

<i>Recd.</i>	} 1899.	<i>Enclosures</i>
<i>Regd.</i>		<i>Spare copies</i>

G.O., No. 469, 31st May 1899.

MAY.

Indian Ports Act, 1889 (X of 1889)

Letter from the Government of India offering remarks on certain amendments proposed in the —, communicated to the Presidency Port Officer, with directions to draw up, in communication with the Government Solicitor, the requisite amendments of the boat rules for the approval of Government.

GOVERNMENT OF MADRAS.

MARINE DEPARTMENT.

READ—the following paper:—

From J. F. FINLAY, Esq., Secretary to the Government of India, Finance and Commerce Department (Statistics and Commerce—Commerce and Trade—Ports and Port Dues), to the Secretary to the Government of Madras, Marine Department, dated Simla, 5th May 1899, No. 2035-S.R.

I am directed to refer to the correspondence ending with your letter, No. 204-A., Marine, dated 4th March 1899, regarding the proposed amendment of the Indian Ports Act, 1889 (X of 1889) so as to empower Local Governments to frame rules under that Act for,

- (i) compelling cargo boats to ply for hire;
- (ii) fixing rates of hire; and
- (iii) imposing penalties for infractions of the rules.

2. The Government of India have learnt that the inconvenience, to avoid which the amendment of the Act is proposed, has not been felt in any other maritime province. They have, however, given the suggestion of the Government of Madras their careful consideration, and are of opinion that the power conferred by section 6 (i) (k) of the Act to make rules for the licensing and regulating of catamarans and other boats plying for hire may fairly be held to include rules fixing the rates of hire; and that refusal to ply, on the part of a boat licensed to ply regularly for hire, can be met by the simple process of making the license cancellable if the holder at any reasonable time, or without reasonable excuse, refuses to ply for hire.

3. This opinion only refers to the case of boats regularly plying for hire. Section 6 (i) (k) of the Act contemplates three classes of boats, namely (1) those regularly plying for hire, (2) those only occasionally so plying, and (3) those not so plying. Under the section the Local Government may require all these classes of boats to be licensed and regulated; but the condition above suggested could only be imposed in the case of boats of the first class, and it would be unreasonable to impose such a condition in the licenses of the other classes of boats which only occasionally ply for hire or do not so ply. It is understood, however, that it is only in respect of boats of the first class that it is desired to obtain the power to compel them to ply; and I am to suggest that, with the permission of His Excellency the Governor in Council, the matter may be dealt with accordingly.

ORDER—No. 469, Marine, dated 31st May 1899.

Communicated to the Presidency Port officer, with reference to the undermentioned orders:—

G.O., No. 532, Marine, dated 14th June 1897.
 " No. 98, " " 7th February 1898.
 " No. 522, " " 18th June 1898.

2. The requisite amendments of the boat rules should now be drawn up, in communication with the Government Solicitor, and submitted for the approval of Government.

(True Extract.)

Under Secretary to Government.

To the Presidency Port Officer.

" Government Solicitor, with copies of G.O., No. 532, Marine,
 dated 14th June 1897, and G.O., No. 98, Marine,
 dated 7th February 1898.

" Revenue Department.

Exd. Md. Pahlwan.

(1899) Department.

CURRENT No. 626.

Communicated
 to the Presidency Port officer
 with reference to the under-
 mentioned orders.

G.O. 98 Marine, d/7 Feb 1898.
 " 522 — " — " 18 June — "
 " 532 — " — " 14 June 1897

From—
 The Govt of India
 File V
 File W

2. The requisite amend-
 ments of the boat rules should
 now be drawn up, in commu-
 nication with the Govt. Solicitor,
 and submitted for the app-
 roval of Government.

No. 2035 S.R.

Received

Registered

Enclosures

Spare copies 7

The P.P.O. ✓
 " Govt. Solicitor with copies of
 " 532 Marine d/14 June 97
 " 98 — " — " 7 Feb 98.
 " Rev. Dept.

SUBJECT

Indian Ports Act 1889
 offering amendments
 Certain proposed amendments by the

H. 25/5. R. 3/5.

P. W. 29.
 1,000—5-9-98.

3/6/99

BACK PAPERS.

G.O.	No.	Department.	Date.
204-204A	9	6-3-59	
522	mar 9	18-6-58	
265	mar 9	2-4-58	
98-59	mar 9	7-2-58	
53	2 mar 9	14-6-57	
72	mar 9	26-1-57	

FURTHER PAPERS.

No. 2035-S. R.

GOVERNMENT OF INDIA.

FINANCE AND COMMERCE DEPARTMENT.

STATISTICS AND COMMERCE.
Commerce and Trade.
Ports and Port dues.

To

THE SECRETARY TO THE GOVERNMENT OF MADRAS,
MARINE DEPARTMENT.

Simla, 5th May 1899.

SIR,

SIR,

I am directed to refer to the correspondence ending with your letter No. 204-A., Marine, dated 4th March 1899, regarding the proposed amendment of the Indian Ports Act, 1889 (X of 1889) so as to empower Local Governments to frame rules under that Act for,

- (i) Compelling cargo boats to ply for hire;
- (ii) fixing rates of hire; and
- (iii) imposing penalties for infractions of the rules.

2. The Government of India have learnt that the inconvenience, to avoid which the amendment of the Act is proposed, has not been felt in any other maritime province. They have, however, given the suggestion of the Government of Madras their careful consideration, and are of opinion that the power conferred by section 6 (i) (k) of the Act, to make rules for the licensing and regulating of catamarans and other boats plying for hire may fairly be held to include rules fixing the rates of hire; and that refusal to ply, on the part of a boat licensed to ply regularly for hire, can be met by the simple process of making the license cancellable if the holder at any reasonable time, or without reasonable excuse, refuses to ply for hire.

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above suggested could only be imposed in the case of boats of the first class, and it would be unreasonable to impose such a condition in the licenses of the other classes of boats which only occasionally ply for hire or do not so ply. It is understood, however, that it is only in respect of boats of the first class that it is desired to obtain the power to compel them to ply; and I am to suggest that, with the permission of His Excellency the Governor in Council, the matter may be dealt with accordingly.

I have the honour to be,

SIR,

Your most obedient Servant,

H. M. L.
Secretary to the Government of India.

3/6/99

GOVERNMENT OF INDIA.
FINANCE AND COMMERCE
DEPARTMENT.

STATISTICS AND COMMERCE.
Commerce and Trade.
Ports and Port dues.

To

THE SECRETARY TO THE GOVERNMENT OF
MADRAS, MARINE DEPARTMENT.

No. 2035-S. R.

Dated Simla, the 5th May 1899.

Communicates orders on the proposed amendment of the Indian Ports Act 1889 (X of 1889) so as to empower Local Governments to frame rules for, (1) compelling cargo boats to ply for hire, (2) fixing rates of hire, and (3) imposing penalties for infractions of those rules.

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3/6/99