

BACK PAPERS.

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

FURTHER PAPERS.

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

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2/10/11

How many by coding {
Order.
Letter.

Government of Madras.

MARINE DEPARTMENT.

Recd.

Regd.

} 1910.

Enclosures

Spare copies

G.O., No. 253, 17th August 1910.

NP

ORIGINAL.

Landing and Shipping Fees Committees.

Approving the recommendation of the Presidency Port Officer regarding the powers and functions of — in respect of the funds entrusted to their management.

No. 253, MARINE, 17TH AUGUST 1910.

GOVERNMENT OF MADRAS.

MARINE DEPARTMENT.

READ—the following papers :—

I

G.O., No. 11, Marine, dated 15th January 1894.

Read—the following paper :—

Letter—from Commander H. A. STREET, R.I.M., Acting Presidency Port Officer, Madras.
To—the Chief Secretary to Government.
Dated—the 22nd December 1893.
No.—1677/418-G.

With reference to G.O., No. 427, dated 5th December 1893, I have the honour to beg that it may be pointed out to the Government that as under G.O., No. 446, dated 21st October 1889, no expenditure can take place without the previous sanction of the Presidency Port Officer, that officer apparently has the authority to enable him to refuse sanction to any proposal from the Landing and Shipping Dues Committee which, in his opinion, might be unnecessary or cause the balance lying to the credit of Landing and Shipping Dues of a port to be decreased to an extent which would not leave a sufficient balance to meet emergencies. I would therefore ask, in case this check on expenditure should have been overlooked, whether under the circumstances as now represented the Rs. 500 limit should be withdrawn from Vizagapatam and the ports other than Cocanada and Negapatam restricted to a lower expenditure.

2. I would further point out that much delay would probably be caused in carrying out urgent works or repairs costing less than Rs. 500 if the Government has to be addressed on each occasion.

Order—No. 11, Marine, dated 15th January 1894.

In supersession of G.O., No. 427, dated 5th December 1893, the Government sanctions the powers of expenditure asked for by the Presidency Port Officer in his letter No. 1463/375, of the 22nd November 1893, subject to the stipulations in G.O., No. 446, dated 21st October 1889.

(True Extract.)

J. F. PRICE,
Chief Secretary.

To the Presidency Port Officer.
,, Accountant-General.

II

G.O., No. 502, Marine, dated 17th December 1906.

ABSTRACT.—Issuing instructions in connection with the preparation of the budget estimates of Port and Marine Funds and the powers of sanction to expenditure and of re-appropriation possessed by the controlling authorities of those funds.

III

G.O., No. 330, Marine, dated 16th August 1907.

ABSTRACT.—Passing orders on the question of the constitution of Landing and Shipping Fees Committees.

No. 253, MARINE, 17TH AUGUST 1910.

IV

Letter—from M. AZIZ-UD-DIN SAHIB Bahadur, Khan Bahadur, President, Landing and Shipping Dues Committee, Mangalore.
To—the Chief Secretary to Government (through the Presidency Port Officer, Madras).
Dated—Camp, Kaup, the 5th May 1910.
No.—Dis. 241 R. Rev.

At the instance of the Landing and Shipping Dues Committee of the Port of Mangalore, I have the honour to request that the Government may be pleased to frame, in consultation with the Presidency Port Officer, definite rules defining the spending and other powers of the Committee in respect of the Landing and Shipping Dues Fund. At present the rules framed for the observance of the Committee are those published in Notification C in G.O., Nos. 296, 297, Marine, dated 17th August 1892, but they do not specify—

(1) Whether the sanction of the Committee is necessary when expenditure is incurred by the Port authorities from the above fund.

(2) Whether the Port authorities should consult the Committee before budgeting any expenditure against the Landing and Shipping Fund.

2. The absence of some provision in the rules regulating the above matters has led to confusion and caused some friction to the Committee as there have been several instances in which the Committee was not consulted before proposals were submitted to Government by the Port authorities to incur expenditure against the Landing and Shipping Dues Fund.

3. The control of the Fund, no doubt, rests with Government but the Committee has throughout been under the impression that it is entitled to consider the necessity or otherwise of any expenditure which the Port authorities may propose to incur against the Fund before the submission of the proposals to Government.

V

Endt. No. 1463/143-G., dated 13th May 1910.

Forwarded.

2. The rules published in Notification C in G.O., No. 296, Marine, dated 17th August 1892, relate to the procedure for the shipment or landing of goods and payment of dues thereon.

3. Under existing orders of Government, No. 11, Marine, dated 15th January 1894, the Landing and Shipping Fees Committee at Mangalore can incur expenditure on works up to a limit of Rs. 500 for each work with the previous sanction of the Presidency Port Officer.

4. As regards information required by the Collector in paragraph 1 (1) and (2) of his letter, I would recommend, that the following rules be laid down for the information and guidance of the Landing and Shipping Fees Committee :—

(1) that any expenditure proposed to be incurred by the Port authorities against the Landing and Shipping Fund shall receive the previous approval of the Landing and Shipping Fees Committee;

(2) that the Landing and Shipping Fees Committee should be consulted for provision in the budget estimates of items of expenditure against the Landing and Shipping Fund; also

(3) that the Landing and Shipping Fees Committee may incur contingent charges within the sanctioned allotments for the year, provided their doing so is consistent with the orders of Government for the time being in force relating to any special items of expenditure;

(4) that the Landing and Shipping Fees Committee may sanction refunds of Landing and Shipping fees if they are satisfied that the refunds claimed are in order.

5. I do not consider any other ruling is necessary to define the spending and other powers of the Committee.

H. S. BROWN,
Offg. Presidency Port Officer.

Order—No. 253, Marine, dated 17th August 1910.

The Government accept the Presidency Port Officer's recommendation regarding the powers and functions of Landing and Shipping Fees Committees in respect of the funds entrusted to their management. His suggestions are embodied in the rules which are annexed to these proceedings.

2. The Government, however, reserve to themselves the power of overriding any resolution of a Landing and Shipping Fees Committee on good cause shown.

(True Extract.)

W. S. MEYER,
Chief Secretary.

To the Presidency Port Officer.
„ Collector of South Canara.
„ other Collectors of Maritime districts.
„ Accountant-General.

APPENDIX.

Rules regulating the functions of Landing and Shipping Fees Committees in respect of the funds entrusted to their management.

1. Any expenditure proposed to be incurred by the port authorities against the Landing and Shipping Fund should be referred for concurrence to the Landing and Shipping Fees Committee.
2. The Landing and Shipping Fees Committee should be consulted as regards provision in the budget estimates of items of expenditure against the Landing and Shipping Fund.
3. The Landing and Shipping Fees Committee may incur contingent charges within the sanctioned allotments for the year, provided their doing so is consistent with the orders of Government for the time being in force relating to any special items of expenditure.
4. The Landing and Shipping Fees Committee may sanction refunds of Landing and Shipping fees if they are satisfied that the refunds claimed are in order.

NOTES.

[SUBJECT.—Financial powers of Landing and Shipping Fees Committees.]

From the President, Landing and Shipping Fees Committee of the Mangalore Port, dated 5th May 1910, No. 241 R.

[Endorsement of the Presidency Port Officer, dated 13th May 1910, No. 1463/143-G.]

Under Secretary—

Before dealing with the question raised in the current read above it is necessary to give here a short history regarding the status of the Landing and Shipping Fees Committees.

2. The Madras Outports Landing and Shipping Fees Act (III of 1885, Madras) has been introduced at the following ports, viz. (1) Vizagapatam, (2) Cocanada, (3) Masulipatam, (4) Cuddalore, (5) Negapatam, (6) Adirampatnam, (7) Tuticorin, (8) Calicut, (9) Ponnani, (10) Mangalore and (11) Hangarakota.

3. Section 7 of the Act requires the Governor in Council "to appoint an officer of Government to levy and receive all fees payable under the Act and to pay the same into the treasury and keep such accounts as the Government may from time to time prescribe" Nothing is said, however, about the appointment of committees to administer funds.

4. It may be mentioned here that the first body like Landing and Shipping Fees Committee was appointed at Cocanada in G.O., No. 176, Financial, dated 29th January 1883. The idea would appear to have originated with the Presidency Port Officer's suggestion in 1882 to invite the co-operation of merchants with the Port officer in carrying out the improvements at Cocanada. The committee held that it was constituted a board of harbour trustees having entire control of the funds raised by dues on goods levied to defray the interest of the money sanctioned by Government for port improvements. It claimed also control over the action and duties of the Port officer. The Government disabused the committee of its wrong impression and expressly laid down that it was appointed as a consultative committee and that there was no intention of handing over to it for expenditure, the funds provided by Government for improvement of the port and that the Port officer was no subordinate of the committee. The intention was that the committee should co-operate with the Marine department and the Port officer in effecting improvements to the Government.

G.O., 557, Marine, 21st December 1885.

5. In 1890 on the representation of the Groynes Committee the Government decided to constitute a Board of Port Conservancy for the Gódvári district in exercise of the powers conferred by sections 7 and 36 of the Indian Ports Act with effect from 1st June 1890.

G.Os., 56, Marine, 13th February 1890 and 496-7, Marine, 21st May 1890.

6. In 1898 after a good deal of correspondence relating to the powers and responsibilities of the Gódvári District Ports Conservancy Board in regard to which there was some misapprehension the Board having become *functus officio*, the Government created a conservancy board for the port of Cocanada. The supervision of landing and shipping fees affairs was also entrusted to this board but the duty of collecting fees and keeping accounts being by law vested in an officer of Government remained with the Collector.

G.O., 255, Marine, 4th April 1898.

7. In 1893 the Government laid down explicitly that all fees levied under the Madras Outports Landing and Shipping Fees Act, 1885, are under section 7 of the Act the property of Government and that the ordinary rules regulating the expenditure of public funds apply to them.

G.O., 386, Marine, 2nd November 1893.

8. An examination of the older orders shows that certain specific delegations have been made to Landing and Shipping Fees Committees in past years—

(a) By G.O., No. 446, Marine, dated 21st October 1889, the Presidency Port Officer was authorised to sanction expenditure from the Landing and Shipping fund, Negapatam, to the extent of Rs. 500 in each case. Expenditure over this amount as well as increase of establishment should receive the sanction of Government.

(b) The Górávari Ports Conservancy Board was authorised to sanction expenditure up to a limit of Rs. 500 without the previous approval of Government.

(c) In Vizagapatam the Landing and Shipping Fees Committee was authorised to spend from the fees an amount not exceeding Rs. 500 in any one month on all port improvements subject to the approval of the Presidency Port Officer. But by G.O., No. 427, Marine, dated 5th December 1893, the committee was deprived of this power.

9. Under G.O., No. 11, Marine, dated 15th January 1894, all Landing and Shipping Committees were authorised to spend from landing and shipping fees up to a limit of Rs. 500, subject to the stipulation that expenditure in excess of the amount and increase of establishment being subject to the sanction of Government.

10. From the above it is seen that there has been no uniformity in the status given to these committees. The Government have in some cases appointed committees to administer funds while in others they have been stated to be "committees of management."

11. The financial powers that were given in the past to certain committees have all been withdrawn by implication by G.O., No. 502, Marine, dated 17th October 1906.

12. From the foregoing facts it will be seen that the Landing and Shipping Fees Committees have no legal status. They are not appointed under any law but by merely executive orders of Government. They can therefore exercise no control over funds. They are merely advisory bodies whom the Government employ to assist them in managing landing and shipping fees to the best advantage.

13. It may also be mentioned here that in 1902-1903 the Government had under contemplation the introduction of a Landing and Shipping Fees Bill under which these committees were to be vested with larger powers. The idea was dropped.

14. In the papers under consideration it is proposed to give the Landing and Shipping Dues committee of the port of Mangalore certain financial powers. It is for consideration whether in view of the opinions already expressed on the subject it is necessary to consider the present proposals.

S.P.—9-6-10.

Chief Secretary—

Landing and Shipping Fees Committees, as pointed out, are merely advisory bodies appointed by Government to assist them in the management of certain revenues. They seem however in the past to have been delegated certain powers of expenditure. Under G.O., No. 11, Marine, dated 15th January 1894, the Mangalore Landing and Shipping Committee among others would seem to have been given the power of incurring expenditure up to a limit of Rs. 500 for each work with the previous sanction of the Presidency Port Officer.

2. It does not appear that paragraph 5 of G.O., No. 502, Marine, dated 17th October 1906, contemplated the abolition of these powers. The words "in supersession of all previous orders on the subject," seem to imply "orders with regard to the powers of the Madras Port Trust Board and the Presidency Port Officer."

3. If this view is correct and the limited powers conferred on Landing and Shipping Fees Committees by G.O., No. 11, Marine, dated 15th January 1894, are still exercised, it is a question whether in view of the committee's legal status or more correctly the absence of it, the conferment of those powers should not be held to be null and void.

The Government have a perfect right to delegate powers to such bodies if they so choose.

W. S. MEYER.

G.O., 365, Marine, 18th October 1890.

G.O., 141, Marine, 15th April 1891.

Para. 2, on page 20 of the notes to G.O., 8, Marine, 9th January 1904 and notes to G.O., 346, Marine, 26th August 1904. (Under Secretary's note, 19th August 1904, page 3.)

G.O., 91, Marine, 3rd February 1902.

G.O., 430, Marine, 17th October 1903.

4. With regard to the questions asked by the Collector in paragraph i of his letter, I submit (1) that the previous sanction of the Landing and Shipping Fees Committee is not necessary when expenditure is incurred by the port authorities from the Landing and Shipping fund, though the latter would do well to ascertain the committee's views in regard to such expenditure before incurring it and (2) that the committee should be consulted in regard to the budget estimates in respect of items which are charges against Landing and Shipping funds.

J. W. BHOKE—17-6-10.

Honourable Member—

It is desirable that these Landing and Shipping Fees Committees should be allowed some powers. Otherwise they will be regarded as a farce, and we shall not get the best local men. I would accept the suggestions made by the Presidency Port Officer as to the functions of these bodies, with the red ink alteration I have made in his clause (1). I would also add a proviso that the Government reserve to themselves the power of overriding any resolution of a Landing and Shipping Fees Committee on good cause shown.

W. S. MEYER—21-6-10.

I agree with the Chief Secretary.

V. S. RANGA RAO—28-6-10.

Under Secretary—

A draft order is submitted for approval. It is apparently intended to make the instructions of general application. The draft, if approved, may be forwarded to Financial (Marine) for acceptance before issue.

K.P.A.—8-7-10.

Chief Secretary through Financial (Marine).

J.W.B.—12-7-10.

FINANCIAL DEPARTMENT.

The question of the status of Landing and Shipping Committees has been examined in the office-note, dated the 10th June 1907, on pages 3-22 of the notes to G.O., No. 330, Marine, dated the 16th August 1907. Please see also paragraph 5 of the office-note, dated the 4th June 1906, on page 5 of the notes to G.O., No. 502, Marine, dated the 17th October 1906. There has been no uniformity in the matter of the constitution or the powers delegated to the committees. They have no legal status and they are brought into being by executive orders. The committees can exercise no control over funds unless and until Government authorise them in that behalf.

2. Government Order, No. 11, Marine, dated the 15th January 1884, empowered Landing and Shipping Committees to incur expenditure on works up to a limit of Rs. 500 for each work with the previous sanction of the Presidency Port Officer. This power was by implication withdrawn by G.O., No. 502, Marine, dated the 17th October 1906. There is no express mention of the withdrawal of these powers in the Government Order.

3. The draft rules for regulating the functions of Landing and Shipping Fees Committees in respect of funds propose to empower the committee to incur contingent expenditure and to sanction refunds of fees. The committees are to be consulted by the port authorities in the matter of expenditure and budget provision.

4. There is no account objection to the draft rules. For the expenditure entrusted to the committees will be regulated by the prescribed rules. For example the Madras Port Trust Board administers the Madras Port fund—a Government fund—on behalf of Government. The draft order may be accepted. The Accountant-General may perhaps see the draft order before it issues.

T.H.R.—14-7-10.

Chief Secretary—

C. REILLY—16-7-10.

W.S.M.—18-7-10.

ACCOUNTANT-GENERAL'S OFFICE.

In rule 3 of the proposed rules given in the appendix to the draft Government Order under discussion, the Landing and Shipping Fees Committee are given authority to incur contingent expenditure within the sanctioned allotment for the year. In paragraph 5 (i) of G.O., No. 502, Marine, dated 17th October 1906, the Presidency Port Officer is given authority to sanction petty contingent expenditure up to Rs. 200 in amount from any Landing and Shipping Fees fund. It is not known whether it is the intention of Government that this dual control of the contingent expenditure in question should exist.

2. The draft Government Order and appendix are unobjectionable from an audit point of view.

A. NEWMARCH.

FINANCIAL DEPARTMENT.

Under G.O., No. 502, Marine, dated the 17th October 1906, Landing and Shipping Committees had no power to expend money. The Presidency Port Officer had authority to sanction expenditure on contingencies up to Rs. 200. It is now proposed to invest Landing and Shipping Committees with power to incur expenditure. The first rule in the draft rules states that any expenditure proposed to be incurred by the port authorities against the Landing and Shipping fund should be referred for concurrence to the committee. If the Presidency Port Officer proposes to incur any expenditure he will consult the committee, and the Government do not it appears, contemplate a dual control. Where, however, there is no committee the Presidency Port Officer will himself sanction expenditure from the Landing and Shipping fund. G.O., No. 502, Marine, dated the 17th October 1906, having been read at the head of the draft Government Order nothing more need be done.

2. The order may now issue in Marine.

T.H.R.—2-8-10.

Chief Secretary—

C.R.—10—4-10.

MARINE DEPARTMENT.

Issue.

W.S.M.—15-8-10.

[G.O., No. 253, Marine, dated 17th August 1910.]

[G.O.]
10,000-17-13

Marine DEPARTMENT.

(Abs) Landing & Shipping Fees Committee -

READ

Approving the instructions proposed by the P.P.O. regulating the functions of Landing & Shipping Fees Committees in respect of the funds entrusted to their management.

I

C.P.O. No. 11 Mar. 9 15. 1-94 (a)

330 16.8.07 (4)
502 17-10.06

III [C.No. 577] from the C.O.W. & President, L&S. Fees Committee,

Mangalore, No. 241 R/Rev. 9.5.10 (a)

IV

Encl. of the P.P.O. No. 1463/143 G 9/13.5.10.

ORDER No. 253, dated 17.8.1910.

P.S.

The Govt. accept the P.P.O.'s recommendation and ~~approve the instructions proposed by him regulating the powers of the functions of Landing and Shipping Fees Committees in respect of the funds entrusted to their management.~~ His suggestions are embodied in the ~~Instructions, slightly~~ rules which ~~are~~ are annexed to these proceedings.

2. The Govt., however, reserve to themselves the power of overriding any

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resolution of a Landing
and Shipping Fees Committee
on good cause shown.

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To

The P.P.O. ✓

- .. C.W. of South Canara. ✓
- .. Other Colls of Maritime Dis. ✓
- .. Act. Genl ✓

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Twinmally & Wagg
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[Appendix]

P.T.O

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Appendix

Rules regulating the functions of Landing & Shipping Fees Committee in respect of the funds entrusted to their management.

1. Any expenditure proposed to be incurred by the Port Authorities against the Landing & Shipping fund ^{and} shall be referred for concurrence to the Landing & Shipping Fees Committee.

2. The Landing and Shipping Fees Committee should be consulted ^{suggested} for provision in the budget estimates of items of expenditure against the Landing & Shipping fund.

3. The Landing & Shipping ^{Committee} fees, may incur contingent charges within the sanctioned allotments for the year, provided their doing so is consistent with the orders of Govt. for the time being in force relating to any special items of expenditure.

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4. The Landing and Shipping Fee Committee may sanction refunds of Landing and Shipping Fees if they are satisfied that the refunds claimed are in order.

Wm

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No. 253, MARINE, 17TH AUGUST 1910.
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MARINE DEPARTMENT.

17/10
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To—the Chief Secretary to Government.

Dated—the 22nd December 1893.

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(True Extract.)

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To—the Chief Secretary to Government (through the Presidency Port Officer, Madras).

Dated—Camp, Kaup, the 5th May 1910.

No.—Dis. 241 R. Rev.

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(1) Whether the sanction of the Committee is necessary when expenditure is incurred by the Port authorities from the above fund.

(2) Whether the Port authorities should consult the Committee before budgeting any expenditure against the Landing and Shipping Fund.

2. The absence of some provision in the rules regulating the above matters has led to confusion and caused some friction to the Committee as there have been several instances in which the Committee was not consulted before proposals were submitted to Government by the Port authorities to incur expenditure against the Landing and Shipping Dues Fund.

3. The control of the Fund, no doubt, rests with Government but the Committee has throughout been under the impression that it is entitled to consider the necessity or otherwise of any expenditure which the Port authorities may propose to incur against the Fund before the submission of the proposals to Government.

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3. Under existing orders of Government, No. 11, Marine, dated 15th January 1894, the Landing and Shipping Fees Committee at Mangalore can incur expenditure on works up to a limit of Rs. 500 for each work with the previous sanction of the Presidency Port Officer.

4. As regards information required by the Collector in paragraph 1 (1) and (2) of his letter, I would recommend, that the following rules be laid down for the information and guidance of the Landing and Shipping Fees Committee:—

(1) that any expenditure proposed to be incurred by the Port authorities against the Landing and Shipping Fund shall be referred for concurrence to the Landing and Shipping Fees Committee;

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(True Extract.)

W. S. MEYER,
Chief Secretary.

To the Presidency Port Officer.
Collector of South Canara.
Other Collectors of Maritime districts.
Accountant-General.

Forwarded to

(By Order.)

Registrar,
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Chief Secretary.

To the Presidency Port Officer.
Collector of South Canara.
Other Collectors of Maritime districts.
Accountant-General.

Forwarded to

(By Order.)

Registrar,
Local and Muni. Dept.

[Appendix.

APPENDIX.

Rules regulating the functions of Landing and Shipping Fees Committees in respect of the funds entrusted to their management.

1. Any expenditure proposed to be incurred by the port authorities against the Landing and Shipping Fund should be referred for concurrence to the Landing and Shipping Fees Committee.
2. The Landing and Shipping Fees Committee should be consulted as regards provision in the budget estimates of items of expenditure against the Landing and Shipping Fund.
3. The Landing and Shipping Fees Committee may incur contingent charges within the sanctioned allotments for the year, provided their doing so is consistent with the orders of Government for the time being in force relating to any special items of expenditure.
4. The Landing and Shipping Fees Committee may sanction refunds of Landing and Shipping fees if they are satisfied that the refunds claimed are in order.

Pelcomets
24-8-10.

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Order No. 283, Marine, dated 13th August 1910.
The Government accept the Presidency Port Officer's recommendation regarding the powers and functions of Landing and Shipping Fees Committees in respect of the funds entrusted to their management. His suggestions are embodied in the rules which are annexed to these proposals.

W. B. M. V.
Chief Secretary

To the President of the Landing and Shipping Fees Committee, Mangalore Port, dated 13th August 1910.

Local and Marine Dept.

APPENDIX

1. The Landing and Shipping Fees Committee should be constituted as regards provision in the budget estimates of the Government against the Landing and Shipping Fees Committee. The Landing and Shipping Fees Committee may incur contingent charges within the annual allocation for the year provided that being as is consistent with the order of Government for the time being in force relating to any special form of expenditure.

G.O. No. 253, 13th August 1910.

2. The Landing and Shipping Fees Committee should be constituted as regards provision in the budget estimates of the Government against the Landing and Shipping Fees Committee.

G.O., 557, Marine, 21st December 1885.

G.O., 56, Marine, 13th February 1890 and 196-7, Marine, 21st May 1890.

G.O., 255, Marine, 4th April 1898.

G.O., 386, Marine, 2nd November 1893.

G.O., 365, Marine, 18th October 1890.

expenditure

MARINE DEPARTMENT.

NOTES.

[SUBJECT.—Financial powers of the Landing and Shipping Fees Committee of the port of Mangalore.]

[From the President, Landing and Shipping Fees Committee of the Mangalore Port, dated 5th May 1910, No. 241 R.]

[Endorsement of the Presidency Port Officer, dated 13th May 1910, No. 1463/143-G.]

Under Secretary—

Before dealing with the question raised in the current read above it is necessary to give here a short history regarding the status of the Landing and Shipping Fees Committees.

2. The Madras Outports Landing and Shipping Fees Act (III of 1885, Madras) has been introduced at the following ports, viz. (1) Vizagapatam, (2) Cocanada, (3) Masulipatam, (4) Cuddalore, (5) Porto Novo, (6) Negapatam, (7) Adirampatnam, (8) Tuticorin, (9) Calicut, (10) Ponnani, (11) Mangalore and (12) Hangarakota.

3. Section 7 of the Act requires the Governor in Council "to appoint an officer of Government to levy and receive all fees payable under the Act and to pay the same into the treasury and keep such accounts as the Government may from time to time prescribe Nothing is said, however, about the appointment of committees to administer funds.

4. It may be mentioned here that the first body like Landing and Shipping Fees Committee was appointed at Cocanada in G.O. No. 176, Financial, dated 29th January 1883. The idea would appear to have originated with the Presidency Port Officer's suggestion in 1882 to invite the co-operation of merchants with the Port officer in carrying out the improvements at Cocanada. The committee held that it was constituted a board of harbour trustees having entire control of the funds raised by dues on goods levied to defray the interest of the money sanctioned by Government for port improvements. It claimed also control over the action and duties of the Port officer. The Government disabused the committee of its wrong impression and expressly laid down that it was appointed as a consultative committee and that there was no intention of handing over to it for expenditure the funds provided by Government for improvement of the port and that the Port officer was no subordinate of the committee. The intention was that the committee should co-operate with the Marine department and the Port officer in effecting improvements to the Government.

5. In 1890 on the representation of the Groyne Committee the Government decided to constitute a Board of Port Conservancy for the Gódvári district in exercise of the powers conferred by sections 7 and 36 of the Indian Ports Act with effect from 1st June 1890.

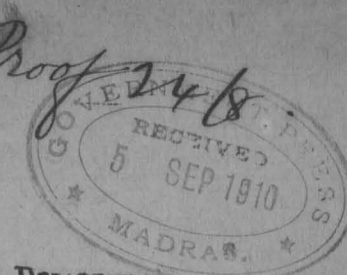
6. In 1898 after a good deal of correspondence relating to the powers and responsibilities of the Gódvári District Ports Conservancy Board in regard to which there was some misapprehension the Board having become *functus officio* the Government created a conservancy board for the port of Cocanada. The supervision of landing and shipping fees affairs was also entrusted to his board but the duty of collecting fees and keeping accounts being by law vested in an officer of Government remained with the Collector.

7. In 1893 the Government laid down explicitly that all fees levied under the Madras Outports Landing and Shipping Fees Act, 1885, are under section 7 of the Act the property of Government and that the ordinary rules regulating the expenditure of public funds apply to them.

8. An examination of the older orders shows that certain specific delegations have been made to Landing and Shipping Fees Committees in past years—

(a) By G.O. No. 446, Marine, dated 21st October 1889, the Presidency Port Officer was authorised to sanction from the Landing and Shipping fund, Negapatam, to the extent of Rs. 500 in each case. Expenditure over this amount as well as increase of establishment should receive the sanction of Government.

(b) The Gódvári Ports Conservancy Board was authorised to sanction expenditure up to a limit of Rs. 500 without the previous approval of Government.



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G.O., 141, Marine, 15th April 1891.

Para. 2 on page 20 of the notes to G.O., 8, Marine, 9th January 1904 and notes to G.O., 345, Marine, 26th August 1904, (Under Secretary's note, 19th August 1904, page 2.)

G.O., 91, Marine, 3rd February 1902.

G.O., 430, Marine, 17th October 1903.

The Government have a perfect right to delegate powers to such bodies if they so choose.
W. S. MEYER.

(c) In Vizagapatam the Landing and Shipping Committee was authorised to spend from the fees an amount not exceeding Rs. 500 in any one month on all port improvements subject to the approval of the Presidency Port Officer. But by G.O., No. 427, Marine, dated 5th December 1893, the committee was deprived of this power.

9. Under G.O., No. 11, Marine, dated 15th January 1894, all Landing and Shipping Committees were authorised to spend from landing and shipping fees up to a limit of Rs. 500, subject to the stipulation that expenditure in excess of the amount and increase of establishment being subject to the sanction of Government.

10. From the above it is seen that there has been no uniformity in the status given to these committees. The Government have in some cases appointed committees to administer funds while in others they have been stated to be "committees of management."

11. The financial powers that were given in the past to certain committees have all been withdrawn by implication by G.O., No. 502, Marine, dated 17th October 1906.

12. From the foregoing facts it will be seen that the Landing and Shipping Fees Committees have no legal status. They are not appointed under any law but by merely executive orders of Government. They can therefore exercise no control over funds. They are merely advisory bodies whom the Government employ to assist them in managing landing and shipping fees to the best advantage.

13. It may also be mentioned here that in 1902-1903 the Government had under contemplation the introduction of a Landing and Shipping Fees Bill under which these committees were to be vested with larger powers. The idea was dropped.

14. In the papers under consideration it is proposed to give the Landing and Shipping Dues committee of the port of Mangalore certain financial powers. It is for consideration whether in view of the opinions already expressed on the subject it is necessary to consider the present proposals.

S.P.—9-6-10.

Chief Secretary—

Landing and Shipping Fees Committees/as pointed out/are merely advisory bodies appointed by Government to assist them in the management of certain revenues. They seem however in the past to have been delegated certain powers of expenditure. Under G.O., No. 11, Marine, dated 15th January 1894, the Mangalore Landing and Shipping Committee among others would seem to have been given the power of incurring expenditure up to a limit of Rs. 500 for each work with the previous sanction of the Presidency Port Officer.

2. It does not appear that paragraph 5 of G.O., No. 502, Marine, dated 17th October 1906, contemplated the abolition of these powers. The words "in supersession of all previous orders on the subject," seem to imply "orders with regard to the powers of the Madras Port Trust Board and the Presidency Port Officer."

3. If this view is correct and the limited powers conferred on Landing and Shipping Fees Committees by G.O., No. 11, Marine, dated 15th January 1894, are still exercised, it is a question whether in view of the committee's legal status or more correctly the absence of it, the conferment of those powers should not be held to be null and void.

4. With regard to the questions asked by the Collector in paragraph 1 of his letter I submit (1) that the previous sanction of the Landing and Shipping Fees Committee is not necessary when expenditure is incurred by the port authorities from the Landing and Shipping fund, though the latter would do well to ascertain the committee's views in regard to such expenditure before incurring it and (2) that the committee should be consulted in regard to the budget estimates in respect of items which are charged against Landing and Shipping funds.

J. W. BHORE—17-6-10.

Fees

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M. H. Harris

Honourable Members—

It is desirable that these Landing and Shipping Fees Committees should be allowed some powers. Otherwise they will be regarded as a farce, and we shall not get the best local men. I would accept the suggestions made by the Presidency Port Officer as to the functions of these bodies, with the red ink alteration I have made in his clause (1). I would also add a proviso that the Government reserve to themselves the power of overriding any resolution of a Landing and Shipping Fees Committee on good cause shown.

W. S. MEYER—21-6-10.

I agree with the Chief Secretary.

V. S. R[UNGA RAO]—28-6-10.

Under Secretary—

A draft order is submitted for approval. It is apparently intended to make the instructions of general application. The draft, if approved, may be forwarded to Financial (Marine) for acceptance before issue.

K.P.A.—8-7-10.

Chief Secretary through Financial (Marine).

J.W.B.—12-7-10.

FINANCIAL DEPARTMENT.

The question of the status of Landing and Shipping Committees has been examined in the office-note, dated the 10th June 1907, on pages 3-22 of the notes to G.O., No. 330, Marine, dated the 16th August 1907. Please see also paragraph 5 of the office-note, dated the 4th June 1906, on page 5 of the notes to G.O., No. 502, Marine, dated the 17th October 1906. There has been no uniformity in the matter of the constitution or the powers delegated to the committees. They have no legal status and they are brought into being by executive orders. The committees can exercise no control over funds unless and until Government authorise them in that behalf.

2. Government Order, No. 11, Marine, dated the 15th January 1884 empowered Landing and Shipping Committees to incur expenditure on works up to a limit of Rs. 500 for each work with the previous sanction of the Presidency Port Officer. This power was by implication withdrawn by G.O., No. 502, Marine, dated the 17th October 1906. There is no express mention of the withdrawal of these powers in the Government Order.

3. The draft rules for regulating the functions of Landing and Shipping Fees Committees in respect of funds propose to empower the committee to incur contingent expenditure and to sanction refunds of fees. The committees are to be consulted by the port authorities in the matter of expenditure and budget provision.

4. There is no account objection to the draft rules. For the expenditure entrusted to the committees will be regulated by the prescribed rules. For example the Madras Port Trust Board administer the Madras Port fund—a Government fund—on behalf of Government. The draft order may be accepted. The Accountant-General may perhaps see the draft order before it issues.

T.H.R.—14-7-10.

Chief Secretary—

C. REILLY—16-7-10.

W.S.M.—18-7-10.

ACCOUNTANT-GENERAL'S OFFICE.

In rule 3 of the proposed rules given in the appendix to the draft Government Order under discussion, the Landing and Shipping Fees Committee are given authority to incur contingent expenditure within the sanctioned allotment for the year. In paragraph 5(i) of G.O., No. 502, Marine, dated 17th October 1906, the Presidency Port Officer is given authority to sanction petty contingent expenditure up to Rs. 200 in amount from any Landing and Shipping Fees fund. It is not known whether it is the intention of Government that this dual control of the contingent expenditure in question should exist.

2. The draft Government Order and appendix are unobjectionable from an audit point of view.

A. NEWMARCH.

© P. Pillay

Mar 25-3

Yes.
W.S.M.

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FINANCIAL DEPARTMENT.

Under G.O., No. 502, Marine, dated the 17th October 1906, Landing and Shipping Committees had no power to expend money. The Presidency Port Officer had authority to sanction expenditure on contingencies up to Rs. 200. It is now proposed to invest Landing and Shipping Committees with power to incur expenditure. The first rule in the draft rules states that any expenditure proposed to be incurred by the port authorities against the Landing and Shipping fund should be referred for concurrence to the committee. If the Presidency Port Officer proposes to incur any expenditure he will consult the committee and the Government do not, it appears, contemplate a dual control. Where, however, there is no committee the Presidency Port Officer will himself sanction expenditure from the Landing and Shipping fund. G.O., No. 502, Marine, dated the 17th October 1906, having been read at the head of the draft Government Order nothing more need be done.

2. The order may now issue in Marine.

T.H.R.—2-8-10.
Chief Secretary—

C.R.—10-8-10.

~~W.S.M.—15-8-10.~~

Comd. 253 Mar.; 8 17-8-10

[Signature]

Marine Dept.

Issue.

W.S.M.
15.8.10.



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