governments of Bombay and Bengal were requested, in letter No. 288 Marine dated 19th April 1898, to afford information as to the practice obtaining in those Provinces in regard to fees charged to owners of vessels for the grant of a bill of health

- (1) on Sundays and close holidays,
- (2) at periods beyond working hours, and
- (3) when a second bill of health becomes necessary under the quarantine regulations owing to departure being delayed for the vessel's convenience.

2. It will be seen from the replies received that no such fees are at present charged either in Bombay or --- Bengal.

3. The Government of Bombay has, however, now addressed the Government of India on the subject. They propose, for the future, to charge a special fee to ships for a Sunday or holiday --- inspection

Flag A

200-117

Marine (1898) Department.

CURRENT No. 790

Order

From
The Govt of Bombay
General Department.

No. 3318 of 1898

Dated 11-6-98
Received 16-6-98
Enclosures one
Spare copies -

SUBJECT.

Fee for the inspection of
vessels on Sundays and
certain holidays

Stating that no — are
charged at present in
the Bombay Presidency but
that it is under consideration
to levy such fees.

Awaiting reply
from the Govt. of
Bengal 14th 20th 28th

Inspection.

4. It will be seen from para 1
of their letter that in the opinion
of the Government of India that
whenever a bill of health is ne-
cessary no fee should be levied
for the medical inspection, not
even when a second inspection had
to be made through default of the
ships agents.

5. If this view be adhered to by
the Government of India, the orders
of the Madras Government imposing
fees on ships for overtime, Sunday,
and holiday inspections may, perhaps,
have to be withdrawn.

6. The Government of India might
be asked to favour this Government
with a copy of their reply to the
reference of the Government of --

Bombay. -

R.S. It seems very necessary to protect
our officers in time may have
the indifference & carelessness of steamer
agents. W.B.L.

So I think — But ask
India for a copy of their reply
8 May — ~~20th~~
29/6/98

BACK PAPERS.

FURTHER PAPERS.

No. 3183 OF 1898.

GENERAL DEPARTMENT.

Bombay Castle, 6th June 1898.

FROM

A. M. T. JACKSON, ESQUIRE, I.C.S.,
Acting Secretary to the Government of
Bombay;

To

THE SECRETARY TO THE GOVERNMENT
OF INDIA.

Home Department,
SIMLA

SIR,

I am directed to advert to the Resolution of the Government of India in the Home Department, No. 1—63-69, dated the 19th March 1887, and to the letter of Mr. Under Secretary Melitus, No. 378 dated the 3rd December 1891. The Resolution laid down that the grant of a Bill of Health was not a service rendered to vessels within the meaning of Section 61 of Act XII of 1875 (now Section 35 of Act X of 1889) for which a fee could be demanded, and directed that whenever a Bill of Health was necessary, no fee should be levied for the inspection of a vessel by the Health Officer personally in any port to which Section 45 (now Section 33) of the Indian Ports Act applied; this service being regarded as covered by the port due. In the letter of the 3rd December 1891, which was a reply to a suggestion of this Government that fees should be imposed for every visit after the first which a Port Health Officer should be obliged to make for any reason for which the Ship's Agents were responsible, it was stated that the law as it stood did not admit of the imposition of fees in such cases and that the Governor General in Council was not prepared to undertake legislation to legalise it.

2. I am now directed to state that in 1896 the Health Officer of the Port of Bombay again drew the attention of this Government to (1) the extreme inconvenience of his having to pay more than one visit to vessels before being able to grant them Bills of Health owing to the indifference of the Agents, and (2) the fact that he was frequently called on to inspect ships on Sundays

and holidays. In the correspondence which ensued it appeared that in the previous year (1895) the Health Officer had paid double visits to 55 ships, and had visited 15 ships on Sundays and 20 ships on other holidays. While this correspondence was under consideration, the Agents of the British India Steam Navigation Company drew attention to the risk of detention of their steamers owing to the minuteness of the inspections in force, and requested that the medical staff might be authorised to inspect vessels outside the regular hours and on Sundays on receipt of an over time fee to be arranged between the Health Officer and the Company. Further correspondence with the Health Officer ensued on this, and that officer though suggesting a scale of fees for Sunday inspections should Government agree to the proposal of the British India Company, expressed the desire of himself and his staff that for the sake of the Sunday rest he might be permitted to refuse inspections altogether on that day in preference to making such inspections on condition of receiving a fee. The matter was accordingly disposed of by a Resolution of this Government permitting the Health Officer to refuse inspection of any vessels leaving Bombay on Sundays, except in special cases of urgency. The question of urgency was left to the discretion of the Health Officer subject to such instructions as he might from time to time receive from Government.

3. The issue of this order and the refusal of the Health Officer in the exercise of his discretion to examine a French Mail Steamer which was ready to sail on a Sunday called forth a protest from the local Chamber of Commerce, who desired that the discretion granted to the Health Officer should as a matter of principle, and not from any reasons personal to the officer in question, be withdrawn; and this contention has revived the question of Sunday fees, and makes it necessary for this Government to address the Government of India on the subject. Apart from the specially arduous duties of the medical staff of the port at the present time, a Health Officer, like every other officer of Government, is entitled to the benefit of Sundays and holidays except in so far as really urgent work may deprive him of it; and if the discretion to refuse Sunday inspections is withdrawn from the Health Officer, it appears imperatively necessary that a substantial fee for inspections on that day should be imposed, not so much for the remuneration of the Health Officer, as to ensure that he shall not be called on to inspect ships on that day except on really urgent occasions. It is therefore proposed by this Government that there should be a fixed fee of Rs. 75 for the inspection of all steamers (with the exceptions noted below) on Sundays or any of the following holidays: New Year's day, Good Friday, the Queen's birthday and Christmas day. The exceptions would be

Mail Steamers (of all nations), ships whose fixed dates of sailing might happen to fall on any of the above holidays, and the daily Coasting Steamers of Messrs. Shepherd and Company. The Agents and Owners of Steam-ship Companies have been consulted on this proposal through the Chamber of Commerce, Bombay, and are unanimous in agreement that a fee should be charged; but express a desire that the fee should be limited to Rs. 50. His Excellency in Council, however, is of opinion that a fee of Rs. 75 is not an excessive sum as a test of the genuine urgency of an application.

4. It appears to the Governor in Council, I am to state, that this proposal is not open to the legal objection raised to its former proposal disposed of in the letter of Mr. Melitus quoted above. The fee for the Sunday or holiday inspection will not be levied for the service rendered, for if the fee is not paid, the service will be rendered without it on the following day. It will be payment for a privilege. If it is within the competence of Government to refuse Sunday or holiday inspections altogether, it does not appear that express legal sanction is necessary to enable it to give Agents the option of obtaining exemption from the rule by the payment of a fee. The transaction would be of the nature of a bargain.

5. As regards the destination of the fee, the Governor in Council, I am to say, is of opinion that the individual officers who actually have to do the work sacrificing their Sundays or holidays should receive the remuneration.

I have the honour to be,

Sir,

Your most obedient Servant,

A M. T. JACKSON,
Acting Secretary to Government.

No. 33/8 of 1898.

General Department.

Bombay Castle, 11th June 1898.

To

The Secretary to the Government of Madras,
Marine Department.

Madras.

Sir,

In reply to your letter No. 288 Marine, dated the 19th April 1898, requesting to be informed whether any special fees are charged to owners of vessels for the grant of a bill of health on certain specified occasions, I am directed to state that no such fees are at present charged in this Presidency. I am however to forward copy of a letter No. 3183 dated 6th instant from this Government to the Government of India, from which it will be seen that it is under consideration to levy a fee for the inspection of vessels on Sundays and certain holidays.

I have the honour to be,

Sir,

Your most obedient Servant,

Amfaham

Acting Secretary to Government.

Ad

*not sent
790/98*

Marine (189 8) Department.

CURRENT No. 803

Order

From

The Govt of Bengal
Marine Deptt.

No. 357 Marine

Dated 11-6-98

Received 18-6-98

Enclosures "

Spare copies -

SUBJECT.

Fees for medical inspection
of vessels on Sundays
& Holidays

Stating that no — are
charged at the ports under
that Govt. borowers of
vessels for the grant of a
bill of health.

to be addressed
Surg. General of
the Department.

No. 35 ^W/Marine

From

Y. H. Clawes Esq

Under Secretary to the Government of Bengal,

To

The Secretary to the Govt of Madras
Marine Department

Barjeling
Dated ~~Chennai~~, the 11th June 1898.

Sir,

I am directed to acknowledge the receipt of your letter No 288 Mine dated 19th April last, and in reply to state that at the ports under this Government no fees are charged to owners of vessels for the grant of a bill of health

- (1) On Sundays and close holidays.
- (2) At periods beyond working hours
- (3) When a second bill of health becomes necessary under the quarantine regulations owing to departure being delayed for the vessel's convenience.

I have the honor to be,
Sir,

Yours most obedient servant

T. H. Clove.

Under Secretary

Accept^d
his