

2. 8. 99.

8-11-21

Marine (1899) Department.

G.O., No. 391 Marine

DATED 5th May 1899.

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[Despatch Abstract.]

Overtime fees

Pres; Revenue Dept, forwarding a copy of Govt of India Resolution reg: payment of fees by the Local Customs Officers of the Customs & connected establishments for work done on Sundays and holidays or out of office hours on ordinary working days, and with remarks, to the Presidency Port Officers for investigation and report on the question of — drawn in the Marine Dept.

70/4

8/7/99

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
87	1725	5-4-98					
office							
note							

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
2875	26-6-98						

Rev C. ho 2469.

GO 391 Memo of
15 May 99.

It has been agreed
that on a reply to
this GO being received,
the remarks thereon
of the Marine Dept
should be sent to the
Revenue Dept. in
order that one letter
(to be issued in the
Dept) ^{dealing with the admission} should be sent
to the Govt of India
which

This arrangement
is to be noted by the
H. R. Clerk. and the
present note brought
forward on the P.S.O's
reply coming in -

R. S.

Government {1899} of Madras.
MARINE.

Recd.

Regd.

} 1899.

Enclosures

Spare copies

G.O., No. 391, 5th May 1899.

MAY.

Overtime Fees

Proceedings, Revenue Department, forwarding a copy of Government of India resolution regarding payment of fees by the Local Governments to officers of the Customs and connected establishments for work done on Sundays and holidays or out of office hours on ordinary working days, communicated, with remarks, to the Presidency Port Officer for investigation and report on the question of — drawn in the Marine Department.

GOVERNMENT OF MADRAS.

MARINE DEPARTMENT.

Read—the following paper :—

G.O., Mis. No. 1445, Revenue, dated 22nd April 1899.

Read—the following papers :—

Resolution of the Government of India, Finance and Commerce Department, (Salaries, Establishments, &c.—Fees), dated Calcutta, 12th January 1899, No. 167 Ex.

Read—the following papers :—

Despatch from the Secretary of State for India, dated 5th August 1897, No. 131 (Revenue).

I have considered in Council your Excellency's letter, dated the 5th of May, No. 116 (Finance and Commerce), proposing that certain fees be granted, out of the Sunday Fee fund, to officers and subordinates of the Bombay Customs Department for the performance of extra duties on Sundays and holidays.

2. I do not desire on the present occasion to discuss the propriety of imposing extra taxation on the trade in cases when it may be of importance that work should be undertaken for it on such days. But I believe that the fund to which the dues are credited is only shown in the deposits and does not form part of the revenue of the year, and I am of opinion that the mere existence of such a fund does not form any justification for the increase of the emoluments of the persons employed, and that it is undesirable that any part of their allowances should be excluded from the statement of the expenditure of the year.

3. If, after a consideration of these remarks, your Government desire to propose an increase of the pay on the merits of the case, I have no objection to your doing so.

Read also the following correspondence :—

Letter from the Government of Bengal, dated the 11th May 1897, No. 53 T.F.	
" to the " of Bombay, " 17th June " " 2678 Ex.	
" " " of " " 9th Sept. " " 4051 Ex.	
" from the " of " " 24th Sept. " " 7072.	
" " " of " " 24th March 1898, " 2123.	
" to the " of Madras, " 16th Dec. 1897, " 54 5 Ex.	
" from the " of " " 3rd March 1898, " 1068.	
" " " of Burma, " 20th Sept. 1897, " 422-1—C.—3.	
" " " of " " 20th Nov. " " 621-1—C.—3.	
" to the " of " " 16th Dec. " " 5404 Ex.	
" from the " of " " 30th July 1898, " 575-1—C.—4.	

Resolution.—The orders of the Secretary of State read above have led the Government of India to consider the general question of the grant of fees by Local Governments to officers of Customs establishments, &c., for work done on Sundays and holidays, or for overtime on ordinary working days, in connection with the landing and shipping of goods for which special payments are required from the parties on whose application the work is done, and His Excellency the Governor-General in Council desires to lay down the following instructions for future guidance in dealing with this subject :—

1. The circumstances under which fees for work of this description may be equitably charged to the parties concerned for work done on their application depend largely on the particular circumstances of each port, and the amount and conditions of such fees must be left to the discretion of the Local Governments concerned.

2. But when such fees are levied, the total receipts therefrom and the *per contra* expenditure (including all allowances granted for overtime work in this connection to officers of Government) must be exhibited in the public accounts.

3. In remunerating Customs and other officials for overtime work, on account of which fees have been levied, it must be borne in mind that they have no claim to receive the whole of the fees charged by Government in respect of overtime work. The fees should be regarded as levied in respect of charge of a general character, as well as in respect of special allowances to officers specifically employed on the extra duty. The Governor-General in Council, therefore, desires that the levy of overtime fees, and the payment made therefrom to the officers concerned, shall be so regulated hereafter that the total payments under the latter head shall in no case exceed three-fourths of the corresponding fee receipts.

4. Allowances for overtime work are recurring payments, and cannot therefore, as has been done in some cases, be dealt with under articles 89 and 91, Civil Service Regulations. They fall within the scope of articles 87 and 93; that is, no overtime allowance can be granted to an officer whose salary (including such allowance) would exceed Rs. 3,000 a year without the sanction of the Government of India, while if the limit exceeded is Rs. 5,000, the sanction of the Secretary of State is required—rule III (2) of resolution of this department, No. 916 Ex., dated 4th March 1893. The Government of India request that this limitation be carefully noted in future, and that where it has been hitherto disregarded, the necessary sanction be now obtained.

5. At the same time, the Governor-General in Council considers that, in the case of officers who are of such standing as to require the sanction above referred to, the grant of specific fees for overtime work is a suitable remuneration only in the case of work performed on Sundays and on certain universal business holidays specified in the margin. Overtime work done on other occasions should be held to be covered in such cases by the officer's general salary, and if such overtime work is, taken as a whole, so serious that the present pay of the appointment is held to be inadequate therefor, the Government of India will be ready to consider the question of raising it. Where this latter step is not deemed necessary, but the stoppage of fees would be a material hardship to present incumbents who have for a long while enjoyed them unchallenged, a special allowance (which would cease on the appointment changing hands) would be the proper method of compensation. In any case all increases of salaries, or allowances, granted on account of overtime work for which fees are levied should be shown in the public accounts under a special entry so as to be compared with the fee receipts, and must fall within the maximum limits of three-fourths thereof prescribed in paragraph 3.

6. Specific proposals with reference to paragraphs 3, 4 and 5 above are now invited from the Governments of all Maritime Provinces.

Ordered that a copy of this Resolution be forwarded to the Governments of Bombay, Madras, Bengal and Burma.

(By order.)

(Signed) W. S. MEYER,
Deputy Secretary to the Government of India.

Proceedings, Revenue Department, N. C. 1445 mis, date 22nd April 1899.

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A copy of the Resolution of the Government of India, Financial and Commercial Department, No. 167 Ex., dated 12th January 1899, will be forwarded to the Marine Department for such action as may be necessary.

(True Extract.)

(Signed) G. S. FORBES,
Secretary to Government.

ORDER—No. 391, Marine, dated 5th May 1899.

Communicated to the Presidency Port Officer, who will investigate and report on the question of overtime fees drawn in the Marine Department.

2. It will be observed that the following conditions are now prescribed :—

- (1) The receipts and expenditure must be exhibited in the public accounts.
- (2) The payments on account of overtime should, in no case, exceed three-fourths of the receipts.
- (3) If an officer's emoluments including these fees are over Rs. 3,000 a year, the sanction of the Government of India must be obtained, and if over Rs. 5,000, the sanction of the Secretary of State.
- (4) In the case of officers who come under (3)—
- (a) fees for overtime on ordinary days are not to be allowed;
 - (b) if the overtime is so heavy as to be incommensurate with present salary, the question of increase of salary may be considered;
 - (c) if an increase of salary is inexpedient, a personal allowance, terminable with present incumbents, may be considered.

3. The present fees should be exhibited in the following form:—

(True Extract.)

~~Ref~~ Under Secretary to Government.

To the Presidency Port Officer.
Accountant-General.

Exd. T. K. Narayana Aiyangar.

Circulated to

Communicated to the Presidency
Post office who will investigate
and report on the questions of
overtime fees drawn in the Marine
Department.

2. It will be observed that the following conditions are now prescribed:-

- (1) The receipts and ~~Expenditure~~ must be exhibited in the public accounts
- (2) The payments on account of overtime should in no case exceed three-fourths of the receipts.

(3) If an officer's emoluments including these fees are over Rs 3,000 a year, the Sanction of the Government of India must be obtained, and if over Rs 500

Marine.
Financial (1899) Department.

CURRENT No. 541

From

The Revenue Department.

Order

No. 1445.

Dated 22nd April.

Received

Registered

Enclosures

Spare copies

SUBJECT.

Forwarding to the Marine Department for such action as may be necessary a copy of Government of India Resolution No. 167 of 12th January 1899 regarding payment of maritime fees.

the sanction of the Secretary of State.

(4). In the case of officers who come under (3)

(a) fees for overtime on ordinary days are not to be allowed.

(b) if the overtime is so heavy as to be incommensurate with present salary, the question of increase of salary may be considered.

(c) if an increase of salary is inexpedient, a personal allowance, terminable with present incumbents, may be considered.

3. The present fees should be exhibited in the following form:

1. Name of officer	2. Pay of officer	3. Nature of fee		4. Amount of fee		5. Authority under which levied	6. Remarks
		For leave holidays	For overtime on ordinary days	Portion retained by officer concerned including emoluments regarded as personal allowance.	Portion credited to Government		

R.S.

W.H. 11.1.11

To

The P.O.

" Acctt. Genl.

29/1/11

BACK PAPERS.

G.O.	No.	Department.	Date.
173	Mar 24	299	
167	Mar 27	4 21	
316	Mar 26	8 90	
237	Mar 30	6 20	
192	Mar 17	5 90	
51	Mar 11	2 90	
432	Mar 16	10 89	

FURTHER PAPERS.

G.O.	No.	Department.	Date.

No. 167-Ex.

GOVERNMENT OF INDIA.

FINANCE AND COMMERCE DEPARTMENT.

SALARIES, ESTABLISHMENTS, etc.
Fees.

RESOLUTION.

Calcutta, the 12th January 1899.

READ—

Despatch of 5th August 1897, No. 131 (Revenue) from Secretary of State—
“I have considered in Council Your Excellency's letter, dated the 5th of May, No. 116 (Finance and Commerce), proposing that certain fees be granted, out of the Sunday Fee Fund, to officers and subordinates of the Bombay Customs Department for the performance of extra duties on Sundays and holidays.

“2. I do not desire on the present occasion to discuss the propriety of imposing extra taxation on the trade in cases when it may be of importance that work should be undertaken for it on such days. But I believe that the fund to which the dues are credited is only shown in the deposits and does not form part of the revenue of the year, and I am of opinion that the mere existence of such a fund does not form any justification for the increase of the emoluments of the persons employed, and that it is undesirable that any part of their allowances should be excluded from the statement of the expenditure of the year.

“3. If, after a consideration of these remarks, your Government desire to propose an increase of the pay on the merits of the case, I have no objection to your doing so.”

Read also the following correspondence—

- Letter from the Government of Bengal, No. 53-T. F., dated the 11th May 1897.
- Letter to the Government of Bombay, No. 2678-Ex., dated the 17th June 1897.
- Letter to the Government of Bombay, No. 4051-Ex., dated the 9th September 1897.
- Letter from the Government of Bombay, No. 7072, dated the 24th September 1897.
- Letter from the Government of Bombay, No. 2123, dated the 24th March 1898.
- Letter to the Government of Madras, No. 5465-Ex., dated the 16th December 1897.
- Letter to the Government of Madras, No. 1068, dated the 3rd March 1898.
- Letter from the Government of Burma, No. 422-1-C.—3, dated the 20th September 1897.
- Letter from the Government of Burma, No. 621-1-C.—3, dated the 20th November 1897.
- Letter to the Government of Burma, No. 5404-Ex., dated the 16th December 1897.
- Letter from the Government of Burma, No. 575-1-C.—4, dated the 30th July 1898.

RESOLUTION.—The orders of the Secretary of State read above have led the Government of India to consider the general question of the grant of fees by Local Governments to officers of Customs establishments, etc., for work done on Sundays and holidays, or for overtime on ordinary working days, in connection with the landing and shipping of goods for which special payments are required from the parties on whose application the work is done, and His Excellency the Governor-General in Council desires to lay down the following instructions for future guidance in dealing with this subject:—

1. The circumstances under which fees for work of this description may be equitably charged to the parties concerned for work done on their application depend largely on the particular circumstances of each port, and the amount and conditions of such fees must be left to the discretion of the Local Governments concerned.

2. But when such fees are levied, the total receipts therefrom and the *per contra* expenditure (including all allowances granted for overtime work in this connection to officers of Government) must be exhibited in the public accounts.

3. In remunerating Customs and other officials for overtime work, on account of which fees have been levied, it must be borne in mind that they have no claim to receive the whole of the fees charged by Government in respect of overtime work. The fees should be regarded as levied in respect of charge of a general character, as well as in respect of special allowances to officers specifically employed on the extra duty. The Governor General in Council, therefore, desires that the levy of overtime fees, and the payment made therefrom to the officers concerned, shall be so regulated hereafter that the total payments under the latter head shall in no case exceed three-fourths of the corresponding fee receipts.

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5. At the same time, the Governor General in Council considers that, in the case of officers who are of such standing as to require the sanction above referred to, the grant of specific fees for overtime work is a suitable remuneration only in the case of work performed on Sundays and on certain universal business holidays specified in the margin.

The Queen's Birthday.
New Year's Day.
Good Friday.
Xmas Day and any other day specially declared by the Government of India to be a general holiday.

Overtime work done on other occasions should be held to be covered in such cases by the officer's general salary, and if such overtime work is, taken as a whole, so serious that the present pay of the appointment is held to be inadequate therefor, the Government of India will be ready to consider the question of raising it. Where this latter step is not deemed necessary, but the stoppage of fees would be a material hardship to present incumbents who have for a long while enjoyed them unchallenged, a special allowance (which would cease on the appointment changing hands) would be the proper method of compensation. In any case all increases of salaries, or allowances, granted on account of overtime work for which fees are levied should be shewn in the public accounts under a special entry so as to be compared with the fee receipts, and must fall within the maximum limits of three-fourths thereof prescribed in paragraph 3.

6. Specific proposals with reference to paragraphs 3, 4 and 5 above are now invited from the Governments of all Maritime Provinces.

Ordered that a copy of this Resolution be forwarded to the Governments of Bombay, Madras, Bengal and Burma.

By order,

W. S. MEYER,

Deputy Secretary to the Government of India.

*vide para 5
G.O. 31 mar 93
11-2-93*

*Printed in
G.O. 336 211
29.3.93*

344
2011-20-1150/99
GOVERNMENT OF INDIA.

Finance and Commerce Department.

SALARIES, ESTABLISHMENTS, etc.
Fees.

RESOLUTION.

To

No. 167-Ex.

Dated Calcutta, the 12th January 1899.

Mar 54/1/99
Payment of fees by the Local Governments to Officers of the Customs and connected establishments for work done on Sundays and holidays or out of office hours on ordinary working days.

PROCEEDINGS OF THE MADRAS GOVERNMENT

Read

18 28
Order thereon G.O. Misc. No. 1445 dated 22nd April 1899.

A copy of the Resolution of the Government of India, Financial and Commercial Department No. 167 Ex dated 12th January 1899 will be forwarded to the Marine Department for such action as may be necessary.

(True Extract).

Secretary to Government.

To

The Marine Department, with copy of Government of India Resolution No. 167 Ex dated 12th January 1899.

